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8. **Enhancement of Track Capacity** - The eighth potential passenger train mitigation measure is the enhancement of track capacity. There is no capacity problem in terms of current or projected freight and current passenger operations with any of the five lines that have been identified. The lines in issue are projected to experience only modest freight train frequency increases of between 4.6 and 7.1 trains/day, and these lines can readily handle this increased activity. Further, in order to accommodate increased passenger service, capacity improvements are being undertaken on both the Point of Rocks and the Fredericksburg lines, which are the two lines over which there are commuter, as well as Amtrak, operations. A track capacity enhancement project is already funded and in advanced engineering stages on the Point of Rocks line, while track improvements have been funded for the Fredericksburg line and some construction has begun.

9. **Rail Signal Systems** - The final potential mitigation measure identified by SEA is improved rail signal systems. CSX is in the midst of a signal upgrade program in which pole lines are being replaced with more reliable (and easier to maintain) solid state microprocessors. This work has already been completed on the South Richmond-Weldon and Weldon-Rocky Mount segments, which now have radio-based code lines and electronic track circuits. Additional signal upgrades are also planned for the Savannah-Jessup and other line segments. The signal systems currently in place on each of the line segments provide fully adequate protection against train collisions.

Further, as discussed in the CSX SIP at page 141, an automatic train control system with cab signals is already in place on the Fredericksburg (RF&P) line. This system will be modified so that it is compatible with the system in use on certain of the Coastal lines and the Northeast Corridor. CSX, Amtrak and VRE locomotives operating on this segment are all required, under CSX rules, to be equipped with cab signals. A cab signal system is also being developed for use on the Point of Rocks line. By means of these cab signal systems, engineers are able to see the governing signal in the locomotive cab, thereby enhancing safety by reducing the possibility of misread signals.

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EXHIBIT 4

Preliminary Rail Line Segments That May Warrant Key Route Mitigation¹

State	Site ID	Post-Transaction Operator	Segment	County
Part A. Post-Transaction Routes On Which Projected Hazardous Materials Traffic Would Double And Exceed 20,000 Carloads Annually				
NJ	S-432	Shared	Port Newark to Bayway, NJ	NJ: Union and Essex
Marion - Toledo, Ohio				
OH	C-476	CSX	Marion to Fostoria, OH	OH: Marion, Wyandot, and Seneca
OH	C-228	CSX	Fostoria to Toledo, OH	OH: Seneca and Wood
Quaker - Fostoria, Ohio				
OH	C-473	CSX	Quaker to Mayfield, OH	OH: Cuyahoga
OH	C-472	CSX	Mayfield to Mayey, OH	OH: Cuyahoga
OH	C-469	CSX	Mayey to Shari, OH	OH: Cuyahoga
OH	C-474	CSX	Shari to Berea, OH	OH: Cuyahoga
OH	C-461	CSX	Berea to Greenwch, OH	OH: Cuyahoga, Lorain, and Huron
OH	C-468	CSX	Greenwch to Willard, OH	OH: Huron
OH	C-475	CSX	Willard to Fostoria, OH	OH: Huron and Seneca
OH	C-464	CSX	Dunkirk, OH to V. Jean Creek, IN	OH: Henry and DeKalb
IN				IN: DeKalb, Fulton, Hamilton, Elkhart, Kosciusko, LaPorte, Porter, St. Joseph, and Loba
Part B. Post-Transaction Routes Projected To Meet Key Route Criteria				
GA	C-377	CSX	Manchester to Lagrange, GA	GA: Twig and Meriwether
NJ Cabin, Kentucky - Marion, Ohio				
KY	C-230	CSX	NJ Cabin, KY to Columbus, OH	KY: Greenup
OH				OH: Franklin, Pickaway, Ross, Pike, and Scioto
OH	C-229	CSX	Columbus to Marion, OH	OH: Franklin, Delaware, and Marion
Bahy, Maryland - Washington, DC				
MD	C-437	CSX	Bahy to Jessup, MD	MD: Anne Arundel, Baltimore, and Howard
MD	C-434	CSX	Jessup to Alexandria Junction, MD	MD: Howard and Prince George's
MD	C-431	CSX	Alexandria Junction, MD to Washington, DC	MD: Prince George's
DC				DC: Washington, DC
SC	C-344	CSX	Ashley Junction to Yemassee, SC	SC: Berkeley, Charleston, and Colleton

¹ Routes on which AAR Circular No. OT-55-B measures are already in place are shown in bold.

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Preliminary Rail Line Segments That May Warrant Key Route Mitigation¹

State	Site ID	Post-Transaction Operator	Segment	County
Part A. Post-Transaction Routes On Which Projected Hazardous Materials Traffic Would Double And Exceed 20,000 Carloads Annually				
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OH	C-472	CSX	Mayfield to Mayey, OH	OH: Cuyahoga
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OH	C-461	CSX	Berea to Greenwch, OH	OH: Cuyahoga, Lorain, and Huron
OH	C-468	CSX	Greenwch to Willard, OH	OH: Huron
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IN				IN: DeKalb, Fulton, Hamilton, Elkhart, Kosciusko, LaPorte, Porter, St. Joseph, and Loba
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KY	C-230	CSX	NJ Cabin, KY to Columbus, OH	KY: Greenup
OH				OH: Franklin, Pickaway, Ross, Pike, and Scioto
OH	C-229	CSX	Columbus to Marion, OH	OH: Franklin, Delaware, and Marion
Bahy, Maryland - Washington, DC				
MD	C-437	CSX	Bahy to Jessup, MD	MD: Anne Arundel, Baltimore, and Howard
MD	C-434	CSX	Jessup to Alexandria Junction, MD	MD: Howard and Prince George's
MD	C-431	CSX	Alexandria Junction, MD to Washington, DC	MD: Prince George's
DC				DC: Washington, DC
SC	C-344	CSX	Ashley Junction to Yemassee, SC	SC: Berkeley, Charleston, and Colleton

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OH	C-461	CSX	Berea to Greenwch, OH	OH: Cuyahoga, Lorain, and Huron
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OH	C-464	CSX	Dunkirk, OH to V. Jean Creek, IN	OH: Henry and DeKalb
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DC				DC: Washington, DC
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EXHIBIT 5

ANALYSIS OF THE IDENTIFICATION OF RAILROAD CROSSINGS POTENTIALLY REQUIRING MITIGATION IN THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED CONRAIL ACQUISITION

February 2, 1998

Submitted to:
CSX Corporation and CSX Transportation, Inc.

Submitted by:
ICF Kaiser
9300 Lee Highway
Fairfax, Virginia 22031

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I. Summary of Results

ICF Kaiser analyzed the sixty-two (62) CSX railroad crossings identified in the DEIS as requiring mitigation. ICF Kaiser performed a multi-step review of the DEIS findings to determine if the DEIS had characterized each crossing appropriately according to its own criteria.

First, ICF Kaiser determined that eight (8) crossings did not meet the DEIS' Category A or Category B significance criteria and were, therefore, inadvertently identified in the DEIS. It appears that the DEIS relied on the post-Transaction accident rates to determine whether a threshold was exceeded. If the correct pre-Transaction accident rate is used, no mitigation would be required at the eight crossings (reference Table 1, column 9).

Second, ICF Kaiser determined which of the remaining crossings already had in place, or were funded and scheduled to have in place, warning devices that met or exceeded the DEIS recommendation. Twenty-three (23) crossings meet this standard (reference Appendix).

Third, ICF Kaiser determined that at one crossing, the state agency with jurisdictional authority recommended an improvement that was different from what was recommended in the DEIS (reference Appendix).

Fourth, ICF Kaiser determined that another nine (9) crossings are in the process of being examined by appropriate state agencies for non-Transaction related issues. These projects are not yet funded and scheduled (reference Appendix).

Fifth, ICF Kaiser determined that one crossing was closed, and therefore cannot be subject to mitigation (reference Appendix).

Sixth, for the remaining twenty (20) crossings, ICF Kaiser recalculated the DEIS formula using more current accident history data than were available to the DEIS. The DEIS relies on data from 1971-95 in its analysis. Since completion of the DEIS, data from 1992-1996 have become available. When these data are applied to the DEIS methodology, sixteen (16) crossings no longer trigger the DEIS Category A or B significance criteria (reference Table 1, column 20).

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Finally, for the remaining four crossings, one is on the Toledo to Deshler line and should not be subject to any Transaction-related impact (1558211). For the final three crossings, consultation with state authorities may be appropriate (reference Appendix).

II. Detailed Methodology

The DEIS evaluated safety implications to motorists from increased train operations on rail line segments resulting from the proposed Acquisition.

The standard FRA method of calculating crossing safety was used. The procedure is described in Appendix B of the DEIS. The method calculates the risk of an accident at a highway/rail at-grade crossing based upon the characteristics of the grade crossing and statistical information regarding historic accident experience. The historic data are based on FRA records of accidents and incidents, along with the inventory of physical and functional crossing characteristics. ICF Kaiser performed calculations independent of the DEIS, using the same methodology. Calculations were performed for the pre- and post-Transaction train traffic conditions, and are presented on the attached Table 2. The method uses three formulae (reference pp. 22-24 of the DEIS):

$$A = K \times EI \times DT \times MS \times MT \times HP \times HL \quad [1]$$

$$B = [T_0(T_0 + T)] \times (A) + [T(T_0 + T)] \times (N/T) \text{ where } T_0 = 1/(0.05 + A) \quad [2]$$

$$A = 0.8239 \times B \text{ (for crossings protected by passive devices only)} \\ = 0.6935 \times B \text{ (for crossings protected by flashing lights only)} \\ = 0.6714 \times B \text{ (for crossings protected by gates and flashing lights)} \quad [3]$$

where:

A = the initial predicted number of accidents per year
K = the basic accident prediction formula constant.

EI = the exposure index factor based on the product of the number of roadway vehicles and trains per day.

DT = the factor for the number of trains per day during daylight.

MS = the factor for maximum detectable speed.

MT = the factor for number of main tracks.

HP = the factor for paved roadway.

HL = the factor for number of roadway lanes.

B = the weighted average of predicted accident rate and actual accident history.

T = the number of years of recorded accident history.

T₀ = the weighting factor in DOT accident prediction formula.

N = the number of accidents recorded for a crossing in T years.

A = the final predicted number of accidents per year.

The first formula [1] is the result of multiple regression analyses performed on data from the FRA databases. The factors K through HL used to calculate (a) were derived using the methodology outlined in the attached reference Table 3-1, "Equations for Crossing Characteristic Factors." The value (a) is the Basic Yearly Accident Rate, calculated by ICF Kaiser for the pre- and post-Transaction train traffic loads (reference Table 2, columns 35 and 36). All values used in formula [1] can be found in attached Table 2, columns 9 - 34. Variables that change between the pre- and post-Transaction case are listed in separate columns, side-by-side.

The results (a) of the first formula serve as an input to the second formula [2], which averages the initial predicted accident rates for a highway/rail at-grade crossing with the actual experience. FRA recommends that actual accident experience be limited to the most recent five year period. ICF Kaiser used data from the 1996 FRA database to obtain accident rates for 1992-1996 (reference column 9). The second formula yields B, the weighted average of predicted accident rate and actual accident history for pre- and post-Transaction data (reference Table 2, columns 37 and 38).

The pre- and post-Transaction values (B) are adjusted in the third formula [3], which applies a constant to yield the Final Predicted Number of Accidents per Year (A). This value is again calculated for the

1. U.S. Department of Transportation, Federal Highway Administration, Planning and Research Division, August, 1987.

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pre- and post-Transaction cases [reference Table 2, columns 39 and 40]. The constant in formula [3] adjusts for the level of protection provided by warning devices at a specific crossing.

Criteria of Significance for Highway/Rail At-Grade Crossing Safety Effects

The DEIS used the following criteria to determine if each specific crossing warranted mitigation measures:

- The crossing was in the top 50 for the state in pre-Transaction accident rate; or
- The crossing had accident frequencies of at least 0.15 per year pre-Transaction and an increase of at least 0.01 accidents per year post-Transaction; or
- For crossings that did not meet or exceed the 50 highest frequencies or the 0.15 accident rate, the DEIS considered an increase of at least 0.05 accidents per year as significant.

ICF Kaiser applied these criteria to the calculated pre- and post-Transaction values of (A) to ascertain whether segments warranted potential mitigation, per the independent calculations using 1992-1996 data. Column 42 of Table 2 displays 'Y' if the segment warrants mitigation, and 'N' if it does not, per the ICF Kaiser calculations using 1992-1996 FRA data.

For comparison purposes, ICF Kaiser hand-entered the pre- and post-Transaction values of (A) calculated in the DEIS [reference Table 2, columns 43 and 44]. Column 47 displays the results of applying the DEIS criteria for safety mitigation to these DEIS values of (A).

Note that in both columns 42 and 47, a lower case 'y' represents a crossing in the top 50 crossings for a given state's accident frequencies, per 1996 FRA data.

Appendix: Crossing Safety Mitigation

(*) - indicates change from DEIS

Crossing: 345246C (KY)
 Subdivision: Henderson
 Segment: Evansville, IN to Amqui, TN
 Segment ID: C-021
 City (*): Paducah (Paducahville in DEIS)
 Street (*): Duffy Street (Duffy Street in DEIS)
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: consultation with state okay to appropriate
 In top 50 crossings for state, per DEIS

Crossing: 345269J (KY)
 Subdivision: Henderson
 Segment: Evansville, IN to Amqui, TN
 Segment ID: C-021
 City: Hopkinsville
 Street: E 6th Street
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: crossing does not meet thresholds using 1992-96 data

Crossing: 345318D (KY)
 Subdivision: Henderson
 Segment: Evansville, IN to Amqui, TN
 Segment ID: C-021
 City (*): Earlinton (Madisonville in DEIS)
 Street: W Main Ave
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: flashing lights funded and scheduled

Crossing (*): 345329R (KY) (155645N in DEIS)
 Subdivision: Henderson
 Segment: Evansville, IN to Amqui, TN
 Segment ID: C-021
 City: Madisonville
 Street: W Center St
 DEIS present device: flashing lights
 DEIS recommended device: gates
 Status: flashing lights and gates funded and scheduled

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Crossing: 345331S (KY)
 Subdivision: Henderson
 Segment: Evansville, IN to Amqui, TN
 Segment ID: C-021
 City: Madisonville
 Street: W Noel Ave
 DEIS present device: flashing lights
 DEIS recommended device: grade separation
 Status: consultation with state may be appropriate

Crossing: 345362R (KY)
 Subdivision: Henderson
 Segment: Evansville, IN to Amqui, TN
 Segment ID: C-021
 City: Sebree
 Street: W Dixon
 DEIS present device: flashing lights
 DEIS recommended device: gates
 Status: consultation with state may be appropriate

Crossing: 342470C (IN)
 Subdivision: C E & D
 Segment: Vincennes, IN to Evansville, IN
 City: Princeton
 Segment ID: C-025
 Street: CR 100 N
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: flashing lights and gates funded and scheduled

Crossing: 342471X (IN)
 Subdivision: C E & D
 Segment: Vincennes, IN to Evansville, IN
 Segment ID: C-025
 City: Princeton
 Street: Spring St
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: crossing closed

Crossing: 342481P (IN)
 Subdivision: C E & D
 Segment: Vincennes, IN to Evansville, IN
 Segment ID: C-025
 City: Princeton
 Street: Mulberry St
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: flashing lights and gates funded and scheduled

Crossing: 342493J (IN)
 Subdivision: C E & D
 Segment: Vincennes, IN to Evansville, IN
 Segment ID: C-025
 City: Fort Branch (Princeton in DEIS)
 Street: W John St
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: current state project for processing conditions/ not yet funded

Crossing: 342413N (IN)
 Subdivision: C E & D
 Segment: Vincennes, IN to Evansville, IN
 Segment ID: C-025
 City: Vincennes
 Street: Main St
 DEIS present device: flashing lights
 DEIS recommended device: gates
 Status: current state project for processing conditions/ not yet funded

Crossing: 342416J (IN)
 Subdivision: C E & D
 Segment: Vincennes, IN to Evansville, IN
 Segment ID: C-025
 City: Vincennes
 Street: Perry St
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: flashing lights and gates funded and scheduled

Crossing: 342417B (IN)
 Subdivision: C E & D
 Segment: Vincennes, IN to Evansville, IN
 Segment ID: C-025
 City: Vincennes
 Street: Boone St
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: DEIS incorrectly classified
 Notes: Crossing does not meet thresholds using 1992-1996 data.

Crossing: 342423H (IN)
 Subdivision: C E & D
 Segment: Vincennes, IN to Evansville, IN
 Segment ID: C-025
 City: Vincennes
 Street: E 15th St
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: flashing lights and gates funded and scheduled

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Crossing: 342829D (IN)
 Subdivision: C & D
 Segment: Vincennes, IN to Evansville, IN
 Segment ID: C-025
 City (*): Hobbsville (Stacy in DEIS)
 Street: Stacy Rd
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: Crossing does not meet thresholds using 1992-1996 data

Crossing: 342850I (IN)
 Subdivision: Evansville Terminal
 Segment: Vincennes, IN to Evansville, IN
 Segment ID: C-025
 City: Evansville
 Street: Ohio St
 DEIS present device: flashing lights
 DEIS recommended device: gates
 Status: gates funded and schedule

Crossing: 155612M (IN)
 Subdivision: Garrett
 Segment: Willow Creek, IN to Pine Jct, IN
 Segment ID: C-027
 City: Gary
 Street: Countryline Rd
 DEIS present device: flashing lights
 DEIS recommended device: gates
 Status: DEIS incorrectly classified
 Notes: Crossing does not meet thresholds using 1992-1996 data.

Crossing: 155633U (IN)
 Subdivision: Garrett
 Segment: Willow Creek, IN to Pine Jct, IN
 Segment ID: C-027
 City: Gary
 Street: Hobart Rd
 DEIS present device: flashing lights
 DEIS recommended device: gates
 Status: current state project for prestressing condition / not yet funded

Crossing: 155637W (IN)
 Subdivision: Garrett
 Segment: Willow Creek, IN to Pine Jct, IN
 Segment ID: C-027
 City: Gary
 Street: Lake St
 DEIS present device: gates
 DEIS recommended device: 4-quadrant gates or median barriers
 Status: Crossing does not meet thresholds using 1992-1996 data

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Crossing: 155645N (IN)
 Subdivision: Garrett
 Segment: Willow Creek, IN to Pine Jct, IN
 Segment ID: C-027
 City: Gary
 Street: Clarke Rd
 DEIS present device: flashing lights
 DEIS recommended device: gates
 Status: gates funded and scheduled

Crossing: 232122V (OH)
 Subdivision: Saginaw
 Segment: Carlson, MI to Toledo, OH
 Segment ID: C-040
 City (*): Toledo (Arcata in DEIS)
 Street: Common (State Line Rd)
 DEIS present device: gates
 DEIS recommended device: 4-quadrant gates or median barriers
 Status: Crossing does not meet thresholds using 1992-1996 data
 Notes: Ohio PUCO analyzed crossing after the installation of gates and found no accidents since gates installed.

Crossing: 518507F (OH)
 Subdivision: N/A
 Segment: Berra, OH to Greenwich, OH
 Segment ID: C-061
 City: Wallington
 Street: Pitts Rd
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: flashing lights and gates funded and scheduled

Crossing: 532688W (OH)
 Subdivision: N/A
 Segment: Bucyrus, OH to Adams, IN
 Segment ID: C-062
 City (*): Lafayette (City not identified in DEIS)
 Street: Lafayette Rd
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: flashing lights and gates funded and scheduled

Crossing: 502682Y (OH)
 Subdivision: N/A
 Segment: Crestline, OH to Bucyrus, OH
 Segment ID: C-064
 City: Crestline
 Street: Biddle Rd
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: flashing lights and gates funded and scheduled

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Crossing: 155755Y (OH)
 Subdivision: Toledo
 Segment: Dushier, OH to Toledo, OH
 Segment ID: C-065
 City: Dushier
 Street: Main St
 DEIS present device: flashing lights
 DEIS recommended device: gates
 Status: flashing lights and gates funded and scheduled

Crossing: 155789T (OH)
 Subdivision: Toledo
 Segment: Dushier, OH to Toledo, OH
 Segment ID: C-065
 City (*): Wadon (Bowling Green in DEIS)
 Street: Range Line Rd
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: Crossing does not meet thresholds using 1992-1996 data
 Notes: Ohio PUCO determined no improvements warranted.

Crossing (*): 155794P (OH) (155794T in DEIS)
 Subdivision: Toledo
 Segment: Dushier, OH to Toledo, OH
 Segment ID: C-065
 City (*): Tontogany (Bowling Green in DEIS)
 Street: Kellings Rd
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: flashing lights and gates funded and scheduled

Crossing: 155796S (OH)
 Subdivision: Toledo
 Segment: Dushier, OH to Toledo, OH
 Segment ID: C-065
 City (*): Tontogany (Tontogany in DEIS)
 Street: Washington St
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: Crossing does not meet thresholds using 1992-1996 data

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Crossing: 155799W (OH)
 Subdivision: Toledo
 Segment: Dushier, OH to Toledo, OH
 Segment ID: C-065
 City (*): Tontogany (Tontogany in DEIS)
 Street (*): Tontogany Rd (Tontogany Rd in DEIS)
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: Crossing does not meet thresholds using 1992-1996 data
 Notes: Ohio PUCO determined no improvements warranted.

Crossing: 155804T (OH)
 Subdivision: Toledo
 Segment: Dushier, OH to Toledo, OH
 Segment ID: C-065
 City: Middleburg Pike
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: flashing lights and gates funded and scheduled

Crossing: 155812K (OH)
 Subdivision: Toledo
 Segment: Dushier, OH to Toledo, OH
 Segment ID: C-065
 City: Perryburg
 Street (*): Five Points Rd (Five Points Rd in DEIS)
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: Crossing does not meet thresholds using 1992-1996 data
 Notes: Ohio PUCO determined no improvements warranted.

Crossing: 155814Y (OH)
 Subdivision: Toledo
 Segment: Dushier, OH to Toledo, OH
 Segment ID: C-065
 City: Perryburg
 Street: Hamilton Rd
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: Crossing does not meet thresholds using 1992-1996 data
 Notes: Ohio PUCO determined no improvements warranted.

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Crossing: 155818B (OH)
 Subdivision: Toledo
 Segment: Dealer, OH to Toledo, OH
 Segment ID: C-065
 City: Perrysburg
 Street: Eckel Act Rd
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: flashing lights and gates funded and scheduled

Crossing: 155819H (OH)
 Subdivision: Toledo
 Segment: Dealer, OH to Toledo, OH
 Segment ID: C-065
 City: Perrysburg
 Street: Eckel Rd
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: Crossing does not meet thresholds using 1992-1996 data
 Notes: Ohio PUCO determined no improvements warranted.

Crossing: 155820C (OH)
 Subdivision: Toledo
 Segment: Dealer, OH to Toledo, OH
 Segment ID: C-065
 City: Perrysburg
 Street: Eckel Rd
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: Crossing does not meet thresholds using 1992-1996 data
 Notes: Ohio PUCO determined no improvements warranted.

Crossing: 155821J (OH)
 Subdivision: Toledo
 Segment: Dealer, OH to Toledo, OH
 Segment ID: C-065
 City: Perrysburg
 Street: W Boundary St
 DEIS present device: gates
 DEIS recommended device: 4-quadrant gates or median barriers
 Status: consultation with state may be appropriate

Crossing: 155838M (OH)
 Subdivision: Toledo Terminal
 Segment: Dealer, OH to Toledo, OH
 Segment ID: C-065
 City: Rossford
 Street: Ford Rd
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: flashing lights and gates funded and scheduled

Crossing: 155839U (OH)
 Subdivision: Toledo Terminal
 Segment: Dealer, OH to Toledo, OH
 Segment ID: C-065
 City: Rossford
 Street: Bates Rd
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: Crossing does not meet thresholds using 1992-1996 data
 Notes: Ohio PUCO determined no improvements warranted.

Crossing: 155840N (OH)
 Subdivision: Toledo Terminal
 Segment: Dealer, OH to Toledo, OH
 Segment ID: C-065
 City: Rossford
 Street: Schaefer Rd (Siderick Rd. in DEIS)
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: Crossing does not meet thresholds using 1992-1996 data
 Notes: Ohio PUCO determined no improvements warranted.

Crossing: 155419P (IN)
 Subdivision: Garrett
 Segment: Dealer, OH to Willow Creek, IN
 Segment ID: C-066
 City: Nappanee (Elkhart in DEIS)
 Street: CR 9
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: Current state project for preexisting conditions/ not yet funded.
 Notes: Crossing does not meet thresholds using 1992-1996 data.

Crossing: 155391B (IN)
 Subdivision: Garrett
 Segment: Dealer, OH to Willow Creek, IN
 Segment ID: C-066
 City: Syracuse (Warsaw in DEIS)
 Street: Seventh St - Front (Seventh St in DEIS)
 DEIS present device: flashing lights
 DEIS recommended device: gates
 Status: DEIS incorrectly classified
 Notes: Crossing does not meet thresholds using 1992-1996 data. Current state project for preexisting conditions/ not yet funded.

Crossing: 155392H (IN)
 Subdivision: Garrett
 Segment: Dealer, OH to Willow Creek, IN
 Segment ID: C-066
 City: Syracuse (Warsaw in DEIS)
 Street: Huntington St
 DEIS present device: gates
 DEIS recommended device: 4-quadrant gates or median barriers
 Status: Two extra gates are being installed, but NOT 4-quadrant gates or median barriers. Control circuitry being modified.
 Notes: DEIS incorrectly classified.

Crossing: 155394W (IN)
 Subdivision: Garrett
 Segment: Dealer, OH to Willow Creek, IN
 Segment ID: C-066
 City: Syracuse (Warsaw in DEIS)
 Street: Main/Sty-Wah
 DEIS present device: flashing lights
 DEIS recommended device: gates
 Status: Current state project for preexisting conditions/ not yet funded.

Crossing: 155395D (OH)
 Subdivision: Garrett
 Segment: Dealer, OH to Willow Creek, IN
 Segment ID: C-066
 City: Syracuse (Warsaw in DEIS)
 Street: Oak St
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: Crossing does not meet thresholds using 1992-1996 data

Crossing: 155484V (IN)
 Subdivision: Garrett
 Segment: Dealer, OH to Willow Creek, IN
 Segment ID: C-066
 City: Warsaw (Portage in DEIS)
 Street: CR 875 E
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: DEIS incorrectly classified
 Notes: Current state project for preexisting conditions/ not yet funded. Crossing does not meet thresholds using 1992-1996 data.

Crossing: 155496P (IN)
 Subdivision: Garrett
 Segment: Dealer, OH to Willow Creek, IN
 Segment ID: C-066
 City: Union Mills (Portage in DEIS)
 Street: 500 W
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: DEIS incorrectly classified
 Notes: Crossing does not meet thresholds using 1992-1996 data.

Crossing: 155465R (IN)
 Subdivision: Garrett
 Segment: Dealer, OH to Willow Creek, IN
 Segment ID: C-066
 City: Tipton (Plymouth in DEIS)
 Street: First Rd - Smith
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: Current state project for preexisting conditions/ not yet funded
 Notes: Crossing does not meet thresholds using 1992-1996 data.

Crossing: 155476D (IN)
 Subdivision: Garrett
 Segment: Dealer, OH to Willow Creek, IN
 Segment ID: C-066
 City: Warsaw (Plymouth in DEIS)
 Street: Thorne Rd
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: Current state project for preexisting conditions/ not yet funded.
 Notes: Crossing does not meet thresholds using 1992-1996 data.

Crossing: 155372W (IN)
 Subdivision: Garrett
 Segment: Decker, OH to Willow Creek, IN
 Segment ID: C-066
 City (*): Kismet (Kendallville in DEIS)
 Street (*): CR 500 W
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: flashing lights and gates funded and scheduled

Crossing: 155380N (IN)
 Subdivision: Garrett
 Segment: Decker, OH to Willow Creek, IN
 Segment ID: C-066
 City (*): Cromwell (Kendallville in DEIS)
 Street: 900 W
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: Current state project for preexisting conditions/ not yet funded.
 Notes: Crossing does not meet thresholds using 1992-1996 data.

Crossing: 155615W (IN)
 Subdivision: Garrett
 Segment: Decker, OH to Willow Creek, IN
 Segment ID: C-066
 City (*): Portage (between Chestertown and Valparaiso in DEIS)
 Street: CR 900 North
 DEIS present device: gates
 DEIS recommended device: 4-quadrant gates or median barriers
 Status: DEIS incorrectly classified
 Notes: Crossing does not meet thresholds using 1992-1996 data.

Crossing: 142366F (OH)
 Subdivision: Willard
 Segment: Decker, OH to Willow Creek, IN
 Segment ID: C-066
 City: Defiance
 Street: Jackson St
 DEIS present device: flashing lights
 DEIS recommended device: gates
 Status: Flashing lights and gates in place

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Crossing: 155760V (OH)
 Subdivision: Toledo
 Segment: Decker, OH to Toledo, OH
 Segment ID: C-065
 City: Decker
 Street: North St
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: Crossing does not meet thresholds using 1992-1996 data.
 Notes: Ohio PUCO determined that no improvements warranted

Crossing: 518456X (OH)
 Subdivision: N/A
 Segment: Crosswicks, OH to Crestline, OH
 Segment ID: C-067
 City: Shelby
 Street: Main St
 DEIS present device: flashing lights
 DEIS recommended device: gates
 Status: gates in place

Crossing: 518476J (OH)
 Subdivision: N/A
 Segment: Crosswicks, OH to Crestline, OH
 Segment ID: C-067
 City: Shelby
 Street: Bass Lane Rd
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: flashing lights and gates in place

Crossing: 228774H (OH)
 Subdivision: Columbus
 Segment: Marion, OH to Fostoria, OH
 Segment ID: C-070
 City (*): Alvada (Fostoria in DEIS)
 Street: Main St
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: DEIS incorrectly classified.
 Notes: Crossing does not meet thresholds using 1992-1996 data.

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Crossing: 518382H (OH)
 Subdivision: N/A
 Segment: Marion, OH to Ridgeway, OH
 Segment ID: C-071
 City (*): La Rue (City not identified in DEIS)
 Street (*): CR 245 (Marb Rd in DEIS)
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: flashing lights and gates funded and scheduled

Crossing: 518391G (OH)
 Subdivision: N/A
 Segment: Marion, OH to Ridgeway, OH
 Segment ID: C-071
 City: La Rue
 Street: Section St
 DEIS present device: gates
 DEIS recommended device: 4-quadrant gates or median barriers
 Status: Crossing does not meet thresholds using 1992-1996 data.
 Notes: Ohio PUCO analyzed accident rates after gate was installed and determined that no further mitigation was warranted.

Crossing: 142178R (OH)
 Subdivision: Willard
 Segment: Willard, OH to Fostoria, OH
 Segment ID: C-075
 City: Tiffin
 Street: Gillick Rd
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: flashing lights and gates funded and scheduled

Crossing: 142179X (OH)
 Subdivision: Willard
 Segment: Willard, OH to Fostoria, OH
 Segment ID: C-075
 City: Tiffin
 Street: Morrison Rd
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: flashing lights and gates in place

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2/3/98 10:22:58am-189

Crossing: 228780L (OH)
 Subdivision: Columbus
 Segment: Willard, OH to Fostoria, OH
 Segment ID: C-070
 City: Fostoria
 Street: TWP 0180
 DEIS present device: passive
 DEIS recommended device: flashing lights
 Status: DEIS incorrectly classified.
 Notes: Crossing does not meet thresholds using 1992-1996 data.

Crossing: 511027V (MI)
 Subdivision: N/A
 Segment: Canton, MI to Ecorse, MI
 Segment ID: S-030
 City: Taylor
 Street: Pennsylvania Rd
 DEIS present device: flashing lights
 DEIS recommended device: gates
 Status: Current state project for preexisting conditions/ not yet funded

15

2/3/98 10:22:58am-190

STRENGTHS FROM OF BASIC FORMULA: $a = 8 \times 88 = 87 \times 88 = 87 \times 88 = 87$

CONCENTRATION-DEPENDENT FACTORS							
CHEMICAL CHARACTERISTICS	FORMULA CONSTANT K	CONCENTRATION DEPENDENT FACTOR	MAX. STRENGTH DEPENDENT FACTOR	RELATIVE STRENGTH DEPENDENT FACTOR	RELATIVE STRENGTH DEPENDENT FACTOR	RELATIVE STRENGTH DEPENDENT FACTOR	RELATIVE STRENGTH DEPENDENT FACTOR
PASISTE	0.000050	$(1.0 \times 10^{-5} \times 0.31 \times 10^6 \times 10^6 \times 10^6)$	$(1.0 \times 0.31 \times 10^6 \times 10^6 \times 10^6)$	1.0	10^6	10^6	1.0
PLASTICINE LIBRARY	0.000050	$(1.0 \times 10^{-5} \times 0.31 \times 10^6 \times 10^6 \times 10^6)$	$(1.0 \times 0.31 \times 10^6 \times 10^6 \times 10^6)$	1.0	10^6	10^6	10^6
LIBRARY	0.000050	$(1.0 \times 10^{-5} \times 0.31 \times 10^6 \times 10^6 \times 10^6)$	$(1.0 \times 0.31 \times 10^6 \times 10^6 \times 10^6)$	1.0	10^6	10^6	10^6

 $n = \text{number of highway vehicles per day}$ θ = number of bytes per day

at a number of sites treated

d = number of through trains per day during daylight

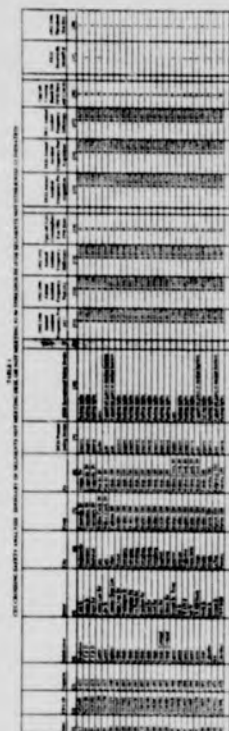
by a higher level of α and β and γ = 1.0 and ω = 1.0

... ..

All = number of highway lanes

12

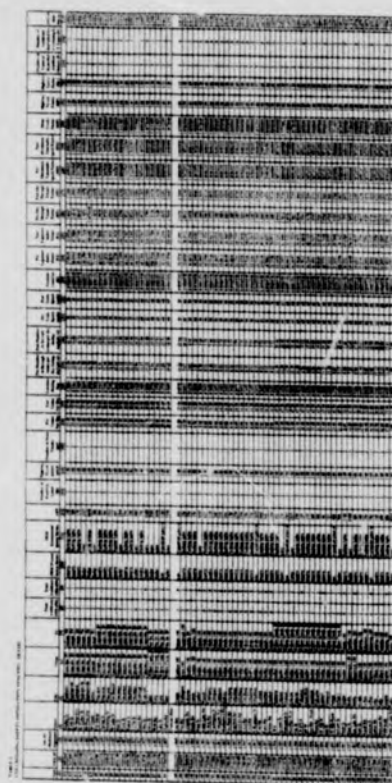
2/3/98 10:22:58am-191



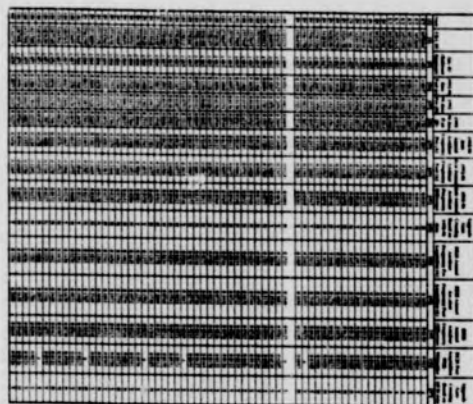
Page 10 of 10

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2/3/98 10:22:58am-192



2/3/98 10:22:58am-193



9

1

2/3/98 10:22:58am-194

EXHIBIT 6

ANALYSIS OF THE METHODOLOGY FOR ESTIMATING TRAFFIC DELAY AT RAILROAD/HIGHWAY AT-GRADE CROSSINGS AS USED IN THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED CONRAIL ACQUISITION

February 2, 1998

Submitted to:
CSX Corporation and CSX Transportation, Inc.

Submitted by:
ICF Kaiser
9300 Lee Highway
Fairfax, Virginia 22031

2/3/98 10:22:58am-195

Summary

ICF Kaiser reviewed the highway/rail at-grade crossing delay analysis used in the Draft Environmental Impact Statement (DEIS) for the Conrail Acquisition. A delay analysis like the one used in the DEIS can be appropriate as a screening tool to determine which crossings, if any, might cause a delay problem. However, the particular analysis used in the DEIS should not be used for a final characterization of impacts or a determination of mitigation. More specifically:

1. The 30-second delay criterion used for determining significant impact needs further evaluation.
2. The use of the Level of Service (LOS) criteria from the Transportation Research Board's Highway Capacity Manual (HCM), which was designed for signalized intersections, may not directly transfer to highway/rail at-grade crossings.
3. The analysis over-estimates stopped vehicle and average vehicle delays, and
4. The analysis did not include field observations that would indicate critical information such as actual queue size, actual average daily traffic (ADT), and the number of trains passing during the peak morning and evening traffic periods.

The approach in the DEIS tends to over-estimate the potential impacts of the transaction on railroad crossing delay. Determining whether significant (or even adverse) impacts might occur based on an approach that excludes site-specific information and input from the cognizant transportation agencies is inherently imprecise. Correctly implemented, parts of the methodology used in the DEIS could serve as an initial screening tool for examining a large number of crossings. However, this methodology is too simple to be used as a decision-making tool where large capital expenditures or operational changes are suggested as a possible solution (e.g., grade separations or changes in train speed). Efforts to calculate crossing-specific delay times without conducting field work (e.g., placing each crossing into the context of its surrounding road network, identifying nearby grade-separated crossings, observing actual queues and train lengths, as well as the number of trains that occur during peak morning and evening traffic periods) will result in a rough approximation of actual delay time. The discussion below includes an overview of the methodology used in the DEIS and addresses the use of the LOS criteria and the estimation of delay per stopped vehicle.

2/3/98 10:22:58am-196

Overview of the Methodology Used in the DEIS

The DEIS analyzed traffic delay at highway/rail at-grade crossings to determine the potential impact on roadway performance. This approach is greatly expanded as compared to SEA's previous environmental documents. Using single-train event delays and delays occurring over an entire day as impact measures, the DEIS applied the average delay for all vehicles to determine an acceptable LOS for highway/rail at-grade crossings (LOS category "C" or better). Next, it established a criterion of 30-seconds for crossing delay per individual vehicle as a significant impact. However, the DEIS did not explain its selection of this 30-second criterion (whether this value came from earlier work or a recent derivation is not indicated). On the other hand, for measuring impacts to emergency response vehicles, the DEIS acknowledges that "(t)here are no national standards for measuring emergency response vehicle delay or the significance of any delay impacts." (reference Vol. 1, page 4-44) Absent any government standards or research to the contrary, the same conclusion should apply to common vehicle delay. Although estimated increases in delay can be used as an indicator of a potential delay problem, the actual need for any mitigation must consider a number of site-specific factors, not just vehicle delay, and must ultimately be determined by the transportation agency having jurisdiction over the road in question.

Use of Highway Capacity Manual Level of Service Criteria

LOS criteria are used to measure delay at signalized intersections and on stretches of highway. The DEIS used the LOS criteria for signalized intersections as a method for analyzing highway/rail at-grade crossing delays. The LOS criteria for signalized intersections, which are stated in terms of the average stopped delay per vehicle for a 15-minute analysis period, measure factors such as driver discomfort and frustration, fuel consumption, and lost travel time. Although not explicitly stated, the DEIS apparently characterized all highway/rail at-grade crossings as signalized intersections. The DEIS's table (reference page C-14), which correlates LOS and average delay per vehicle, is somewhat similar to the one found in the HCM entitled "Level-of-Service Criteria For Signalized Intersections." However, the HCM table

2

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draws a correlation between LOS and delay per stopped vehicle,¹ not LOS and average delay for all vehicles,² as presented in the DEIS.

In using the LOS criteria for highway/rail at-grade crossings, the DEIS did not acknowledge fundamental differences in operational characteristics between signalized intersections and grade crossings. Traffic signals and highway/rail at-grade crossings differ because traffic signals continuously operate in uniform cycles (red-green cycles) throughout most of the day as opposed to sporadic crossing events at highway/rail at-grade crossings.

Estimation of Delay Per Stopped Vehicle

In Volume 5A, Appendix C, pages C-11 and C-12 of the DEIS (as corrected by the errata dated January 21, 1998), crossing delay per stopped vehicle was calculated using the following equation which the DEIS sources to the Institute of Transportation Engineers, "Transportation and Traffic Engineering Handbook," Second Edition, 1982:

$$D_s = D_c \cdot A \cdot (S_c / S_a) \quad [1]$$

where: D_s = crossing delay per stopped vehicle, in minutes
 D_c = time the train takes to pass the highway/rail at-grade crossing, including time for gate closing and opening, in minutes
 S_c = vehicle departure rate per minute per lane; (the basis for this is a rate of 1,400 vehicles per hour per lane, according to field measurements)
 S_a = vehicle arrival rate per minute per lane; (the basis for this is the daily traffic volumes for the roadway)
2 = factor to account for the average of the minimum and maximum vehicle delay

This equation does not appear in the "Transportation and Traffic Engineering Handbook" in this form to represent a relationship of delay per stopped vehicle. The equation the DEIS used to calculate crossing delay per stopped vehicle resembles the equation in the "Transportation and

¹ The DEIS defines this as the average amount of time a stopped vehicle would have to wait when traffic is stopped to let a train pass (reference Vol. 1, page 3-17).

² The DEIS defines this as the average delay experienced by all vehicles that would cross the tracks. This average delay figure includes both vehicles that would and would not be delayed by trains (reference Vol. 1, page 3-18).

3

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Traffic Engineering Handbook," for calculating the duration of the queue. The correct equation found in the publication that calculates the average minutes of vehicle delay is presented on the same page as the above equation in the "Transportation and Traffic Engineering Handbook." The equation is expressed as follows:

$$d = r \cdot (1 - q/q) \quad [2]$$

where: d = average minutes of vehicle delay
 r = duration of blockage (in minutes)
 q = flow rate (vehicles per minute) at bottlenecks during blockage
 q = average arrival rate of traffic (vehicle per minute) upstream of bottleneck

When the roadway is completely blocked (i.e., $q = 0$), as in the case of an at-grade railroad crossing, the equation reduces to:

$$d = r/2 \quad [3]$$

When an additional 0.30 minutes is added to allow for the waiting line of vehicles to dissipate, the equation resembles the average delay time equation presented in "An Applicant's Environmental Report, Volume 6A, Appendix D, page 246. This equation was developed by the Stanford Research Institute "Guidebook for Planning to Alleviate Urban Railroad Problems, prepared for the Federal Railroad Administration and Federal Highway Administration, August 1974, RP-31, Volume 3, Appendix C and has been used previously in the Environmental Assessments prepared for the BNSF and UP/SP mergers.

$$D_t = D/2 + 0.3 \quad [4]$$

where: D_t = average delay time in minutes
 D = time required for the train to pass the crossing in minutes
 $+0.3$ = a constant to allow the waiting line of vehicles to dissipate

This equation more accurately reflects the crossing delay per stopped vehicle description presented earlier in the DEIS (reference Vol. 1, page 3-17) which states that the DEIS assumed that vehicles arrive at a crossing at a uniform rate and that the average delay for any particular roadway is half the time the crossing is activated, plus the time required for vehicles to clear the queue after the train has passed. However, rather than using this equation, which better reflects their description, the DEIS adopts equation (1) presented above. The rationale for the use of this equation is unclear.

The Importance of Field Observations

Field observations are important because generic modeled calculations may be revealed to be too conservative. For example, field observations could determine that during the most congested period of vehicular traffic, no trains block the crossing. Actual conditions may also show that during the peak train interval, very few vehicles use the roadway. At the site-specific level, various combinations of train length, train speed, vehicle arrival frequencies, and train frequencies should be considered based on actual conditions to decide the critical delay period.

Specific Vehicle Delay Time Calculations

In Table 1, LOS has been recalculated using the best available information for three grade crossings recommended for consideration. The table displays the inputs used in the DEIS's calculation of crossing delay per vehicle for these three crossings. The table also shows the average delays (in both minutes and seconds) for all vehicles and the resultant LOS category. Table 1 shows that when the best available information is used, the DEIS's criterion for mitigation (a decrease to LOS D) is not met.

TABLE 1. RECALCULATED LOS CATEGORY FOR GRADE CROSSINGS

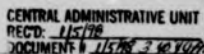
Grade Crossing	Location	Length of Crossing (ft)	Length of Train (ft)	Train Speed (mph)	Vehicle Speed (mph)	Vehicle Delay (min)	Vehicle Delay (sec)	LOS
1	St. Clair Ave. & Erie St.	100	100	10	10	0.5	30	D
2	St. Clair Ave. & Erie St.	100	100	10	10	0.5	30	D
3	St. Clair Ave. & Erie St.	100	100	10	10	0.5	30	D

1. The train frequency is based on the number of trains per hour. The train frequency is based on the number of trains per hour. The train frequency is based on the number of trains per hour.

2/3/98 10:22:58am-201



2/3/98 10:22:58am-202



U.S. Surface Transportation Board
Washington, D. C.

**ENVIRONMENTAL
DOCUMENT**

Gentlemen:

San Clemente: Forewarn of the attached more than the little people are against this split. The only ones for it are the ones that will reap monetary profits. Consail has been slow in order to promote this split so they will make obscene profits for the officials that buy out.

a Concerned
Citizen again

1/5/98 3:40:44pm-1

**Some fear merger of 2 rail giants
could result in service bottlenecks**

WASHINGTON - Federal

Automotive, chemical companies and electric utilities are among the industries that have been touched by bankruptcies since Union Pacific Corp. acquired Southern Pacific Rail Corp. last year in the biggest rail merger in history.

Union Pacific's problems, largely blamed on long-neglected crews running more trains over fewer tracks, have led many rail-dependent industries to raise warning signals about the proposed sale of Conrail to CIX Corp. and Norfolk Southern Corp.

Some fear merger of 2 rail giants could result in service bottlenecks

...the ...

"This Communist God isn't one we cannot, but the answer would be if they go through some kind of metabolism as Islam, Pacific has gone through, we will have the same kind of weather system and even the same kind of problems," said William Oates, manager of North American operations for Dow Chemical Co. in Houston.

Old grandpa supports me on a cane for solid Indian reason. Skipton said, but the Union Pacific didn't have any concerns about the Census this year. "When you have problems you have several thoughts about everything."

Advances for the rail pay I will result in cheaper and more efficient rail service because CIO and Norfolk Southern will agree evenly compete for business, by there access to virtually all trackage south of Kansas City.

The two railroads, now serving the Midwest and the South, were divided up the 11,400-mile Grand system taking the Midwest on the Northeast. Grand was one of the first railroads to be used by Congress in 1976 and is the largest railroad, including Penn Central and New York Central.

THE BUREAU

RAIL 2004:0

[illegible]

the 1980s, the U.S. Coast Guard has been able to keep its fleet of 100 cutters and 15,000 personnel at a steady level. But the Coast Guard's budget has been cut by 10 percent in the last five years, and the fleet is aging. The Coast Guard is now looking for ways to modernize its fleet and improve its operational capabilities.

The Coast Guard is also facing a new set of challenges in the 1990s. The Coast Guard is now responsible for a wide range of missions, including maritime security, environmental protection, and search and rescue. The Coast Guard is also facing a new set of threats, including piracy and terrorism. The Coast Guard is now looking for ways to meet these challenges and threats.

The Coast Guard is a vital part of the U.S. Navy. The Coast Guard is responsible for a wide range of missions, including maritime security, environmental protection, and search and rescue. The Coast Guard is also facing a new set of challenges in the 1990s. The Coast Guard is now responsible for a wide range of missions, including maritime security, environmental protection, and search and rescue. The Coast Guard is also facing a new set of threats, including piracy and terrorism. The Coast Guard is now looking for ways to meet these challenges and threats.

1,000 and more, they said.

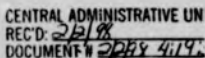
"Northwest Airlines and CNA are paying for the purchase of Central Airlines only because of the company's close relationship with the airline," while calling "government and union interference," the two groups said. "It is destined that Central Airlines will fail."

People complained that only inadequately on the schedule for and that they have lost their jobs.

Consolidated Midway Co., a large Midwestern airline that owns 7.5 percent stake of the airline and another 10 percent stake of the airline's parent company, Board to block the Central sale.

"Obviously it will be high-velocity and very fast — much as Comstock's and traffic — which will increase the debt arising from the acquisition through convertible debt and stock," the ally told the board.

1/5/98 3:40:44pm-2



**ENVIRONMENTAL
DOCUMENT**

Jan 28 1998

R: Finance Sheet No. 33388-C LX
and Norfolk Southern - Control and
Acquisition - Community Notification

We live at the corner of 3rd St
and Adams. The 3rd St crossing is
about 1 block from our house. The
crossing is blocked numerous times
during the day. The Canada more
trouble on our drive ways with people
having to turn around. With increased
traffic the situation will be worse.

Also ^{with} more trains the noise pollution
will be worse - Especially since the
trains have to whistle for the crossing.
Respectfully,

Respectfully

W. Allen & Sons, Norwich

2/2/98 4:19:38pm

OKI Ohio • Kentucky • Indiana
Regional Council of Governments

ENVIRONMENTAL
DOCUMENT

Larry Crisabery, President
 James Q. Dunn, Executive Director

CENTRAL ADMINISTRATIVE UNIT
REC'D: 22 1968
DOCUMENT# 52198 5 13 2011
Office of the Secretary - Case Control Unit
Finance Docket No. 33388
Surface Transportation Board
1925 K Street NW
Washington, D.C. 20423-0001

ATTENTION: ELAINE M. KAISER

Dear Secretary

We have reviewed the Draft Environmental Impact Statement "Supplemental Errata" and offer comments on Table 5-OH-11 (dated 1/20/89).

For Hamilton County, Ohio, the grade crossings listed at Winton Road (Segment No. C-063) and Mitchell Avenue (Segment No. C-063) do not exist anymore. The track which crossed these roads was used as an industrial spur track until a few years ago before it was abandoned and the track taken up. The mainline CSX track which run parallel to this line (see map) are the 1st which you referring to. This line, however, does not cross Winton Road or Mitchell Avenue. On the map, the mainline CSX line is shown in pink and the abandoned CSX industrial spur is shown in yellow.

We have enclosed the original plus ten copies as you requested. If you have any questions regarding the above information, please call me at (513) 621-6300.

Sincerely,

Reginald G. Victor
Transportation Engineer

Enclosures

Serving the Community of

None • Basic • Capital • Current • Deferred • Hidden • Other • Other

801-P West English Street - Suite 400, Cincinnati, Ohio 45203-1607 Phone: (513) 621-6300 Fax: (513) 621-8325
Web Site: www.oj.com

2/2/98 5:09:20pm-1



PROPOSED COMRAIL ACQUISITION
FINANCE DOCKET NO. 3388

Table 2.00-11 (Revised)

Author: Ball A.L. Canada Canadian Vehicle Bodies and Chassis
Title:

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CLF Conservation Law Foundation

BY OVERNIGHT COURIER

Office of the Secretary
Case Control Unit
Finance Docket No. 33388
Surface Transportation Board
1925 K Street, N.W., Room 715
Washington, DC 20423-0001

Attn: Elaine K. Kaiser, Environmental Project Director
Environmental Filing

Draft Environmental Impact Statement, "Proposed Conrail Acquisition"

The Conservation Law Foundation ("CLF") appreciates the opportunity to submit comments on the Draft Environmental Impact Statement ("DEIS") for the proposed merger involving the acquisition of Conrail by Norfolk Southern Railroad and CSX Railroad Corp. (the "Conrail merger").

CLF's comments are on three issues, each of which was inadequately addressed in the DEIS. If the Surface Transportation Board ("STB") ultimately approves the merger application, CLF respectfully urges that the STB should impose the following three conditions:

62 Summer Street, Boston, Massachusetts 02110-1016 • (617) 350-0990 • Fax (617) 350-4030
125 Wilson Avenue, Rockland, Maine 04841-0416 • (207) 584-8107 • Fax (207) 586-7700
27 North Main Street, Concord, New Hampshire 03301-4830 • (603) 225-3060 • Fax (603) 225-3068
21 Elm Street, Salem, Massachusetts 01970-3010 • (603) 325-5880 • Fax (603) 325-4000

Conservation Law Foundation

2. CSX should make every effort to create an efficient intermodal transfer in the port of Boston, eliminating the current reliance on trucks to transfer cargo from the port to the rail yards; and
3. CSX must make every effort to improve freight rail service east of the Hudson River - especially from the ports of New York and New Jersey to New England.

Currently, freight cargo that comes into the port in South Boston is transferred by truck for several miles to Connors's rail yard. This extra step is clearly highly inefficient. The City of Boston is currently engaged in a planning, design and reconstruction with respect to several interrelated highway and transit projects in the South Boston and East Boston district. Now is an excellent opportunity for Connors to work with the City and the Commonwealth of Massachusetts to explore connecting the rail facilities directly at the seaport, to make an efficient intermodal transfer from ship to rail without the use of trucks. If the merger is approved, CSX should be instructed to make every effort to bring such an intermodal facility into being.

Specifically, NS should be required to purchase and operate cross-harbor car float facilities from Jersey to Brooklyn, to ensure this system is at least its former capacity. NS should also establish service on the Northeast Corridor to Connecticut and Massachusetts, joining CSX and providing competition in this key sector. A viable, active rail option is desperately needed in this congested track route. Other specific improvements would enhance these basic capacities, but these are the minimum requirements the STB should impose on the merger if it is approved, and the final EIS should document the clear efficiencies and resulting environmental benefits to be gained from these changes.

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Conservation Law Foundation

Some of the important economic and environmental benefits of trains include:

- **Efficiency:** Passenger trains are three times as energy-efficient as commercial air and six times as efficient as a car with one occupant. Freight trains are up to nine times more efficient than trucks. Switching only five per cent of U.S. highway driving to electrified rail would save more than one-sixth the amount of oil imported from the Middle East.
- **Air pollution:** Compared to heavy trucks, freight trains emit one-third the carbon dioxide and nitrogen oxide and one-tenth the hydrocarbons and diesel particulates.
- **Land use:** Trains can encourage more compact land-use patterns and concentrate economic development around town centers, rather than contributing to urban sprawl, as highways invariably do. More rail also translates into less traffic congestion and paved-over land; one railroad track can carry as many people per hour as eight lanes of highway.
- **Revitalization:** Trains can help revitalize old downtown areas that were originally built around rail. By adding a new travel option, rail increases tourism and economic development. A recent study of Virginia Metrorail concluded that the state had realized a \$1.2 billion net gain in tax revenues alone from its investment in trains. Other studies have shown that residential property values go up with access to rail.

For these and other reasons, CLF requests that you include analysis and conclusions in the final EIS with respect to these issues, so that the final EIS would urge the STB to impose the three conditions specified above should the STB approve the merger.

Thank you for considering these comments.

Very truly yours,

Richard B. Kennelly, Jr.
Staff Attorney

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CENTRAL ADMINISTRATIVE UNIT

REC'D: 2/15/98

DOCUMENT # 2/3/98 10:04:04am

BEFORE THE
SURFACE TRANSPORTATION BOARD

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



COMMENTS OF THE
NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)
ON THE BOARD'S DRAFT ENVIRONMENTAL IMPACT STATEMENT
AND ON THE APPLICANTS' SAFETY INTEGRATION PLANS

NATIONAL RAILROAD PASSENGER
CORPORATION

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Date: February 2, 1998

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NRPC-11

BEFORE THE
SURFACE TRANSPORTATION BOARD

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

COMMENTS OF THE
NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)
ON THE BOARD'S DRAFT ENVIRONMENTAL IMPACT STATEMENT
AND ON THE APPLICANTS' SAFETY INTEGRATION PLANS

The National Railroad Passenger Corporation ("Amtrak" or "Amtrak") appreciates this opportunity to comment on the Draft Environmental Impact Statement ("DEIS") published by the Section of Environmental Analysis ("SEA") in these proceedings on December 12, 1997, as well as on the "Safety Integration Plans" submitted by the Applicants and included by SEA in the December 12 issuance.

In its comments, Amtrak will naturally focus on those portions of the DEIS that examine the impact of the proposed transaction on passenger rail operations -- and especially on those passages and preliminary conclusions in the DEIS that, we believe, should be modified in the final EIS. While Amtrak's comments will necessarily focus on those aspects of the DEIS to which it takes exception, Amtrak recognizes the very difficult task that SEA has faced in attempting, under very tight dead-

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lines, to assess the impacts of a transaction that, if approved by the Board, will lead to changes in rail operations of far greater magnitude than have resulted from any prior rail merger.

As requested by SEA, these comments are divided into two parts: Part I, immediately following this introduction, addresses SEA's own conclusions regarding potential adverse impacts on commuter and intercity passenger service from the proposed transaction. Part II, which begins on page 18, comments separately on the "Safety Integration Plans" previously filed by NS and CSX, covering both their respective separate post-transaction operations and their proposed "Shared Assets Area" operations.

PART I
COMMENTS ON THE DEIS

I. INTRODUCTION

The DEIS preliminarily finds that, in general, the proposed transaction (the "Conrail Acquisition") will not adversely affect either the operations or safety of Amtrak's passenger services. The DEIS concludes, among other things, that all of the lines used for passenger service have adequate capacity to handle proposed increases in freight operations without forcing reductions in present Amtrak train frequencies. The one exception relates to safety on nine line segments, eight of which are owned by freight railroads, over which Amtrak operates and

¹ The ninth segment is the rail line between Kalamazoo, MI and Porter, IN which is owned by Amtrak. The DEIS identifies a similar risk on a tenth line segment, shared by freight and

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that will experience increases in freight traffic as a result of the Acquisition. The DEIS preliminarily concludes that the Acquisition will unacceptably increase the risk of passenger-freight train collisions on these line segments, and proposes mitigation in the form of a 30-minute "window" for each passenger train.

Amtrak respectfully disagrees with the DEIS's conclusion that the merger is unlikely to cause capacity problems, and resulting deterioration in Amtrak's on-time performance, on any of the CSX, NS and Conrail-owned lines over which Amtrak operates. Amtrak also disagrees with the DEIS's conclusion that the merger will create appreciably increased safety risks on the nine line segments identified for mitigation measures, and with the efficacy and wisdom of the 30-minute window proposed to mitigate those perceived risks. In both cases, Amtrak believes that these preliminary conclusions result from shortcomings in the methodologies and data relied upon that, if corrected, would yield very different conclusions.

We discuss these points in greater detail below.¹

commuter trains, over which Amtrak does not operate.

¹In addition to the points discussed below, there are also three minor factual errors in the DEIS relating to Amtrak that SEA may wish to correct in the final DEIS. Page 4-28 of Volume 1 of the DEIS erroneously states that Canadian Pacific Railway has filed a responsive application for trackage rights between Detroit and Chicago, including rights over the Amtrak-owned line between Porter, IN and Kalamazoo, MI. Page 4-39 of the same volume incorrectly states that Amtrak operates through the Virginia Avenue Tunnel in Southeast Washington that CSX intends to improve. Finally, the summary of requests for conditions in Volume 5C of the DEIS at page U-13 states that the on-time

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Consistent with the framework employed in Amtrak's October 21 Comments, we first discuss the DEIS's conclusions regarding the transaction's impact on passenger service safety and operations on the Amtrak-owned Northeast Corridor ("NEC") between Washington and New York, and then turn to its analysis of impacts on passenger service on other lines over which Amtrak operates.¹

II. THE NORTHEAST CORRIDOR

The DEIS concludes that the Conrail Acquisition will have no adverse effects on passenger service on the NEC, both because of Amtrak's ownership and control of the NEC and because there is substantial excess capacity on the NEC during the nighttime hours to accommodate the increases in NEC freight train operations planned by the Applicants.

Amtrak agrees with SEA that Amtrak's ownership and control of the NEC is an important safeguard in ensuring that neither Amtrak nor commuter train services on the NEC will be harmed by the Acquisition. However, as discussed below, the DEIS appears to significantly overestimate the available capacity on the NEC for additional nighttime freight operations, and thus the NEC's ability to accommodate (i) all of Applicants' planned increases in freight operations on the schedules Applicants have proposed, and (ii) Applicants' plans to replace Conrail's freight

performance oversight conditions Amtrak is seeking would apply only to Amtrak trains that will be operated by CSX, whereas it would actually apply to trains operated by NS as well.

¹For convenience we discuss the Kalamazoo, MI to Porter, IN line in the latter context, even though it is owned by Amtrak.

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operations between New York and Philadelphia with those of three separate entities (NS, CSX, and the Conrail Shared Assets Organization), and to have both NS and CSX share Conrail's operating rights between Philadelphia and Washington.¹

A. Safety

The DEIS's analytic framework for identifying any adverse effects on the safety of rail passenger operations from the proposed transaction's changes in freight operations found no such problems on the NEC, and therefore proposed no mitigation conditions.

As indicated above, Amtrak agrees that safety will not be compromised on the NEC (for the reason, among others, that Amtrak will require strict compliance with its safety regulations and will not permit operations that might compromise safety). We therefore defer our discussion of the flaws in the DEIS's methodology for quantifying safety impacts and its proposed mitigation measures to the discussion of non-NEC effects in Section III, below.

A. Capacity

The DEIS concludes generally that there is substantial excess capacity to handle more freight traffic on the NEC during late night and early morning hours, despite several acknowledged bottlenecks, and that Amtrak can control the timing of freight

¹Amtrak remains hopeful that its ongoing negotiations with the Applicants will produce a mutually satisfactory agreement on accommodation of Applicants' planned changes in NEC freight operations and operating rights.

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access to preclude any operations that would interfere with passenger service.

Amtrak believes that the DEIS seriously underestimates the capacity constraints Amtrak faces on the NEC, even during the 10:00 p.m. - 6:00 a.m. period during which there are relatively few passenger trains operating. Comparisons of current and proposed freight levels to those that prevailed when Amtrak took over the Corridor in 1976 are meaningless, because passenger operations -- and especially commuter operations -- have grown exponentially since then, even during the late night and early morning hours. (See Amtrak's October 21 Comments, Verified Statement of James L. Larson ("Larson V.S."), at 9-10.) Track maintenance operations, which must be conducted almost entirely during the nighttime hours, typically entail temporary outages that further limit the NEC's capacity for significantly-increased freight service. Planned improvements to the Corridor -- both those planned for enhancing intercity passenger operations and bringing the NEC to a state of good repair, and those proposed by Applicant NS -- will cause still more restrictions on available capacity, especially at night. (Id.)

Amtrak takes particular exception to the DEIS's assumption that any capacity constraints on the most heavily-used portion of the Corridor, between Newark and Trenton, NJ, could be alleviated through assignment of nighttime freight trains to the two inside tracks while assigning off-hours passenger trains to the outside tracks. In the first place, as indicated in Amtrak's

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comments (Larson V.S. at 7), the inside tracks are maintained to especially stringent standards to accommodate high-speed Metroliners, and Amtrak tries to minimize freight use of those tracks because such operations cause significantly-increased track degradation and higher track maintenance expense. Second, because of operational and maintenance requirements, it is not possible to segregate passenger and freight operations in the manner that the DEIS assumes,⁵ even on portions of the NEC that have four tracks.⁶

This is not to say that some additional freight operations cannot be accommodated on this segment or elsewhere on the NEC. Rather, it is to emphasize that there are no easy "fixes". Thus, any determination of where, at what times, and in what numbers additional through freight trains can be handled, can only be made through a detailed, line-segment-specific analysis of the available track infrastructure, actual passenger and

⁵Because of operating and maintenance requirements, freight trains cannot be kept off the inside tracks altogether between Newark and Trenton or elsewhere. For example, Conrail's principal yards in the Newark and Trenton areas -- Oak Island and Morrisville -- can only be accessed via one of the inside tracks, and portions of the "clearance" route between Newark and Trenton for freight trains carrying high loads are via the inside tracks. Conversely, Conrail's Linden and Metuchen Yards in Northern New Jersey can only be accessed from track 1, an outside track that must also accommodate virtually all nighttime northbound Amtrak and commuter trains (because the northbound platforms at most commuter train stations, and the Metropark station where nearly all nighttime Amtrak trains stop, can only be accessed from track 1).

⁶Between Baltimore and Perryville, MD, which according to Applicants' operating plans will continue to have the highest density of freight traffic following the Acquisition, portions of the line have only two tracks.

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freight train schedules and operating characteristics, maintenance of way track occupancy requirements, etc. Understandably, the DEIS preparation has not entailed any such comprehensive study of the NEC; but the necessary corollary is that the DEIS's preliminary conclusions and observations regarding the NEC capacity situation are ill-founded, and should not be retained in the final EIS.

III. PASSENGER OPERATIONS ON FREIGHT LINES

A. Safety

Amtrak applauds SEA's recognition of the critical need to protect the safety of passenger train operations from any adverse effects of the proposed transaction. While rail passenger service has traditionally been among the very safest modes of transportation, as the DEIS acknowledged, there is no room for "good enough" where safety is at issue. Even a single accident that results in the death or injury of an Amtrak passenger or employee is one too many.

Unfortunately, the DEIS's attempt to identify potential safety effects with an elaborate statistical analysis, although clearly well-intentioned and the product of much thought and effort, is fatally flawed, and as a consequence it has produced seriously misleading results. Moreover, the DEIS's recommended mitigation condition -- a 15-minute "window" before and after each passenger train on certain lines, during which freight trains would have to be cleared from the track the passenger train is using -- would do nothing to enhance safety, while

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making it much more difficult, if not outright impossible, for passenger and freight services to co-exist efficiently on the affected lines.

At the outset, it is important to understand that collisions between freight trains and passenger trains occupying the same track -- the only type of accident that the thirty-minute window is intended to prevent -- are extraordinarily rare. Indeed, in Amtrak's nearly 27 years of existence, during which time it has operated over two million trains on lines shared with freight service, there has been only one such incident that resulted in fatalities to Amtrak passengers or employees: the tragic 1987 collision at Chase, Maryland, on the Northeast Corridor that resulted in the deaths of 16 Amtrak passengers and crew members. That collision was caused by a speeding Conrail "light engine" consist that was operated in blatant disregard of applicable safety rules and ultimately ignored a series of slow and stop signals to enter the path of a high speed Amtrak train.⁷

It is quite unlikely the addition of more safety rules would have prevented a collision that was caused by the Conrail crew's total disregard of the rules that were already in place.

⁷The Conrail locomotives were operated by Conrail employees who had recently used marijuana, and had cab signals and audible warning devices that had been intentionally disabled or otherwise rendered inoperable. The Conrail engineer, who subsequently pled guilty to manslaughter, admitted that he had violated numerous other safety rules, including failing to call out signals and failing to maintain a proper lookout.

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The manner in which SEA calculated the frequency of collisions between Amtrak and freight trains results in a vast overstatement of the risk of such collisions. First, in concluding that there would be an average of 1.25 such collisions per year, SEA relied upon data from a period of just four years (1993-96) during which it identified a total of five such collisions. Given the rarity of such incidents, reliance upon data derived from only a very short period is likely to produce a result that is not representative of long term trends. Second, it appears that the five collisions SEA identified include all collisions between Amtrak and freight trains during this period, including those that resulted from an Amtrak train striking a load projecting from a freight train on an adjacent track and those that occurred on wyes and sidings (to which the 15-minute rule presumably would not apply). As a result, all of the calculations of passenger-freight train collision risks contained in the DEIS, including those for lines as to which SEA concluded that no mitigation was required, dramatically overstate the risk of the only type of collision -- a collision between a passenger train and a freight train occupying the same main line track -- that the mitigation condition is intended to prevent. Indeed, Amtrak is not aware of a single such collision that occurred during the four-year period (1993-96) from which SEA derived its accident frequency rate.

Another significant flaw in the methodology employed by the DEIS is its failure to give adequate recognition to the

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advanced safety systems Amtrak has installed on the NEC. While the DEIS assumed that the existence of an Automatic Train Stop ("ATS") or Automatic Train Protection ("ATP") system would reduce the risk of a collision by 30%, when compared to a line equipped with signals but no other safety enhancements, Amtrak believes that the 30% figure understates the safety benefits of the ATS and speed control systems installed on the NEC, to say nothing of the more advanced "Advanced Civil Speed Enforcement System" ("ACES") that Amtrak is presently developing for installation on portions of the NEC.⁴ While the failure to take account of the advanced safety systems on the NEC had no effect on the DEIS's recommended mitigation measures (since, even under SEA's methodology, mitigation was not deemed necessary on any portion of the NEC), the DEIS suggested that mitigation might be required on the Amtrak-owned Kalamazoo, MI to Porter, IN line without giving any consideration to the safety benefits of the Positive Train Control ("PTC") system presently being installed on the majority of this line segment as the result of a project in which FRA is participating.

Far from enhancing safety, a 30-minute separation rule might actually create risks of its own. It could induce a false sense of security on the part of affected crew members that in turn would lead to reduced vigilance, and even a willingness to "cheat" a bit on restrictions that all involved would realize are

⁴SEA's methodology also appears to have assumed that cab signal systems unaccompanied by ATS or ATP systems conferred no additional safety benefits, which obviously is not the case.

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unduly harsh. Moreover, all of the lines for which the DEIS proposes the 30-minute separation rule have not only Automatic Block Signals (ABS) but also TCS (Traffic Control System) signal and switch operation, which provides an additional layer of human supervision and control to catch and forestall any mistakes that might be made by train crews. The proposed rule would have the perverse effect of requiring train crews to ignore the signals provided by these systems if they conflicted with the 15-minute rule, e.g., to stop and wait at a signal which otherwise would have allowed the train to proceed.

For the foregoing reasons, Amtrak urges SEA not to recommend the proposed 30-minute separation rule as a condition on any of the Applicants' rail lines. While Amtrak remains concerned that the increased freight usage on these and other lines following the merger that has prompted SEA to consider this rule will adversely affect the on-time performance of Amtrak's trains, it does not believe that this additional freight traffic will have an appreciable impact on safety.

B. Capacity and On-Time Performance

The DEIS concludes that all of the Applicants' lines that are shared by passenger service, including the CSX and Conrail lines about which Amtrak expressed particular concern in its October 21 Comments, can readily accommodate planned increases in freight service without preventing Applicants from meeting their contractual obligations to Amtrak. Amtrak is compelled to disagree, both with the apparent standards the DEIS used in

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assessing passenger impacts, and with its conclusion that no adverse effects requiring mitigation are threatened.

The first and most pervasive flaw in the DEIS's approach is its failure to take account of actual and projected freight train schedules in determining whether increases in post-merger freight traffic would exceed a line's capacity. Instead, SEA assumed that the freight trains operated on each line following the Acquisition would be spread in a perfectly even fashion throughout the day, seven days a week, 365 days a year. Needless to say, this "perfect world" assumption does not comport with reality. Most rail lines experience numerous peaks and valleys in freight traffic in a single day because, among other things, intermodal trains tend to depart terminals in the evening and arrive very early in the morning, local freight service tends to be concentrated in the daylight hours, and trains moving in the same direction have a tendency to bunch up in "fleets", particularly on congested or single track lines. Volumes on most lines are higher during the week than on weekends, and there are also significant seasonal variations in freight traffic.⁵ Assuming that the Acquisition will create no capacity problems because freight trains will spread themselves out in a perfectly optimal fashion is like concluding that a highway with a capacity of 1,000 cars per hour will have adequate capacity as long as its

⁵See STB Service Order No. 1518, Joint Petition for Service Order, Decision served Oct. 31, 1997, at 6 (noting that seasonal increases in freight traffic would exacerbate the congestion problems that occurred after the Board's approval of the UP/SP merger).

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total usage does not exceed 24,000 cars a day. As any rush hour commuter can attest, the reality will be otherwise.

It is particularly surprising that the DEIS reached its sweeping preliminary conclusions about post-merger capacities on passenger-train carrying lines without any apparent consideration of whether yards and terminal facilities accessed by those lines would have enough capacity to absorb merger-related increases in traffic. The need to utilize main line tracks and passing sidings to "hold" numerous trains that cannot be accommodated in overcrowded yards and intermodal terminals has been a principal cause of the unprecedented delays to both freight and Amtrak trains that have occurred on the Union Pacific and Southern Pacific Railroads following the Board's approval of their merger.⁶

⁶While the DEIS provided few details about how rail line capacities were calculated, and no information about the assumptions used or the capacities calculated for specific line segments, the information provided suggests other flaws in the methodology employed that would have contributed to overestimations of available capacity. For example, there is no indication that the methodology took into account, among many other things, the need to take tracks out of service for maintenance; the extended occupancy of main line tracks by local trains performing switching; or the fact that the average speed of some freight trains is considerably slower than the maximum permissible speeds that SEA apparently assumed to be the norm, which results in longer track occupancy that reduces capacity.

With respect to the Amtrak-owned portion of the Michigan Line between Porter, IN and Kalamazoo, MI the DEIS suggests that the line will be able to absorb all additional freight traffic that may result from haulage operations of Canadian Pacific Railway between Detroit and Chicago because it has "frequent sidings". (DEIS, vol. 1, p. 4-28). In actuality, additional and/or lengthened sidings may be required on both the Amtrak and Conrail-owned segments of the Michigan line in order to accommodate the (presently unquantified) number of CP haulage trains that will operate over this line, given that (i) the

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Another major flaw is the DEIS's equation of adverse effect with a need to eliminate at least one passenger train outright. In fact, however, as Amtrak explained in its October 21 Comments, the most common effect of increased freight congestion on passenger operations is a material decrease in the on-time performance of the passenger trains. Amtrak's witness Larson described the serious problems Amtrak has been experiencing for some time with excessive train delays on certain of CSX lines slated for increased freight traffic after the Acquisition. There is every reason to believe that adding additional freight traffic to these lines will exacerbate the on-time performance problems that Amtrak already faces.

It is beyond cavil that intercity passenger trains must operate on schedule with a high degree of consistency if they are to meet the needs of the traveling public. The Board and its predecessor have recognized this on many occasions, beginning as far back as 1969.¹¹ Congress itself emphasized the importance of ensuring on-time Amtrak operations when it gave Amtrak trains

Amtrak-owned segment is being upgraded for higher speed service (something the DEIS does not mention), and (ii) the number and length of the sidings on the Michigan Line is based upon present passenger train requirements and the (minimal) volume of freight traffic that presently operates over the line, and not on the number and size of the freight trains that will utilize this line if the Acquisition is approved.

¹¹See *Adequacies -- Passenger Service -- Southern Pacific Co. Between California and Louisiana*, 325 I.C.C. 415, 434 (1969).

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statutory priority over freights for dispatching purposes. See 49 U.S.C. § 24308(c).¹²

In sum, the methodology SEA used in its preliminary examination of adverse passenger service impacts is seriously flawed, as is the DEIS's assumption that the only such adverse impact worthy of consideration is the outright exclusion of passenger trains. The final EIS should acknowledge the limitations and shortcomings of the methodology the DEIS employed to quantify line capacities. It should also recognize that reductions in the on-time performance of Amtrak trains, caused by proposed freight service changes, would constitute adverse impacts on the quality of the human environment, and that such impacts must, if possible, be appropriately mitigated through the conditioning process.

The five-year on-time performance oversight condition that Amtrak has proposed is a reasonable and measured response to this problem. It will allow the Board to take into account the actual impact of the Acquisition on Amtrak's passenger service on specific lines, as opposed to the theoretical impact that will occur if (i) the hundreds of line capacity measurements SEA has calculated are all correct, (ii) Applicants' freight train operations are unerringly conducted in a manner that optimizes use of each line segment's capacity, and (iii) Applicants experience none of the yard and terminal congestion problems, and the

¹²See also 49 U.S.C. § 24101(c), requiring Amtrak trains to reach stations within 15 minutes of scheduled times "to the maximum extent feasible".

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resulting spillover effects on main lines, that have followed the Board's approval of the UP/SP merger.

Amtrak's proposed condition also avoids the need for the Board to decide now, based on theoretical studies rather than actual experience, whether conditions should be imposed requiring Applicants to make capacity-enhancing improvements like those that SEA states it would have recommended if it had found that increases in freight traffic would adversely impact Amtrak's operations. It gives the Applicants the flexibility to address such problems by rescheduling their own operations, modifying dispatching procedures, or taking other steps that minimize or avoid the need for significant capital expenditures. Amtrak urges SEA to recommend the adoption of Amtrak's proposed condition in its final EIS.

IV. CONCLUSION

Amtrak recommends that, in the Final EIS, SEA not recommend that the Board impose the DEIS's proposed 30-minute separation rule, which is not necessary for safety reasons, and which could seriously hinder efficient passenger and freight operations on the affected rail lines. However, the final EIS should recognize the adverse impact that projected increases in freight operations over certain CSX and Conrail lines is likely to have on the on-time operation of Amtrak's trains, and should recommend that the Board impose the five-year oversight condition that Amtrak has recommended.

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PART II COMMENTS ON THE SIPs

Amtrak safety personnel have reviewed the "Safety Integration Plans" ("SIPs") filed by NS and CSX and incorporated in the DEIS and have the following comments:

Continued Use of NORAC Rules: As Amtrak has indicated in its prior filings, and as the applicants have confirmed in their SIPs, all post-Acquisition operations over the NEC will be governed by the NORAC rules utilized by Amtrak, Conrail, and virtually all freight railroads and commuter authorities in the Northeast. In addition, the Applicants have represented that post-Acquisition operations over lines NS and CSX will acquire from Conrail, including those in the "Shared Assets" areas, will initially be conducted under NORAC rules. However, Applicants have also indicated that, over the longer term, they are considering adopting different sets of operating rules, including perhaps the rules NS and CSX currently use on their own lines, to govern lines acquired from Conrail.

The development of the NORAC rules was encouraged by the FRA. Those rules have been in effect for nearly ten years, and the Conrail operating employees who will be employed by Applicants if the Acquisition is approved are well acquainted with them. The principle behind the NORAC rules is that the adoption of a unified set of operating rules that apply on all railroads operating in a region enhances safety, particularly where there

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are numerous trackage rights operations and extensive passenger services. Therefore, the possibility that Applicants will choose to adopt operating rules for properties acquired from Conrail that are different from the NORAC rules utilized on adjacent rail lines owned by Amtrak and commuter rail authorities that are traversed by the same trains operating over the former Conrail lines is a cause for some concern.¹¹ Amtrak urges the Board to impose a condition specifying that the Board's prior approval shall be required before NS and CSX may adopt operating rules other than the NORAC rules for operations over lines to be acquired from Conrail.

Conversion of Cab Signal System on CSX Washington-Richmond Line: In response to DOT's concerns that the merger could result in a shortage of locomotives equipped with the 100HZ cab signal system utilized on the NEC and Conrail, CSX has represented that it will modify the cab signal system on its Washington to Richmond, VA line from 60HZ to 100HZ. As CSX notes, this will allow locomotives equipped with cab signals to be utilized on any line that requires them in the Northeast, and thus eliminate the incompatibility problems that could result in shortages of locomotives equipped with NEC-compatible cab signals. Amtrak

¹¹For example, were Applicants to adopt operating rules for former Conrail lines other than NORAC rules, commuter trains that operate over both Amtrak-owned and former Conrail lines in the Boston area, and virtually all local freight trains that operate over the NEC, would be subject to two, and possibly three, different sets of operating rules that would change during their relatively short journeys depending upon which railroad they were operating over.

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believes that CSX's plans for conversion of the Washington-to-Richmond line's cab signal system address DOT's concerns, and should be imposed as a condition of the Acquisition.

ACSES System: While CSX's SIP expressly states that CSX will cooperate with Amtrak in the development of the advanced ACSES train control system being developed for the NEC, the NS and CSX SIPs do not specifically mention ACSES. Amtrak will, of course, require all railroads operating over the NEC to operate ACSES-compatible equipment after that system is installed. It assumes that the general representations in the NS and CSX SIPs that operations over the NEC will conform to all applicable Amtrak operating rules encompass both ACSES and other safety-related modifications to its NEC operating rules that Amtrak may in the future adopt.

Respectfully submitted,

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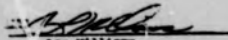
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FEB-02-1998 15:51 FROM NEC SAFETY & ENV. TO 000234726199720296 P.02

VERIFICATION

I, Lee Williams, declare, under penalty of perjury, that I am General Manager - Safety and Environmental Control of the Northeast Corridor Strategic Business Unit of the National Railroad Passenger Corporation (Amtrak), that I have read Part II of the foregoing Comments, that the facts stated therein are true and correct to the best of my knowledge, and that I am qualified and authorized to submit this verification.

Executed on February 2, 1998


Lee Williams

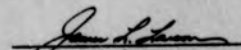
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VERIFICATION

I, James L. Larson, declare, under penalty of perjury, that I am Assistant Vice President - Operations of the National Railroad Passenger Corporation (Amtrak), that I have read Part I of the foregoing Comments, that the facts stated therein are true and correct to the best of my knowledge, and that I am qualified and authorized to submit this verification.

Executed on February 2, 1998.


James L. Larson

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were served this 2nd day of February, 1998, by hand delivery upon:

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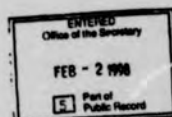
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TCU-12



BEFORE THE
SURFACE TRANSPORTATION BOARD

**ENVIRONMENTAL
DOCUMENT**

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 TRANSPORTATION-COMMUNICATIONS
INTERNATIONAL UNION TO PROPOSED SAFETY INTEGRATION PLANS**

I. Introduction

The Transportation-Communications International Union (TCU) offers these Comments in response to the Safety Integration Plans (SIPs) submitted by Norfolk Southern (NS) and CSX, as required by the Board in Decision No. 52, issued on November 3, 1997. The TCU represents individuals employed in the carmen and clerical crafts on CSX, NS and Conrail. By virtue of their successful completion of an apprenticeship and journeyman program, the carmen are fully trained and qualified to conduct the freight car inspections and air brake tests mandated by federal law. Among the clerical employees the TCU represents are highly trained crew callers.

The SIPs submitted by the Applicants inadequately address the need for properly conducted freight car inspections and air brake tests with respect to: (1) the Applicants'

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overreliance upon ill-trained and unqualified train crews to perform such inspections and tests; and (2) the Applicants' potential reliance upon a "block swapping" inspection procedure that is currently the subject of a joint study between the Federal Railroad Administration (FRA), Conrail, and the TCU. Further, the SIPs fail to address the concern (raised by the TCU in our earlier comments) over problems that are likely to arise from the Applicants' intent to rapidly consolidate crew calling operations.

II. The Applicants' SIP Submission Fail to Adequately Address the Need for Truly Qualified Personnel to Inspect Freight Cars and Air Brake Systems.

As noted in its initial comments in this matter, one of the TCU's primary safety-related concerns arising from this transaction is the proper inspection of freight cars utilized by CSX and NS following consummation of the transaction. In the SIPs subject to comment here, the carriers involved make assurances that they will utilize "qualified employees" to conduct the necessary air brake tests and pre-departure freight car inspections. See CSX SIP (Draft EIS Vol. 2), at 123; NS SIP (Vol. 2), at 122; CSAO SIP (Vol. 2), at 30. These assurances by the carriers beg the question of what constitutes a "qualified employee." Although train crews are permitted to conduct certain types of freight car inspections (i.e., pre-departure inspections regulated pursuant to 49 C.F.R. Part 215, Appx. D), their ability to do so is dependent upon the level of training they have received in detecting freight car defects.

FRA Director of Safety Edward English raised this very point in his Verified Statement accompanying the comments of the U.S. Department of Transportation regarding this transaction.

FRA is also concerned that the Applicants have enough individuals with adequate qualifications to perform train air-brake tests, pre-departure inspections of freight cars, and daily locomotive inspections, as required by federal law.

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Verified Statement of Edward English, at 32 (emphasis added). As the TCU noted in its prior comments on this matter, both Applicants have proposed to eliminate interchange points throughout the existing Conrail system to allow smooth "through train" operations. See CSXT Operating Plan, Application Vol. 3A, §4, at 180-256; NS Operating Plan, App. Vol. 3B, §4, at 110-194, resulting in an increased distance between interchange points. Because qualified mechanical inspectors are predominantly stationed at interchange points, the elimination of these interchanges increases the likelihood that the Applicants will increasingly seek to utilize trainmen to perform 1,000 mile and pre-departure air brake inspection procedures. See TCU-6, Verified Statements of Richard A. Johnson, at 13.

As TCU noted in its earlier comments, the labor organization that represents trainmen — the United Transportation Union (UTU) — has previously testified before the FRA that its members are poorly trained for and unqualified to conduct such inspections. In the section of its SIP devoted to training issues, however, NS says nothing about training conductors to perform such tests; likewise, the CSAO SIP does not refer at all to air brake test and inspection training for its train crews. Though CSX's SIP expressly refers to the portion of its current conductor training program devoted to train inspection and air brake tests, CSX SIP, at 66, it is the TCU's understanding based upon informal discussions with FRA inspectors that the FRA has recently focused significant attention on conductor inspections in Augusta, Georgia. At that facility, CSX had eliminated qualified mechanical inspector positions and substituted train crew inspections, with the result that a substantial number of freight cars moved out of that facility with numerous undetected defects. Thus, the Board needs to question the effectiveness of CSX's program to train conductors to perform air brake tests and freight car inspections.

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The consequences of permitting inspections by un- or underqualified train crews are perhaps best understood in light of recent safety reports from Conrail's Oak Island yard, located in Newark, New Jersey. In June and July of 1997, in correspondence directed to the Regional Administrators for the FRA's Regions 1 and 2, the TCU reported an alarming number of defects appearing on freight cars inspected at the Oak Island yard. See June 13, 1997, correspondence from BRC Gen. Vice President H.B. Lewin to FRA Region 1 Administrator Mark McKeon; June 16, 1997, correspondence from Lewin to McKeon; July 2, 1997, correspondence from Lewin and TWU IVP John Czuczman to FRA Region 2 Administrator David Myers; July 3, 1997, correspondence from Lewin to McKeon (TCU Exhibit 1). Included among these defects were inoperative or otherwise defective air brakes, leaking train lines, burnt brake shoes, and defective hand brake brackets. These defects were detected by qualified mechanical inspectors and, had they been undetected, could very well have resulted in derailments or collisions. The potential human cost of such accidents is magnified by the fact that Oak Island is located in the heart of the "Chemical Corridor," where substantial amounts of hazardous material freight is shipped. The "Chemical Corridor" is also one of the most densely populated geographic regions in the proposed CSX-NS-CSAO system.

The use of train crews, rather than qualified mechanical inspectors, to conduct necessary air brake tests and freight car inspections raises serious fatigue and hours of service issues. For example, conducting a proper intermediate air brake test requires the individual conducting the test to walk the full length of the train on both sides and determine whether the air brakes apply and release on both sides of each and every car on the train. With large consist trains, this procedure normally requires in excess of two hours to perform. By increasing the duties allocated to train crews to incorporate conducting these air brake tests and inspections, the

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applicants will place greater strain on the ability of their train crews to comply with federal hours of service laws. At the same time, these added duties will increase fatigue among those crews, increasing the risk of train accidents or incidents that arise from human error. The SIPs submitted by the applicants say nothing about how they will address the fatigue and hours of service complications that arise specifically from assigning additional inspection and air brake test duties to the core duties performed by train crews.

The above problems cannot be answered by the applicants' vague promises of compliance with federal freight car inspection and air brake test statutes and regulations. Neither the NS nor the CSAO SIP answers the question of how train crews operating in those segments of the combined system will be adequately trained to supplant qualified mechanical inspectors in performing such tests and inspections. CSX's assertions that its training program for conductors will address these problems are undermined by the problems uncovered by the FRA at the carrier's Augusta yard. These safety problems are further complicated by the fatigue and hours of service issues raised by having train crews perform these inspections. The alarming number of air brake and other freight car defects found by mechanical inspectors (whose qualifications are beyond dispute) at Oak Island and other locations within the CSX, NS and Conrail systems make clear just how high the safety stakes truly are.

The Board has an express duty to see that transactions subject to its jurisdiction are implemented safely. The SIPs submitted by the applicants are insufficient to address many of the safety issues related to freight car inspections and air brake tests, and that the Board should not approve this transaction until the SIPs are amended to adequately deal with these concerns.

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III. The Applicants' SIP Submissions Also Fail to Effectively Address Inspection Concerns With Respect to "Block Swapping" of Freight Cars.

Another aspect of the SIPs under consideration that is of considerable concern to the TCU is the practice of "block swapping" which, as stated by CSX in its SIP, "is utilized by all Class I railroads today, including CSX and Conrail." CSX SIP (Vol. 3A), at 133. Block swapping is a carrier practice by which the carrier switches a block or several blocks of cars from one train to another. Block swapping is not prohibited per se by FRA rules; however, FRA rules do require that a pre-departure mechanical inspection must be conducted whenever a freight car or block of cars is placed on a train. 49 C.F.R. §215.13. Likewise, whenever cars or blocks of cars are added to a train, the carrier is also required to conduct an initial terminal air brake test, as required by 49 C.F.R. §232.12.¹

Based upon informal discussions with FRA inspectors, TCU understands that both CSX and Conrail in particular have engaged in a regular practice of block swapping without complying with existing federal safety regulations. In the latter case, the FRA oversaw a joint study between Conrail and the TCU, by which alternative inspection practices would be utilized by the carrier when specified trains in the Conrail system were "block swapped." Both Applicants cite this joint study in their SIPs, though they reserve judgment on applying it pending the outcome of the study. CSX SIP, at 133; NS SIP, at 122; CSAO SIP, at 32-33. One specific

¹ The FRA recognizes a narrow exception to this rule. Where a single, solid block of cars which has been previously tested is attached to a train, the carrier is not required to inspect the entire train, so long as the brakes on each and every car within the block have been inspected. 49 C.F.R. §232.12(a)(1)(ii). Rather, in that circumstance, the carrier need only determine that the pressure as gauged from the rear of the train is the same as that applied from the front. However, it is important to note that FRA has interpreted this exception to apply only when a single block of cars is added to a train. Further, the carrier is required to perform a pre-departure mechanical inspection of all cars in the block regardless of whether a single block or several blocks are added to a train.

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requirement of these alternative procedures was that all inspections conducted pursuant to those procedures would be done by qualified mechanical inspectors, rather than by train crews. In application, however, this joint study has been unsuccessful, as a result of Conrail's failure to utilize qualified mechanical inspectors or, alternatively, merely removing trains from the list to be block swapped under the joint study procedures. As a result, the TCU has disavowed these alternative practices and it is our understanding that the FRA is likewise ready to abandon the joint study.

Both applicants state that they will perform block swap air brake inspections in accordance with FRA regulations. Regardless of whether or not such trains are "block swapped," these regulations demand that full mechanical inspections be conducted on any freight car attached to a train consist, and that full air-brake tests be conducted in all instances except when a single block of cars is attached. As noted above, TCU understands that both Conrail and CSX have engaged in block swapping without conducting the necessary inspections and tests; thus, a merely vague assertion that the Applicants will comply with federal regulations is inadequate. Indeed, the NS and CSAO SIPs specifically state that "[b]lock swapping" inspection practices as they now exist on Conrail will continue after the transaction is consummated. NS SIP (Draft EIS, Vol. 2(B)), at 122; CSAO SIP (Vol. 2(C)), at 33. As stated above, Conrail's prior record of compliance with federal regulations on block swapped trains is anything but encouraging.

Given the record of both CSX and Conrail with respect to complying with federal regulations in block swapping situations, as highlighted by the recent Conrail joint study experience, the TCU respectfully submits that the best way to ensure such compliance is for the Board to demand a stronger and more definitive statement from the Applicants as to how they will insure that federal safety rules will be followed in the block swapping context. Further, the

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Board should condition approval of the transaction upon strict oversight by the FRA of the Applicants' compliance with such rules.

IV. The Applicants' SIPs Fail to Address TCU's Concerns With Respect to Excessive Hours Worked By Crew Callers in the CSXT System.

In its October 21, 1997, comments regarding the pending transaction, the TCU expressed serious concerns with respect to the excessive amounts of overtime worked by crew callers in the CSXT system. Those comments noted that regular crew management positions in the CSXT system remained unfilled and that the guaranteed extra board was staffed below the levels required by the collective bargaining agreement. See TCU-6 at 13. Those comments also cited the FRA's Safety Assurance and Compliance Program Report for CSXT, where the FRA concluded that, in the CSXT system, "The crew management staff is regularly overwhelmed given the demands of the job." Thus, we noted that the consolidation of Conrail's and CSXT's crew management systems, which under CSXT's Application was to be conducted over a seven month period, would exacerbate existing staffing problems resulting in increased fatigue among crew callers and errors in crew management which could undermine safety. The problems cited in the TCU's prior comments have not diminished since its October comments. Indeed, CSXT's crew calling operations are still understaffed by between twenty and thirty positions, and overtime problems among CSXT crew callers cited in TCU's earlier comments have not diminished.

The drastic increase in freight service that CSXT will undertake as a result of this transaction will only serve to exacerbate the current strain CSXT is experiencing with respect to crew management and, consequently, undermine the safe implementation of this transaction.

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CSXT's proposed twenty-four week schedule for transferring Conrail's crew management operations to Jacksonville is far too rapid to allow for any useful assessment of how safely the transfer is being implemented. Therefore, in order to ensure that the transfer of Conrail's crew management operations is accomplished safely, the Board should condition approval of the transaction upon CSXT's adoption of an extended schedule for the transfer. Further, approval of the transaction should be conditioned upon strict FRA oversight of CSXT's crew calling operations, both during and for a reasonable period following the transfer of crew management operations.

Respectfully submitted,

Mitchell M. Kraus

Mitchell M. Kraus
General Counsel
Christopher Tully
Assistant General Counsel
Transportation-Communications
International Union
3 Research Place
Rockville, MD 20850
(301) 948-4910

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Comments of the Transportation-Communications International Union to Proposed Safety Integration Plans were served on all Parties of Record via first-class mail, postage prepaid, this 2nd day of February, 1998.

Mitchell M. Kraus

Mitchell M. Kraus

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**Brotherhood Railway Carmen Division
TRANSPORTATION COMMUNICATIONS
INTERNATIONAL UNION
AR-CIO, CLC**

M. E. LEWIN
June 2 - 20 7:10 2077

June 13, 1997

Mr. Mark H. McKean
Regional Administrator
Region 1
Federal Railroad Administration
35 Broadway, Room 1077
Cambridge, MA 02142

Office File: CB04-02-97-965-Oak Island 150

Dear Mr. McKean:

Please be advised that we have received a complaint concerning the movement of defective equipment into the Conrail Oak Island, New Jersey facility from various locations on the Conrail system in violation of Power Brake and Safety Appliance Regulations.

Below is a list of defective cars which were inspected on outbound at the Oak Island facility. As you can see, there are numerous cars which contain defective conditions under 49 CFR §231, Safety Appliances, 49 CFR §232, Power Brakes as well as 49 CFR §215, mechanical defects which were also discovered during inspection.

April 2, 1997			
Trails	Car No.	Defect	
BA-2	ADMX 29316	231	hand rail broken
ALBP	CMW 69619	232	resistor valve defective
OIAL	ATBP 326740	215	broken coupler
April 3, 1997			
Trails	Car No.	Defect	
OIAL	CSXT 137423	215	door
OIAL	CR 388636	231	hand hold defective
OIAL	CR 579804	231	brake stop defective
OIAL	EUR 16775	232	air brakes defective
OIAL	CR 579992	231	ladder defective - AR

3 Research Place • Rockville, MD 20850 • (301) 948-4910 • FAX (301) 948-1369

TCU Exhibit 1

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Mr. Mark McKeon
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April 4, 1997
Train Car No. Defect
PIOI IAR 0690 231 ladder defective
PIOI MERX 0006 231 sill map defective
PIOI MERX 0090 231 uncoupling lever defective
ALOI CR 598333 215 loose backing ring
ALOI RBOX 34737 215 draft gear
ALOI CNW 612761 215 door

April 5, 1997
Train Car No. Defect
OIAI TTWX 570473 232 air cut out
OIAI ATSF 622768 231 uncoupling lever defective
OIAI SFLC 254216 215 thin flange
OIAI FCEN 96269 215 load over
OIAI SOU 50317 231 brake beam defective

April 6, 1997
Train Car No. Defect
OI-60 GATX 20829 232 brake shoes worn and air cut out
ALBF ACFX 44666 232 retainer valve defective
ALBF ACFX 66681 232 angle cock defective
PIOI GVSX 768052 215 backing ring
PIOI PSPX 9979 231 uncoupling lever bracket defective
PIOI GVSX 137016 231 uncoupling lever defective
PIOI GVSX 129000 231 ladder defective - BR

April 8, 1997
Train Car No. Defect
PN-1 CR 604625 231 hand hold defective
PN-1 NLO 5805 232 brake shoe worn
OIAL TTZX 63755 232 excess piston travel
OIAL SOU 526132 232 excess piston travel

April 9, 1997
Train Car No. Defect
OIAL ASAB 7387 215 door
OIAL ETTX 820165 215 door
OISE ETTX 803543 232 brake shoe burnt
NSSE AWDX 331 215 door rail

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April 10, 1997
Train Car No. Defect
OIAL CR 582153 215 load over
OIAL DROW 60826 215 door handles
OIAL MP 268337 232 top rod worn out
OIAO DC 11010 215 door rail
BFAL PC 598094 731 brake map defective
OI-14 IC 563758 232 air brakes cut out
PN-1 CR 598490 231 ladder defective
PN-1 CR 604649 231 crossover board defective
CSSE TTIX 81961 215 thin flange - L3

April 11, 1997
Train Car No. Defect
PN-1 ATW 16002 231 crossover board defective - A
PN-1 QC 74868 232 air brakes cut out
PN-1 QC 76009 232 retainer valve defective
OIAL CNIS 417095 231 end ladder defective - BR
OIAL AWDX 60022 215 bolser and wheel
OIAL AWDX 307 215 door
PIOI FRDN 4125 231 ladder defective - AR
PIOI CR 604643 231 running board defective
PIOI GATX 3832 231 sill map defective
PIOI GATX 13383 231 running board defective
PIOI GATX 71776 232 brake shoe burnt
NSSE CN 623363 215 stalled wheel

April 12, 1997
Train Car No. Defect
OIAL ASAB 7413 215 door rail
OIAL PC 592057 231 ladder defective
OIAL CR 583070 231 ladder defective - AR
OIAL CP 80490 232 brake shoe burnt
OICA CTEX 27522 231 crossover board defective - B
OICA SOU 565364 232 slack adjuster defective
OICA SSAM 16381 215 end of cushioning device
OICA NATX 75041 215 thin flange

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April 13, 1997
Train Car No. Defect
PIOI IC 580237 215 thin flange - R3
PIOI CR 588610 231 hand hold defective
PIOI MERX 0105 231 hand hold defective - A
PIOI MERX 0086 231 hand hold defective
SESA VELX 78397 215 thin flange - R2
SESA TTIX 80407 215 end of cushioning device
ALBF CR 582374 231 brake map defective
BFAL GLNX 86338 231 running board defective

April 14, 1997
Train Car No. Defect
OIAL CNW 543007 232 train line defective
OIAL SP 292504 232 train line defective
OIAL CR 581732 231 ladder defective
OIAL NS 451104 215 door
OIAL SP 247245 215 door

April 15, 1997
Train Car No. Defect
OIAL WP 64523 232 retainer valve defective
OIAL CNIS 417095 231 ladder defective - AR
OIAL NSHR 1273 231 ladder defective
OIAL MTTX 472668 231 hand hold defective - BR
OIAO NW 190430 231 sill map bent - BR
OIAO CR 885191 231 sill map bent - AL
OIAO TTIX 81993 212 brake shoes burnt

April 16, 1997
Train Car No. Defect
OIAL ACFX 65008 231 sill map bent
OIAL PC 592096 232 slack adjuster defective
OIAL WG 83608 232 retainer valve defective
NSSE UTLX 300084 232 retainer valve defective

April 17, 1997
Train Car No. Defect
OIAL ADMX 00044 215 thin flange
OIAL SOU 551318 215 thin flange

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April 18, 1997
Train Car No. Defect
PN-1 CNIS 417177 231 crossover board bent - AB
PN-1 CR 604658 231 crossover board bent - A
OIAL NSHR 1076 232 slack adjuster defective
OIAL UMP 9618 232 reservoir pipe defective
OIAL HPLX 405511 232 air brakes cut out
OIAL GLNX 3620 231 uncoupling lever defective
OIAL IC 151673 231 ladder defective
OIAL HPLX 405549 215 thin flange - LA
ALBF AMGX 4320 231 ladder defective
ALBF AJN 2004 215 draft gear
ALBF CR 889137 215 draft gear
ALBF AEX 5347 215 draft gear
CSSE CN 415126 232 retainer valve defective

April 19, 1997
Train Car No. Defect
OICA LNAC 5827 232 retainer valve defective
OIAL BAR 8826 232 no piston travel
401 TTGX 911520 232 retainer valve defective
401 TTGX 940178 215 defective coupler
401 TTGX 254888 231 uncoupling lever defective

April 20, 1997
Train Car No. Defect
OIAO GVSX 530812 232 no piston travel
OICA SM 4152 232 train line defective
ALBF CR 231607 232 train line defective
A BF SOU 523659 215 door

The number of defective cars showing up in these trains simply do not all occur in route. The A defects are being missed upon manual inspection or are simply not being observed for the lack of inspections or blocks are being swapped by Conrail without having been inspected.

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Mr. Mark McKeon
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It would be appreciated if your office would investigate these allegations to ascertain the source and advise this office as to your findings. Please refer to our office file number with regard to future correspondence. Thanking you in advance for your cooperation and assistance in this matter.

Very truly,
H. B. Lewis
H. B. Lewis
General Vice President

sim
cc: R. A. Johnson
J. J. Parry
B. Fine
J. T. Schultz
A. Wybraniec
C. Marshall Friedman

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CENTRAL ADMINISTRATIVE UNIT
RECD: 2/3/98
DOCUMENT # 1/168 18 58 PM
BEFORE THE
SURFACE TRANSPORTATION BOARD
Finance Docket No. 33388



CSX Corporation and CSX Transportation, Inc.,
Norfolk Southern Corp. and Norfolk
Southern Ry. Co.--Control and Operating
Leases/Agreement--Conrail Inc.
and Consolidated Rail Corporation
Transfer of Railroad Line by Norfolk
Southern Railway Company to CSX Transportation, Inc.

COMMENTS OF THE ALLIED RAIL UNIONS IN RESPONSE TO
DRAFT ENVIRONMENTAL IMPACT STATEMENT

Pursuant to Decision No. 52 in this proceeding, the Allied Rail Unions' submit these Comments concerning the safety analysis component of the environmental study of the proposed acquisition of control of, and division of, the Consolidated Rail Corp. ("Conrail") by CSX Transportation Inc. ("CSXT") and Norfolk Southern Corp. ("NS"). The ARU will first highlight a few general problems with Applicants' Safety Integration Plans

"Allied Rail Unions" means the American Train Dispatchers Department/BLE ("ATDD"); Brotherhood of Locomotive Engineers ("BLE"); Brotherhood of Maintenance of Way Employees ("BMWE"); Brotherhood of Railroad Signalmen ("BRS"); International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers ("IBF"); International Brotherhood of Electrical Workers ("IBEW"); The National Conference of Firemen & Oilers/SEIU ("NCFO"); Sheet Metal Workers' International Association ("SMWIA"); and Transport Workers Union of America.

ARU incorporates in these Comments the arguments set forth in their earlier Response of Allied Rail Unions Concerning Environmental Report (ARU-21). ARU also incorporates herein the facts and arguments set forth at pp. 60-68 of their Comments Volume I (ARU-23).

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("SIP") that are of concern to all of the ARU unions. ARU will then provide a summary of points made by individual unions that have provided statements concerning safety issues specific to their crafts which are attached to these Comments.

I. GENERAL COMMENTS REGARDING SAFETY INTEGRATION PLANS
A. Conflict Between CSX and NS Pronouncements On
Safety Culture And The CSX And NS Labor Relations
Plans

In their respective SIPs, both CSX and NS relied heavily on their plans for positive "Safety Cultures". E.g. CSX SIP at 28-46, 213; NS SIP at 6-7, 27-29, 205-214. CSX discussed a Safety Culture based on "mutual trust, respect and openness" (CSX SIP at 28), noted alleged corporate principles of valuing employees and respecting their dignity (id. at 31), stated an intention to establish safety planning teams which would include representatives of rail labor (id. at 45) and noted the importance of good morale which it said flowed from "respect for the views of its employees" and "establishment of an atmosphere of trust and co-operation" (id. at 213). NS spoke about the importance of labor-management meetings on safety matters (NS SIP at 29), recognized the importance of employee "quality of life" issues (id. at 205) and also stressed the value of good morale (id. at 214-15). However, CSX and NS fail to see any connection between a positive Safety Culture and a positive Labor Relations Culture. Unfortunately, the Applicants' Labor Relations Cultures,

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especially as exemplified in their Appendices A to their Operating Plans and in their Rebuttal arguments, are antithetical to the Safety Cultures that they claim to endorse. On the labor relations side of things there is autocratic dictation of terms, not mutual respect trust and openness; and employee morale is afforded no weight when respect for employee views would become the slightest bit inconvenient in connection with the carriers' single-minded efforts to unilaterally implement rules that are perceived as advantageous to the carriers.

The ARU has shown that if CSX and NS implement the Transaction in the manner described in the their Operating Plans, their responses to the ARU's discovery, and their Rebuttal, employees represented by the ARU unions will lose significant rights under the rates of pay, rules and working conditions set forth in existing collective bargaining agreements ("CBA") as a result of unilateral action by CSX and NS.

Applicants have stated that most employees will not lose collective bargaining rights or their current representation and will work under CBAs that contain many of the same or similar provisions. Applicants' Rebuttal (CSX/NS-176) at 581-82. Applicants' Rebuttal repeatedly says that the CBAs of Conrail and CSX and NS are similar, functionally equivalent, or qualitatively comparable on balance. E.g. Applicants' Rebuttal at 573, 636-37. However, CSX and NS have not refuted the specific and detailed

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declarations of officers of the ARU unions which show that employees will lose CBA rights under Applicants' plans. Applicants have also failed to state that the agreements they plan to impose contain "the same" terms as the existing agreements applicable to affected employees; or, more importantly, that individual provisions of the existing CBAs that are more advantageous for affected employees than comparable provisions in the agreements they plan to impose unilaterally will be "preserved". The various locutions employed by CSX and NS to minimize the loss of CBA rights of affected employees only confirm that, under Applicants' plans, some employees will in fact lose bargaining rights and/or their current union representation, and many will lose CBA rights.

Applicants have also taken issue with ARU's assertion that they plan unilateral implementation of their planned changes, noting that they intend to employ the *New York Dock* processes which involve "negotiations" and then "arbitration". Applicants' Rebuttal at 611. However, the sort of negotiations and arbitration that have occurred in recent years under *New York Dock* could not reasonably be characterized as bilateral; and the positions advanced by Applicants do not suggest any acknowledgment of bilateral processes.

In recent years, *New York Dock* arbitration has become a process whereby arbitrators and the Board rubber-stamp the plans

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of the carriers, and in those rare instances where an arbitrator fails to accept the position of the carrier, the Board reverses the arbitrator. In the late 1980s the ICC took control of the process by assuming authority to review decisions of *New York Dock* arbitrators. Then the Commission held that *New York Dock* arbitrators are functionally agents of the STB whose decisions are reviewable for perceived failure to endorse carrier proposals that are claimed to be necessary to enhance the ICC/STB approved transaction, or even when they are not consistent with STB "policy". And some courts have accepted the notion that *New York Dock* arbitrators are the equivalent of Administrative Law Judges for the agency.

Additionally, the ICC/STB pronounced that *New York Dock* arbitrations are designed to foster any changes designed to realize that sort of efficiencies that the carriers presumably desired in effecting the approved transaction. The Board has further held that CBAs must give way to promotion of carrier efficiency, even when the efficiency cited is merely a reduction in labor costs. *CSX-Corp. Control--Chessie System*, (O'Brien Review Decision) F.D. No. 28905 (Sub-No. 27) (12/7/95). Moreover, as described in the ARU Comments and the Carriers' Rebuttal, the way the ICC/STB has defined the CBA rights preservation component of Art. I §2 of the *New York Dock* conditions, that provision has virtually ceased to exist. As a

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result of these ICC/STB applications of the conditions, arbitrators have begun to simply impose the plans which the carriers have described as generally promoting efficiencies or savings (e.g. *O'Brien Review Decision* and decisions cited in Applicants' Rebuttal at 659-661, 673-674; ARU Vol III at 266). Since the Board's agents take this approach, and since the Board has stepped in when the carriers have not prevailed, it is entirely appropriate to describe the current *New York Dock* process as unilateral.

Indeed, the Applicants' positions with respect to issues raised by labor in this proceeding affirm the ARU characterization. CSX and NS ascribe a worthless meaning to Art. I §2, i.e. that it preserves only vested and accrued benefits such as pensions. *Id.* at 650. However, railroad industry retirement benefits are predominantly statutory, and Applicants would exclude such rights as supplemental unemployment benefits from the scope of Art. I §2. *Id.* Thus, Applicants would essentially limit the scope of preservation of agreement rights to a matter already protected by statute. Moreover, CSX and NS assert that application of the "protections" must enhance efficiency which is, in turn, described as savings for the carriers. And they state that the proposed Operating Plans and Appendices A reflect their best judgments on how to achieve efficiencies, so consideration of the existing CBAs and the

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interests and desires of the affected employees and their unions are largely irrelevant. See e.g. Applicants' Rebuttal at 634-639, 648-649, 653-654. The Applicants' approach is perhaps best exemplified by the arrogant and condescending attitude expressed by their Labor Relations Vice Presidents in their joint deposition in which they revealed that they really had not read any of the Conrail CBAs, did not care about them and believed that their concerns about uniformity in payroll systems and ease of administration for labor relations officers and supervisors clearly outweighed any interests that employees might have in particular substantive CBA provisions which were attained through the give and take of collective bargaining. See excerpts of transcript, ARU Comments Vol. III (ARU-25) at 127-165. Thus it is quite clear that the Applicants see labor relations as a command process and not a bilateral process; and they plan to invoke the authority of this agency to legitimize their unilateral actions.

However, when CSX and NS were asked to explain how they will insure safe operations after they divide Conrail's trackage, they attempted to assure the FRA and the Board that safety concerns would be satisfactorily addressed and they relied heavily on asserted plans for Safety Cultures based on relations with their employees and their unions founded on mutual trust, respect, cooperation, openness and a recognition of the importance of

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respect for the dignity of their employees and high employee morale. Such Safety Cultures are simply not compatible with the Labor Relations Cultures described above. If management can, and is prepared to, use the processes of this agency to abrogate solemnly undertaken contractual commitments, if management is willing to ignore employee interests allegedly because of costs involved with programming payroll systems or training labor relations staff, then management is not committed to relationships based on mutual trust respect, co-operation and openness; nor is it willing to recognize the importance of employee dignity and morale. To invoke administrative authorization to eliminate rights that were obtained through the give-and-take process of collective bargaining, where every employee gain was bought and paid for, is to deny a relationship of mutual trust, cooperation and openness and to reveal contempt for employee dignity and employee morale.

ARU is not alone with respect to concerns about the impact of railroad industry labor relations on railroad safety. In its report on CSXT's safety problems the FRA stated:

The ability to eliminate safety hazards and promote prevention of injuries, collisions, and derailments, is dependent upon an atmosphere of mutual trust, respect, and openness. Unfortunately, for decades the railroad industry has been characterized by a culture that engenders an adversarial relationship between management and labor rather than one of cooperation. Getting the job done without admitting a need for help is

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the standard, leading to reluctance to ever take "bad news to the boss." The significance of this culture as an impediment to maximizing safety performance is readily evident throughout the U.S. rail system.

Executive Summary of FRA report on CSXT Operations at viii, ARU Comments Vol. III (ARU-25) at 227.

In short, the Safety Cultures described by the SIPs are fundamentally incompatible with the Labor Relations Cultures of these carriers. Accordingly, fundamental elements of the Applicants' SIPs are predicated on a false image of their relations with their employees.

B. CSX and NS Have Not Adequately Answered Safety Questions Engendered By Their Staffing Plans And Their Plans For Very Large Seniority Districts

The ARU has asserted that Applicants' plans to reduce their work forces will have adverse consequences for the safety of their operations. These assertions are supported by the reports issued by the FRA regarding post-transaction Union Pacific-Southern Pacific operations which found that tremendous emphasis had been placed on eliminating employees without regard for the consequences with respect to safe operations, and by the FRA report on CSXT which found that CSXT was already inadequately staffed in many crafts. Applicants responded by simply asserting that they will be adequately staffed. CSX SIP at 56, 123, 147, 162; NS SIP at 7, 143. But mere reiteration of prior assurances that the post-transaction operations will be adequately staffed

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does not answer the concerns raised by the ARU or by the FRA. CSX and NS have not explained why they believe that the numbers of workers in each craft that they anticipate will be adequate to insure safe operations. In particular, Applicants have not explained how they can adequately maintain their track, right of way and signal systems with at least 500 fewer maintenance of way employees and 15 fewer signalmen, when they do not plan to abandon or downgrade any track, and they plan to upgrade track and run more and longer trains more frequently at faster speeds than at present.

Applicants assert that these job reductions will have no impact on safety because the remaining forces will be more productive due to their use of regional and system gangs. CSX SIP at 162; NS SIP at 143. But they have provided no details to support such bald claims. For example, they have not shown that the productivity level of current regional maintenance of way gangs is such that they would be able to replace 500 employees. They also have not shown that the existing maintenance of way work forces have sufficient "down time" for their work years to be increased to permit them to absorb the work that would have been done by the 500+ furloughed employees. Moreover, even if the Applicants could show that existing forces could absorb the work of 500+ employees under given current traffic levels and train speeds, they have not shown how existing forces could possibly

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perform all necessary maintenance adequately when CSX and NS are running longer and heavier trains more often and at faster speeds. Moreover, comparisons to the larger job reduction projections in the UP/SP (Applicants' Rebuttal at 579) transaction are not valid because UP was planning to abandon certain lines and to sell others and UP was not projecting levels of increased traffic comparable to the projections put forth by CSX and NS. Thus Applicants have not adequately answered safety questions engendered by their plans to reduce their work forces.

Applicants have also failed to adequately address the concerns raised by ARU regarding the very large seniority districts planned for post-consummation operations. See ARU Comments Vol. I (ARU- 23) at 45-47; Response Of Allied Rail Unions Concerning Environmental Report (ARU-21) at 6-7. CSX and NS have attempted to minimize the potential for safety problems inherent in very large seniority districts simply by asserting that there will be no such problems, and noting that very large districts already exist elsewhere. Applicants rebuttal at 663-667 and 680-681. However, the problems raised by ARU can not be dismissed merely by denying their validity. As the ARU union officials explained, requiring employees to cover very large territories means that employees will work less frequently in familiar areas; safety is enhanced when operating employees,

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dispatchers, maintenance of way employees and signalmen work areas where they have had significant prior experience.

Applicants have attempted to minimize the significance of this problem by saying that just because an employee may be placed within a very large district, that does not mean that he or she will be assigned all over the district. Applicants' Rebuttal at 667. However, Applicants certainly have not offered any commitments in that regard. Indeed they have not explained why they need such large districts if employees will not really be required to work at any location within a very large district; nor have they suggested a willingness to accept an arrangement whereby seniority districts would have sub-districts and employees could bid outside the sub-districts, but would not be obligated to accept work outside their sub-districts. Moreover, the Applicants have failed to acknowledge that the provisions of the New York Dock conditions could be used to compel employees to accept faraway assignments because refusal of an assignment within one's district can be used to deny benefits. Most employees may be regularly assigned to work relatively near their homes, but some employees could be compelled to accept faraway assignments on a regular basis, and many employees could be required to do so on an occasional basis. Such an inequitable and unnecessary arrangement must have a negative effect upon employee morale.

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CSX and NS have also challenged ARU's assertion that very large seniority districts create safety problems, noting various places where very large districts already exist. Applicants' Rebuttal at 664-667, 680-681. However, the occurrence of the safety problems cited by ARU depends on the frequency with which the carrier actually assigns employees to faraway and less familiar work locations, the potential for such assignments increases significantly when very large seniority districts are created. ARU further submits that the safety problems cited by the FRA on UP and CSXT -- too few workers stretched too thin, and inadequately trained workers -- are related in part to over-large seniority districts.

Thus ARU submits that the CSX and NS SIPs have failed to adequately answer the safety concerns raised by the ARU.

II. COMMENTS OF INDIVIDUAL ORGANIZATIONS REGARDING SAFETY INTEGRATION PLANS

In addition to the Comments above which address the Transaction related safety concerns of all of the ARU organizations, a number of the ARU unions have specific comments which are appended to this memorandum and summarized below.

A. The Brotherhood of Maintenance of Way Employees

The statement of Richard A. Inclina, BME Director of Education and Safety (Attachment 1 hereto) identifies a number of problems with Applicants' SIPs that are specific to BME-represented employees. Among other things, Mr. Inclina shows

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that the Applicants' planned reductions in maintenance of way forces will have significant adverse effects on the safety of their operations. Moreover, Mr. Inclina takes issue with Applicants' assertion that increased reliance on regional and system gangs will allow Applicants to maintain smaller maintenance of way work forces. Indeed, he notes that increased reliance on such gangs can have adverse consequences for safety. Mr. Inclina also explains that Applicants' plan to use very large seniority districts will likewise have adverse effects on safe operations. Finally, Mr. Inclina notes that Applicants have failed to provide adequate explanations of their plans regarding future line sales and abandonments and the potential effects of such actions on track maintenance, their plans regarding training for their maintenance of way forces or their plans regarding coordination of dispatching and maintenance of way work.

B. Brotherhood of Railroad Signalmen

The Statement of Roland E. McKenzie, General Chairman United General Committee [Conrail] addresses a number of deficiencies in the CSX and NS SIPs with respect to signalmen. Among other things, Mr. McKenzie explains that the very large seniority districts planned by CSX and NS will have adverse effects on the safety of operations. Mr. McKenzie also explains the importance of the Conrail signal service desk to day-to-day operational safety as well as long term tracking and analysis of signal

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problems; CSX and NS plan to eliminate the service desk and this will impair efforts to maintain safe operations on the lines to be acquired by CSX and NS. Mr. McKenzie also demonstrates that Applicants have failed to provide adequate information regarding important safety issues pertaining to the planned Shared Assets Areas. Finally, Mr. McKenzie notes that Applicants' current plans will impair employee morale which will adversely affect the overall safety of train operations.

C. Brotherhood of Locomotive Engineers

In Ex Parte No. 574, Safe Implementation of Board Approved Transaction, the Brotherhood of Locomotive Engineers submitted Comments which referred to problems in the CSX and NS SIPs which relate specifically to engineers. Among other things BLE criticized the SIPs for inadequate arrangements for training of engineers and familiarization of engineers with new territories and new equipment. BLE also expressed serious reservations about CSX and NS plans to protect engineers from harassment and retaliation in connection with reporting of safety problems. The ARU respectfully incorporates those comments in Ex Parte No. 574 into these Comments.

CONCLUSION

For all of the foregoing reasons, the ARU submits that the final EIS should state that the Applicants' SIPs have not adequately responded to the issues raised by the Federal Railroad

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Administration which led to the Board's issuance of Decision No. 52 in this proceeding.

Respectfully submitted,

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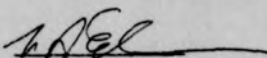
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Dated: February 2, 1998


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Department/BLE; Brotherhood of
Locomotive Engineers; Brother-
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Employees; Brotherhood of Rail-
road Signalmen; International
Brotherhood of Boilermakers &
Blacksmiths; International
Brotherhood of Electrical
Workers; The National Confer-
ence of Firemen & Oilers/SEIU;
Sheet Metal Workers Interna-
tional Association; and
Transport Workers Union of
America

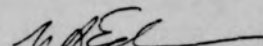
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CERTIFICATE OF SERVICE

I hereby certify that I have caused to be served one copy of the foregoing Comments Of The Allied Rail Unions In Response To Draft Environmental Impact Statement, by first-class mail to other parties on the restricted service list.

Dated at Washington, D.C. this 2nd day of February, 1998.


Richard S. Edelman

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Statement Of Richard A. Inclima

BEFORE THE SURFACE TRANSPORTATION BOARD

Finance Docket No. 33388

Comments of the
Brotherhood of Maintenance of Way Employees

The Brotherhood of Maintenance of Way Employees (BOME) is a labor union representing 30,000 railroad track and bridge maintenance workers in the U.S. and Canada. BOME respectfully submits the following comments to the docket.

BOME urges the Board to fully consider the safety ramifications of the proposed Conrail acquisition especially in light of the safety and operational difficulties which continue to plague the recently merged Union Pacific and Southern Pacific Railroads. In that transaction, the operational and safety ramifications of the merger had not been thoroughly detailed by the Applicants for consideration and review by the Board. Since January 1997, nine on-duty employees were killed on the job at UPSP, more than double the number of fatalities from the previous year. Five of the fatalities occurred in three separate train-to-train collisions between June and August 1997 on the UPSP. There were also numerous other train accidents/incidents which had potentially serious safety and health ramifications for railroad

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workers and the general public. These types of accidents underscore the operational difficulties which can and do occur in large financially inspired rail mergers.

To this very day operational difficulties plague the merged UPSP properties. Freight trains sit idle in rail yards, unable to move due to operational gridlock caused by the merger of these two colossal railroads. The American economy suffers from the UPSP's inability to service customers and move goods. Nationwide, rail employment continues to decline as carriers cut jobs and capital improvements to expedite the retirement of massive debt resulting from the financing of mergers and other railroad transactions. It is entirely possible that the NS/CSX/Conrail acquisition will result in operational and safety difficulties across the Eastern United States similar to those experienced by the UPSP.

We urge the Board to insist Applicants satisfy their obligation to submit complete and concise safety integration plans detailing how they will ensure the safe integration of Conrail into their own already vast rail systems. The Board, with the assistance of FRA, should undertake a more comprehensive and detailed analysis of this transaction to assure that the Applicant's have developed safety integration plans which provide and maintain the requisite level of safety.

BNSF's comments will primarily focus on the potential safety

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risks posed by the proposed acquisition of the Conrail System by NS and CSX as they relate to track, bridges, and structures. We urge the Board to consider the lack of specific details in the Applicants' submissions regarding the construction, renewal, and maintenance of track, bridges, and structures on the proposed merged properties. We believe the Board and FRA should determine specifically whether the individual Applicants can safely integrate operations based upon details of a comprehensive plan. Among other safety related issues, the Applicant's must be required to maintain sufficient manpower and equipment to safely and effectively maintain their right-of-way infrastructures across the entire proposed merged territories.

In reviewing the safety implications of the proposed Conrail acquisition, the Board should first undertake a comprehensive review of existing manpower levels in the maintenance of way (M/W) department of all three individual carriers. The Board should then closely compare these work force levels to the force levels anticipated upon completion of the merger. In the Labor Impact Exhibit filed on July 7, 1997, the three railroads state their intentions to abolish a total of 584 maintenance of way positions by the end of Year 2. A force reduction of this magnitude in M/W employment is difficult to comprehend in light of FRA's recent Safety Assurance and Compliance Program (SACP) audit report of CSX, dated October 16, 1997. In its SACP report, FRA found "that CSX lacks a fully consistent, sound track program across all parts of

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the system." Safety exemptions were noted by FRA in the following areas at CSX: track inspections, control of water saturation of track structures, vegetation control, roadway worker protection compliance, test car operations, procedures manual, and defective rail detection. FRA also determined "that some CSX track inspection and maintenance goals are based solely on the minimum Federal standards rather than more comprehensive CSX standards. BNSF is also aware of problems with CSX's bridge inspection and maintenance program. The very fact that CSX is not maintaining its infrastructure to CSX standards is indicative of current severe shortages in its maintenance of way work force levels. These infrastructure maintenance deficiencies will likely be further exacerbated if the pending merger is approved.

Norfolk Southern will also eliminate hundreds of M/W positions as part of its merger plans. While FRA has not yet conducted a SACP safety audit of NS, it is not unreasonable to assume that FRA will identify similar infrastructure safety deficiencies at NS. Even if no such conditions exist on NS, the Board must consider what safety impact the elimination of hundreds of M/W positions will have on NS over the long term. BNSF believes that the elimination of 584 maintenance of way positions will result in the merged railroads operating with less than adequate M/W force levels. Further reductions in already depleted M/W forces will likely result in increased track related derailments and potential public harm. These infrastructure maintenance concerns are

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amplified in this transaction due the dense population of urban Eastern states and the large number of commuter and Amtrak passenger trains which will operate over the merged territories.

NS and CSX profess that planned reductions in their track maintenance forces will be offset by expanding the territories over which regional and system gangs will operate on the combined systems. However, the Applicants have failed to demonstrate that expanding the geographic territories of mechanized track maintenance crews will have a positive effect on safety.

BNSF believes that the expansion of regional and system gang territories can have the exact opposite adverse impact on the safety of the combined railroads' infrastructure. As territories of system and regional gangs increase, the program frequency of such gangs to work on any particular track segment decreases. With expanded territories, there will be a corresponding decrease in the number of times regional and system gangs will be able to revisit an area for additional production maintenance. As system gangs operate with reduced frequency on any given segment of track, the maintenance needs of that segment of track will increase due to less programmed maintenance and the anticipated increase in traffic volume.

As production gang territories increase, track maintenance between visits by regional and system gangs will become

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increasingly dependant upon the utilization of maintenance of way section forces. Ironically it is maintenance of way section forces, a segment of the maintenance of way work force that has already been seriously depleted under the carriers' regional and system gang concept, which will likely suffer the brunt of the proposed steep reductions in M/W work force levels.

Thus, the Board must fully consider the impact of M/W work force reductions on the safe operation of the merged systems over the long term. In highly leveraged mergers of this nature, the Board must exercise broad authority to determine whether such workforce reductions are justified by economies of scale and better utilization of manpower and equipment as Applicants profess, or whether the reduction in work force levels is actually due to the carriers' desire to pay down their highly leveraged debt by laying off employees and curtailing track, bridge, and equipment maintenance.

Expanding the seniority districts of maintenance of way personnel poses a significant safety hazard to these employees who will be required to travel farther from home for longer periods of time in order for the corporations to reap their perceived business benefit. Expanding the already vast seniority districts of regional and system gangs will cause increased workplace fatigue and possible psychological and emotional stresses among M/W personnel forced to spend anywhere from weeks to months at a time

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away from their families. Clearly, quality of life issues for M/W employees and their families have not been addressed by the Applicants. The burden of generating business benefits to support this merger should not be born by railroad employees and their families who have no choice other than to acquiesce to the will of these corporate giants.

In reviewing M/W workforce levels in this transaction the Board should also require the normalization of work force accounting to reflect the impact of seasonality inherent to M/W work. For example, a carrier may claim that it employs a M/W work force of 1,000. However, it is highly likely that a significant number of those 1,000 employees do not work year round due to the seasonality of M/W work. Thus, the Board should require the Applicants in this transaction to normalize their work force accounting to reflect the true number and geographic location of M/W employees projected to work each month inclusive of main and secondary lines, yards, and sidings. In this manner, the Board will be positioned to determine the average number of M/W employees maintaining the infrastructure at different periods and geographic locations throughout the four seasons. Such accounting is especially critical to analysis of transactions such as this where a significant portion of the merged properties operate in northern climates where the track and bridge maintenance "window" is very narrow due to seasonal conditions.

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The Board should also require Applicants to account for all pending and future abandonments, spin-offs, or sale of parallel lines. Such a requirement would allow the Board and FRA to analyze what impact increased traffic density may have on the remaining lines to be operated within the system. As traffic density grows due to increased business and the addition of traffic diverted from lines no longer in the system, track capacity is strained and the ability to conduct track and bridge maintenance and inspection is severely undermined. With more and more traffic being hauled on fewer track miles, the availability of track time for maintenance, inspection, and renewal becomes problematic because moving trains remains the carriers' number one priority. This problem is further magnified in light of the fact that merged railroads tend to offset their transaction debts by curtailing their work force and expanding the territories of their remaining employees after Board approval of the transaction.

The Board must also assure that employees of the parties to this transaction are completely trained and qualified regarding how operating rules will be integrated to comply with the Railroad Operating Rules regulations, 49 CFR Part 217. Applicant employees on the three carriers are likely employing different variations of operating rules and practices, timetables, special instructions, bulletins, etc., governing the movement of trains and on-track equipment. Concise integration of different operating rules and

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procedures is paramount to the safe operation of any merged rail system. The successful integration of rules and procedures system wide becomes especially critical in this instant case due to the vast expanse of high density territories subject to the pending transaction. Difficulties in integrating operating rules, procedures, and corporate cultures grow exponentially in relation to the size of the merger. Details outlining employee operating rules training and instruction, employee safety training, and the integration of differing corporate cultures should also be closely scrutinized by the Board and FRA.

Full integration of train dispatching and emergency response procedures also needs closer Board scrutiny. Detailed information regarding how the Applicants plan to integrate different train dispatching and emergency response procedures on the merged properties should be further analyzed by the Board. Train dispatchers should be required to take familiarization trips over their assigned territories and no dispatcher should be allowed to dispatch a territory unless carrier has provided the dispatcher with initial and thereafter annual familiarization trips over the territory. Complete knowledge of physical characteristics is a necessity for train dispatchers, train crews, and M/W work crews. Therefore, the Board should assure Applicants satisfy operational requirements to assure all employees possess the required physical characteristics and operating rule qualifications prior to operating on any segment of the system.

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The BRRR appreciates this opportunity to submit these comments to Finance Docket No 33386.

Respectfully,

Richard A. Gochman

Director of Education and Safety
Brotherhood of Maintenance of Way
Employees

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Statement Of Roland E. McKenzie

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UNITED GENERAL COMMITTEE
Brotherhood of Railroad Signalmen
ROLAND E. MCKENZIE, GENERAL CHAIRMAN

January 30, 1998

Response of the Brotherhood of Railroad Signalmen to the CSX and NS Safety Integration Plan.

Statement of Roland E. McKenzie:

Neither CSX nor NS addressed safety and movement of trains through the SAA (Shared Area Areas). Presently, Conrail can control the flow of its own traffic in and out its yard areas. If the merger is approved with the CSX and NS they cannot. Traffic will be converging into those areas from all sides with both fighting over whose traffic is going to be handled first. This will undoubtedly be congested and a nightmare.

Neither the CSX nor NS had adequately addressed employee safety. As both railroad plans indicate, they desire to expand employee's territory domains and work territories. This expansion covers several times. Employees would be required to spend much of their work life traveling to unfamiliar territories. This expansion coupled with sleep deprivation is extremely unsafe.

In the SAA it's indicated that training would continue, since the Conrail C&S training facility will be closed in Columbus, Ohio. The Signal Training in the SAA will be non-existent.

One aspect I note in the SIP is the corporate attitude toward drugs and alcohol. Norfolk and Southern does not test and is not willing to submit its managers to drug and alcohol testing.

The following comments center around the abolition of Conrail's Service Desk and its relation to the SIPs filed by CSX and NS. The Service Desk is manned by C&S (Communications and Signals) employees, represented by the Brotherhood of Railroad Signalmen, 24 hours per day, 365 days per year. Present staffing consists of 12 Assistant Dispatchers and 5 Inspectors, supervised by a URSA Supervisor and a Management Engineer, who concurrently manage the Signal and Communications Repair Shop and Training Center.

The Service Desk, located in Columbus, Ohio, currently serves Conrail as a "clearing house" for both incoming and outgoing telephone (primarily) calls related to problems or incidents involving Signal Systems, Rail Highway Crossing Warning Systems, Communications Systems and various other systems or problems associated with the movement of trains. By collective bargaining agreement, the "Desk" serves to contact and dispatch Signal employees represented by the BRS for the trouble calls involving Maintainers' work outside their assigned hours. In practice, as the name Service Desk implies, the facility actually provides round-the-clock service handling incoming calls from the public, private industry, law enforcement and emergency service agencies and Conrail Dispatchers and employees. These calls concern signal failures, rail highway warning systems failures or false activations, equipment, crossing accidents and potentially hazardous conditions such as automobiles stuck on the track or trackside fire or other emergency situations. The Service Desk employee takes the incoming call, determines the proper

Route 200, 951 Robinson Road, Lemaster PA 17041

FAX 717-264-1404

717-264-0288

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Statement of Roland E. McKenzie

January 30, 1998

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course of action according to Conrail's policies and dispatches either the appropriate Maintainer or other Carrier employee, generally acting as liaison between Dispatchers, maintainers, the public and Carrier Officers. This work continues whether during normal hours of duty or after hours. During periods of inclement weather, derailments or signal outages requiring round-the-clock coverage, a provides coordination of the necessary forces coming and going, reassigning and enforcing hours of Service requirements during the process. Additionally, the Service Desk logs all corrective action taken as result of dispatching C&S employees, tracking corrective actions taken, actual hours worked, rest periods, etc.

The Desk serves as the depository for all records of permission for the application of jumpers (form CS39, sample enclosed), required when a signal or related apparatus is removed from service. The location of the device, action taken, times down and status of the employees involved is recorded, as well as the removal of the jumpers when the device is returned to service. Dispatcher notification of this action, rail highway crossing warning system malfunction, signal system failure or any other action involving the safe movement of trains or the safety of the employees or the public is customarily coordinated with the Service Desk.

The information gathered and generated by the Service Desk employee is used to generate individually numbered Event reports (sample enclosed). These Event reports as well as the telephone conversations, are permanently stored through the use of recorded telephone tapes and computer records. This process provides ready access in the event of the need for investigation of any Event by Carrier Officers, FRA Inspectors or others. Further, it provides a detailed database which can be queried to provide trends in trouble areas such as broken rails, pole line failures, vandals, false activation of crossing warning devices or manufacturer's product reliability, to name a few. Reports tracking the events are generated daily and distributed electronically to a multitude of locations throughout the Conrail operating system.

Enclosed also, is a spreadsheet detailing the Events generated by the Service Desk for 1997. As you can see, nearly 61,000 Events were logged by the Desk for the calendar year, all of which were in one form or another relative to the safe and efficient operation of trains and thus capable of impacting the safety of Conrail's employees, the employees of other Carriers or the public. This means that on average, each day, over 166 safety related Events occurred which required the attention of Conrail employees whose sole responsibility were those Events. Over 18,000 Events alone were attributed to rail highway crossings, with another 24,000 attributed directly to switches, signals track circuits and code systems, all of which come under Federal regulations. Of the 18,394-rail highway crossing related events, 10,57 required Dispatcher notification as required under FRA regulations. 1755 Events involving the use of jumpers or the temporary removal apparatus from service were logged. These figures are even more indicative of the actual work involved when it is considered that many of the events required multiple tasks, such as when an event occurs involving rail highway crossing warning devices that must be reported to the Dispatcher, local law enforcement and includes a CS 39. This is in addition to fielding the

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Chair
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Real Estate
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Patricia S. Reardon
Research and Development
M. G. Rieker
Canadian Imports
Richard A. Weiss
Manufacturing and Finance

President
Steve J. Miller

October 21, 1997

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

Dear Secretary Williams

I write to provide the comments of the American Public Transit Association (APTA) regarding 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*. Many of the Association's commuter rail members are submitting their own comments directly to the STB or comments are being made on their behalf by their respective state governments. The views presented here do not necessarily represent those of the individual transit agencies or the government of states in which they are located.

Overview

The relationship of a commuter railroad to a freight railroad is that of a **captives shipper**—a purchaser of service who frequently pays a higher price and gets inferior service. As outlined below, APTA is concerned that the pending legislation will perpetuate this unequal relationship, further degrading the service and the economics of America's current and future publicly owned commuter railroads. Our concerns are based upon the applicants' representations in their filing, prior commuter railroad experience with the applicants, and prior commuter railroad experience with large-scale freight railroad mergers.

We urge the STB to put into place, as a stipulation to this acquisition, a process that will provide a means to resolve future disputes between freight and commuter railroads, and safeguard the public's interest in and investment in passenger rail service.

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Mr. Vernon A. Williams, Secretary
Surface Transportation Board
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Background

ABOUT APTA

The American Public Transit Association is a private, nonprofit trade association that represents the North American transit industry. Established in 1882, APTA has more than 1,100 members including local mass transit systems, manufacturers and suppliers, and consultants to the transit industry. More specifically, APTA includes among its members approximately 400 American public and private mass transit systems, which carry over 95 percent of those using public transit in the United States.

APTA's Commuter Rail Members. APTA's fourteen U. S. commuter rail members include the eleven commuter railroads that will be affected by the pending acquisition, railroads that carry over 352 million passengers a year and over 1.2 million passengers every weekday. A list of APTA's commuter railroad members is attached.

Our commuter railroad members who are affected by the acquisition are located along the length of the East Coast - from Massachusetts south through Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and Florida, as well as in the center of the nation, in Indiana and Illinois. In these corridors, commuter railroads play a central role in ensuring mobility in the nation's largest and most densely populated urban areas, areas that also suffer from some of the worst traffic congestion and poorest air quality in the United States.

Significant Growth in Commuter Rail. The demand for commuter rail service is growing across the nation; indeed, ridership has increased 8.8% between 1993 and 1996. Established transit systems have gained 26 million new passenger trips a year during this period and new commuter rail operations that have recently become operational have experienced a 27% growth in ridership during the period.

Playing a role in the growth of commuter rail ridership has been the fact that since 1983 commuter railroads have invested billions of public tax dollars to improve their systems. These improvements have included investments in equipment and service, as well as investments in track and track structures. It is important to note that improvements to track and track structures have benefited both the commuter railroads and freight railroads. While a significant source of the financing for these improvements has come from local, county and state resources, federal investments have clearly been the key element in the revival of commuter rail passenger service.

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Surface Transportation Board
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In a recently released report entitled *Commuter Rail: Serving America's Emerging Suburban/Urban Economy*, the economic benefits that commuter rail operations provide to the public were estimated to be \$5.2 billion a year. The report also noted that over 180 of the Fortune 500 companies are headquartered in areas served by the nation's commuter rail systems. These employers, as well as businesses of all sizes, rely upon the availability of efficient and effective commuter rail service to get workers to their jobs, on time, every day.

Without a doubt, the continued success and the future growth of commuter rail service is central to both regional and national economic strength, and the attainment of key national objectives. It is in this context that APTA provides comments about the proposed acquisition, an action that must be considered in light of both its current and future impact on commuter rail operators.

Comments

Transportation System Access

The most critical area of concern to commuter railroads regarding the proposed acquisition is the impact that it will have upon their ability to access railroad rights-of-way (ROW) in their service areas. While some commuter railroads own their own ROW and receive rents from freight railroads for the right to operate over commuter lines to reach freight customers and terminals, many more make rent payments to freight railroads for the right to operate over freight lines in providing commuter rail service.

All three of the freight railroads involved in this action - Conrail, CSX and NS - have existing operating agreements with commuter railroads. In a very real sense, commuter and freight rail operations are interconnected and interdependent, each having the ability to affect the economics and operating success of the other. The complexities of this relationship and the potential limitations that the acquisition could place on the ability of commuter railroads to provide passenger service at current levels, as well as to grow in the future, cannot be casually dismissed - as has been done in the current application to the STB.

The inter-relationship of the freight and commuter railroads is further complicated by the way capital investments supporting commuter rail operations have been financed. It is important to understand that improvements made to upgrade freight tracks to permit passenger rail operations are generally carried out with public funds. In financing track, signal and related improvements to increase speeds to the level needed for efficient commuter rail operations or to achieve ride conditions appropriate for passenger operations, commuter railroads use public funds. In some cases these funds are federal grant receipts and in others they involve the use of state or local funds, including proceeds from long term debt.

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Mr. Vernon A. W. , asst. Secretary
Surface Transportation Board
Page 4

The freight railroads, and specifically CSX, NS and Conrail, have benefited significantly from the investment of public funds, investments that have helped them obtain additional capacity and improve their private sector operations. These investments of public funds makes it even more imperative that commuter rail interests in and access to the freight railroads be protected.

In looking at the proposal at hand, the STB has established a three-year period in which to assess the implications and impacts associated with the acquisition. Unfortunately, that timeframe does not cover the period when many existing operating agreements expire and when the issue of truckage rights governing future computer rail operations will be reexamined. By focusing on such short term, three-year, projections of freight traffic, the STB will not be able to ensure that existing and future computer rail operators receive fair or even reasonable treatment from CSX and NS beyond that period.

Based upon recent experience, we fully expect that commuter railroads that rent access to the tracks or to rights from CSX and NS will be faced with projections of increased freight traffic in their next round of negotiations. This increase in freight traffic will, in all likelihood, result in demands that commuter rail service be reduced or that the commuter rail operators finance additional capital improvements to accommodate the increased traffic. A close examination of the renegotiated operating rights agreements that have been approved to date will reveal that reductions have already been made in commuter rail service in order to accommodate increased freight traffic. While these reductions may have been made in light of other gains by our members, this is a one-time situation brought on by the need for CSX and NS to receive support for this merger. APTA is concerned that this will not be true in the future.

Excluding services. The CSX and NS application identifies freight traffic increases that are expected to occur in the corridors that are shared with commuter rail operators. However, the application fails to demonstrate that the shared track/capacity issue has been considered in detail and that commuter rail systems can be assured that their operations will not be affected. Among the freight traffic increases that are cited in the application are seven additional trains a day in VRE's Fredericksburg corridor (a 40% increase) and seven to eight trains a day in MARC's Annapolis corridor. While some might not perceive these to be major increases, they are well considered and will have current traffic in the corridors. We expect that increases such as these could have a significant impact on commuter rail operations.

System expansions. Also of great concern is the impact of the proposed acquisition on plans that commuter rail operators have been developing to expand their operations in the future. These expansion plans, which are undertaken to address regional goals for economic development and growth, or to find low cost solutions to congestion problems, are supportive of broader national economic and environmental goals.

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Because commuter railroads generally utilize federal funds to finance expansion of their systems, these plans take a long time to become operational. Many of our commuter rail members' long-term plans to expand their operations through the use of rail freight tracks/ROW, which are not currently used or are underused, could be negatively affected by the acquisition.

The two examples that follow demonstrate how important it is that assurances be made to commuter rail agencies that reasonable accommodation will be made to allow them to access the rail lines for the operation of expanded levels of rail passenger service.

NJ TRANSIT has been working on the expansion of its commuter rail network for a number of years. Using both federal and state funds, the agency has been studying the potential for commuter rail service to be restored in corridors that have been under the control of Conrail in southern New Jersey and the NYSA&W in northern New Jersey. The planned expansions of the commuter rail system are important components in the State of New Jersey's plans to realize its economic, mobility, and environmental goals.

The Southeastern Pennsylvania Transportation Authority (SEPTA) is another transit agency that is actively pursuing system expansion and New Start funding. The proposed Cross County and Schuylkill Valley Metro projects are focusing on new light rail lines or commuter rail service along existing freight rail corridors, parallel to active Conrail freight service. Both projects respond to changing regional demographic, development and travel needs, as well as the need for transit agencies to serve new markets, promote economic development and support community revitalization. The Schuylkill Valley Metro would also reconnect the Philadelphia and Reading metropolitan areas for the first time since 1981.

New commuter rail starts. Across the United States, there is keen interest in initiating new commuter rail services. As part of the nation's agenda to enhance mobility and air quality through the reduction of automobile traffic and regional plans to encourage economic development and growth, some efforts are made possible through the use of federal and/or local funds, including funds raised by long-term public debt. New commuter operations, utilizing existing freight rights-of-way, are in advanced stages of planning in: Portland, Maine; Burlington, Vermont; Raleigh-Durham, North Carolina; Jacksonville and Tampa, Florida; Atlanta, Georgia; Nashville and Memphis, Tennessee; Cleveland, Ohio; Milwaukee, Wisconsin; and St. Louis, Missouri.

In light of the large number of "new starts" commuter rail operations that are actively under consideration, it is important that the CSX/NS acquisition not be allowed to become a deterrent to the development of new systems.

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If this acquisition leads to greater restrictions on access to freight railroad rights-of-way, the establishment of new commuter rail operations could be affected. APTA believes that the STB should use this acquisition as an opportunity to promote cooperation between CSX and NS and commuter rail operations, ensuring that rights-of-way that are necessary for passenger service are available to the public, over the long term.

The central importance that access to CSX and NS lines has for current commuter rail operators, as well as future growth in the service, clearly indicates the need for a way to resolve disputes on this issue. In their discussions with the applicants, some commuter rail operators have been able to agree upon some form of accommodation regarding access issues. However, many of these accommodations were influenced by the need for public agency support for the proposed acquisition, a factor that will not be present in the future. APTA believes that, as a condition to the approval of this acquisition, the STB needs to define a process that will ensure that fair and reasonable operating rights agreements can be established in the future, with fair and reasonable compensation to CSX and NS. Such an action by the Board will ensure that commuter rail service in freight corridors is protected for the American public interest in the future.

Operating Service and Schedules

Closely associated with the issue of operating rights and the ability of our members to access freight lines, is the issue of how freight operations affect commuter rail service and schedules. Because the proposed acquisition directly affects some of the most highly concentrated rail corridors in the nation, where freight traffic shares space with heavily-used commuter and intercity passenger service, the issue of operating performance and ability to maintain on-time service schedules is critical. We expect that where increases in freight traffic are projected on lines that are also used for passenger traffic, conflicts between freight and commuter rail service schedules will also increase. The 40% increase in freight traffic in VRE's Fredericksburg corridor is illustrative of an area where on-time performance problems could be expected.

The experience of the Southern California Regional Rail Authority (see comments dated August 1, 1997 in Finance Docket No. 32760 [Sub-No. 21]) with recent rail mergers confirms the potential for freight traffic to interfere with established passenger operations. This point has been underscored in even more recent media accounts regarding Metrolink's (California) on-time performance problems on its Riverside Line that is used from the Union Pacific. The problems that the Union Pacific has encountered following its recent merger has made it difficult for several of our members to get railroad management to focus on commuter rail issues. Dispatching and coordination problems have gone unresolved, on-time performance is not a concern and communications in general have been difficult as the freight railroad has focused on its own problems.

2/3/98 10:33:03am-6

Commuter rail service issues have had very low, or no, priority and commuter passengers have suffered through unnecessary delays and degradations in the quality of service that they receive. The freight railroad has focused on backed-up freight traffic and ignored its commuter rail partners.

Our concern regarding this issue is further underscored by the prior experience of our members with the parties to the acquisition and the parties' stated desire to adopt existing agreements, some of which are outdated. Both NS and CSX, in spite of the existence of operating agreements designed to protect commuter operations, have caused significant schedule problems for the Virginia Railway Express (VRE). In incidents that occurred during the summers of 1996 and 1997 that were reported in local media accounts, VRE's ability to operate its service in accordance with published schedules was negated by the actions of the freight railroad owners.

Such interference, which results in delays in commuter rail service and poor on-time performance, encourages passengers to view transit services as unreliable. When faced with poor on-time performance, these riders have the option to return to their cars and will do so, further impacting the environmental and safety of the riders (see APTA's comments STB Environmental Impact Statement). In our experience, and in survey after survey conducted by transit properties across the nation, unreliable service and poor on-time performance are the biggest factors that cause transit riders to abandon public transit service in favor of private automobiles.

We note that the operating plans that have been formulated by CSX and NS provide no details about how they will accommodate passenger operations and work cooperatively with commuter rail operators to ensure that their schedules are maintained in shared corridors. Schedule interference, dispatching, and maintenance procedures are critical to assessing the impact of the acquisition, and the STB must insure that the efforts of commuter rail operators to provide high quality service to customers will not be undermined by the actions of the freight railroads. As with the issue of access, it is important that the STB provide a means to resolve potential disputes beyond the three-year timeframe, ensuring that future freight traffic increases are not a reason for commuter rail schedules and service to be interrupted.

In addition, we think it is appropriate to move towards incentive-based operating agreements in shared corridors, an idea that most freight railroads have not been willing to consider in the past.

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Railroad Retirement

The Railroad Retirement System, like Social Security, is a pay-as-you-go pension system that is a holdover from the days when freight and passenger rail operations were combined. Under the provisions of the Railroad Retirement Act, both commuter and freight railroads are charged a payroll tax based upon the number of active employees working for each system. This tax supports the pensions provided to railroad employees across the country - the only private sector retirement system that is mandated by Congress.

Over the years, freight railroad employment has dropped significantly as employees have retired and the industry has consolidated, while commuter rail operations and their publicly funded workforces have expanded. This new environment has created a situation in which commuter rail operators - funded by public and taxpayer dollars - are providing large and growing subsidies to the freight railroads in the form of pension payments to freight railroad retirees. The workforce reductions that will result from the proposed acquisition, as well as the previous freight railroad mergers, have served to exacerbate the current situation in which commuter rail employer tax burdens are three times that of FICA-based employers. APTA is concerned that the proposed action will result in additional cross-subsidization of the freight railroads by publicly funded commuter railroads.

APTA suggests that the STB review the 1990 report "Commission on Railroad Retirement Reform". Further, the impact that this acquisition and further declines in freight railroad employment will have on commuter rail systems needs to be considered by the STB in conjunction with the Railroad Retirement Board. The STB needs to impose conditions to this acquisition that will ensure that CSX and NS fund any negative financial impacts of the merger upon the commuter railroads' contributions to railroad retirement.

Conclusion

In the freight industry there is a group of customers who are known as "captive shippers," railroad customers who have no other alternatives in moving their products and are tied to one railroad. Because there is no competition for their business, captive shippers frequently pay higher rates and get poorer quality service.

The relationship of a commuter railroad to a freight railroad is that of a captive shipper. Commuter railroads that rent their tracks/ROW do not have an alternative way to transport their passengers. If they cannot use the tracks/ROW at the time that their customers want to travel, there is no need for their service. If their use of the railroad is subject to frequent delays, the quality of their service will be poor and it will go unused. And if they cannot gain reliable access to the railroad - the only alternative is to abandon their passengers.

2/3/98 10:33:03am-8

Our nation needs to maximize the public's use of mass transportation systems in order to enhance mobility and improve the environment. The establishment of cooperative and mutually beneficial relationships - not captive shipper relationships - between freight and commuter railroads is essential to the success and efficiency of the industry. The STB's review of the acquisition of Conrail's assets and rights by CSX and NS will play a role in how those relationships are defined in the future.

The American Public Transit Association urges you and the Board to ensure that commuter rail operations can continue to provide the American public with high quality and efficient transportation service.

Sincerely,

William W. Miller

William W. Miller
President

FH:mtt

cc APTA Commuter Rail Members

2/3/98 10:33:03am-9

APTA's Commuter Railroad Members

Caltrain, San Carlos, CA
Connecticut Department of Transportation, Newington, CT
Mass Transit Administration of Maryland (MARC), BWI Airport, MD
Massachusetts Bay Transportation Authority, Boston, MA
Metra, Chicago IL
MTA - Metro-North Commuter Railroad, New York, NY
MTA - Long Island Railroad, Jamaica, NY
New Jersey Transit Corporation, Newark, NJ
Northern Indiana Commuter Transportation District (NICTD), Chester, IN
Southeastern Pennsylvania Transportation Authority (SEPTA), Philadelphia, PA
Tri-County Commuter Rail Authority, Ft. Lauderdale, FL
Trinity Railway Express, Dallas, TX
Southern California Regional Rail Authority (Metrolink), Los Angeles, CA
Virginia Railway Express (VRE), Arlington, VA

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2/3/98 10:33:03am-10

**ENVIRONMENTAL
DOCUMENT**

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/3/98
DOCUMENT #21378 12:26:44 PM February 2, 1998

BEFORE THE SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO. 33388
CSX CORPORATION ET AL - CONTROL AND OPERATING
LEASES/AGREEMENTS - CONRAIL, INC. ET AL

COMMENTS

E. I. DU PONT DE NEMOURS & COMPANY, INC.

DuPont is a \$43 Billion diversified chemical manufacturer with over 200 manufacturing sites and almost 100,000 employees worldwide. DuPont has long been recognized as a leader in safety, with close to a 200 year heritage of commitment to safe manufacture, handling and distribution of its products. DuPont's corporate policy is to ship only materials which can be handled, transported and used safely.

DuPont is also a major U.S. rail shipper, with over 50,000 shipments annually, including a significant portion which are hazardous materials. DuPont also has six major plants as well as numerous customer and transloading or terminal facilities in the Northeast. Thus, DuPont has a vital interest in the safe and seamless implementation of the Conrail acquisition.

DuPont commends the Board for its concern about the safety aspects of this transaction and for its foresight in Decision 52 of requiring Safety Integration Plans (SIP's) to be filed by the two acquiring railroads, as part of the Environmental Impact Statement.

2/3/98 12:26:44pm-1

DuPont further suggests that the content of the SIP's be incorporated in any future Board oversight process. Recent experience in the West only serves to underscore the importance of having well conceived and comprehensive plans for integrating the various operations, processes, and cultures related to safety. Implementation of the Conrail acquisition will be even more complex than those in the West, since it involves a unique division of an efficiently operating rail network. DuPont also believes that systematically including similar SIP's in other future rail transactions would be constructive.

DuPont feels so strongly about safety that we have already met individually with both CSX and Norfolk Southern to discuss the details of their respective SIP's. Additional follow-up meetings are planned. Both railroads have an outstanding safety record, and have made a good faith effort to plan for the safe integration of Conrail into their operations. The draft SIP's contain an excellent overview of their plans for a seamless transition. As would be expected at this point, many specific implementation details are not yet included and/or have yet to be developed.

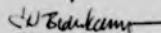
DuPont, for these and other reasons, does not wish to comment on the specifics of the Plans at this time, but encourages the Applicants to continue development of them so that all safety processes are clearly defined, in place, and understood prior to "Day 1". DuPont further encourages the Applicants to consider adopting where possible Best Practices already in place at Conrail.

2/3/98 12:26:44pm-2

One excellent example of such a Best Practice in Connrail's Five Year Plan is for implementation of the Chemical Manufacturers Association (CMA) Responsible Care® Partnership Program.

In summary, DuPont has high value for the Board's incorporation of safety planning and execution into the approved process for the Connrail requisition. DuPont also supports inclusion of the SIP requirement in any further mergers, divestitures, or acquisitions which come before the Board.

Respectfully submitted,


Charles N. Benkampen
Director Global Distribution

2/3/98 12:26:44pm-3

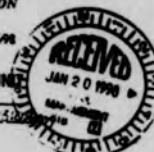


STATE OF CONNECTICUT
CONNECTICUT HISTORICAL COMMISSION

January 6, 1998

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

CENTRAL ADMINISTRATIVE UNIT
REC'D: 1/23/98
DOCUMENT # 1/23/98 13:13:03pm



Subject: Finance Docket No. 3388
CSX and Norfolk Southern
Control and Acquisition - Connrail

ENVIRONMENTAL
DOCUMENT

Dear Ms. Kaiser:

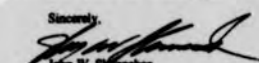
The State Historic Preservation Office has reviewed the *environmental impact statement* prepared concerning the above-named project. This office expects that the proposed undertaking will have an effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places. This comment upon the statement is intended to ensure that no changes to rail line segments, rail yards, or intermodal facilities, and no new construction projects are proposed within Connecticut.

This office appreciates the opportunity to have reviewed and commented upon the proposed undertaking.

We recommend that the responsible agency provide concerned citizens with the opportunity to review and comment upon the proposed undertaking in accordance with the National Historic Preservation Act of 1966 and the Connecticut Environmental Policy Act.

For further information, please contact Dr. David A. Poirier, Staff Archaeologist.

Sincerely,


John W. Shanahan
Director and State Historic
Preservation Officer

TEL: (203) 540-3001 FAX: (203) 546-3078
19 SOUTH PROSPECT ST. - HARTFORD, CT 06106 - 1901
AN EQUAL OPPORTUNITY EMPLOYER

1/26/98 12:13:03pm



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION
2000 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546



Office of the
Commissioner

January 30, 1998

An Equal Opportunity Employer

Office of the Secretary
Case Control Unit
Finance Docket Number 33388
Surface Transportation Board
1925 K Street, NW, Room 500
Washington, D.C. 20423-0001

Attention: Elaine K. Kaiser

Ladies and Gentlemen:

Subject: Finance Docket 33388, Draft EIS

The Connecticut Department of Transportation (CDOT) appreciates the opportunity to comment on the Surface Transportation Board's (STB) Draft Environmental Impact Statement, Proposed Connrail Acquisition (DEIS) dated December 12, 1997.

Based upon the discussion of the impacts that the subject Acquisition may have on the state of Connecticut (DEIS, Volume 1A, Chapter 5), it appears that CDOT was unsuccessful in fully articulating the nature and depth of its concern for an unconditioned approval of the Primary Application. This is clearly demonstrated by a significantly understated categorization of the nature of CDOT's comments as "Air."

As stated in our August 5, 1997 submittal, the areas in Connecticut that will be directly affected by the Acquisition are not in attainment with the US Environmental Protection Agency's National Ambient Air Quality Standards. Notwithstanding the noise and public safety impacts associated with the current level of traffic congestion in the I-95 corridor, vehicular emissions in the corridor are what continue to seriously undermine efforts to achieve attainment. Clearly, traffic congestion and air quality are inextricably linked in this region.

Seemingly contradictory statements in the DEIS suggest that a general reconsideration of the impacts of the Acquisition in the state of Connecticut is appropriate. For example, it is stated in the DEIS that, "CSX and NS anticipate that due to predicted truck-to-rail diversions, Connecticut would experience a benefit in the areas of emissions, noise and safety." This assertion is apparently contradicted by the statement in the very same section that "...no rail line segments, rail yards or intermodal facilities

1/30/98 1:14:21pm-1

Office of the Secretary

- 2 -

January 30, 1998

in Connecticut would experience increased traffic or activity... Realistically, it is conceivable, if not likely, that traffic congestion and air quality will worsen if the Primary Application is approved in its current form.

In sharp contrast to CSX, NS enthusiastically indicated to CDOT (prior to April of 1997) that RoadRailer-type service would figure prominently in its business and operating plans. Should this type of intermodal service flourish in southern regions, but terminate west of the Hudson River in the North Jersey Shared Assets Area, it must follow that a significant number of containers destined for points east of the Hudson River will complete the trip by truck on I-95. Paradoxically, a plan which purports to reduce traffic congestion, as well as enhance air quality and public safety, will have quite the opposite effect in Connecticut.

To generally improve rail freight service in the region, as well as to address almost certain environmental impacts, CDOT recommended that the STB approve the Primary Application only with conditions to ensure full competitive access to Connecticut for two or more Class I carriers; to ensure competitive connections to national markets for short-line and regional railroads in New England; to provide true incentives for the truck-to-rail diversion of traffic in the I-95 corridor; and to ensure the application of uniform, competitive rates for shippers in Connecticut and other areas east of the Hudson River.

The Department contends that by extending the North Jersey Shared Assets Area as far east as New Haven, the aforementioned conditions could be rather simply met. Obviously, this would require greater use of an improved carfloat operation in New York Harbor and operation of RoadRailer-type trains through Penn Station, as commuter operations permit. Though each of these service options represent a viable alternative to a circuitous routing around the state of Connecticut, neither is currently utilized.

As a minimum, the STB must direct the CSX and NS to negotiate further with affected carriers to establish, by date certain, competitive rail access and effective gateways for markets east of the Hudson River. Then, assuming the STB retains jurisdiction as requested by CDOT and many other parties of record, specific conditions should be imposed if competitive access to the region has not been deemed.

Given the limited information contained in the aforementioned section of the DEIS, CDOT is not wholly satisfied that the less obvious impacts of the Acquisition have been fully considered. It is CDOT's position that in areas of nonattainment,

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January 30, 1998

such as the I-95 corridor in Connecticut, both the primary and secondary impacts of the Acquisition deserve far greater scrutiny. Further, there should be a far greater willingness on the part of the STB to exercise its full authority in prescribing mitigation in such areas.

Therefore, we respectfully request that the Board reconsider the environmental impacts that the Acquisition will have in the state of Connecticut.

Very truly yours,

James F. Sullivan
James F. Sullivan
Commissioner

1/30/98 1:14:21pm-3

SOUTH WESTERN REGIONAL PLANNING AGENCY

DARIEN GREENWICH NEW CANAAN NORWALK STAMFORD WESTON WESTPORT WILTON
1 SELLECK STREET SUITE 210, EAST NORWALK, CT 06855 TEL: (203) 866-5543 FAX: (203) 866-6502

ENVIRONMENTAL DOCUMENT

CENTRAL ADMINISTRATIVE UNIT

REC'D: 2/2/98

DOCUMENT # 2/2/98 4:21:18pm

January 30, 1998

Office of the Secretary

Case Control Unit

Finance Docket No. 33388

Surface Transportation Board

1975 K Street, NW

Washington, DC 20423-0001

Attn: Elaine K. Kaiser

Environmental Project Director

Environmental Filing

RE: Draft Environmental Impact Statement
"Proposed Conrail Acquisition"

Dear Ms. Kaiser:

Thank you for furnishing us with a copy of the above document, which had a service date of December 12, 1997.

Unfortunately, despite the fact that we had submitted (under date of July 31, 1997) written comment on the Notice of Intent to prepare an EIS, we did not receive the Draft EIS until January 7, 1998, and then only at our request.

We have reviewed the Draft EIS in particular Volume 3A, Chapter 5 State Settings, Impacts and Proposed Mitigation - Connecticut pp. CT-1 thru CT-5 and figure 5-CT-1.

1. Principal Objection

We respectfully disagree with the following statement in the first paragraph on page CT-1:

"There are no proposed Conrail Acquisition related activities in Connecticut that meet or exceed the Board's thresholds for environmental analysis."

As we clearly stated in our July 31, 1997 comment, the CSX/NS plan for Conrail provides that: 1) Only CSX will operate east of the Hudson River, and thus there will be no direct rail competitive service available east of the Hudson River, and 2) Neither CSX nor NS plans to operate truck-competitive rail intermodal service directly along the Northeast Corridor north and east of Newark, New Jersey.

EQUAL OPPORTUNITY EMPLOYER

2/2/98 4:21:18pm-1

Both CSX and NS clearly state that they will vigorously seek to divert to rail intermodal a significant amount of truck traffic now operating on the I-95 corridor. (Atlantic seaboard) If they are successful, the heavy truck traffic on I-95 in Connecticut, already intense, will increase significantly. ConnDOT reports that the 1996 average daily trailer truck traffic on I-95 is 10,416 trailer trucks, or 8% of a total traffic level of 130,200 vehicles/day. These added trucks on I-95 will be operating to and from CSX and NS intermodal terminals in Northern New Jersey. (Please refer to EIS, Volume 3B, Chapter 5, Page NJ-5 which indicated a total increase of 1,280 additional daily truck trips, an increase of 88%, to and from the four intermodal terminals in Northern New Jersey) (Enclosure 3) Also, we understand that NS may establish a rail/truck intermodal terminal near Middletown in Orange County, New York, which will add more trucks to I-84 through Danbury, Waterbury and Hartford. As may be seen by the enclosed map ("NETT" Study - 1994) of Connecticut and Rhode Island showing limited access highways expected to be severely congested by the Year 2000, we need a rail intermodal directly across the Hudson River at New York City with rail intermodal continuing into southern New England along the Northeast Corridor. (Enclosure 4)

Action Requested

The section of Environmental Analysis of the Surface Transportation Board should address this issue and recommend appropriate mitigation. We strongly believe that the appropriate mitigation is to recommend that the conditions demanded by the Intervention Petition of Congressman Jerrold Nadler and 23 other Members of Congress should be made condition of final approval of the CSX/NS Railroad Control Application.

2. Other comments on specific paragraphs in Connecticut Section:

- Page CT-1 - Transportation Facilities

Add words: "The principal truck highway corridor for New England is I-95, which, unlike I-84 and I-90, is a direct, water-level route directly along the Northeast Corridor, and thus is particularly attractive to long-distance, heavy truck traffic."

- Railroad Facilities

Add words: "Conrail has truckage rights on Amtrak and the Metro North Railroad from New York City to New Haven, but has failed to use them except for local freight service. And, Conrail limits the Providence and Worcester Railroad in the exercise of their overhead trackage rights to the movement of stone only, and then, no further west than Fresh Pond Junction, Long Island, N.Y."

- Page CT-2 - Proposed Conrail Acquisition Facilities in Connecticut

We strongly disagree with the statement:

"CSX and NS anticipate that, due to predicted truck-to-rail diversions, Connecticut would experience a benefit in the areas of emissions, noise and safety."

-2-

2/2/98 4:21:18pm-2

We would respond the rail portion of these truck to rail diversions will end on the west side of the Hudson River in New Jersey. Connecticut will therefore have more, not less, diesel truck emissions, heavy truck noise and truck safety impact. Also, we would suggest that the single, planned CSX Boston to Atlanta intermodal train via Albany, N.Y. is too circuitous as to be competitive with trucks on I-95. Rail intermodal on the electrified NEC means clean air!

- Page CT-3 - Passenger Rail Service, Amtrak and Commuter Rail

We note that in Volume 1, Chapter 4 Section 4.7 Transportation, Passenger Rail Operations at Page 4-28 the following conclusion has been drawn:

"After the proposed Acquisition, the number of freight trains on the NEC still would be no more than the number of freight trains on the NEC prior to the formation of Conrail in 1976. Since that time, there has been an increase in NEC capacity as a result of the Northeast Corridor Improvement Program (NECIP), including many of the facilities already mentioned and signal improvements. Through its operating control of the NEC, Amtrak controls the schedule for the necessary 'track-out' time for maintenance of way, a substantial amount of which is done at night. As stipulated in the current Operating Agreement, which would be assumed by NS and CSX, it would be necessary for the Applicants and Amtrak to schedule freight operations carefully on the NEC."

In summary, the proposed increases in the number of freight trains on the Northeast Corridor should not effect existing passenger operations. These passenger operations occur mainly during the daytime hours. SEA believes at this time that there would be no Acquisition-related impact on passenger service on the Northeast Corridor by freight operations."

We would therefore conclude that, if the conditions demanded by the Intervention Petition of New York and Connecticut Members of Congress had actually been proposed as part of the CSX/NS Plan, the Section of Environmental Analysis would logically have drawn a similar conclusion as stated above regarding operations on the Northeast Corridor north of Newark, N.J., while giving due consideration of the particular concentration of rail traffic through the Penn Station tunnels. Indeed, a review of Table 4-7 Current and Proposed Operations on Amtrak's Northeast Corridor (pg. 4-25) the proposed post-acquisition train densities south of New York City are significantly higher than those north of New York City. In further support of this conclusion, we enclose an excerpt of our January 13, 1998 Rebuttal Statement to Applicants Rebuttal of December 1997. (Enclosure 2)

- Page CT-4 - Tables 5 CT-1 and 5 CT-2

We are amazed that the statements in both these tables, which, in our view, show no appreciation or understanding of the comments submitted by this Agency in its July 31, 1997 letter with enclosure.

-3-

2/2/98 4:21:18pm-3

OPPORTUNITY

The division of the Conrail system between the Chesapeake System (CSXT) and Norfolk Southern (NS) railroads presents a major opportunity to improve rail freight service in the Northeastern U.S. The Surface Transportation Board (STB) review of the proposed division should maximize this opportunity.

Improvement will come from direct competition between CSXT and NS and between both railroads and the trucking industry. This competition should be reflected in 1) lower freight rates, 2) longer single line service without costly interchange between different railroads, 3) new and greatly improved north-south rail services instead of only the east-west service provided by Conrail and, finally 4) shared use of the Northeast Corridor (NEC) for high-speed, truck-competitive intermodal rail freight trains.

LESS SERVICE EAST OF HUDSON RIVER

Unfortunately, New York City, Long Island, Connecticut and New England will not fully share in these improvements. See Attachment 5 for Triple Crown Network and north-south Routes which, unfortunately, do not extend east of the Hudson River.

BACKGROUND AND PROPOSED CSXT/NS PLAN

The April, 1997 agreement between CSXT and NS, which constitutes the plan now before the STB, provides that only CSXT will operate east of the Hudson River, denying or significantly reducing the major benefits of direct competition, lower freight rates and direct, truck-competitive intermodal service to New York City, Long Island, Connecticut and New England.

Prior to this agreement, NS had stated its intention of operating directly along the entire NEC, through Penn Station, New York City, using "Roadrailer" type intermodal equipment and single container-on-flatcar type trains, both of which can operate in the restricted overhead clearance environment of the NEC. It reported that success was being achieved in solving the operating concerns of Amtrak and line commuter railroads. NS, which operates the Roadrailer trains, wants to use the NEC so it can directly compete with trucks.

Unfortunately, CSXT has no such plans for direct service along the NEC through New York City. Instead, only one conventional intermodal train is planned, operating between Atlanta, Georgia and Boston, Massachusetts, using the longer, slower route via Albany, New York.

Unfortunately, too, under the present plan now before the STB, the low profile Roadrailer trains will not provide service east of the Hudson River because only NS (and not CSXT) operates this type of equipment.

2/2/98 4:21:18pm-8

Roadrailer, which can operate through Penn Station New York City and the river tunnels and which can operate at passenger train speeds, will, however, for the first time, be operated by NS on the NEC, but only on the southern half from Washington, DC to Newark, NJ.

The northern half of the NEC from Newark, New Jersey to Boston, Massachusetts, with fewer passenger trains than the southern half, will remain underutilized during off peak hours. Late at night, and early in the morning, it will be essentially empty. Such underutilization is particularly disturbing because the NEC is, like the highway system, owned, maintained and operated by the public. The public sector, like the private sector, should expect and receive the best possible return on its investment. (See Attachment 6 for Comparative Train Densities on NEC.)

The existing joint CSXT/NS application proposes joint passenger and freight operation of the Northeast Corridor (NEC) from Washington, DC north to Newark, NJ, which proposal we fully and enthusiastically support.

This joint use of the NEC is also important to Norfolk Southern, and we quote from p.226 of Vol. 3B of 8 (NS Operating Plan)

"The existing Roadrailer round trip between Newark and Atlanta, which operates five days a week, will be rerouted from the Hagerstown route to the NEC. Substantial mileage will be saved. This new route will permit TCS (Triple Crown Service) to compete with motor carriers for traffic between the Northeast and the Carolinas, something it cannot do using the Hagerstown route."

As may be seen, direct intermodal rail freight operation on the NEC is shorter in miles and permits direct competition with trucks, thus fulfilling one of the primary stated objectives of the Railroad Control Application presently before the STB.

North of Newark, New Jersey, the alternate routes to the NEC stated in the CSXT and NS operating plans are the proposed CSXT route to Boston via the existing Conrail lines. I.e. River Line to Albany and the Boston Line to Boston, or, as proposed by NS, the Hagerstown/Harrisburg/Scranton/Binghamton/Schenectady/Hoosac Tunnel route via Norfolk Southern, Delaware & Hudson (Canadian Pacific) and Guilford Transportation Industries lines.

Based on the NS statement quoted above, neither of these routes permit Triple Crown Service (TCS) or single container-on-flatcar intermodal (which can also operate through Penn Station) to directly and effectively compete with highway trucking along the entire north-south I-95 route.

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Thus, extension of joint passenger/freight operations along the NEC through New York City and northeast to Boston and New England is the only practical competitive intermodal alternative to continued highway truck congestion.

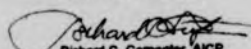
PROPOSED ACTION BY THE SURFACE TRANSPORTATION BOARD

Accordingly, we advocate that the EIS include a full review of this proposal, including the impact of a continuation of the status quo on air quality, safety, health and the economy. Such a review would be performed with a view toward persuading the STB to grant approval of the Railroad Control Application with appropriate conditions, namely: 1) permit and require operation of Roadrailer and single container-on-flatcar service through New York City via Penn Station to New Haven, Connecticut and beyond, and 2) require, in the interest of competitive rail freight service, joint access along this route to both CSXT and NS.

We fully acknowledge and appreciate that the freight service on the NEC should be high speed and compatible with intercity passenger and commuter rail operations.

Thank you for this opportunity to offer our comment.

Respectfully submitted,


Richard C. Carpenter, AICP
Executive Director

- Attachments (5)
1. Location of South Western Region
 2. SWRPA Plan
 3. Letter to Governor Rowland
 4. SWRPA Plan
 5. Network and Route Maps
 6. Comparative Train Densities

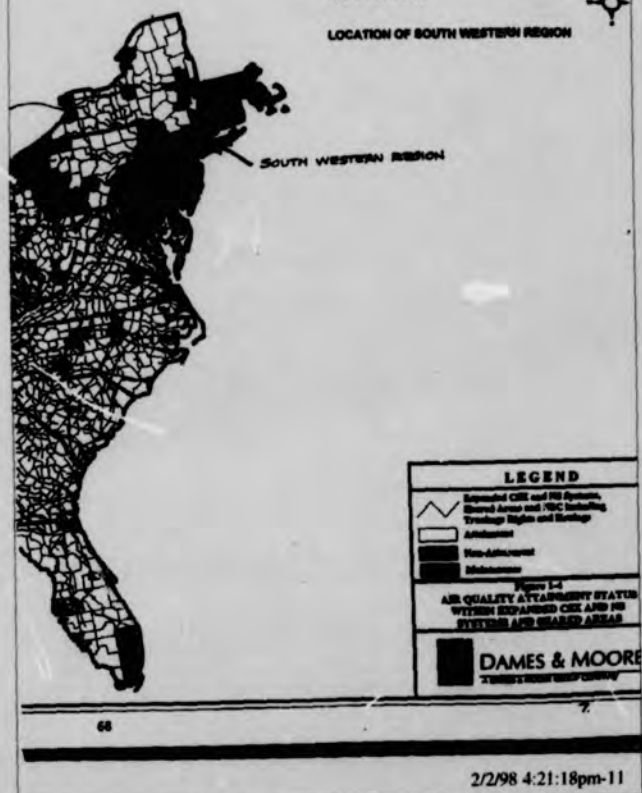
cc: Hon. Henry Sanders, Chairman, SWRPA
William Hutchinson, Chairman, SWRPA
Hon. James Sullivan, Commissioner, ConnDOT
Congressional Delegation

cc: Hon. Henry Sanders

2/2/98 4:21:18pm-10

Attachment 1 STB Ltr of 7/19/97

LOCATION OF SOUTH WESTERN REGION



2/2/98 4:21:18pm-11

1995 Regional Plan of Conservation and Development

December 1995

8.

2/2/98 4:21:18pm-12

1995 REGIONAL PLAN

station location is adjacent to the Wheels Bus "pulse point" station in downtown Norwalk, and would provide direct connections from the station to employment sites throughout the city.

Danbury Peak-Hour Train Service

There is also a need for additional train service on the Danbury branch of the railroad, particularly running north during the peak afternoon rush hour. At present, there is inadequate rush hour train service running north to Danbury, even though there are many workers now commuting into the Region from the Danbury area each day. The addition of northbound train service between 4:45 and 6:00 PM would increase the convenience and efficiency of using mass transit to commute into the Region to work, a major goal of the 1995 Regional Plan. As a direct result of SWRPA efforts, PM peak hour northbound service was initiated in July, 1995. However, additional service is needed.

Increase Use of Rail System for Interstate Freight

A major contributing factor to the severe congestion and air quality problems plaguing the northeast corridor is the truck traffic which must use the region to get from New England to New York and points south and west. While the completion of I-287 in northern New Jersey offers a new route for truck traffic to bypass the New York City and the South Western Region, going up the New York State Thruway to



The northeast corridor rail system can support additional freight usage to alleviate road congestion. Here, an Amtrak mail express train passes through Stamford station.

Newburgh instead of using the George Washington Bridge and I-95, additional freight traffic should be shifted onto the Region's rail network.

A new proposal for the larger tri-state region would greatly facilitate the transfer of some truck freight to rail lines. The Access to the Core plan being developed jointly by the Port Authority of New York and New Jersey, the Metropolitan Transit Authority, and New Jersey Transit would include provisions for direct rail freight access to Manhattan, possibly via the West Side Line and Oak Point link to New England, and to Long Island via the Hell Gate Line. Also, Road-Railer and single-container-on-flatcar service should be inaugurated through the Penn Station

9.

2/2/98 4:21:18pm-13

1995 REGIONAL PLAN



Additional commuter parking lots, such as this one in Westport, are encouraged to increase rail usage.

tunnels. SWRPA supports the development and implementation of plans which could substantially reduce truck traffic and congestion throughout the Northeast Corridor.

7.5 Plan Policies

SWRPA's adopted transportation policies address a wide range of legislative, physical planning, and demand management issues:

- Encourage development of a balanced transportation system which uses a variety of modes operating in a complementary way to save energy, reduce congestion, improve air quality and highway safety, strengthen urban centers, and finally, to meet the needs of

all residents, including the transit-dependent and the disabled. Human-scale design and "traffic calming" techniques should be used.

With the knowledge that financial resources are limited, analyze alternative fiscal and technical transportation strategies to meet regional needs. Such alternatives should:

1. Promote truck-competitive, intermodal rail freight service along the Northeast Corridor.
2. Promote shuttle buses to and from railroad stations.
3. Promote improvement of highway safety laws, especially speed limits, and elimination of defective equipment on cars, buses and trucks. Increase State Police Troop "G" staffing to enforce safety laws. Increase weigh station operation and education in driving safety practices.
4. Promote the use of less convenient locations and higher parking charges for single occupancy vehicles and also a weight/distance tax for heavy trucks.

7.6 Between New and 2005

Seven specific areas of planning and programming emphasis are needed to help achieve the goals of the regional plan for improved transportation management and reduced automobile and truck traffic on the

10.

2/2/98 4:21:18pm-14

1995 REGIONAL PLAN

Region's limited-access highway network.

- Complete capital maintenance programs for the Metro-North New Haven commuter rail line, ensuring continued and enhanced service, including through service at Stamford-New Haven to Hartford.
- Plan and implement an improvement program for U.S. Route 7 and Route 1 corridors. The SWRPA should continue to advocate the completion of new U.S. 7 to Danbury.
- Continue traffic safety and traffic management improvements for U.S. Route 7, the Merritt Parkway, and I-95, especially:
 1. Construct the full interchange between the Merritt Parkway and U.S. 7, and extend New U.S. 7 from Grist Mill Road to Route 33 South in Wilton.
 2. Exit 8 approaches to I-95.
- Begin to shift some long haul truck freight to intermodal rail freight along the Northeast Corridor rail line.
- Provide for additional commuter parking at rail stations along the entire line to encourage transit use.
- Complete the planned enhancement of Stamford's Transportation Center, with expanded capacity through the use of center island platform.
- Plan for the effects of additional traffic to and from outside the Region due to economic development now under our control.

11.

2/2/98 4:21:18pm-15



Hon. John G. Rowland
Room 200
State Capitol
Hartford, CT 06106

Dear Governor Rowland:

The South Western Region Metropolitan Organization has been deeply interested in the rail freight service which will result from the division of Conrail between the Norfolk Southern Corporation (NS) and the CSXT Corporation (CSXT). We respectfully urge you, as Governor, to request the Surface Transportation Board to amend the proposal before it to provide for the shared use of the entire Northeast Corridor. This would provide for competition along the Northeast Corridor and will encourage enhanced intermodal rail freight service, to ease congestion on I-95.

The mutual agreement reached in April between NS and CSXT provides that only CSXT will take over Conrail in New England and east of the Hudson River, including Conrail's trackage rights over Metro North between New York City and New Haven. NS by contrast, had proposed direct operation of "Road Railer" and single containers on flatcars through Penn Station, and directly along the Northeast Corridor toward Boston. CSXT now proposes the more circuitous routing (over 100 miles longer) from Boston west to Albany, thence south along the west bank of the Hudson River to Northern New Jersey. NS clearly states that it had been working out all operating concerns relating to direct operations thru Penn Station with Amtrak and the Long Island Railroad and with Metro North for operation on the New Haven Line.

We note that the CSXT/NS agreement of April 1997 allows for the joint use of the Amtrak Northeast Corridor from Philadelphia to Newark, which shares track space with New Jersey Transit and SEPTA trains. Accordingly, we urge that this same principle of shared usage could and should be extended eastward, across the Hudson River at least to New Haven, where Conrail trackage rights end. Continuation east and north in cooperation with the several existing regional railroads would then be possible. The proposed division of Conrail between NS and CSXT is now before the Surface Transportation Board for a decision.

Respectfully submitted,

Hon. Henry M. Sanders
Hon. Henry M. Sanders
Chairman

12

cc: Congressional Delegation

2/2/98 4:21:18pm-16

Attachment 3
STB Ltr of 7/21/97
LETTER TO GOVERNOR ROWLAND

METROPOLITAN PLANNING ORGANIZATION

One Sellick Street Suite #210 East Norwalk, CT 06855
Telephone: 203-866-5543 Fax: 203-866-5552

June 18, 1997

MPD ENDORSED SOUTH WESTERN REGION LONG RANGE TRANSPORTATION PLAN 1997-2017

Attachment 4
STB Ltr of 7/21/97

SWRMPD PLAN



6/19/97

South Western Regional Planning Agency
One Sellick Street Suite 210
East Norwalk, CT 06855
(203) 866-5543

13

2/2/98 4:21:18pm-17

FREIGHT SERVICE

Background

The South Western Region is situated along the primary freight service route to and from New England. Along the Northeast Corridor, within the South Western Region, the two transportation facilities which are available for freight transport are I-95 and the Northeast Corridor Rail Line, known locally as the New Haven Rail Line.

There is not a single through freight train operating east of New York City on the Northeast Rail Corridor. While the use of the Northeast Rail Corridor is restricted by low overhead clearance, horizontal clearance restrictions, intensive passenger train use, the Penn Station tunnels are the only direct crossing of the Hudson River and limited terminal facilities. This line is, however physically capable of accommodating "Road-Railer" and "Single-stack container" trains as well as freight cars that are not "over dimension".

Currently, all through rail freight which enters and leaves New England uses two rail routes through western Massachusetts. Trains from northern New Jersey en route south are forced to travel 150 miles north to Albany to cross the Hudson River. This circuitous route increases the cost of rail shipments and increases delay as the a major portion of New England freight is moved by truck.

As noted in the South Western Region Long Range Transportation Plan 1993-2013, additional freight movement problems included:

1. Congested highways and streets slow trucks in many areas. This is compounded by poor curbside management.
2. Reliable delivery schedules are hard to maintain as a result of highway crowding, incidents, accidents, and construction delay; and circuitous routings caused by commercial traffic restrictions and outmoded, insufficient highway infrastructure.
3. Freight costs are high, relative to the rest of the nation, because of highway congestion, construction, incidents, also minimal use of rail, and the higher costs of doing business in the New York area. There is a lack of competitive warehousing and distribution centers east of the Hudson River.
4. Air pollution, particularly carbon monoxide and particulate matter, is generated by trucks and is locally intensified by prolonged truck idling and congestion. No effective air pollution control measures for large trucks exist at present.
5. Highways, along with water mains and other subsurface infrastructure, are damaged and fail at a faster rate as a result of heavy truck use. There are many missing, restricted or insufficient highway links.

22

14

2/2/98 4:21:18pm-18

Recent Developments and Proposals

There are three recent developments and proposals which effect the viability of rail freight in the South Western Region.

1. **Proposed Merger of Eastern Railroads**
Late in 1996, Conrail and CSXT railroad management announced plans to merge into a single railroad. This would reduce the number of major railroads in the eastern U.S. from three to two-the other being the Norfolk Southern Corporation. Norfolk Southern opposed the proposed CSX/Conrail merger and made a counter proposal. Negotiations are underway between the three companies. A final public determination will be made by the Surface Transportation Board which is the successor to the Interstate Commerce Commission (ICC). The Coalition of Northeastern Governors have adopted a policy concerning this merger, which calls for competitive service and Norfolk Southern representatives have publicly proposed and are actively pursuing the operation to "Road Railer" type and single container on flatcar intermodal trains directly through the Penn Station tunnels and along the Northeast Corridor/New Haven Rail line into southern New England. This proposal is consistent with the South Western Region transportation policy for many years.

2. **New York Harbor Tunnel**
Early in 1997, Mayor Rudolf Giuliani of New York City, proposed a rail freight tunnel under New York Harbor, which would provide a direct full clearance rail connection between the national rail freight system and New York City and New England.

3. **Rhode Island Proposed Containerport**
Rhode Island voters recently approved a state bond issue to finance capital improvements for a containerport on Narragansett Bay at the former Naval Air Station at Quonset Point. Direct North East Rail Corridor freight service connections would benefit this facility.

Programs

Continue to monitor freight activities and studies and to participate in the Connecticut Public Transportation Commission (CPTC) and other organizations that discuss or impact freight. Findings and recommendations will be incorporated into future Transportation Plans and programs as appropriate.

Recommendations

- **Improve Rail Competitiveness**

- a. Revise public policy to actively promote and subsidize if necessary high-speed intermodal rail freight service along the Northeast Corridor via the Penn Station's tunnels, and directly along the Northeast Corridor Rail line.

23

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2/2/98 4:21:18pm-19

- 16

A-161

17

Figure 2000



19.

2/2/98 4:21:18pm-23



ENCLOSURE 2
172-051/24/25

Richard C. Carpenter, certifies under penalty of perjury as follows:

Interstate Route 95, which traverses southwest Connecticut, and is the most direct and only water level interstate route into New England, is one of the most heavily used truck routes in the United States. Heavy truck congestion on that highway is a major economic, safety and environmental problem.

The Providence and Worcester Railroad and the Pennsylvanians state that conflicts with passenger service almost never occur on the Northeast Corridor as a viable option or limit it to such an extent that the Board need not consider it. I attach hereto as Exhibit H, a copy of a New Haven Railroad April, 1946 employee timetable, (P159) which shows scheduled passenger, and mail and express train movements between New York City and New Haven. I also attach as Exhibit I hereto a copy of the July, 1946 New Haven Railroad freight service timetable which lists all through freight movements. I note that in 1946, the same track structure as exists today was in service, with the exception that there are now three instead of four tracks for the short distance of 12 miles from Devon to New Haven, Connecticut. However, in 1946, the signal system on this line was considerably less sophisticated than today. Then, the signal system provided for two tracks east and two tracks west, instead of the four track bi-directional traffic control system that exists today, which provides considerably greater train capacity. Train speeds are slightly higher today, as compared with 1946.

16

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	1986	1998
New Rochelle-Stamford	228 Passenger 22 Freight	225 passenger 5 freight
Total	250	230
Woodmont-New Haven	111 Passenger 24 Freight	83 passenger 3 freight
Total	135	86
Pelham Bay-Hellgate Bridge	29 passenger 22 freight	27 passenger 2 freight
Total	51	29

The argument that there is no track capacity for freight services is not consistent with the former record of the New Haven Railroad.

Institution of freight service on the Northeast Corridor through New York would provide New England shippers with the first viable alternative to truck service since the Penn Central ended through freight services via the Bay ridge (Brooklyn) - Greenville (New Jersey) car floats.

RoadRailer service through Pennsylvania Station in New York is feasible. I personally attended tests of RoadRailer equipment through Pennsylvania Station of August 3, 1982. I saw RoadRailer trains passing through the station. Indeed, I was depicted in the photograph of that test which was published in *Railway Age*, Exhibit B to the efforts of John F. McHugh above. Single container-on-flattie (COFC) through the Penn Station tunnels is also feasible. Just such rail intermodal equipment presently runs at high speed through the Channel Tunnel between Great England and France.

The real reason of truck dependence in New England and the reduction of emissions from truck traffic on Route 95 both in Connecticut and in New York State, are high regional priorities and the Board should not approve any plan which fails to address this truck congestion and emissions problem. The congressional proposal takes immediately available, practical steps to open two new access routes for this traffic to be handled by rail. Clearly, this effort represents a reasonable step to mitigate the effects of the planned CSX-NSP closing effort. The proposed CSX-NSP closing effort will result in a significant reduction in truck traffic with fewer out-of-state as well as more reliable service. Most significantly, the environment will be significantly improved to the extent that any such service is successful which is in marked contrast to the effects of the present CSX-NSP proposal. Indeed, at a public meeting of the Connecticut Public Transportation Commission, in May 1997, but prior to their negotiations with CSX, representatives of Norfolk Southern—then their direct competitors in the market—urged the Commission to support the CSX-NSP proposal, and single companies on Florida (COFC) trains through the Panama Canal.

State of New York, City of New York
January 12, 1948.

Richard C. Carmichael

2/2/98 4:21:18pm-26

ENCLOSURE 2
Ltr of 1/30/88

DRAFT ENVIRONMENTAL IMPACT STATEMENT
Finance Docket No. 333E9
"PROPOSED CONRAIL ACQUISITION"
Volume 3B Chapter 5
Page NJ-5

CURRENT AND PROPOSED TRUCK TRAFFIC TO/FROM INTERMODAL TERMINALS IN NORTHERN NEW JERSEY					
OPERATOR	TRUCKS/CONTAINERS		TRUCKS TRIPS/DAY		
LOCATION	CURRENT	PROPOSED	CURRENT	PROPOSED	DIFFERENT
C&D					
LITTLE PERRY Bergen County, N.J.					
	216	392	430	784	+354
C&X					
SOUTH KEARNY Hudson County, N.J.					
	410	488	520	976	+156
H&S					
E-RAIL Union County, N.J.					
	72	407	144	514	+670
CS&NS					
PORTSIDE Union/Essex, Counties, N.J.					
	26	76	52	152	+100
TOTAL	723	1,363	1,446	2,726	+1,280 +88.5%

2/2/98 4:21:18pm-27

EXCERPT FROM "NETI" STUDY
NEW ENGLAND TRANSPORTATION INITIATIVE
1994

ENCLOSURE 4
LTR. OF 1/30/98

YEAR 2000 SEVERE TRAFFIC CONDITIONS

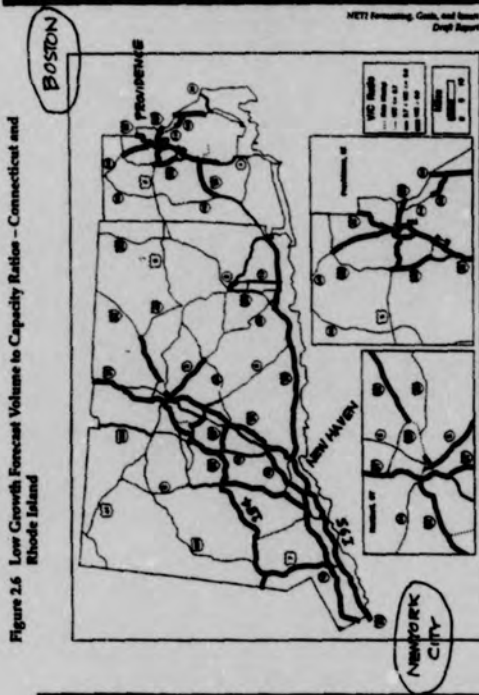


Figure 2.6 Low Growth Forecast Volume to Capacity Ratios - Connecticut and Rhode Island

Cambridge Systematics, Inc.

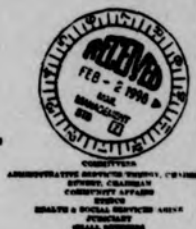
2/2/98 4:21:18pm-28

CENTRAL ADMINISTRATIVE UNIT
REC'D: 02/19/98
DOCUMENT # 213/98 324/18/01

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

HARRIS B. McDOWELL, III
GOVERNOR
1511 HARRIS B. McDOWELL, III
STATE OF DELAWARE
DOVER, DE 19901
SENATE OFFICE
LEGISLATIVE HALL, 213-214
DOVER, DE 19901

ENVIRONMENTAL
DOCUMENT
January 29, 1998



Ms. Elaine K. Kaiser
Office of the Secretary
Case Schedule Unit
Finance Docket No. 33388
Surface Transportation Board
1925 K Street N.W.
Washington, DC 20423-0001

Dear Ms. Kaiser

Attached is State of Delaware House Concurrent Resolution No. 59 and ten copies passed January 29, 1998, by the House of Representatives and Senate of the State of Delaware General Assembly.

The Resolution urges the Surface Transportation Board to reserve for future passenger rail use that portion of the existing Conrail lines in the State of Delaware that are included in the merger transaction of Conrail by Norfolk Southern Railroad and CSX Railroad.

Please consider this submission for the Finance Docket No. 33388 regarding the "Proposed Conrail Acquisition."

If there are any questions about the resolution of the Delaware General Assembly, please do not hesitate to contact me.

Sincerely,

Senator Harris B. McDowell, III, chair
Senate Energy and Transit Committee

cc: Rep. David Ennis
94644

2/2/98 2:26:18pm-1

HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19903

JOANN M. HEDRICK
CHIEF CLERK



ROOM 107
(603) 760-6007

I, JOANN M. HEDRICK, CHIEF CLERK OF THE DELAWARE HOUSE OF REPRESENTATIVES, DO HEREBY CERTIFY THAT THE ATTACHED COPY OF:

House Concurrent Resolution No. 59

IS THE SAME ACT THAT WAS PASSED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 139TH GENERAL ASSEMBLY.

Joann M. Hedrick
JOANN M. HEDRICK
CHIEF CLERK

PRINTED ON RECYCLED PAPER

2/2/98 2:26:18pm-2



SPONSOR: Rep. D. Ennis & Sen. McDowell

HOUSE OF REPRESENTATIVES

139TH GENERAL ASSEMBLY

HOUSE CONCURRENT RESOLUTION NO. 59

JAN 29 1998

URGING THE SURFACE TRANSPORTATION BOARD TO RESERVE FOR FUTURE PASSENGER RAIL USE THAT PORTION OF THE EXISTING CONRAIL LINES IN THE STATE OF DELAWARE INCLUDED IN THE MERGER TRANSACTION OF CONRAIL BY NORFOLK SOUTHERN RAILROAD AND CSX RAILROAD.

1 WHEREAS, the Surface Transportation Board is presently accepting public
2 comment on a Draft Environmental Impact Statement, Finance Docket No. 3388; and
3 WHEREAS, the Surface Transportation Board's Draft Environmental Impact
4 Statement pertains to the "Proposed Conrail Acquisition" regarding CSX Corporation and
5 CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway
6 Company; and

7 WHEREAS, this proposed Conrail acquisition by Norfolk Southern Railroad and
8 CSX Railroad will impact the people of Delaware now and in the future; and

9 WHEREAS, the House of Representatives and Senate recognize the benefits
10 which accrue to the people of this state by the presence of the existing Conrail rail lines
11 throughout this state;

12 NOW, THEREFORE:

13 BE IT RESOLVED, that the House of Representatives and Senate of the 139th
14 General Assembly believe that it is extremely important to the economy of this state to

HR DE : mm
94590

1 of 2

2/2/98 2:26:18pm-3

15 reserve the use of the existing Conrail rail lines that are included in the merger transaction
 16 by Norfolk Southern Railroad and CSX Railroad.
 17 BE IT FURTHER RESOLVED, that by reserving the use of these existing
 18 Conrail rail lines they will be available for future passenger rail service.
 19 BE IT FURTHER RESOLVED, that the preservation of these existing Conrail
 20 rail lines for future passenger rail service will contribute significantly to the reduction of
 21 VOCs and other air-borne pollutants, as identified by the Clean Air Act, as well as carbon
 22 dioxide and other greenhouse gases.
 23 BE IT FURTHER RESOLVED, that a copy of this House Concurrent Resolution
 24 be delivered immediately to the Surface Transportation Board, 1925 K Street, NW,
 25 Washington, DC 20423-0001

SYNOPSIS

This Resolution urges the Surface Transportation Board to consider the preservation of existing Conrail rail lines in its plan for future passenger service.

HR. DE. am
 94580

2 of 2

2/2/98 2:26:18pm-4

CENTRAL ADMINISTRATIVE UNIT
 REC'D: 2/10/98 12:26:44pm
 DOCUMENT # 2/10/98 12:26:44pm



STATE OF DELAWARE
 DEPARTMENT OF STATE
 DIVISION OF HISTORICAL AND CULTURAL AFFAIRS
 HISTORIC PRESERVATION OFFICE
 15 THE GREEN
 DOVER, DE 19001-5611

TELEPHONE (302) 739-5685

FAX (302) 739-5680

February 2, 1998

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

ENVIRONMENTAL
 DOCUMENT

ATTN: Elaine K. Kaiser, Chief
 Environmental Project Director
 Environmental Filing

RE: CSX and Norfolk Southern control and acquisition of Conrail, Draft Environmental Impact Statement (DEIS)

Dear Ms. Kaiser:

Attached is the original letter containing the DE SHPO's comments on the DEIS, its cover sheet, and its confirmation, regarding the above-referenced. Ten copies of these documents, as well as this letter, are also enclosed.

I would like to add two editorial comments concerning the DEIS. First, it would be helpful if the FEIS contained more detailed maps of the rail segments under consideration. In Delaware, several of the line segments are very close together, making it difficult to identify segment stationing points on the small scale maps provided in the DEIS. Second, the DE SHPO's previous correspondence with STB (letter dated October 16, 1998), was not included with other SHPO correspondence in Appendix A of the DEIS.

Thank you for your consideration of these comments. If you have any questions, please do not hesitate to contact me.

Sincerely,

Gwen Davis

Gwen Davis
 Archaeologist

Enclosures
 cc: Martha Catlin, ACHP

2/10/98 12:26:44pm-1



STATE OF DELAWARE
 DEPARTMENT OF STATE
 DIVISION OF HISTORICAL AND CULTURAL AFFAIRS
 HISTORIC PRESERVATION OFFICE
 15 THE GREEN
 DOVER, DE 19001-5611

TELEPHONE (302) 739-5685

FAX (302) 739-5680

January 30, 1998

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

ATTN: Elaine K. Kaiser, Chief
 Environmental Project Director
 Environmental Filing

RE: CSX and Norfolk Southern control and acquisition of Conrail, Draft Environmental Impact Statement (DEIS)

Dear Ms. Kaiser:

Thank you for providing us with the DEIS documents. Our comments concern sections relating to compliance with Section 106 of the National Historic Preservation Act, generally, and issues affecting the State of Delaware, specifically. Where relevant, specific sections of the DEIS are cited.

APPROACH TO CULTURAL RESOURCES

In general, the DE SHPO finds the Surface Transportation Board, Section of Environmental Analysis (SEA)'s approach to identifying historic properties, and determining potential impacts thereon, to be inconsistent with Section 106 of the National Historic Preservation Act, and its implementing regulations (36 CFR Part 800).

In a number of locations within the DEIS, SEA indicates that it considers only construction and abandonment activities to be relevant to effects on historic properties. Appendix G (Volume 5A), specifically states that traffic changes for rail segments, rail yards, and intermodal facilities have "little effect" on historic and cultural resources. However, SEA provides no justification for this statement. It could well be argued that an increase of eight (8) trains per day on a line that runs through a historic district would have an effect, as defined in 36 CFR Part 800.9(a), and

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Letter to E. Kaiser
 January 30, 1998
 Page 2

Adverse Effects, as defined by 36 CFR Part 800.9(b)(2) and (3), specifically. We recognize that SEA had to develop and apply several criteria to address various environmental effects, such as noise and air quality. Nevertheless, SEA should recognize that even if these thresholds, either for environmental analysis or for significance, are not met by a certain rail segment, it does not necessarily mean that the Criteria of Adverse Effect established under 36 CFR Part 800.9(b) do not apply.

SEA also indicates that the Board is limited to imposing mitigating conditions on the Applicants only in circumstances involving abandonment and new constructions. This is cited as an additional reason for not looking at historic properties in terms of effects from the other three identified activity areas. However, this limitation does not impede the SEA from making recommendations for mitigation on a host of other environmental areas affected by activities that do not relate to abandonment or construction, as evidenced in Volume 4.

Volume 1, Chapter 3, Section 3.13.3 discusses potential mitigation strategies for effects on historic properties. SEA indicated that "typically", the Board will require HABS/HAER documentation for effects on structures. Although this is recognized as a standard mitigation measure, the SEA also should recognize that 36 CFR Part 800 requires that avoidance and minimization alternatives to Adverse Effects also be considered.

The SEA's discussion of "typical" Board requirements for mitigation of archaeological properties also seems to lack consideration of avoidance of resources, and is inconsistent with the Advisory Council's regulations. The DEIS states that the railroad will be required to "cease construction or abandonment salvage activities if significant archaeological resources are identified during salvage of a rail line approved for abandonment or new construction of a rail line. Activities could resume after the railroad contacts the appropriate SHPO regarding identification and evaluation of any artifacts that have been discovered." This is a reversal of the steps required by 36 CFR Part 800.4, and sets all such projects up as 800.11 situations (addresses unanticipated discoveries). Additionally, it appears to entrust the reporting of "significant archaeological resources" to rail construction workers, who may not have the expertise to identify such properties.

DELAWARE

Volume, 3A Chapter 3-DE describes the potential impacts to Delaware. Only four of the nine rail segments met the Board's threshold for environmental analysis. SEA did not find that transportation, energy, hazardous materials/waste sites, natural resources or land use/socioeconomics were relevant technical areas for analysis in Delaware. (This seems to contradict

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Letter to E. Kaiser
January 30, 1998
Page 3

chart provided in Executive Summary, which indicates that several lines met the threshold for HAZMAT issues). Of the remaining technical areas, SEA found that only Cultural Resources required further study (i.e. compliance w/Section 106 re Shell Pot Bridge). Nevertheless, SEA will also recommend coordination among CSX and concerned groups in the City of Newark regarding existing and future safety concerns, particularly at-grade crossings, despite the fact that the increase in rail traffic was not considered significant by the Board's standards. Volume 4 provides SEA's Preliminary Recommended Environmental Mitigation for these two issues, in comments Numbers 13 and 25, respectively. The DE SHPO concurs that these recommendations are appropriate.

However, in general, the DE SHPO views the Section 106 process to be incomplete for the entire undertaking, not just the Shell Pot Bridge. Specifically, 36 CFR Part 800.4 and 800.5 (identification, evaluation and determination of effects on historic properties), have not been appropriately addressed. Appendix G contains an overview of the SEA's research concerning identification and evaluation of historic properties. SEA identifies steps such as background research, development of historic contexts, application of the National Register of Historic Places criteria, and application of 36 CFR Part 800.9 (criteria of effect). In another section--Volume 3A, Chapter 5-DE--SEA indicates that, apparently through this process, they determined the Shell Pot Bridge to be eligible for the National Register. Note, however, that the DE SHPO has not received any formal Determination of Eligibility for this property. To the best of our knowledge, the only information SEA collected concerning this property is that which we ourselves provided to your consultant, McGinley Hart. Recently, the Delaware Department of Transportation has provided a draft historic context for railroad bridges. This may prove helpful in the formal evaluation of this, and other affected properties in Delaware.

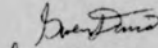
The DE SHPO also provided information concerning other resources or potential resources on/near the Shell Pot Connector, as well as on the main CSX and Amtrak (NEC) lines; information on the latter was sent to the Applicants' consultant, Dantes and Moore. We have no indication that the presence of these properties has been taken to account. Neither of the consultants visited our office to acquire complete information on known and potential historic properties in the Area of Potential Effect for the project. In particular, the Northeast Corridor, historically known as the Wilmington Rail Viaduct, is itself an identified historic property, that includes rail lines, bridges, and other related structures. Significant traffic increases are expected on rail segments on the Northeast Corridor. The STB and/or the Applicants will need to formally address effects on this historic property.

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Letter to E. Kaiser
January 30, 1998
Page 4

Thank you for your consideration of these comments. If there is any way in which we can assist the STB with fulfilling its Section 106 responsibilities in Delaware, please do not hesitate to contact me, or Gwen Davis, at (302) 739-6685.

Sincerely,


Joan N. Larrivee
Deputy State Historic Preservation Officer

cc: Martha Catlin, ACHP

2/10/98 12:26:44pm-5



DELAWARE STATE HISTORIC PRESERVATION OFFICE
18 THE GREEN, DOVER, DE 19901
(302) 739-6685
FAX (302) 739-6660

FAX TRANSMITTAL SHEET

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

From:
Joan N. Larrivee
Deputy SHPO

ATTN: Elaine K. Kaiser, Chief
Environmental Project Director
Environmental Filing

Company:
STB/SEA

Date:
Feb. 2, 1998

Fax Number:
(202) 565-9000

Total Number of Pages including Cover:
5

Re:

CSX and Norfolk Southern control and acquisition of Conrail, Draft Environmental Impact Statement (DEIS)

Notes/Comments

DE SHPO comments regarding the DEIS. Original with 10 copies will follow ASAP. Any questions, please contact Gwen Davis at number cited above.

(Note: faxed from Davis, KS-Rail office)

2/10/98 12:26:44pm-6

MESSAGE CONFIRMATION

02/02/98 19:44
11-DE STATE PARKS/DOVER CENTRAL OFF

DATE	S.R-TIME	DISTANT STATION ID	MODE	PAGES	RESULT
02/02	02:26	202 927 6225	CALLING	05	OK 0000

02/02/98 19:44 DE STATE PARKS/DOVER CENTRAL OFF + 912825657880 NO.001 001



DELAWARE STATE HISTORIC PRESERVATION OFFICE
18 THE GREEN, DOVER, DE 19901
(302) 739-6685
FAX (302) 739-6660

FAX TRANSMITTAL SHEET

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

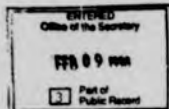
From:
Joan N. Larrivee
Deputy SHPO

ATTN: Elaine K. Kaiser, Chief
Environmental Project Director
Environmental Filing

Company:
STB/SEA

Date:
Feb. 2, 1998

2/10/98 12:26:44pm-7



ME JANE BRADY
ATTORNEY GENERAL

February 4, 1998

PLEASE RESPOND TO:

P. O. Box 778
Dover, DE 19901
Ph: (302) 739-4575
Fax: (302) 739-4119
Technic@del.state.de.us

Via Federal Express &
Insured Mail

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

Attention: Elaine K. Kaiser
Environmental Project Director
Environmental Filing

RE: Draft Environmental Impact Statement, Proposed Conrail Acquisition,
Comments from the Delaware Department of Transportation (DelDOT)

Dear Ms. Kaiser:

The Delaware Department of Transportation (DelDOT) has reviewed the Draft Environmental Impact Statement (EIS) for the proposed Conrail acquisition by CSX and Norfolk Southern (NS). We find the report clear and concise in some areas of analysis. However, there are several unresolved issues that must be addressed and further detailed. For your records, the Department and State strongly recommend that the Surface Transportation Board's Section of Environmental Analysis (SEA) consider or conditionally accept the following comments and conditions before the final analysis of the EIS may be evaluated.

Specifically, there are several areas:

Air Quality

The Department feels that the determination of air quality impacts in Delaware have been collected and evaluated incorrectly.

Emission estimates within the EIS show that the increased countywide air pollutant emissions will exceed the threshold for New Castle County, Delaware. The assessment also concludes that there will be localized increases in emissions, a concern for many Delawareans. However, the analysis of determining the overall impact with mitigation measures was

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Letter to Surface Transportation Board 2

February 4, 1998

evaluated on a regional basis. We feel that impacts with mitigation measures should be determined on a localized basis, since the entire freight operations are a stationary or linear source.

In addition, the EIS in Delaware also states that increases in air pollution are not likely to affect compliance with air quality standards. However, there is no proof or concurrence in this statement or assessment. In order to be consistent with NEPA guidelines, the Department would like to see a concurrence letter from the Delaware Department of Natural Resources and Environmental Control's Air Quality Branch. The letter should state that there will be no impacts to air quality standards in New Castle County and within the State.

Within the evaluation table for Annual NOx Emission Summary in New Castle County, the Department feels that truck diversion will not have immediate decrease of 4918 annual tons per year. In addition, the denominator that is used to conclude a 61% increase in county NOx emissions is outdated. Specifically, the analysis used to compare and evaluate the Existing County Total NOx emissions comes from a 1995 figure. With such an outdated base figure, the overall percent increase of air pollution may be reaching the 1% threshold. The Department feels that updated information and numbers are necessary to fully determine and summarize the air quality analysis. The applicants "Netting" criteria used is not the best method, since it only dilutes numbers and figures.

In evaluating the air pollution data for Delaware, the anticipated NOx emission from freight rail will be approximately 18485 annual tons per year. From an overall basis in New Castle County, this amount may be considered significant in Delaware (despite it not exceeding a countywide 1% increase). In Delaware, we consider this additional amount significant due to our smaller and localized region. As a result, the Department further suggests that the SEA should conditionally accept the proposed Conrail acquisition only if proper coordination, permits, and/or concurrence has been obtained from the Delaware Department of Natural Resources and Environmental Control's Air Quality Branch.

Commuter Service and Passenger Rail Service

DelDOT, through the cooperation of SEPTA officials, has contracted for a major commuter line and station in Newark, DE (along the Amtrak's Northeast Corridor). This station and location is key to the multimodal system and the administration's mission in providing alternative transportation choices. The passenger service of SEPTA in Newark to Wilmington and locations further north has been a major regional investment in this State. Future plans not indicated within the EIS assessment are to expand this SEPTA service line and offer service within the Stanton, DE region (i.e. Churchmans Crossing). Why was this not considered?

What is also questionable within the EIS report is that the Department's commuter rail service (SEPTA in Delaware) operates over freight carriers. However, the EIS also mentions that freight carriers operate over regional commuter lines (i.e. DelDOT's new SEPTA contract).

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Letter to Surface Transportation Board 3

February 4, 1998

The Department is not sure what to believe and is concerned over the contradictions of these statements. These need clarification.

Overall, will the Conrail acquisition impact the Department's future plans for additional frequency and times for commuter rail service along the Amtrak northeast corridor? The Department would like to know, in writing or in proof, that the Delaware regional commuter service (i.e. the DelDOT - SEPTA contract) will not be impacted currently or into the future. This also includes additional commuter rail service plans to expand service and frequency of times. There is no indication of this within the EIS report.

Cultural Resources

According to the NEPA guidelines, all additional bridges, building facilities, and rail yards that are expected to be improved or updated (as indicated) may be considered a secondary impact. Therefore, an inventory of existing facilities should have been historically evaluated.

Overall, the Department agrees that NS shall undertake no construction or modification of the Shellpot bridge near Wilmington, DE, until completion of the Section 106 process of the National Historic Preservation Act (16 U.S.C. 470f, as amended) and appropriate mitigation measures are identified. However, with this commitment, the Department cautions the interpretation of what is considered "appropriate" mitigation. Over the years, DelDOT's coordination on past and current projects with the Delaware State Historic Preservation Office (DE SHPO) has not always been a give and take process. It is the Department's belief that cultural resource measures obligated by applicants will be extended beyond the most feasible, reasonable, and appropriate measures as desired by the applicants. The DE SHPO has and will require measures that extend beyond the reasonable and feasible threshold. This may seem appropriate under the Section 106 regulations. In sum, the applicants may not adhere to the DE SHPO measures for cultural resource identification, alternative analysis, and appropriate mitigation.

Environmental Justice

The Department would like to know how the applicant obtained information in Delaware for evaluating the social-economic data of land uses and people who live along the rail lines. How did they conduct, collect, or verify the data to determine that minority or low-income population did not meet the threshold for further environmental justice analysis? It seems that there was no field evaluation or consultation with area representatives, so this evaluation could be incorrectly documented.

The EIS report indicates that a copy of the report has been placed in areas to ensure that high proportions of minority and low income populations. However, the applicants never considered the time, transportation needs, literacy, and ability to understand and interpret such a lengthy, complex, and professional document. By the time an individual or community is aware and can understand the available information and associated impacts, it is after the fact.

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Letter to Surface Transportation Board 4

February 4, 1998

Therefore, the Department would like to know in what areas of Delaware's minority and low-income populations this EIS report made available. Who are the points of contact and were they explained the background of the project? Were they able to explain or understand the associated impacts so they could disseminate information out into their community?

Hazardous Waste

Two rail line segments, Wisniewski to Elsmere (C-084) and Bell to Edgemore (N-010), were determined in the executive summary as exceeding threshold limits in hazardous material. However, within the individual report and analysis for Delaware, there was no discussion or mention of this exceeded threshold. If fact, within the Delaware Summary of Analysis (Vol 3-A), the applicants determined that the site specific analysis did not apply. The Department questions this analysis due to inaccuracies in indication levels. Will the Conrail acquisition impact hazardous waste threshold limits? The Department does not know because there are two different assessments within the EIS. The Department would like this formal analysis clarified and a response back to the Department before any final EIS decision is reached. In addition, the Department would also like proper time allotted in order to determine and respond to the SEA if there is a hazardous waste threshold limit exceeded in Delaware.

Areas of Social Concern - Newark, DE

The EIS mentions that the increase in freight trains may have minor adverse effects on the public (particularly pedestrian) safety, noise, emergency vehicle response, and hazardous material transport. The EIS determined that the minor increase in train traffic would have only a minor incremental effect on the community. However, this increase will tend to worsen the pre-existing conditions. In fact, they will be aggravated by the increased train traffic.

The Department concurs with the preliminary recommendation that CSX shall consult with local agencies, the University of Delaware, DelDOT, and other appropriate parties to address potential safety concerns regarding the three highway/rail at-grade crossings in Newark. Specifically, CSX shall meet with these parties to negotiate a binding mutual agreement on the implementation and funding allocation for measures to address safety concerns at these crossings. Appropriate measures could include gradient gates, pedestrian gates and fences, pedestrian overpasses, safety education, or other measures to address pedestrian safety.

At this point, there have been no appropriate alternative mitigation measures by freight carriers that have included consultation with the Department. Since the Department feels that mutual agreements stated above may never be reached before the release of the final EIS, the Department feels that additional measures shall also be included as a developing alternative mitigation.

As an additional provision, there are several overpasses and underpasses that pose as an immediate problem for traffic and pedestrian/bike safety. It is the Department's position

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that CSX shall also consult with local agencies, the University of Delaware, DelDOT, and other appropriate parties regarding overpasses and underpasses throughout the Newark, DE. Specifically, one example is located at Casho Mill Road in Newark.

Further Analysis Needed - Cumulative Impacts

It appears that the EIS overlooks the induced, additive, and synergistic impacts of cumulative impacts.

The EIS states that both CSX and NS plan to undertake future facility improvements in Delaware as part of the proposed Conrail acquisition. As it stands, the proposed Conrail acquisition related activity that would meet or exceed the Board's thresholds for environmental analysis in Delaware include increased train operations on a total of four line segments.

However, the Department disagrees with the assessment that there are no intermodal facilities or rail yards that would meet or exceed the Board's thresholds for environmental analysis. The Department requests that the EIS report further analyze and list increases in specific activities at certain intermodal facilities and rail yards.

The EIS also states that Delaware shippers would gain new and more efficient routes and services. Even the Port of Wilmington would gain extended market reach to the midwest and southeast through the expanded CSX and NS networks. As it stands, the proposed Conrail acquisition related changes would be largely limited to changes in train operations on existing rail lines. However, with the extended market outreach expected there are also future costs and secondary impacts/changes that are brought upon the State's transportation system. This was not addressed in the EIS.

Because the SEA did not take into account the increased freight activity with preventative maintenance provisions, the Department feels that safety operations in both freight and passenger/commuter rail operations in Delaware was inaccurately evaluated. In addition, the SEA did not accurately assess and conclude in estimating the potential risks of an accident.

The Department would like to know how maintenance agreements for safety concerns and operations will be addressed. The safety and increased maintenance concerns are also important factors for passenger operations through Delaware. What will be the future maintenance agreements shared by Amtrak, CSX, NS, and other governing agencies such as DelDOT?

Overall, the Department would like a commitment that maintenance of facilities and infrastructure needs will consider improvements that go beyond replacing in-kind structures or the least expensive options. For example, the overpass at Casho Mill Road in Newark is a one lane overpass that is extremely dangerous and is a safety concern. A longer span bridge is needed to address concerns both for rail service and transportation service along the road. When this bridge is replaced (or any other for this matter) the Department, along with many governing agencies, public officials, and citizens, feels that multimodal needs and the safety

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February 4, 1998

for this bridge should be addressed. This would include the provision of signs, lighting, sidewalks/bike lane additions, drainage, clearance, traffic calming, and/or wider travel lanes.

Within the EIS, the Department would like to know how CSX and NS plan to undertake facility improvements so as not to inhibit potential impacts caused by hazardous waste, traffic flow, multimodal investments and facilities, cultural and historic resources (including bridges and stations), noise, and passenger traffic. Even though the immediate Conrail acquisition may not immediately impact intermodal facilities and rail yards, future actions will. For example, the EIS states that there will be certain facility improvements in the future. How can the SEA properly consider any secondary impacts when CSX and NS appear to be segmenting phases and projects in future actions? There should be a direct correlation with impacts indicated for all anticipated future actions and facility improvements.

As a result, the Department does not concur with the statement that "there will be no intermodal facilities and rail yards that would meet or exceed the Board's thresholds for environmental analysis and there are no new connections or proposed abandonment." The Department believes that a long-range plan for the entire rail network should be established.

In addition, the EIS states that increased freight and operations require rehabilitation of the Shelltop Bridge. However, was there a proper assessment done to ensure that other bridges and high maintenance areas are not easily prone to accelerated safety concerns (i.e. secondary impacts of safety not evaluated)? This would not only include other Delaware rail bridges (underpasses and overpasses), but other freight and intermodal facilities, traffic intersections, sensitive land uses, and anticipated expansion areas as indicated within the EIS.

Realizing that increased freight train activity would increase the probability of a freight train accident, the Department would also like an analysis or evaluation of the increased maintenance program. Specifically, there should be a base line structural analysis of bridges (i.e. underpasses or overpasses, creeks/streams, etc.) and other anticipated maintenance areas. The EIS should discuss these existing base line conditions and how the expected weight and frequency travel consolidation will potentially increase maintenance operations.

As a specific provision in Delaware, the Department would like a commitment from the CSX and NS that they will partner with DelDOT both financially and administratively to determine that:

- On a continual basis, traffic and pedestrian safety at at-grade crossings and at overpasses and underpasses will be improved as reasonably needed or warranted.
- The Department would also like to see a document or special conditions for continual inspection of bridges, rail lines, and safety equipment (gating and lighting, etc.) at grade intersections.
- The SEA should also request a commitment for added maintenance. The Department and State do not expect rail companies to implement a maintenance or replacement program.

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February 4, 1998

solely after an accident occurs. We want to ensure that an accident never happens. The Department wants a formal commitment and dedication that maintenance and inspection schedules are implemented on a more frequent basis. These measures should be adopted and concurred before the SEA approves of the acquisition application.

Note

From the noise appendix table, the Department does not believe the consultants considered or measured sensitive noise receptors within the City of Newark. Noise study impacts in Newark should be considered because there are many sensitive receptors throughout this community.

The Department is also requesting that CSX and NS immediately commit to adopting and allocating funding programs towards implementing the future FRA rules on train horn blowing procedures. This should include a major commitment to install or retrofit safety features, barriers, lights, and crossing arms, when required.

I hope that the Department's comments and stated positions are clear. If you have any questions or clarification, please contact me at 302-739-4575.

Very truly yours,

Frederick H. Schranck
Frederick H. Schranck
Deputy Attorney General

FHS/mh

cc: Honorable Thomas R. Carper, Governor of Delaware
Anne Canby, Secretary of Transportation
Raymond Harbeson, Chief Engineer
Eugene Abbott, Director of Planning
Joseph Wutka, Assistant Director of Planning
Eli Cooper, Assistant Director of Intermodal Programs
Theresa Fulmer, Manager, Environmental Studies
Michael Hahn, Senior Transportation Planner

2/9/98 2:53:16pm-7

FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs

FLORIDA DEPARTMENT OF STATE
Secretary of State
Division of Historical Resources

CENTRAL ADMINISTRATIVE UNIT
REC'D: 1/30/98
DOCUMENT # 12319793853497

December 17, 1997

Mr. Elaine K. Kalner
Section of Environmental Analysis
Office of the Secretary, Case Control Unit
Pension Docket No. 33388
1925 K Street, N.W.
Washington, DC 20423-0001

ENVIRONMENTAL DOCUMENT

RE: Cultural Resource Assessment Request
Surface Transportation Board Pension Docket No. 33388: CSX Corporation and CSX Transportation, Inc. Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Control, Inc. and Consolidated Rail Corporation: Final Scope of the Environmental Impact Statement

Dear Ms. Kalner:

In accordance with the provisions contained in 36 C.F.R., Part 800 ("Promotion of Historic Properties"), we have reviewed the referenced project(s) for possible impact to historic properties listed, or eligible for listing, in the National Register of Historic Places. The authority for this procedure is the National Historic Preservation Act of 1966 (Public Law 89-665), as amended.

A review of the Florida Site File indicates that no significant archaeological or historical sites are recorded for or likely to be present within the project area. Furthermore, because of the project location and/or nature it is unlikely that any such sites will be affected. Therefore, it is the opinion of this office that the proposed project will have no effect on historic properties listed, or eligible for listing, in the National Register of Historic Places.

If you have any questions concerning our comments, please do not hesitate to contact us. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

George W. Perry, Director
Division of Historical Resources
and
State Historic Preservation Officer

GWP/jg

DIRECTOR'S OFFICE
E.A. Gray Building • 500 South Broadway Street • Tallahassee, Florida 32399-0000 • (904) 488-1400
FAX: (904) 488-0000 • TDD: (904) 488-0000 • WWW Address: <http://www.dos.state.fl.us>

ARCHAEOLOGICAL RESEARCH (904) 488-0000 • FAX: 488-0007
HISTORIC PRESERVATION (904) 488-0000 • FAX: 488-0000
HISTORICAL RESEARCH (904) 488-0000 • FAX: 488-0000

12/31/97 9:38:53am

Rec'd
CML
1/14/98

1/12/98 8:21:47 AM

Surface Transportation Board - Draft Environmental Impact
Statement - Proposed Conrail Acquisition - CSX Corporation,
Norfolk Southern Corporation and Norfolk Southern Railway
Company - Control and Operating Leases / Agreements -
Finance Docket Number: 33388 - Florida

FL 9712260822C

The above-described project was received by the Clearinghouse on 12/26/97
and has been forwarded to the appropriate reviewing agencies. The clearance letter and
agency comments will be forwarded to you no later than 2/9/98
unless you are otherwise notified. Please refer to the above State Application Identifier
(SAI) number in all written correspondence with the Clearinghouse regarding this project.
If you have any questions, please contact the Clearinghouse at (804) 922-5438.

1/12/98 8:21:47am

Hillsborough County
City-County
Planning
Commission

Michael R. English
Chairman

Laura Stein
Vice-Chairman

Mary C. Alvarez
Member-at-Large

Edward D. Dean
Robert A. Dean

J. E. Gentry, Managing
Director, Planning

James L. Ward
Jim T. Smith

Josephine R. Wilson
Robert B. Hunter, MCP
Executive Director

January 5, 1997

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

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CENTRAL ADMINISTRATIVE UNIT

REC'D: 1/14/98
DOCUMENT # 1/15/98 11:49:40 AM

RE: Docket No. 33388, "Proposed Conrail Acquisition"

Dear Mrs. Kaiser:

The Hillsborough County City-County Planning Commission has reviewed
the draft Environmental Impact Statement, Docket No. 33388, "Proposed
Conrail Acquisition." The Commission concurs with the findings of this
report, namely, that this project will have no environmental impacts in
Hillsborough County, with the exception of an increase in hazardous waste
transport between Winston, FL and Plant City, FL (Site Id. C-403).

Consistent with the preliminary mitigation recommendation by the Surface
Transportation Board's Section of Environmental Analysis (SEA), the
Planning Commission would like to recommend that, at a minimum, CSX be
required to bring the rail segment into compliance with Association of
American Railroads (AAR) key route standards and practices prior to any
increase in the transport of hazardous waste.

Thank you for the opportunity to comment on this project. Should you have
any questions, future correspondence concerning this project should be
directed to Shawn C. Collage, Senior Environmental Planner at (813) 272-
5940.

Sincerely,

Robert B. Hunter,
Executive Director

601 E. Kennedy, 100th Floor
P.O. Box 11100
Tampa, Florida 33601-1100
813-272-5940
FAX 813-272-5950
Internet: E-Mail
planning@hillsborough.com

CC: Phil Waldron, City Manager
Plant City, FL

A. Conrail is a City-County Agency serving the cities of Tampa, Plant City, Tampa Bay and the County of Hillsborough.
An Alternative Action/Opportunity Statement

1/16/98 11:49:40am

North Central Florida Regional Planning Council

6000 NW 27th Place, Suite A, Gainesville, Florida 32609-1000
(352) 339-0000 (352) 339-0000 FAX (352) 339-0000

January 29, 1998

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

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

Dear Ms. Kaiser:

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

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

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

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

Sincerely,

Steven Dopp
Senior Planner

Serving Florida's Six-County Valley

2/3/98 11:26:57am



CENTRAL ADMINISTRATIVE UNIT
REC'D: 1/31/98
DOCUMENT # 1/31/98 10:13:22 AM

OFFICE OF PLANNING AND BUDGET

DELL MILLER
GOVERNOR

YIM BURCHES
DIRECTOR

GEORGIA STATE CLEARINGHOUSE MEMORANDUM
EXECUTIVE ORDER 12372 REVIEW PROCESS

TO: Blaine F. Kaiser
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

FROM: Dolores S. Stephens, Administrator
Georgia State Clearinghouse

DATE: 12/23/97

SUBJECT: Executive Order 12372 Review

PROJECT: BIS: CSX Corp., Norfolk & Conrail Consolidation

STATE ID: GA971010002

CPDAS:

The State level review of the above referenced document has been completed. As a result of the
environmental review process, the activity this document was prepared for has been found to be
consistent with state social, economic, physical goals, policies, plans, and programs with which
the State is concerned.

Additional Comments:

Name:

DSS

ENCL: DOT/Office of Intermodal Programs, December 22, 1997

Form SC-4-BIS-4
January 1995

AN EQUAL OPPORTUNITY EMPLOYER

270 WASHINGTON ST., S.W. • ATLANTA, GEORGIA 30334-0800

1/5/98 10:13:22am

1/25/98

**ENVIRONMENTAL
DOCUMENT**

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 11:23 18AM

Attn: Ms. Elaine K. Kaiser

Dear Ms. Kaiser:

I am writing to you as a citizen of Cobb County, Georgia with comments and certain concerns regarding the draft environmental impact statement for the "Proposed Conrail Acquisition". My concerns relate to material in Volume 3A, Chapter 5, Section 5-GA, "Georgia Cumulative Effects". These concerns include the failure to include in Georgia's cumulative effects a related Norfolk Southern intermodal facility planned for Cobb County Georgia.

The proposed 830 acre intermodal facility would surround Clarkdale, Georgia, a historic village listed on the National Register of Historic Places. It would also severely impact 112 acres of wetlands through stormwater discharges, and destroy another 25 acres of wetland and replace them with retention ponds. In addition, the facility will place up to 1,643 additional tractor-trailers onto U.S. Highway 278 each day, severely impacting the air quality in Cobb County. Please note, Cobb County is a non-attainment area under the Air Quality Standards of the Clean Air Act. The existing traffic situation on U.S. Highway 278 is already bumper-to-bumper during peak hours each day.

As a result of the proposed project's detrimental effects on the densely populated residential areas which surround the proposed site, the local government with jurisdiction (Austell, Georgia) denied Norfolk Southern's request for a heavy industrial zoning. In an extremely unusual action that many feel violates the U.S. Constitution, Norfolk Southern then decided not to appeal the zoning, but rather obtained a federal court ruling that indicates the planned facility is NOT subject to local or state zoning laws or police powers.

Since the court ruling essentially leaves local or state governments with no authority to police or regulate railroad activities, we are totally dependent upon the federal NEPA and wetland process to review this planned facility. Again, we feel that this action is a gross misuse of the powers conferred by federal Interstate Commerce statutes.

2/3/98 11:23 18am-1

We are asking that the Army Corps require a separate environmental impact statement for the proposed Cobb County facility. The Federal EPA has agreed with our initial assessment (that the project requires additional review), and we are waiting on the Army Corps' wetland permit decision.

Please note, the Georgia impacts outlined in your "Proposed Conrail Acquisition" Draft Environmental Impact Statement DO NOT contain the correct impact information for Georgia. We would ask that the Draft impact Statement, and your Georgia analysis be modified to include the impact information outlined for Cobb County in the Army Corps' and EPA's review.

Thank you for the opportunity to comment on these matters. Please note that all of the local governments in this region of Georgia (Cobb County, Douglas County, Cities of Powder Springs, Austell, Clarkdale, Douglasville, and East Point) are on record opposing this facility. In addition, our congressman (Rep. Barr) and state legislators are also working with us on this situation.

Sincerely,

Brian Williamson

Brian Williamson
4690 Springgate Drive
Powder Springs, GA 30073

Attachments

Attention: Elaine K. Kaiser
Environmental Project Director
Environmental Filing

2/3/98 11:23:18am-2

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**



Atlanta Federal Center
41 Forsyth Street S.W.
Atlanta, Georgia 30303-5415

ECI 3 g 001

4WMD/WC/QGB/RL

Colonel Grant M. Smith
District Engineer
ATTN: Aaron Valente
U.S. Army Corps of Engineers
P.O. Box 889
Savannah, Georgia 31402-0889

SUBJ: Norfolk Southern - 970001170

Dear Colonel Smith:

This is in response to your request for comments on the above referenced public notice. Norfolk Southern is seeking to impact approximately 24.8 acres of wetlands in connection with construction of an intermodal terminal facility on an 830 acre site. The facility will be used to annually shift up to 600,000 trailers or containers to and from rail cars. As mitigation for the project's wetland impacts the applicant originally proposed to preserve 87.6 acres of wetlands, and create 21.4 acres of wetlands. The applicant also proposed creating 21 acres of "bioretention" ponds. The proposed impact site is located near Austell, Cobb County, Georgia.

The Environmental Protection Agency (EPA) has reviewed the public notice and the large amount of supporting information provided by the applicant about the project. EPA has also reviewed many of the comments from environmental organizations and members of the public. Our review of the information raised a number of concerns regarding the project. We presented the concerns in detail in our letter of October 6, 1997, and recommended that the permit for the project, as proposed at that time, be denied. Our primary areas of concern were the scope of the alternatives analysis and the proposed compensatory wetland mitigation plan. We also acknowledged the many comments EPA has gotten from the public concerning stormwater impacts, noise, water quality impacts in the watershed, changes in land use, air quality impacts, increased traffic, and impacts to historic resources among others. EPA recommended that your office evaluate these issues to the fullest extent in the public interest review and under the National Environmental Policy Act. This is particularly important due to the applicant's apparent exemption from local land use controls.

On October 20, 1997, Robert Lord of my Wetlands Section Staff met with representatives of Norfolk Southern and members of your North Section staff to discuss EPA's concerns. Norfolk

2/3/98 11:23:18am-3

2

Southern presented additional information on the alternatives analysis, which appears to have been more extensive than what was described in the application. Norfolk Southern also proposed additions and amendments to the compensatory wetland mitigation plan. These proposed changes and additional information made considerable progress in addressing EPA's concerns. However, we have yet to receive written documentation of the proposed changes to the application.

Since our October 6th letter, EPA has received additional comments and information from the public and local governments concerning the project. We have not fully evaluated this information. Unfortunately the Memorandum of Agreement on Section 404(q) does not allow much time between the 3(a) and 3(b) letters to address changes to a project by the applicant or to respond to a large volume of comments generated by a project such as this one. Also, your office has scheduled a public hearing on this project for November 12, 1997. We intend to have a representative attend the hearing and will would like to factor the public's comments into our evaluation of the project.

Therefore, based on the information currently on hand and yet to be reviewed, and pending the public hearing, our original concerns with this project have yet to be resolved. Thus, EPA has determined that this project does not comply with the Section 404(b)(1) Guidelines and we recommend that a permit for the project, as originally proposed, be denied. EPA has also determined that this project, as originally proposed, will impact aquatic resources of national importance and we retain the option to refer this project through the procedures outlined in the 1992 Memorandum of Agreement between EPA and the Department of Army, Part IV, Elevation of Individual Permits, paragraph 3(b), regarding Section 404(q) of the Clean Water Act.

Thank you for the opportunity to review this public notice. We look forward to continuing to work with your office, the applicant and other interested parties to resolve our concerns with the project. Should you have any questions regarding our comments, please contact Robert Lord of the Wetlands Section at 404-562-9406.

Sincerely,

John H. Hankinson, Jr.
John H. Hankinson, Jr.
Regional Administrator

cc: see attached list

2/3/98 11:23:18am-4



Regulatory Branch
976001170

JOINT PUBLIC NOTICE
Savannah District/State of Georgia

The Savannah District has received an application for a Department of the Army Permit, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), as follows:

Application Number: 970001170

Applicant:

Norfolk Southern
Attention: Mr. Larry Etherton
99 Spring Street, SW
Atlanta, Georgia 30303

Location of Proposed Work: The site is located between C. N. James Parkway/U.S. 278 and Austell Powder Springs Road in Austell, Cobb County, Georgia. The site is traversed by Westside Road and Mathis Drive and includes Sweetwater Creek. The site is adjacent to but does not include the Thread Mill Mall or the associated historic neighborhood of Clarkdale.

Description of Work Subject to the Jurisdiction of the U.S. Army Corps of Engineers: To fill 7.76 acres of wetlands, streams and impoundments during the construction of an intermodal facility on an 830 acre site. The applicant proposes to impact 24.76 acres of the total 137.17 acres of waters of the U.S. found on the site. The applicant proposes to preserve 87.6 acres of wetlands, create 21.4 acres of wetland and 21.03 acres of bioretention. Bioretention would occur in the 4 detention facilities proposed for the site. These detention basins would be designed to provide wetland habitat and be planted with moist producing tree saplings. Wetland creation would occur at three on-site impoundments which are adjacent to Sweetwater Creek. These three sites would be excavated to a depth to intercept groundwater, planted with wetland plant species and monitored for 5 years to determine the success of the sites.

This facility would be used to shift the transportation of containers and trailers between highway and rail movement. The facility would be designed to handle 600,000 trailer/container lifts annually onto or off of rail cars. The facility would include 31,000 feet of rail loading and unloading track to accommodate 310 rail cars (each 100 feet in length), contain

54,000 feet of rail, support/storage track and 15,000 of rail lead track. The facility would also include 5,000 trailer/chassis parking spaces and 2,600 spaces for container storage.

The water quality control measures would consist of both structural and biological measures. A Spill Prevention Control and Countermeasure Plan and a Stormwater Pollution Prevention Plan would be developed for the facility before it is put into operation. In addition, control structures would be installed on all storm drain outfalls and on the detention pond outlet structures. This would allow isolation of any spilled material and would prevent the discharge of any material to Sweetwater and Powder Springs Creeks. Runoff from the equipment maintenance area would be pretreated using an oil/water separator prior to discharge into the sanitary sewer system. The stormwater detention ponds would be designed to provide sediment storage and a degree of nutrient uptake thereby reducing nitrogen and phosphorus loading in the receiving streams.

BACKGROUND

This Joint Public Notice announces a request for authorizations from both the U.S. Army Corps of Engineers and the State of Georgia. The applicant's proposed work may also require local governmental approval.

STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, intends to certify this project at the end of 30 days in accordance with the provisions of Section 401 of the Clean Water Act, which is required by an applicant for a Federal Permit to conduct an activity in, on, or adjacent to the waters of the State of Georgia. Copies of the application and supporting documents relative to a specific application will be available for review and copying at the office of the Environmental Protection Division, Floyd Towers East, Suite 1070, 205 Butler Street, SW., Atlanta, Georgia 30334, during regular office hours. A copying machine is available for public use at a charge of 25 cents per page. Any person who desires to comment, object, or request a public hearing relative to State Water Quality Certification must do so within 30 days of the State's receipt of application in writing and state the reasons or basis of objections or request for a hearing. The application can also be seen in the Savannah District U.S. Army Corps of Engineers, North Area Section, 3485 North Desert Drive, Building 2, Suite 102, Atlanta, Georgia 30344.

2

2/3/98 11:23:18am-5

2/3/98 11:23:18am-6

State-owned Property and Resources: The applicant may also require assent from the State of Georgia which may be in the form of a license, easement, lease, permit, or other appropriate instrument.

U.S. ARMY CORPS OF ENGINEERS

The Savannah District must consider the purpose and the impacts of the applicant's proposed work, prior to a decision on issuance of a Department of the Army Permit.

Cultural Resources Assessment: Review of the latest published version of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion are located at the site or in the area affected by the proposed work. Presently known archaeological, scientific, prehistoric, or historical data may be located at the site and could be affected by the proposed work. According to the applicant, within the Area of Potential Effects, historic resources eligible for the National Register of Historic Places are limited to the existing Clarkdale Historic District. This historic site is located adjacent to the project site and would be adversely affected by its development. Ten archaeological sites were recorded during intensive surveys of the site. According to the applicant, these sites are recommended ineligible for the NHRP and no additional investigations are recommended.

Endangered Species: Pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), we request from the U.S. Department of the Interior, Fish and Wildlife Service and the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, or any other interested party, information on whether any species listed or proposed for listing may be present in the area.

Public Interest Review: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of

property ownership and in general, the needs and welfare of the people. Extensive studies have been submitted by the applicant and included: flood hazards, water quality, air quality, traffic studies, noise impacts, light impacts, hazardous materials and wetlands.

Consideration of Public Comments: The U.S. Army Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials, Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Application of Section 404(b)(1) Guidelines: The proposed activity involves the discharge of dredged or fill material into the waters of the United States. The Savannah District's evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army Permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. The decision whether to hold a public hearing is at the discretion of the District Engineer, or his designated appointee, based on the need for additional substantial information necessary in evaluating the proposed project.

Comment Period: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments in writing to the Commander, U.S. Army Corps of Engineers, North Area Section, 3485 North Desert Drive, Building 2, Suite 102, Atlanta, Georgia 30344, no later than 30 days from the date of this notice. Please refer to the applicant's name and the application number in your comments.

4

2/3/98 11:23:18am-7

2/3/98 11:23:18am-8

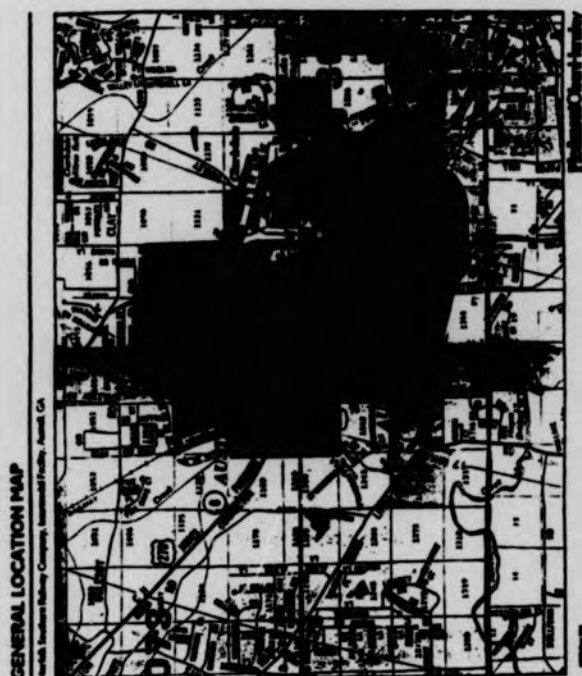
If you have any further questions concerning this matter, please contact Mr. Aaron Valente of the Regulatory Branch at (404) 763-7945.

David E. Crosby
David E. Crosby
Chief, General Area Section

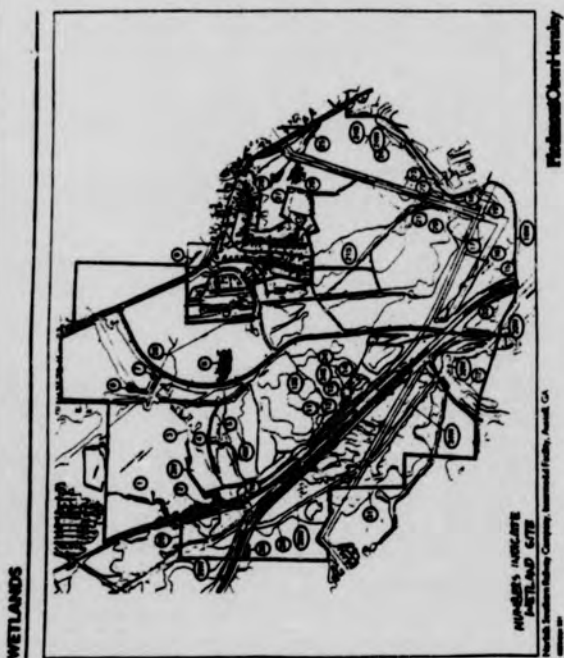
Enclosures

1. General Location Map
2. Wetlands Location Map
3. Facility Design Map
4. Drainage System and Pond Layout
5. General Location Map

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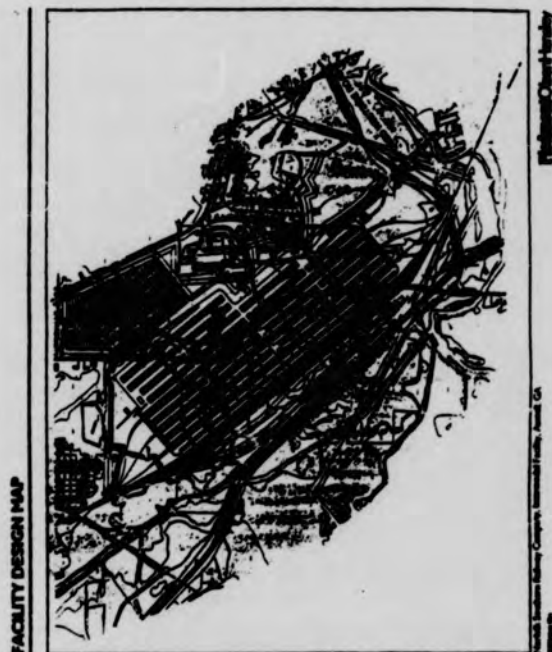


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ENCLOSURE #2
WETLAND LOCATION MAP

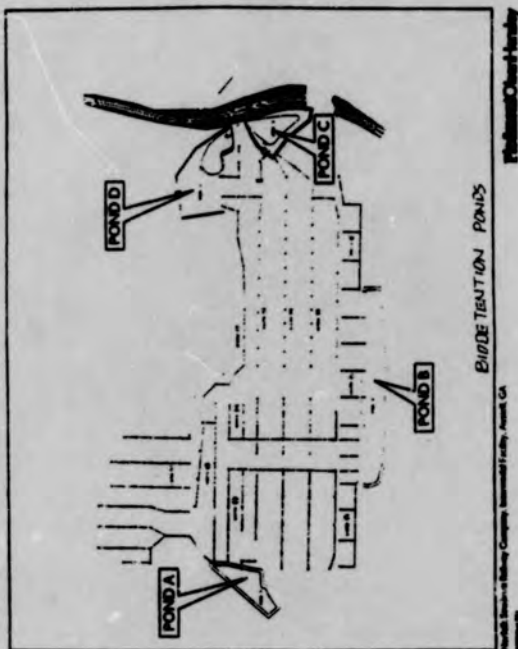
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ENCLOSURE #3
FACILITY DESIGN MAP

2/3/98 11:23:18am-12

DRAINAGE SYSTEM AND POND LAYOUT



ENCLOSURE #4
DRAINAGE SYSTEM & POND LAYOUT

2/3/98 11:23:18am-13

GENERAL LOCATION MAP

Norfolk Southern Railway Company
Norfolk, Virginia, VA

WETLAND CREATION SITES



Source: USGS Topographic Quadrangle, A-10, (1972)

WETLAND CREATION SITES

ENCLOSURE #5
GENERAL LOCATION MAP

2/3/98 11:23:18am-14

U.S. ARMY ENGINEER DISTRICT, SAVANNAH
GROUP OF ENGINEERS
100 WEST CHATEAUX AVE
PO BOX 222
SAVANNAH, GA 31402-0222
OFFICIAL BUSINESS

FIRST-CLASS MAIL
U.S. POSTAGE
PAID
SAVANNAH, GA
PERMIT NO. 89

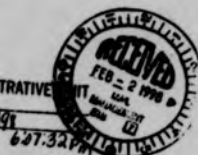


2/3/98 11:23:18am-15

January 28, 1998

Office of the Secretary
Case Control Unit
STB Planning Division No. 55366
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001

CENTRAL ADMINISTRATIVE
REC'D: 2/2/98
DOCUMENT # 22221



Dear Sir:

I have reviewed your Draft Environmental Statement (DES) for the "Proposed Canal Acquisition", Planning Division No. 55366, issued by the Surface Transportation Board (STB), and would like to offer the following comments for your consideration and inclusion in the record.

The Draft DES appears to be adequate except for the omission of one very important major project that is planned by the Norfolk Southern Railway Company (NS) - the construction and operation of an Intermodal-Rail Yard Facility in the Norfolk-Chatham-Powder Springs area in Chatham County, Georgia. This proposed 600-acre Intermodal-Rail Yard Facility is obviously linked if not directly dependent upon the Proposed Canal Acquisition and, it is clearly evident from the following data that this proposed Facility needs to be shown as an integral part of the Draft DES.

1. PROJECT LANDS

The proposed 600-acre project area is directly adjacent to the boundaries of the Clay Lanes of Ansel, Chatham (a registered National Historic Site) and Powder Springs, Georgia. Project lands are relatively undisturbed and of valuable and highly productive mixed natural pine and cypress hardwoods, hardwood hammocks and 22 acres of highly productive cypress wetlands. The wetlands are known to support an entire population of deer, wild turkey, quail, rabbit and a wide variety of waterfowl and song bird species, whereas, the wetlands support great populations of game fish species, southern cypress and beaver, as well as, southern and migratory waterfowl and wading bird populations. The wetlands immediately adjacent to the project area, Sweetwater and Powder Springs Canals, also support the Alligator Snapping Turtle, a State Threatened species, and the Hairy Wood Frog, a State Threatened fish species. In addition, the wetlands area that are proposed to be filled and drained also support a host of a unique rare species - the Bald Cypress - which is the north of its natural southern range.

2. PROJECT FEATURES

The Project, as presently proposed, includes the construction, filling, leveling and surrounding some 450 acres of land. It is not known what NS plans to do with the remaining 150 acres of land, but it is anticipated that NS eventually plans to use these lands to expand their planned facilities. Initial estimates previously call for 600,000 bbls annually, with a projected cost of \$60,000 bbls by the year 2005. To meet the initial cost of 600,000 bbls annually, it is projected that 3,500 dead-end-cuts (1 every 25

2/2/98 6:07:32pm-1

annually, 100+ diesel powered trains (4 to 5 per train/year through the Cities of Aumull, Chatsdale, and Powder Springs) and a multitude of various types of diesel equipment will be operating in or adjacent to the project site daily. Based on this information, it is projected that there will be an increase of 25% in truck and train traffic in the area to meet the projected need of 800,000 lifts annually.

3. AIR QUALITY

The entire metropolitan Atlanta area, which consists of 14 Georgia Counties, is designated as a "Non-Attainment Area", or an area with significant air quality pollution levels. The Federal Highway Administration has formally advised the State of Georgia that if the air pollution levels in the Metropolitan Atlanta area are not significantly reduced soon, Federal Highway Construction Funds will be withheld from the State. Therefore, one must question the rationale used by NS to develop the Aumull/Chatsdale/Powder Springs Inland Facility when their present homes and East Point Facilities and CSX's Georgia Facility are already contributing considerable air quality pollution to the "Non-Attainment Area". Construction and operation of their proposed facility in Cobb County would obviously result in a further degradation of the air quality in this area potentially to hazardous breathing levels within the Cities of Aumull, Chatsdale and Powder Springs as well as the immediately adjacent lands in Douglas and Paulding Counties.

4. WATER QUALITY

Construction and operation of the proposed Inland Facility will result in a 450-acre flat, level, unimproved and paved (asphalted) area bordered with some 20 miles of truck and a large number of semi-trailer parking spaces. Implementation of this project could result in substantial silt runoff into Sweetwater and Powder Springs Creeks during construction, and a considerable amount of pollutants being discharged during operational activities. For instance, on September 24, 1997, we experienced a 5.31 inch rainfall in the proposed project area. This would expose to nearly 20,000 new feet of surface water runoff with dirt and construction spillage directly into Powder Springs and Sweetwater Creeks. As a result, a mean elevated water level of Sweetwater Creek would have occurred in the Sweetwater Creek State Park area and in the Cities of Aumull and Lithia Springs, as well as an elevated level of contamination in Sweetwater Creek, a stream from which the Cities of Lithia Springs and East Point, Georgia, obtain their drinking water.

I also would like to bring to the attention of the STB the results of a December 1997 Well Feasibility Study recently conducted by Emory & Gannett Consulting, Inc. for the City of Powder Springs. It should be noted that the Study Design was developed in mid-1996 with a primary objective to find additional water supply sources for the City of Powder Springs. Presently, most municipal and industrial water supplies in the Atlanta Metropolitan Area are derived from surface waters taken from rivers, streams and/or impoundments. Many, like the City of Powder Springs, are concerned that these water supplies will not be able to meet the rising demands for projected future water demand made in view of the projected population growth rates in the area. Subsequently, this Study was conducted in June of 1997 before NS's proposed

2

2/2/98 6:07:32pm-2

Inland Facility in Cobb County was publicly advertised by the Savannah District Corps of Engineers in a August 7, 1997, Public Notice. It also must be pointed out that as on time during the Study was the Contractor made aware of the NS's proposed Inland Facility. The first phase of the City's Study was completed in December 1997 with the following findings:

a. Six (6) potential water producing well drilling locations were identified within the boundaries of the City of Powder Springs, with the potentially best producing Well Site being located on Powder Springs Creek immediately adjacent to and west of NS's existing mill line and north of the C. H. Jones Parkway (Ref. attached map).

b. It also must be noted that this Well Site is adjacent to and just west of the proposed NS Inland Facility. Construction and subsequent operation of this facility could most certainly result in a reasonably low ground water recharge in the area as well as a significant contamination of this highly valuable drinking water source.

4. NOISE

It is firmly believed by many of the Cobb County citizens that the cumulative noise levels during the constant 24-hour operation of NS's Proposed Inland Facility will result in noise levels that would far exceed the dB comfort levels experienced by humans. A comprehensive study is to be conducted by NS to determine the 24-hour cumulative average noise level in all sites of the project area immediately adjacent to the site. Such a study needs to measure the 24-hour cumulative dB levels of the following equipment, all in simultaneous operation:

- 1.3 Stacks
- 26 Hauler Cabs
- 1 On site Diesel Tractor
- 3, 4 Crane and Sideloaders
- 4 On site Diesel Locomotives
- 3,500 db-w/ Trucks with Trailers
- 100 Diesel Locomotives - w/ w/ 50-100 Rail Cars

5. TRAFFIC

Traffic on the C. H. Jones Parkway is expected to become severely congested with the increase in and heavy truck traffic. It also is anticipated that the noise and serious traffic accidents, along with the loss of human facilities, are expected to substantially increase. Construction of the facility, as presently planned, will require the relocation of Wendell Road directly across from the campus of Gannett Middle School. This would result in increased congestion and noise on the traffic at the school entrance during both morning and evening school bus traffic peaks, with a potential increase in

*Trucks moving through or by the site, such as include an appropriate number of the vehicles

3

2/2/98 6:07:32pm-3

hazardous traffic conditions for our school children. In the downtown Powder Springs area on the primary road crossing the City from the West - Brownsville Road, present main traffic of approximately 50 vehicles currently causes significant traffic congestion problems. When will it be like with operation of the Inland Facility and 100 to 150 trains passing through the downtown area of Powder Springs each and every day?

6. AESTHETICS

No matter how high you build a levee or noise barrier, the size of a "Continental Cargo Handling Rail Yard" along with that many diesel trains and such a large number of diesel trucks and trailers in what is now a relatively clean, unimproved and unspoiled residential area, in the opinion of many if not most of the Citizens of Cobb County, is a totally unacceptable and unsound addition to present environmental conditions. These factors in concert with the substantial increase in noise levels, air pollution, water pollution, traffic, traffic congestion, traffic accidents and the loss of a beautiful pleasing and picturesque scenic view, in all probability would result in a severe degradation of our living environment.

7. ENVIRONMENTAL JUSTICE

The most immediate and severely impacted citizenry group in the entire proposed project area will be the residents of Chatsdale, Georgia. Not only is the entire Community included on the National Register of Historical Sites, but the Community historically consists of former Citizens living on low, fixed retirement incomes. Since this Inland Facility should definitely be an integral part of the "Proposed Canal Acquisition", provisions of Executive Order 12896 must be taken into full consideration to prevent a disproportionately high and adverse environmental impacts to this Citizenry group.

8. GENERAL CONCERNS

For the record, a number of the groups or individuals that have taken formal positions of opposition to NS's proposed Inland Facility as presently planned include the following:

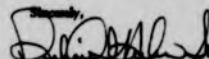
- U. S. Senator Paul Coverdell
- U. S. Congressman Bob Barr
- Georgia Senator Steve Thompson
- Georgia Representative Earl Eubank
- Georgia Representative Ray Bunn
- Cobb County Commissioners
- Douglas County Commissioners
- Cobb Municipal Association
- The City of Aumull
- The Community of Chatsdale
- The City of Lithia Springs
- The City of Powder Springs

4

2/2/98 6:07:32pm-4

The City of East Point Many of the Citizens of Cobb, Douglas and Paulding Counties

In conclusion, I am of the opinion that the proposed NS Inland Facility must become an integral part of the Draft EIS for the "PROPOSED CONRAIL ACQUISITION". To do less, in my professional opinion, would violate the intent of the U. S. Congress with the passage of the National Environmental Policy Act (42 U.S.C. 4321), as amended, and do a great injustice to the Citizens of Cities of Aumull, Chatsdale, Lithia Springs and Powder Springs, as well as those citizens in the unincorporated portions of Cobb County and adjacent lands in Douglas and Paulding Counties.

Respectfully,

Richard T. Heber Sr.
3081 Mountain Road
Powder Springs, Georgia 30127

- cc: Council of Environmental Quality
- U. S. Senator Paul Coverdell
- U. S. Congressman Norval Glasgow
- U. S. Congressman Bob Barr
- Director Engineer, Savannah Corps of Engineers
- State Senator Steve Thompson
- State Representative Earl Eubank
- Cobb Co. Commissioners Wendy Thompson
- Maletta Daily Journal

Attachment

5

2/2/98 6:07:32pm-5



2/2/98 6:07:32pm-6



January 29, 1998

CENTRAL ADMINISTRATIVE UNIT

REC'D: 2/3/98 2:58:30pm
DOCUMENT # 2/3/98 2:58:30pm

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

ENVIRONMENTAL DOCUMENT

Attention: Elaine K. Kaiser
Environmental Project Director
Environmental Filing

RE: DECISION ID NO. 28629

Dear Ms. Kaiser:

This letter is in response to the December 12, 1997, Draft Environmental Impact Statement (EIS) sent to the Unified Government of Athens-Clarke County. In the EIS, comments were made about the feasibility of commuter rail between Athens and Atlanta and the impact the Conrail acquisition would have on a commuter rail line. Since the release of the Draft EIS in early December, an event has occurred which has increased the probability of commuter rail within the next 4-7 years.

To promote the commuter rail effort, the Governor of the State of Georgia has allocated approximately \$4 million for preliminary engineering for the corridor between Athens and Atlanta, making this segment a top priority. Presently, the Unified Government of Athens-Clarke County has allocated approximately \$2 million in sales tax revenues toward the design of a Multi-Modal Transportation Center (MMTC). The MMTC would serve as a transportation hub for the region and would also accommodate commuter rail.

These efforts at the state and local levels indicate the commitment of the transportation community to a/b, the public alternative ways to travel. It is the hope of the Unified Government of Athens-Clarke County that the acquisition of Conrail by CSX and Norfolk Southern will further this effort.

Please continue to keep us informed of all activities involving the acquisition of Conrail by CSX and Norfolk Southern, so that we may continue to effectively plan for the possibility of commuter rail in our region. As previously stated, commuter rail is a key element in the location and design of our Multi-Modal Transportation Center (MMTC) and the acquisition of Conrail could play a role in this development.

PLANNING DEPARTMENT

120 W. Dougherty Street • Athens, Georgia 30601 • (706) 613-3515 • FAX: (706) 613-3044

2/3/98 2:58:36pm-1

If you should have any questions, please feel free to contact me at (706) 613-3515. Thank you for your attention to this matter.

Sincerely,

John M. Stockbridge
Planning Director
Project Director, Athens-Clarke-Oconee Regional Transportation Study (ACORTS)

JMS

cc: Al Crice, Manager
Bob Seipes, Deputy Manager
Phil Sutton, Assistant Manager
Jeff Prime, SPLOST IV Project Manager

2/3/98 2:58:36pm-2

Atlanta Regional Commission
201 Northside, Suite 350
2710 Northside Parkway
Atlanta, Georgia 30327-2000

CENTRAL ADMINISTRATIVE UNIT

REC'D: 2/3/98
DOCUMENT # 2/3/98 2:43:20pm



Harry West
Director
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

ENVIRONMENTAL DOCUMENT

Attention: Elaine K. Kaiser, Environmental Project Director—Environmental Filing

Dear Ms. Kaiser:

The Atlanta Regional Commission (ARC) is the regional planning and intergovernmental coordination agency for the 64-city, 10-county Atlanta Region (Cherokee, Clayton, Cobb, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry, and Rockdale counties). ARC also is the designated Metropolitan Planning Organization (MPO) under the Intermodal Surface Transportation Efficiency Act (ISTEA). It is in these capacities that we offer the following comments on the Draft Environmental Impact Statement (EIS) on the "Proposed Conrail Acquisition."

1. The Atlanta Region plus the adjoining counties of Paulding, Forsyth, and Coweta comprises a 13-county non-attainment area under the Clean Air Act Amendments. The Region's current problem is nitrogen oxides. The State of Georgia and the Atlanta Regional Commission are working very hard to meet air quality standards. The Draft EIS states that while there are localized increases in emissions, "the increases are not likely to affect compliance with air quality conformity." Any additional increases in nitrogen oxides are significant. In addition, we also are concerned about increases in volatile organic compounds, particulate matter, and carbon monoxide. Therefore, we request that the Final EIS more fully analyze this matter, particularly nitrogen oxides, on the Atlanta Region.

2. As the Atlanta Region attempts to meet air quality standards, commuter rail will be important to us as an alternative mode of travel. The Draft EIS should examine all opportunities for cooperation on commuter rail and both CSX and Norfolk Southern should be required to work with State Departments of Transportation on such opportunities as a part of the acquisition agreement.

3. At present both CSX and Norfolk Southern are proposing new intermodal facilities in the Atlanta Region—CSX in South Fulton County and Norfolk Southern in the City of Austell in Cobb County. We do not find reference in the Draft EIS to these proposed facilities and whether the acquisition will affect the impact of these facilities on the Atlanta Region.

404 264-2000 • Fax 404 264-2000 • TDD 1-800-225-6000

2/3/98 2:43:20pm-1



Surface Transportation Board
January 30, 1998
Page 2

4. A concern pointed out by DeKalb County, one of our member counties, is that the total increase in hazardous materials traveling through DeKalb and the State of Georgia would more than double after the acquisition. Their recommendations (find attached) include bringing CSX rail line segments into compliance with the Association of American Railroads standards and practices for hazardous materials and to require CSX to develop Hazardous Materials Emergency Response Plan with the participation of county and municipal governments.

We appreciate the opportunity to comment on the Draft EIS and request that the Surface Transportation Board respond to the comments.

Sincerely,

Harry Weaver

Harry Weaver
Director

Enclosure

A Georgia Regional Development Center

2/3/98 2:43:20pm-2



DEKALB COUNTY, GEORGIA

PLANNING DEPARTMENT

MANUEL J. MALOOF, CHIEF
1500 COMMERCE DRIVE, SUITE 400
DECATUR, GEORGIA 30030-3221

January 28, 1998

Atlanta Regional Commission
3716 Northside Parkway
200 Northbrook, Suite 300
Atlanta, Georgia 30327

RE: Draft EIS on Proposed Conrail Acquisition by CSX/NS

Thank you for the opportunity to review the Draft EIS on the proposed Conrail acquisition. As a result of the proposed acquisition, the railroads would change the routing of many car loads of hazardous materials. While some rail lines would carry increased volumes of cars containing hazardous material, other lines would experience a shift of hazardous materials from one rail line to another. The total increase in hazardous materials traveling through DeKalb County (and the state) would more than double after the acquisition.

Both preliminary mitigation recommendations should be required to be completed before the acquisition is approved. The first recommendation is to bring CSX rail line segments into compliance with the Association of American Railroads standards and practices for hazardous materials. The second recommendation, that CSX develop a Hazardous Materials Emergency Response Plan with the participation of county and municipal governments, also should be required.

Another area of concern is with the air quality analysis. The Draft EIS states that while there are localized increases in emissions, "the increases are not likely to effect compliance with air quality." As the Atlanta region struggles with its Regional Transportation Plan (RTP) to meet air quality conformity, any additional increases in nitrogen oxides, volatile organic compounds, particulate matter, and carbon monoxide are significant. Although no details are given for the air quality analysis, conformity is an important issue for the region and some sort of mitigation should be recommended.

Sincerely,

Raymond H. White
Raymond H. White, Planning Director

20° 4' 60" N 081° 1' 86.92" W

21° 15' 00" N

2/3/98 2:43:20pm-3

CENTRAL ADMINISTRATIVE UNIT
REC'D: 1/15/98
DOCUMENT # 1/20/98 4:11:07pm

January 7, 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

Subject: Finance Docket No. 33388 - CSX and Norfolk Southern - Control and Acquisition - Community notification

Attn: Elaine K. Kaiser
Environmental Project Director
Environmental Filing

Good day,

Thank you for your letter directed to me as alderman on the Danville City Council on the above subject, giving notice that comments from the public are welcome. The following comments are submitted not as an alderman but as a property owner and resident of Danville at 311 East 3rd Street, Danville, IL.

My husband, Bill, and I share environmental and rail traffic concerns. Our property at 311 East 3rd Street (7.6 acres) abuts the Norfolk Southern Railroad bed northeasterly approximately 965 feet, between East 3rd Street and South Street, Danville.

Since our purchase of this property we have been very concerned about several areas the Draft Environmental Impact Statement addresses.

SAFETY

A. Grade Crossing Safety

1. I challenge the number of trains the railroad indicated that run daily on the Norfolk-Southern line between Lafayette, Indiana and Tilton, Illinois.
2. Considering an engineer must actually see a red or green light before proceeding, the 3rd Street crossing (No. 479864Y) is blocked with gates down frequently each day. There have been several times that the 3rd Street crossing has been blocked for more than one hour and forty-five minutes (1:45) and many, many times in excess of 20 minutes. The blocking of the 3rd Street crossing jeopardized our personal safety and compromises the integrity of our home in case of fire or other emergency. Our home within the city limits on the east side of the railroad bed, however the fire hydrant that would be used in case of a fire is west of the tracks. Blocked crossing - we have a big problem.

1/20/98 4:11:07pm-1

When the crossing has been blocked by a train for more than twenty (20) minutes, we have called 911 to file a report and complaint. We have filed complaints with different departments in the City of Danville government: mayor, fire chief, police chief, and public works director, to no avail. My personal feeling is: the railroad companies make up a multi-billion dollar empire with powerful P.A.C. support. When a gray-haired grandma calls 911 to complain about a train blocking 3rd Street in Danville, the railroad personnel smile at each other, say "So...who cares?" and go back to the "big board" in Atlanta.

East 3rd Street is a major artery for pedestrian and automobile traffic traveling from South Gilbert Street east and then south/west to South View Middle School on Ninth Street and into a dense residential area. One solution to train blocking the 3rd Street crossing is to build an overpass east on Fourth Street, from South Gilbert across the tracks to Highland Blvd.

Safety: you betcha I am concerned if rail transportation increases without the improvement of scheduling and/or building an overpass across the NS railroad bed.

3. I suggest that you secure documentation of fatalities at grade crossing in the Danville area.

TRANSPORTATION:

A. I realize whether we are in a bull or bearish economy the transportation of hard goods increases each year. The semi tractor/trailer industry can not move the products with as much efficiency as the railroads. I have no objection to the expansion of the railroads only if they solve the problem areas listed on your Proposed Acquisition Fact Sheet, i.e. safety, traffic, air quality, water quality, noise, cultural/historical resources and energy with safety being the number one issue.

AIR QUALITY:

A. With the increase in train/diesel units, how much diesel effluent will be put into the air? Here I have special concerns since I am asthmatic and must continually medicate for irritants and allergens. The effluent particles invade homes and increase household chores with the homemaker continuously fighting dirt and dust deposits. How many additional tons of effluent will be discharged into the air adding to our pollution problems.

ENVIRONMENTAL IMPACT:

A. The steel in the rail bridge that spans the Vermilion River appears to be flaking. The integrity of this structure brings serious questions of safety. Will there be repair work done on this structure before increased rail traffic?

B. We walk in our woods frequently. We found bundles of railroad ties abandoned on our property along with remnants of steel beams. Will there additional environmental problems left un-corrected?

1/20/98 4:11:07pm-2

Thank you for allowing me to submit my comments on the Norfolk Southern and CSX Proposition. If I can furnish further information please write, phone or Email. A public hearing would negate this information that gets passed along during the finalization of proposition such as the NS/CSX/Conrail merger.

Respectfully,

Mrs. Lois M. Cooper

Mrs. Lois M. Cooper

311 East 3rd Street
Danville, IL 61832-7201
E-mail: kcooper@voltec.net
Phone: 1-217-446-7058

1/20/98 4:11:07pm-3

ENVIRONMENTAL DOCUMENT

VILLAGE OF TILTON

P. O. Box 6000
201 N. 8th Street
Tilton, Illinois 61823
Conrad (Dutch) Wantiand
(217) 442-6176



CENTRAL ADMINISTRATIVE UNIT
REC'D: 1/15/98
DOCUMENT # 14444 1/17/98

January 9, 1998

To Whom it may concern:

In response to the Finance Docket No. 33356:

The Village of Tilton has a major problem with the railroad adding 14 more trains, that would be crossing on 14th street crossing. We are now in a constant struggle in trying to keep the crossing open because of the 24 trains, plus the switching of cars, that is done on the 14th street crossing. We have tried to work with the railroad on many occasions to solve the problem, by adding 14 more trains a day the only solution would be for the CSX and Norfolk Southern to build a viaduct or overpass, over the 14th street crossing. It is very important that the crossing be left open, as that is the only East West street connecting the Central Park area, of Tilton with the emergency vehicles, such as ambulance and fire trucks and the police. To use the alternate route, add 5 to 10 minute on the response time, and as you know that could be a matter of life and death.

Your help on this problem would be greatly appreciated. Enclosed is a newspaper clippings stating some of the problem the Village of Tilton are having.

Conrad Wantiand

Conrad Wantiand
Mayor of Tilton

1/19/98 1:37:16pm-1

More train traffic possible for Tilton

By Tom Heston
TILTON — The Village of Tilton could be making a big move to solve a long-standing problem with the railroad adding 14 more trains a day the only solution would be for the CSX and Norfolk Southern to build a viaduct or overpass, over the 14th street crossing. It is very important that the crossing be left open, as that is the only East West street connecting the Central Park area, of Tilton with the emergency vehicles, such as ambulance and fire trucks and the police. To use the alternate route, add 5 to 10 minute on the response time, and as you know that could be a matter of life and death.

Tilton

Jan. 13, 1998 — The Village of Tilton could be making a big move to solve a long-standing problem with the railroad adding 14 more trains a day the only solution would be for the CSX and Norfolk Southern to build a viaduct or overpass, over the 14th street crossing. It is very important that the crossing be left open, as that is the only East West street connecting the Central Park area, of Tilton with the emergency vehicles, such as ambulance and fire trucks and the police. To use the alternate route, add 5 to 10 minute on the response time, and as you know that could be a matter of life and death.



Illinois Historic
Preservation Agency

CENTRAL ADMINISTRATIVE UNIT
REC'D: 1/23/98
DOCUMENT # 14444 1/17/98



1 Old State Capitol Plaza • Springfield, Illinois 62701-1507 • (217) 782-4806 • FAX (217) 782-4125

Various Counties
STB-CSX and Norfolk-Conrail acquisition
Finance Docket No. 33388
IRPA Log #12062497, 9701070049-S

January 13, 1998

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

ENVIRONMENTAL DOCUMENT

Dear Ms. Kaiser:

Our office has reviewed the Draft Environmental Impact Statement for the Proposed Conrail Acquisition. The statements in Volume 1A of the report regarding cultural resources in Illinois are accurate. We look forward to further consultation regarding the interlocking tower at 75th Street in Chicago and the archaeological investigations at Reesmont. If you have any questions, please contact either Ms. Tracey Sculle, Cultural Resources Manager, 217/785-3977 or Mr. Joseph Phillippe, Staff Archaeologist, 217/785-1279.

Anne S. Hasker
Anne S. Hasker
Deputy State Historic
Preservation Officer

AEN:TAS
cc: Paul McGinley

1/19/98 1:37:16pm-2

1/26/98 11:47:51am

16307 E 2500TH RD
 Chrisman, IL

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

Dear Elaine K. Kaiser,

We heard that you are closing the Conrail railroad tracks, between Danville & Paris in Illinois. Therefore, we are interested in purchasing the land two miles North of Chrisman near marker mile post 106.72. Our family has owned land on both sides of the tracks, for over 125 years. We would like to know who to contact, in order to purchase the land, or more information about what we need to do. If you would like to contact us, our phone number is (217)269-3007, after 6 p.m., or a phone number for us to call, to speak to someone in charge of this.

Sincerely yours,

Joe & Rita Mitchell

Joe & Rita Mitchell

1/27/98 12:39:09pm

Champaign
 County
 Department of

January 21, 1998

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

RE: Comments on Draft Environmental Impact Statement - Finance Docket No. 33388
 Proposed Conrail Acquisition

Dear Ms. Kaiser:

I have reviewed the draft EIS for Finance Docket No. 33388 regarding both the proposed operational changes and construction projects as they would affect Champaign County and have the following comments.

1. Safety: Highway/Rail At-Grade Crossings

According to the EIS the criteria of significance for Class A crossings is a projected increase of .01 accidents per year. Class A Crossings are defined as ones with a current accident rate of .015 or more.

The EIS indicates that all Champaign County crossings fall below a set threshold except for CR 1000 E (TR 134D, FRA ID. 479930J). This crossing, located at the west edge of the Village of Tolono, is a Class A crossing with 3 accidents in the last 5 years and is projected to have an increase in accidents of .0118 (Table 5-IL-4). The EIS notes, however, that "these predicted increases (were found) to be below the criteria of significance." (p. IL 14). This finding contradicts the SEA's criteria of significance. While the projected increase in the accident rate itself is only slightly above the threshold of significance the current accident rate is forty times the threshold value!

I believe, but by the SEA's criteria this is a significant and problematic crossing. It sees heavy semi-trailer truck traffic from a nearby grain storage facility and the crossing geometry is very poor (see enclosed Map No. 1).

The CR 1000 E crossing should be studied in detail and possible mitigation measures should be evaluated.

2. Transportation: Passenger Rail Service

Impacts on the two daily Amtrak trains that serve Champaign County* will be proportionate to the increase in potentially conflicting freight train movements that could cause a delay to the Amtrak trains. These will arise from increased traffic on the Illinois Central related to NS trackage rights between Chicago, Kankakee and Gilman and by crossing movements at Kankakee, Tolono, Tuscola and Effingham. The City of New Orleans may also be affected by operating changes further south.

1/27/98 1:34:02pm-1

Elaine K. Kaiser
 Comments on Draft EIS, Finance Docket No. 33388
 January 21, 1998
 Page 2

According to the EIS the proposed acquisition will lead to an increased NS train frequency using trackage rights on the Illinois Central between Kankakee and Gilman of five trains per day which is partially offset by a small reduction in crossing movements at Kankakee (-2.6 tpd). Additionally the additional train frequency on the NS (see Wabash) line will add approximately 18 potential conflicting crossing movements at Tolono and the proposed new connection at Sidney will also add 6 potentially conflicting crossing train movements on the Union Pacific at Tuscola which will be offset by a similar reduction at Effingham. Any increase in potentially conflicting movements between Effingham and New Orleans appears to be small. Approximately 20 additional potentially conflicting train movements will be added between Chicago and Carbondale. Some additional conflicting movements may be added further south.

The SEA analysis only considers increased train movements on lines over which passenger trains also operate. It does not consider impacts from increased train movements through crossings or interlocking plants that intersect such lines. This is particularly important since railroads not hosting Amtrak trains through a given crossing or interlocking plant have no incentive to ensure on-time performance for the affected Amtrak trains. The SEA analysis concludes that the impacts on Amtrak operations in Illinois are not significant but there is likely to be some negative impact on the on-time performance of Amtrak trains operating on the Illinois Central.

The analysis of impacts should consider increases in potentially conflicting train movements at crossings or interlocking plants particularly where such crossings or inter-lockings are under the control of the railroad not hosting Amtrak trains.

* Nos. 58/59, the City of New Orleans and Nos. 391/392 the Illinois.

3. Transportation: Roadway Crossing Delay

The SEA analysis sets a threshold of an increase of 8 tpd and an existing traffic volume of 5,000 ADT for its analysis of potential crossing delays. The EIS does not include analysis of the Ill. Rt. 130 crossing at Pablo which the SEA indicates has an ADT of 3,500. Illinois Department of Transportation maps, however, indicate that this crossing had an ADT of 3,500 in 1991* and is anticipated to experience an increase of 18 tpd in train movements. (See enclosed Map No. 2).

Our data indicates that this crossing exceeds the threshold of significance and it should be evaluated in detail.

* Traffic counts in 1996 were not conducted at the same location but other counts in the area suggests that traffic on this stretch of Ill. Rt. 130 has increased approximately 10% since 1991.

4. Noise

The EIS indicates that there would be an increase of 64% in train gross ton miles between Tilton and Decatur. This is estimated to increase the number of residences and other noise sensitive land uses experiencing significant noise impacts from 946 to 1,477 or 56% along this rail line segment. The analysis does not break down the location of noise impacted land uses by County or other civil division.

1/27/98 1:34:02pm-2

Elaine K. Kaiser
 Comments on Draft EIS, Finance Docket No. 33388
 January 21, 1998
 Page 3

The most intensive impacts will be to areas near grade crossings and track crossings or turnouts. The former due to sounding locomotive horns on approach to the grade crossing and the former due to wheel impacts at points where the rails are interrupted. The greatest impacts in Champaign County are likely to be in the villages along the line (Homer, Sidney, Pablo, Tolono, Sadorus and Ivesdale). Tolono will be particularly affected due to the noise associated with the Illinois Central crossing. The background noise level in Tolono, however, is higher because of the presence of the Illinois Central. SEA concludes that these impacts are significant but do no warrant mitigation.

The impacts in Tolono are likely to be severe and disproportionate. It would also appear that there may room at the NS / IC crossing to provide noise barriers of some kind.

The noise impacts in Tolono should be studied in detail and potential mitigation measures investigated.

5. Land Use Socio/Economics

The Sidney project (Finance Docket No. 33388, Sub. 5) will involve the conversion of approximately six acres of prime farmland and the separation of about 28 acres into an irregularly shaped area which will impede cultivation of some additional small areas. The Tolono project will occur entirely within existing railroad ROW and so miss few land use issues.

Increased noise in Tolono (see discussion above) may have a negative effect on some property values in the residential area along Dugy Street which is immediately adjacent to the NS/Illinois Central crossing. The existing nuisance created by the crossing may already be capitalized in the current value of these properties.

Pending the results of a detailed study of the noise impacts in Tolono it may be appropriate to evaluate the property value impacts in the most intensively affected areas in Tolono and provide for compensation to the landowners if no feasible mitigation measures are identified.

I hope these comments are useful. If you have any questions please feel free to contact me at any time. You may also reach me by e-mail at: fdd@ccrc.org.

Sincerely,

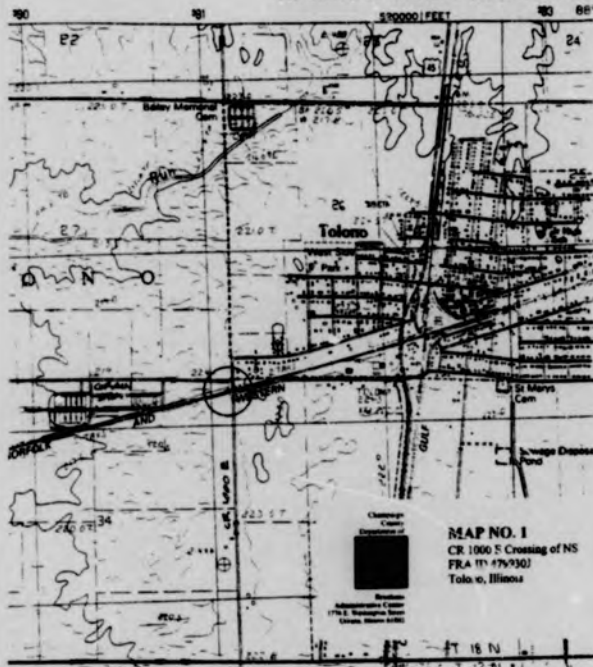
Frank DiNovo

Frank DiNovo
 Director

cc: Environment & Land Use Committee, Champaign County Board
 Mayor Cecil McCormick, Village of Tolono

1/27/98 1:34:02pm-3

**TOLONO QUADRANGLE
ILLINOIS
7.5 MINUTE SERIES (TOPOGRAPHIC)**



1/27/98 1:34:02pm-4

**ENVIRONMENTAL
DOCUMENT**

January 21, 1998

645 Highland Boulevard
Danville, IL 61832

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

CENTRAL ADMINISTRATIVE UNIT
REC'D: 1/21/98
DOCUMENT # 21549-6-02-98/1

Subject: Finance Docket No. 33388 - CCX and Norfolk Southern - Control and Acquisition - Comments
Notification

Attn: Elaine K. Kaiser
Environmental Project Director
Environmental Filing

Good morning

The Quick families have been life-long residents of the 3rd Street Crossing area, here in Danville, Illinois. The following comments relate to the Norfolk Southern's C.S.X. acquisition and control of the Council Railroad.

We have seen an increase in the volume of trains at the East 3rd Street crossing. This is in addition to the switch engines with only a few cars. With the addition of trains we have seen the change from coal fired engines to diesel engines, air-horn blasting has become more frequent, and the crossing is blocked many more times.

The addition of more trains and switch engines making up longer trains going through our neighborhood, will mean that we will have additional air pollution from the fumes of the diesel engines. This is a definite health hazard especially for the elderly.

Increased trains will mean the air horns will be blasting away more frequently. Now there are times when engineers start blowing the air-horns from the Main Street crossing, across South Street and just south of the East 3rd Street crossing, almost continuously. We must learn to sit the noise aside and outside our homes twenty-four hours a day and seven days a week. This does get on a person's nerves. Therefore, increasing the train traffic will add to noise pollution.

We have a nice town and are hoping for growth, however the addition of 25 more trains will add to the blocking of streets all through Danville and will certainly hinder people from wanting to live here. Having 50 trains a day, plus switching will cut our town in half.

We agree the trains have been updated immediately, at the price of poorer air quality, time wasted at blocked crossings, poor overpasses and underpasses, and irritation caused by more and longer air-horns (noise pollution) blasting. We ask you to consider our deep concerns which will impact our neighborhood and our town.

Respectfully,

Mr. Gene Quick
Gene Quick
Mrs. Gene (Deborah) Quick
Deborah Quick
Mr. Larry Quick
Larry Quick

Home phone: 1-217-442-7534

2/2/98 6:02:49pm

CENTRAL ADMINISTRATIVE UNIT
REC'D: 1/22/98
DOCUMENT # 1/23/98 9:14:07am

VILLAGE OF TOLONO
800 W. STRONG STREET
TOLONO, ILLINOIS 61880
(217) 685-5222

**ENVIRONMENTAL
DOCUMENT**

January 21, 1998

U P S Overnight

Attention: Elaine K. Kaiser
Office of the Secretary
Case Control Unit
Finance Docket #33388
Surface Transportation Board
1925 K Street N.W.
Washington D.C. 20423-001

Dear Ms Kaiser,

I am writing on behalf of the Village of Tolono. Enclosed is a response to your draft of the Environmental Impact Statement of December 12, 1997. The enclosed document has been reviewed and approved by the Board of Trustees for the Village of Tolono as our official response to the Environmental Impact Statement.

Our response is based up on comments from community members, investigation by the Village and a study by our engineering firm. In the event that you have additional questions or comments with regards to our materials, please feel free to contact us. Pursuant to your request, I am enclosing one original and ten copies.

Village of Tolono, Illinois

By: *Cecil McCormick*
Cecil McCormick
Village Board President

Enclosure

1/23/98 9:14:07am-1



REVIEW OF DRAFT ENVIRONMENTAL STATEMENT
FINANCE DOCUMENT # 33388
CCX AND NORFOLK SOUTHERN CONTROL AND ACQUISITION
SERVICE DATE 12/12/97 COMMENT DATE: 2/2/98 DECISION I.D. #28629

PREPARED/SUBMITTED BY
VILLAGE OF TOLONO, ILLINOIS

JANUARY 20, 1998

Adopted by Resolution by the
Board of Trustees of the Village of Tolono
This 20th day of January, 1998

1/23/98 9:14:07am-2

**REVIEW OF DRAFT ENVIRONMENTAL STATEMENT
FINANCE DOCUMENT # 33388
CCX AND NORFOLK SOUTHERN CONTROL AND ACQUISITION
SERVICE DATE: 12/2/97 COMMENT DATE: 2/2/98 DECISION I.D. #28629
VILLAGE OF TOLONO, ILLINOIS
JANUARY, 1998**

**ASSESSMENTS OF THE PROPOSED RAIL LINE SEGMENT CONSTRUCTION
SOUTHEAST OF THE INTERSECTION OF THE IC AND NS LINE**

This summary will address the proposed construction activities discussed in the draft environmental impact statement prepared by the surface transportation board section of the environmental analysis. The purpose is to address the proposed construction activities as they affect citizens of Tolono and their surrounding environment. It will address the potential impacts that include the areas of safety, transportation systems, land use, air quality, noise pollution, and socio-economic issues.

The document states that the construction would not result in any significant environmental impact. A review of the proposal together with the surrounding area and the comments from Village residents confirms that this statement is in error. There is a documented increase in noise, air pollution, traffic disruption, safety, and other effects on the adjacent residential area. The document notes that the "no action" alternative would not cause further disruption to the citizens of Tolono. Given that alternative, rail spurs in other locations would give the desired connection with lesser impact. This no action alternative is a practical and viable one and should be considered as the primary alternative as it relates to the Village of Tolono.

The following represents a specific review of the proposal and a summary of comments drawn from community members, Village officials, engineers and related professionals.

I. SAFETY

A. There is an increased probability of train accidents and derailments that expose local residents to additional hazard in the area. This hazard is particularly risky to area children. The proposed new spur would add another track to the main railroad crossing area for school children and during construction there would be no access across the tracks for the children.

The increased volume of train traffic would be from 21 to 39 trains per day on the Norfolk Southern line. The new traffic related to the spur line will be 2 trains per day. As a result, the probability of train accidents due to individuals crossing the tracks, and in particular, children crossing the tracks, presents a very real and detrimental risk. On the South side of the tracks, a home for the disabled creates additional pedestrian traffic by its residents.

B. The current draft of the environmental impact statement glosses over some very significant safety questions. The Surface Transportation Board provides for the environmental impact statement to require the following details:

"Discuss the potential environmental impacts of the proposed transaction on public health and safety with respect to the transportation of hazardous materials, including:

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- (1) Changes in the types of hazardous materials and quantities transported or re-routed;
- (2) Nature of the hazardous materials being transported;
- (3) Applicants' safety practices and protocols;
- (4) Applicants' relevant safety data on derailments, accidents, and hazardous materials spills;
- (5) Contingency plans to address accidental spills;
- (6) Probability of increased spills given railroad safety statistics and applicable Federal Railroad Administration requirements; and
- (7) Location and types of hazardous substances at hazardous waste sites or hazardous materials spills on the right-of-way of any proposed connection or rail line abandonment site."

Tables in Chapter 5 of the Draft Document constitute a cursory summary but do not provide any detail and specifically do not address the particular issues in Champaign County and more importantly in Tolono, Illinois as they relate to the above criteria. The fact that detail for these important items is noticeably absent from the review is of great concern to the Village and members of the community. Trains traveling on the new spur line which will carry hazardous materials appear to be within 75 feet +/- the single family residences that are pre-existing along the railway. The local fire district does not have the equipment to handle hazardous material spills next to the residential areas especially with the increased probability of accidents and derailments. In addition, there is an increased probability of fires which would also present an unreasonable and dangerous challenge to the local fire district. The remaining unaddressed concerns involve questions on the types of hazardous materials the railroad cars will be transporting, specific safety practices, protocol and how they will have an impact on addressing this increased risk, and specific plans that will address potential derailments and resulting hazardous spills as they relate to these residential homes.

II. TRANSPORTATION

A. There will be additional vehicular delays at railroad crossings caused by the increase in train traffic. The report does not address the specific increase in time on the Norfolk Southern line when the number of trains has increased by 18 per day. At 15 miles per hour, the total delay in time for 39 trains per day is 2 hours 36 minutes per day assuming there is no train stoppage which would block crossing. Based on the day to day reporting of community members, it is clear that existing train traffic routinely blocks all of the crossing for an excessive amount of time. Access from one side of the community to the other is already stressed due to delays caused by trains. Any increase in train traffic would greatly burden an already stressed access to U.S. Route 45 from the east side of Tolono at Benham Street. The report does not address the continuing increase in the use of Benham Street nor does it address this increase of burden on the Village. The result in additional delay of traffic would clearly have a large negative impact on vehicular traffic at these crossings. More importantly, there would be an increased delay in the ability for emergency vehicles (police, fire and ambulance) to gain access from one side of the community to the other.

B. During construction, the lack of crossings would put a severe burden on emergency vehicles in the community. For residents, the lack of crossing including the closure of an arterial street (Benham) and a collector street (Elizabeth) and a local street (Boerne) would severely restrict vehicular traffic and have a significant impact on the ability of the average citizen to conduct business or otherwise reside in the community.

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1/23/98 9:14:07am-4

C. Daggy Street is a truck route used by farmers to deliver grain to the local elevator in addition to the use by the surrounding community. Closure during construction or potential overall elimination would have a significant impact on local citizens and this commercial traffic and could potentially require a change in the designation to one of the Village's other streets. This is clearly perceived as a negative impact.

III. LAND USE

A. In reviewing the proposed rail construction as it relates to land uses there are the following observations. Rail construction will have a substantial impact on the residents adjacent to the new spur and along the Norfolk Southern tracks. The construction does not comply with the Village's land use plan in that the area adjacent to the proposed spur is zoned R-2, medium density residential. Almost all the residences built in the area are composed of owner-occupied single family dwellings. It is impossible to imagine a more inconsistent use of land than heavy industrial rail use in the midst of single family residences.

In the event that the proposed spur will take place under R-2 Zoning it would be clearly inconsistent with the existing zoning use of the property. In the event that the proposed expansion takes place on the property adjacent to R-2, while potentially not directly violating R-2 zoning itself, the use will clearly be inconsistent with that of single family residences immediately adjacent to the use.

During construction there will be significant disturbance, noise, and risk posed to these pre-existing properties. After construction, use of this property will burden adjoining property owners with excess noise, pollution, and risk of accidents and derailments.

B. There are no apparent effects on farm land.

C. There are no apparent effects on coastal areas.

IV. AIR QUALITY

A. There will be a demonstrable increase in air emissions. The report noted a increase in the number of freight trains per day which will exceed the threshold number for air quality impact analysis. Based on the report, increases of VOC or NOx are considered to be significant if emissions exceed certain levels. Data in the report states that the increase rail activities would result in the increased levels of all pollutants. Thus, under the existing proposal there would be a demonstrated increase in air emissions and a significant decrease in air quality for the community.

V. NOISE POLLUTION

A. With regard to noise impact on the immediate area, the report confirms that an increase in the number of freight trains will logically mean an increase in level of noise. Based upon a review of this draft, this increase will exceed the threshold number for noise impact analysis. Thus, it is reasonable to conclude that there will be a significant impact on noise on the immediate area which is comprised of owner occupied single family dwellings.

B. The report states that the change in train volume will result in an Ldn increase of 2.3 dBA exceeding the threshold for noise analysis. The current 55 dBA re source of 150 feet would

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1/23/98 9:14:07am-5

extend to 500 feet perpendicular to the tracks. Based upon this analysis it appears that within the report that there is a net effect of noise on the community is that more residents will be exposed to more noise resulting from the increased train traffic. Community members and others generally interpret this to be a significant and negative impact.

C. The references to noise in the report neglects to take into account the noise from wheel squeals on the spur. It is clear that trains on spurs generate wheel squeals not normally associated with main line traffic. While not quantified in the report, it seems obvious that wheel squeals would generate additional noise as a result of the creation of the spur.

VI. SOCIO-ECONOMIC ISSUES

In reviewing the socio-economical issues directly related to the changes in the physical environment as a result of the construction, it is clear that the construction would result in the closure of public streets necessary for commercial, residential, and emergency vehicle traffic. In addition, there are concerns regarding damage to existing utilities which would be crossed. A trunk line water main which serves the southern portion of the village, the mobile home park, and other homes further south have no loop. If it is damaged, no other water service would be available until the damaged trunk line is repaired. In addition, a 27 inch diameter storm sewer which serves the west side of the village and the newly constructed Route 45 retention basin is the only available storm water outlet. If it were to be damaged, no other storm water outlet would be available until it was repaired.

Installation of the spur would require borrow material which would result in increased elevations from the new construction. This raises the potential for increased flooding on adjoining residential areas. Storm water patterns are always affected by construction and the addition of impervious areas. Thus, a critical concern is the impact of drainage patterns on nearby structures which would have to be carefully analyzed and taken into account in the event of any construction.

CONCLUSION

A significant number of community members gave oral an written input in response to the information circulated by the railroad and community leaders. Attached, and by reference incorporated herein, are copies of letters received from area citizens.

The current draft includes a number of changes from the first draft resulting from comments at a public hearing about the original draft proposing the rail spur. It was explained that the original proposal overestimated the size of the proposed rail spur and the current draft significantly reduces the size but still raises a number of concerns. It delivers the same amount of traffic as was originally proposed and while certain aspects have been corrected and issues addressed, the current draft of the impact statements still glosses over critical noise, air, and safety concerns originally raised in the first draft and raised again in this review.

Based upon current data in the environmental impact statement, a review of the site, discussion with community members, and thoughtful analysis, it is reasonable to conclude that the proposed merger has significant safety issues, hazardous materials issues, transportation issues, land issues, socio-economic issues, noise pollution issues, and air quality issues that suggest that alternatives to adding a larger number of trains and a rail spur are far more preferable.

-4-

1/23/98 9:14:07am-6

Miller & Son Inc.
Chaw Office

11 Nov 97

me. Marc E. Miller

I attended the hearing and listened to the presentation by people from Norfolk and Southern.

In regards to the Spur Expansion, I would not be immediately impacted like the residents along Waggy St. I understand their concern and would share them if my house was that close to the railroad - the present storage track as well as the spur. I live at the almost extreme north end of Tolono and this does move me away from the noise and other problems associated with trains using the spur.

I also listened to the presentation as it pertained to the almost doubling of the number of trains that will travel through Tolono if the Norfolk Southern does in fact acquire the additional company, Hecks as

1/23/98 9:14:07am-7

they are attempting to do. This has nothing to do with the "Spur Expansion" as I understand their presentation.

My concern now has to do with the added dangers involved with more trains and movement across our village streets. The impact this will have on the movement of emergency vehicles and people and the difficulty in responding to people/businesses in need.

An additional concern of mine is the increase in hazardous materials that will be in our village at any given time and how our small Fire Protection District can react to some emergency situation dealing with these types of products. While I am quite proud and pleased with the Fire Protection District and have great faith in their training and abilities, are we putting people in harms way, both them and the general public?

1/23/98 9:14:07am-8

I understand, I think, the driving forces that require business to get bigger in order to compete and turn a profit. However this doesn't lessen my concerns. Another consideration is how long before Norfolk Southern will approach the state/village with a suggestion to close a crossing because they too recognize the potential for accidents as well as the expense in upkeep to a crossing.

You may use my, all or none of this letter and I will be available if you wish to talk to me in person.

Paul J.
Paul E. Fulkerson
603 N. Calhoun
Tolono, IL 61880
Ph 485-8000

1/23/98 9:14:07am-9

October 8, 1997

Village of Tolono
P.O. Box 467
Tolono, IL 61880

RE: Norfolk Southern Proposal

Gentlemen:

We as residents of 110 E. Marshall in Tolono are very much opposed to the proposed spur. We find the railroad crossings already blocked by trains much of the time delaying our getting in and out of Tolono. These are not just small delays, much of the time and sometimes more than one crossing is affected. We are already concerned about emergency vehicles being able to move freely in Tolono, and the complete closing of another crossing will, of course, only add to this problem greatly.

There are many young children in our neighborhood and the increased traffic would be a danger.

The noise from the trains is already significant, and additional noise will make things even more difficult. We find it trying to even leave windows open because of the noise.

The thought of hazardous material being routed through Tolono is also cause for concern. What would happen if a spill occurred? Who will be responsible for protecting the people of Tolono?

We wish to vigorously register our opposition to this proposal.

Very truly yours,

Frank R. Krasnowski
Frank R. Krasnowski
Patricia A. Krasnowski

1/23/98 9:14:07am-10

Nov. 13, 1996

RE: NORFOLK SOUTHERN TOLONO SPUR EXPANSION

Gentlemen,

I've lived in Tolono six years. Railroads are part of our life here. I live on the tracks.

To this date the railroad has done no housekeeping along their tracks. Weeds have not been cut in this period. If any repairs are done, the old parts—ties, spikes, plates to hold ties in place, etc are left to lie in the weeds where they are thrown. The railroads are very inconsiderate.

I find it difficult to believe anything they say. They will do as they please. Tolono has no legislation to control what they do. I think they should have.

I don't think you should wait until they start work on this project. I believe they will do this no matter what we Tolono citizens want. I repeat—they are inconsiderate.

Yours Truly,

Jim Sheehan
James Sheehan

1/23/98 9:14:07am-11

Village of Tolono

November 13, 1997

RE: Norfolk Southern Tolono Spur Expansion
TO Whom It May Concern:

In response to your request for
resident concerns.

Our concerns are as follows.

1. The property values will decrease.
Who will pay for the decrease in
the value of the property.
2. If the railroad goes through
with the spur expansion what is
next to come? A rail yard? Who
will want to live by a rail yard?
3. Having the fire and emergency
services being delayed in getting
to and from emergency situations.
4. Having more dangerous chemicals
being transported or sitting idle
in town.

1/23/98 9:14:07am-12

5. Children having to cross a T-junction
crossing trying to get to or from
school or wherever they need
to be.
6. Having the crossings being blocked
more frequently which might
make you or your children late.
7. Having increased noise from whistles
that blow and banging of the cars
also from squeaking of the wheels.
We want to be able to have our
windows open for fresh air because
of the increased noise.

Sincerely,

Terry Charles and Elizabeth Charles
804 South Bourne St.
Tolono, Ill 61880

1/23/98 9:14:07am-13

Norfolk Southern Proposal:
Village Of Tolono.

With more trains running through town, there is always more
danger of something going wrong. We have enough trouble getting
across the crossings now. More trains would slow down traffic
drastically.

I live at 117 E. Dugby, and from what I can see now we would
have to give up the road in front of our house, or worse.

The quality of the air would also be lower, from diesel fumes and
rail dust.

The added noise would make it harder to rest, especially for
the little ones and those with breathing disorders.

I built our house 24 years ago, hoping we wouldn't have to move
again. I'm 74 years old and I don't know where we could go if we
had to move.

Having more trains would add to the danger of hazardous waste
spills here in town.

If we have to have crossings closed here in town it would cause
us to drive farther. It would be harder to get emergency vehicles to
this part of town.

I do hope you will take all this into consideration before adding
a spur onto the railroad.

Yours Truly,

Lawrence H. Wolfe

RECEIVED
1/23/98

1/23/98 9:14:07am-14

11-9-97

Norfolk And Western

Norfolk And Southern Proposal
Village of Tolono, Ill.

First I want everyone to know I'm not trying to stand in the way of progress.
I'm in favor of progress, but do we need to move people, or endanger lives to get this progress.
I hope if the railroad does decide to go through, it will find a better way than to crowd us out.
I listened to the railroad people at the meeting the other night, but I don't understand how they could between the spur and the main rail. I know if the railroad people decide to go through I can't do much to stop them or change their minds, but I've said what I have to say, so thanks for listening.

get
Lawrence & O'Connell Wierfel
117 E. DAGG 6060655
Tolono, IL 61880

1/23/98 9:14:07am-15

105 N. Elizabeth
Tolono, IL 61880
October 9, 1997

ATTN: NORFOLK SOUTHERN PROPOSAL
Village of Tolono
P.O. Box 667
Tolono, IL 61880

I live 2 houses north of the Elizabeth Street Railroad crossing. I have lived near railroad tracks nearly all my life. But since I have lived in Tolono near the Norfolk Southern tracks there has been a real concern to me for the children that have to cross the tracks.

The tracks have been blocked too much of the time with stopped trains. The trains blocking the crossing and the pressure to be at school on time have caused children to cross between railroad cars. It's also been reported to me that someone witnessed a youngster pushing his bicycle underneath a stopped train.

I have worked at the Tolono Village Hall since 1973 and have heard numerous complaints about trains blocking the railroad crossings.

If the rail traffic increases, I can't possibly imagine the potential hazard this will cause our school children.

The complacency by the adults and young adults over the railroad crossings blocked, have made them do some very unsafe (and sometimes stupid) things. But when you have to deal with the blocked crossings day after day sometimes frustration takes over and accidents happen. I know of 2 deaths caused by going around the arms, since I have lived here.

Another real concern I have is the need for emergency medical treatment and fire protection. My husband is a volunteer fireman, and I know minutes can be the difference between life and death. Several years ago (maybe 15) the Tolono Fire Dept. responded to a call on the south end of town when the crossing arms were down. Two or three of the firemen left the emergency vehicle that was blocked by the crossing arms, and responded on foot for a few blocks. They knew they were responding to a heart attack call and timing was critical. The wife believed her husband was already dead, however the fireman began CPR and to this day this man is still alive and doing well. Had this been farther than a few blocks that man would have died.

Please consider the safety and health of the Tolono residents by not proceeding as planned.

P.S.

Not only are the arms down by stopped trains, there are no trains in sight.

Lu An Cunningham
Lu An Cunningham

1/23/98 9:14:07am-16

September 27, 1997

Attn: Norfolk Southern Proposal
Village of Tolono
P.O. Box 667
Tolono, IL 61880

RE: Rail Spur

To Whom It May Concern:

In response to your request for resident input:

1. Safety:

- Fire and emergency services could be delayed in getting to and from any situation that arises.
- Danger in more chemicals being transported through Tolono that might possibly derail and leak due to switching of trains.
- Children, elderly or anyone having to cross the tracks at any given time. (example: children going to school, elderly have to walk to go to the grocery store)

2. Transportation:

- This will close all major intersections to get across to the east side of Tolono. THIS MAKES NO SENSE AT ALL.
 - Who will be held responsible for any DEATH that might happen due to no emergency vehicle being unable to get across the track.
 - I'm sure the Village of Tolono will not want to be sued due to a death. We have lived in Tolono around these tracks all our lives and know for a fact that these trains are on the tracks for a long period of time.
 - It is my understanding from some years ago each time a train has the crossing blocked, should be for a short period of time such as 10-15 minutes. We have been held at a crossing for 30 minutes or longer.
 - Will cause problems when we go to and from work. We will never no when to leave to go to work due to the trains coming and going.
 - Children may be late for school, late getting home,

1/23/98 9:14:07am-17

late getting to the next bus stop to get on the next bus.

- Sunday morning, Sunday evening and Wednesday evening when we are trying to go to Church. With trains possibly blocking crossing.
- Traffic accidents may occur due to people in line trying to get out of line and find another way to get in or out of town.
- Unity High School and Unity Junior High School activities at the schools or away. Other school bring buses here for school activities. They could be late to and from and parents waiting to pick up the children will be worried and upset.

3. Land Use:

- Property values will decrease, who wants to live by a rail yard? We don't.
- Who wants to live where you can't open your windows, be out side without hearing all the noise due to just going through or being the switching station for 30-45 minutes or longer.
- We have enough noise now without more. WHY can't this be done outside of Tolono in the Country. Such as somewhere between Tolono and Pesotum or Tolono and Philo where few people are living. This would make more sense.

4. Air Quality:

- They will be burning an increase amount of train fuel in town and be doing this by spending more time in town.
- People with health problems. (example: breathing, lungs etc.)

5. Noise:

- See #3 A and B.
- The noise from all the switching, hooking and unhooking will increase and is already bad.
- Your nerves can only take so much noise.

6. Socio Economic/Human Issues:

- Quality of life? You will never be able to commit to anything. You might have an appointment in town or outside of town but not get there on time.
- If we are late for work, we could lose our jobs due to the fact that the work force doesn't understand LATE for any reason.

1/23/98 9:14:07am-18

Due to all the trains now in Tolono, the crossing arms are down and no trains are in sight. Even though it's against the law to cross with the arms down, it will happen more often. Is Tolono going to have a crossing guard on duty 24 hours a day for protection? MAYBE THE RAILROAD SHOULD BE RESPONSIBLE FOR PROVIDING A CROSSING GUARD AT EACH CROSSING 24 HOURS A DAY AT THEIR EXPENSE.

It seems that the convenience is for the railroad and could care less about the people who live in Tolono or visiting.

Sincerely,
Terry Charles Elizabeth Charles

Terry Charles and Elizabeth Charles
204 South Bourne St
Tolono, IL 61880

1/23/98 9:14:07am-19

danville
Illinois

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/2/98
DOCUMENT # 2/2/98 3:48:31pm



ROBERT E. JONES, MAYOR

ENVIRONMENTAL DOCUMENT

JANUARY 20, 1998

Office of the Secretary
Case Control Unit
Finance Docket No. 33388
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20413-0001

Subject: Finance Docket No. 33388-CSX and Norfolk Southern-Control and Acquisition-Community Justification

Attn: Elaine R. Kaiser
Environmental Project Director
Environmental Filing

Dear Surface Transportation Board,

The City of Danville, Illinois, is pleased and grateful to have the opportunity to comment on the draft EIS for the proposed Conrail acquisition. Danville has been a partner with all the railroads down through the years to our mutual benefit. Legend has it that John Dillinger, once came to Danville to scope out tanks to rob but decided against it because there were too many railroad crossings.

The proposed acquisition brings several issues to the forefront for us as they relate both significantly and detrimentally to the City of Danville.

Conrail owns and maintains a spur line through Danville that starts at Jackson St. south of Fairchild and goes north and northeast out of town. There are two grade separation structures at Fairchild and English Streets. Both of these grade are deficient in height. There are at-grade crossings at Jackson, Winter, Liberty and Bowman. Although these crossings are intact, the rails, the ties and the tie plates have been removed from the roadbed for all the stretches in between. We have been placed in the compromising position of placing "Exempt" signs at the crossings. We believe the railroad should be obligated to remove these structures and crossings or put the track back in service. It has been out of service for years.

The N S line from Tilton to Lafayette will experience a major increase in the number of trains from 20 to 41 per day. The number of hazardous materials cars on this line goes from 10,000 to

17 W. MAIN STREET • DANVILLE, ILLINOIS 61822 • GENERAL OFFICES (317) 431-2300 • MAYOR'S OFFICE (317) 431-3400

2/2/98 3:48:31pm-1

danville
Illinois



ROBERT E. JONES, MAYOR

48,000 per year, a 40% increase. Projected accidents increase at every crossing in town. Average delays nearly double at every crossing in town. Air pollution from the trains increase significantly, over one hundred tons per year for the aggregate emissions along the entire line. This impact is increased for Danville disproportionately because of the lower train speed limits. No data was presented for the increased air pollution from the increased average vehicle delays resulting from the increase in trains, however this amount should nearly double also. Noise goes up significantly along this line, impacting several residential neighborhoods in town.

Our police station and ESDs are immediately adjacent to this line and can only cross it at an at-grade crossing either at South St. or Main Street. So we have a circumstance requiring a potential increase in response from emergency services (i.e., an increase in trains, hazardous materials, etc.) that by its own operation decreases our ability to respond (i.e., doubling waiting times at crossings). This has a ripple effect in our Fire Dept. response where secondary, backup, and support units often cross this line.

All of these conditions can be mitigated with selective implementation of grade separation structures along critical roadways. We would urge the SEA to take another look at Danville's overall picture as opposed to microanalyzing each crossing. We believe that a further analysis of this situation may warrant a grade separation structure at 3rd St., South St., Bowman and Northeast Streets.

We concur with the SEA's recommendation to require binding arbitration with the railroads pursuant to a finding of an adverse impact which has been clearly demonstrated in Danville by the SEA's excellent and thorough job on the EIS.

Thank you for your consideration in this matter.

Sincerely yours,

Robert E. Jones
Robert E. Jones
Mayor

cc: Lois Cooper, Alderman
Thomas Stone, City Engineer

TS/CR

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2/2/98 3:48:31pm-2

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/2/98
DOCUMENT # 2/2/98 4:14:01pm

ENVIRONMENTAL DOCUMENT

BEFORE THE
SURFACE TRANSPORTATION BOARD

CSX AND NORFOLK SOUTHERN, CONTROL AND ACQUISITION
Finance Docket No. 33383

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

CENTER FOR NEIGHBORHOOD TECHNOLOGY

2125 West North Avenue
Chicago, IL 60647
(773) 278-6999

In June 1997, two major freight railroads, CSX Corporation and Norfolk Southern Corporation, filed a joint application with the Surface Transportation Board (STB) to acquire and divide the assets of Conrail Inc. As part of the environmental review of the application, the STB directed its Section of Environmental Analysis (SEA) to prepare a Draft Environmental Impact Statement (Draft EIS) to address environmental issues and provide preliminary recommendations for mitigating possible effects of the Proposed Acquisition. The SEA has made the Draft EIS available for public review and is currently seeking public comments from all interested parties. The Center for Neighborhood Technology submits the following statement in response to the SEA's request.

The Center for Neighborhood Technology is a twenty-year-old not-for-profit organization which works to achieve sustainable community development through its four major program areas: transportation and air quality, sustainable manufacturing and recycling, community energy, and research and development. Located in the city of Chicago, the Center has developed a series of innovative projects which have had significant impacts in the fields of pollution prevention, energy conservation, and community development planning. The Center is a founding member of the Chicago affiliate of the Surface Transportation Policy Project, and co-chair of the Chicago and Transportation and Air Quality Commission, a 110-member coalition that addresses issues of regional land use and planning. Projects sponsored by the Center in the area of transit-oriented development have been cited by the President's Council on Sustainable Development, of which the Center's president, Scott Bernstein, is a member.

The Surface Transportation Board is required by statute to approve a proposed rail acquisition if it determines the transaction is consistent with the public interest. By all indications, the public benefits of the Proposed Acquisition are substantial. Currently, much of the northeastern United States is served by Conrail alone, requiring both Norfolk Southern and CSX to interchange freight with Conrail in order to reach customers there. The proposed split of CSX rail operations would introduce single-line service to northeastern markets, eliminating the need for costly and time-consuming intermediate switching. More efficient, single-line service will stimulate economic growth and shift freight movement from truck to rail, alleviating traffic congestion, wear and tear on highways, and lessening air pollution.

2/2/98 4:14:01pm-1

The Center for Neighborhood Technology is supportive of efforts to increase the volume of freight moved by rail, a substantially more energy efficient and environmentally benign transportation alternative than trucking. To the extent the Proposed Acquisition promises to bring about such a shift, the Center supports the Application. However, it is not clear from the petitioner's proposed Operating Plans that approval of the Application, as it stands, will benefit all communities and shippers equally.

The Center's concerns focus in particular on the likely effects of the Proposed Acquisition on industrial establishments and community residents located in the vicinity of the Lake Calumet area of southeast Chicago (see attached map). The center of Chicago's once-thriving steel industry, the area still provides employment for over 10,000 manufacturing workers. Leading industries include the steel-coil division of Joseph T. Ryerson and Son, which employs 400 workers at its Pullman facility. The area has highly-developed freight transportation infrastructure, including extensive rail coverage, deep water dockage, and barge access to the Mississippi River and St. Lawrence Seaway via the Calumet River.

At present, rail service to industries in the vicinity of Lake Calumet is provided almost entirely by Norfolk Southern, which maintains, and refuses to relinquish, exclusive trackage rights to customers on the eastern and western sides of Lake Calumet (see map). Classification service is provided by Norfolk Southern's Calumet Yard, where congestions and unavailability of crews have delayed shipments to and from Calumet industries for years. The absence of meaningful freight rail competition has undermined the competitive position of shippers located in the area, resulting in a significant loss of business.

The Proposed Acquisition threatens to make a bad situation worse. In its Operating Plan filed with the STB in support of the Application, Norfolk Southern anticipates a substantial reduction of capacity at Calumet Yard.

"The Operating Plan contemplates eliminating most classification and train functions performed at Calumet Yard and transferring them to [Norfolk Southern's] Elkhart, Indiana facility. This change will facilitate the reduction of 20 yard crews and the transfer of one local to Burns Harbor to serve Gary Sugar Works. We anticipate that three operating supervisors, three clerical positions, and four utility trainmen positions can be eliminated at Calumet. Seven locomotive units can be reassigned elsewhere. We also expect the elimination of sixty-five mechanical department positions." (Operating Plan, Volume 3B, p. 184)

Now the proposed restructuring of Calumet Yard will affect classification service to Lake Calumet industries is not addressed in the Operating Plan. Area manufacturers are thus understandably concerned, fearful that their already unreliable rail service might deteriorate further.

The Center for Neighborhood Technology is aware that the Surface Transportation Board has established a process for receiving comments related to the economic and competitive merits of the Proposed Acquisition, which is separate from the environmental review process. However, the Center respectfully submits that the proposed reduction of capacity at Calumet Yard is likely

¹See Illinois International Port District, Request for Conditions to the Approval of Application, Verified Statement of Anthony G. Iannelli.

2/2/98 4:14:01pm-2

to have consequences which fall well within the scope of concerns addressed in the Draft Environmental Impact Statement. In particular, it is likely to lead Calumet area shippers to transport goods increasingly by truck rather than by rail, impacting regional air quality, traffic congestion, and undermining the competitive position of industries which provide jobs for residents of nearby low- and moderate-income communities.

It is well recognized that unsatisfactory rail service encourages shippers to move freight by truck that would otherwise be moved by rail. With more and more industries making the shift to just-in-time inventory control methods, on-time deliveries are more important now than ever before. Nothing demonstrates this better than Union Pacific Railroad's current struggle to integrate the operations of Southern Pacific following their 1996 merger. Unreliable rail service in the West has displaced an enormous amount of freight from rail to highways, leaving many over-the-road trucking firms operating at full or near-full capacity.

The public interest would not be served by a shift of freight from rail to truck in the Calumet area any more than it is served in the above instance. Air quality in the Calumet region is already poor. According to a 1994 study, fifty-four southeast Chicago firms failed to meet federal Emergency Planning and Community Right to Know (EPCRA) standards, producing 56,000 tons of carcinogens, 21,000 tons of developmental toxins, 221 tons of genetic toxins, and 38,000 tons of chronic toxins per year.²

Currently, the entire Lake Michigan basin is in severe non-attainment with the 1990 Clean Air Act Amendment's Ozone standard, largely due to emissions from the Gary-Chicago-Milwaukee Corridor. Under orders from the U.S. Environmental Protection Agency (EPA), Illinois and other states bordering Lake Michigan are required to prepare and implement plans which will reduce 1990 emissions of Volatile Organic Compounds (VOC) and Nitrogen Oxides (NO_x) at least 15 percent by the year 2007. The EPA's "Mobile5a" Mobile Source Emission Model shows that every million truck miles generate over 2.7 tons of VOC and 15.7 tons of NO_x.

In addition, in July 1997 the EPA announced new standards for particulate matter under the national ambient air quality standards (NAAQS), which the agency has determined are necessary to protect public health and the environment. The regulations include new standards for "fine" particles (smaller than 2.5 micrometers in diameter), which penetrate deeply into the lungs, leading to serious health effects. Studies indicate that diesel trucks produce nearly 5 percent of fine particle emissions.³ The introduction of more truck traffic into the Calumet area of Chicago can only worsen an already grim environmental situation, making compliance with federal clean air standards an ever-distant possibility.

There is, however, an alternative. The Illinois International Port District (the "Port of Chicago"), which operates Lake Calumet's harbor facilities, has filed a Request for Conditions to the approval of the Proposed Application. The Port of Chicago proposes that the STB remedy the lack of competitive rail service to the Lake Calumet area by requiring Norfolk Southern to grant operating rights to alternative freight carriers. Specifically, Norfolk Southern should provide trackage rights and access to Lake Calumet customers to two short line railroads, the Chicago South Shore and South Bend Railroad and Chicago Rail Link. Alternatively, or in addition to this, operating rights should be extended to CSX, which holds overhead trackage rights east of Lake Calumet under the proposed Operating Plan (see map).

²Source: "A Guide to Southeast Chicago's Major Polluting Industries," Citizens for a Better Environment, 1994.
³Source: E.H. Peckham & Associates, "National PM Study: OPPE Particulate Programs Implementation Evaluation System, Final Report to EPA," Sept. 1994; E.H. Peckham & Associates, "Updates to Fugitive Emission Components of the National Particulate Inventory," Jan. 29, 1996.

2/2/98 4:14:01pm-3

The Center for Neighborhood Technology supports the Port of Chicago's Request for Conditions. As a result of a 1959 Interstate Commerce Commission decision, Illinois Central Railroad Company, et al. Construction and Trackage Rights, Lake Calumet Harbor, Cook County, Ill., 307 ICC 493 (October 5, 1959), the Chicago South Shore and South Bend Railroad and Chicago Rail Link both have operating rights over Norfolk Southern-owned track into the southwest portion of Lake Calumet Harbor. However, neither carrier is allowed to serve industrial customers along this stretch of track, nor are they permitted access to potential customers further north and east of Lake Calumet along Norfolk Southern's lines. The Center urges that rail access be extended to these portions of the Lake Calumet area, providing industries there with a choice of competitive rail services. Norfolk Southern should continue switching traffic bound for Norfolk Southern destinations, but neutral switching services should be provided to shippers requiring access to competing railroads such as CSX and Burlington Northern.

The remedy sought by the Center promises to impose little hardship upon Norfolk Southern. First, the area in question generates low volumes of freight. Second, since Norfolk Southern would continue to switch its own customers, the only business it stands to lose is short-haul traffic bound for alternative points, an insignificant share of Norfolk Southern's overall business. Finally, competitive rail service will encourage more shippers to use rail. As the size of the overall rail shipping pie increases, Norfolk Southern's business in the area may well stabilize or even increase in the long run.

The Draft Environmental Impact Statement identifies only one outcome of the Proposed Acquisition serious enough to warrant mitigation measures in Chicago: the construction of a new intermodal facility at an abandoned Conrail yard on 59th Street. The Center for Neighborhood Technology urges the SEA to address the likely environmental consequences of Norfolk Southern's planned restructuring and downsizing of Calumet Yard in its Final EIS. Norfolk Southern justifies its Application by arguing that intensified competition and improved rail efficiencies resulting from the Proposed Acquisition will generate unprecedented public benefits (Application Before the Surface Transportation Board, Section 1180.9(a)(2)(ii)). The STB should take steps to ensure that the same spirit of competition extends to local switching services as well as line-haul traffic. Otherwise, the result of the Proposed Acquisition for some communities may well be a shift of freight movement from rail to truck, with accompanying environmental consequences.

This statement is endorsed by the Citizens Commission for Clean Air in the Lake Michigan Basin (CCCALMB3), a consortium of environmental groups from the four Lake Michigan states coordinated by Citizens for a Better Environment, The Center for Neighborhood Technology, and The Hoosier Environmental Commission. The Commission has been involved with the process of clean air compliance in all four Lake Michigan states, as well as being a member of the USEPA Ozone Transport Assessment Group and the Lake Michigan Air Directors Consortium. Alex Johnson has been CCCALMB3's president since its inception.

Citizens Commission for Clean Air in Lake Michigan
647 W. Virginia - # 305
Milwaukee, WI 53204
414-271-7467 (main phone)
414-271-5904 (fax)

2/2/98 4:14:01pm-4



2/2/98 4:14:01pm-5

SEA - Conrail

CENTRAL ADMINISTRATIVE UNIT

REC'D: 2/13/98

DOCUMENT: 2/13/98 5:00:12pm-1

Office of the Secretary, Department of Transportation, Room 3338
Surface Transportation Board, 1215 K Street, NW, Washington DC 20423-0001
Attention: Elaine K. Kaiser, Environmental Project Director, E. Filling

Comments of Lionel Trepanier and the Blue Island Greens to the SEA and Board regarding the Conrail acquisition DEIS. John Wiser, Trepanier comments he placed in the Mail February 2nd to be considered timely.

It's a Greens' position to support development of rail lines and the leveling of a playing field that has subsidized Truck and Air transport at the expense of Rail transport. Also, the Greens call for the reduction, restriction, limitation and removal of Hazardous Materials whenever and wherever possible, including during transport and storage on rails.

We suggest that the criteria used by SEA and the Board for their determination of where to require mitigation for increases in Haz-Mat shipments are inadequate and arbitrary and unreasonable.

Under the CSX NS Conrail proposal communities along approximately 117 Train routes are to receive some assurance of Hazardous Material (Haz-Mat) safety protection based upon a significance determination based upon the increasing hazard shipments they or near these communities. Consider that communities proposed for Haz-Mat shipment increases that are currently on key routes even prior to the acquisition were already without effective chemical spill response plans. Increasing the number of loads of Haz-Mat thru these communities without requiring a showing of effective emergency planning on each route proposed for a Haz-Mat shipment increase is unreasonable. Also the SEA and Board have not considered the cumulative impact on communities, specially noting but not limited to, Blue Island, Illinois, of increases in Haz-Mat shipments on several lines and transfers to parallel lines.

Actually a number of key routes and major key routes set for Haz-Mat shipment increases under the proposal are already without real emergency response and prevention activities. Including Blue Island, many affected communities currently hosting key routes and even major key routes are without active LEPs or effective emergency or evacuation plans. Increasing the Haz-Mat levels on these lines without requiring the Railroads to participate in Emergency Planning with the affected communities is unreasonable and dangerous.

And for all these communities and rail segments where the planned acquisition would increase the shipments of Hazardous Materials the Board should require CSX and NS to fund and develop with the input of and for the consideration of the affected communities, and the LEPs, a Hazardous Materials Emergency Response Plan that includes as well as LEP assistance, including funding, in the update of the affected LEP Emergency Response Plans and training.

Based upon increases in the existing levels of Hazardous Materials shipments due to this acquisition the Railroads and the Board have a duty to insure that all routes and communities experiencing a potential increase in Haz-Mat shipment accident impacts have or are at least afforded the opportunity to develop emergency response, prevention, and training plans with the cooperation and funding of the Railroads, NS and CSX. The Board has increased in the potential for Hazardous Material accidents.



2/13/98 5:00:12pm-1

SEA - Conrail

Greens/Trepanier 2-3

For EVERY rail segment where the planned acquisition would increase the shipment of Hazardous Materials the Board should require the railroads to demonstrate that they have consulted with the affected communities at large and done their part under SARA Title III, the Emergency Planning and Community Right to Know Act (this has not happened in Blue Island nor Cook County, Illinois) in addition to your recommended mitigation (a) from page 7-13.

The criteria for mitigation for Haz-Mat shipment increases should also consider the surrounding community population and especially if the rail line is adjacent a chemical plant, oil refinery or other explosive risk.

TWO AT GRADE CROSSINGS IN BLUE ISLAND

Further the Board should allow opportunity for public involvement and comment of the people of Blue Island upon mitigation measures that might be requested for two at grade crossings on Seg. C-010 in Blue Island. The people of Blue Island have had no opportunity to comment upon mitigation required as a result of the acquisition. It was not until February 2, 1998 that we could confirm the need for CSX consultation with the people of Blue Island based upon the difficulty the SEA had in providing information upon actual location of Highway at Grade crossings requiring mitigation that were repeatedly incorrectly reported to be in Calumet Park in the DEIS and Errata. The Citizens of Blue Island should be afforded a clear explanation of the impacts at the CSX crossings at 135-Broadway and at Western Ave. And an opportunity to voice their concerns and desires. This has not occurred yet.

The SEA should consider pedestrian impacts at the two grade crossings in Blue Island. For this pedestrian dependent population a proper grade separation analysis is not complete. Lacking of information of impact upon pedestrian movements the Board is underestimating and not having the opportunity to consider the impacts of the proposal upon the people of Blue Island.

The "Haz-Mat Black Hole" at Blue Island Junction. Consider that the proposal for transfer of hazardous materials at Blue Island Junction is tantamount to the impacts of a rail yard for the purpose of Environmental Justice and NEPA (National Environmental Policy Act) analysis classification. This refers to the "Haz-Mat Black Hole" at Blue Island Junction. The documentation shows 3 rail line segments converging at Blue Island Junction. Of these three lines, two show large but unequal increases in the number of Haz-Mat shipments. The third shows a slight decrease in Haz-Mat shipments. The numbers just don't add up! Especially respond to the Hazardous Material (Haz-Mat) hole at Blue Island Junction.

Apparently the Railroad (CSX) proposes although the DEIS has not disclosed, the use Blue Island Junction as a rail yard for unloading or otherwise breaking off many thousands shipments of Hazardous Materials. The DEIS has not analyzed the potential accident increases resulting from this unloading, transfer and parallel rail line shipments of Hazardous Materials. The rail yard operations at Blue Island Junction should be analyzed individually and cumulatively with the other Haz-Mat impacts here.

The Master Table of All Rail Line Segs should include all lines designated to take shipments of Hazardous Materials at Junctions such as Blue Island Junction.

2/13/98 5:00:12pm-2

SEA - Conrail

Greens/Trepanier 3-

Cumulative Impacts analysis proposed for Hazardous Materials shipments.

The SEA and the Board should disclose and consider Mitigation of cumulative impact of increase Hazardous material shipments at Blue Island, Illinois and any other Illinois affected communities. As an example the cumulative increases in movements of Haz-Mat at Blue Island will exceed 20,000 loads; at the Barr Yard, thirteen-thousand; and on Seg. C-011, seven-thousand loads. Blue Island Jct to 15th Street, and on Seg. C-013, eleven-thousand loads. Pine Jct to Barr Yard; and segment C-417, three-thousand loads. Blue Island Junction to Clearing; C-253, thirteen-thousand loads. Bolton to 7th Street, as well as the attendant yet undisclosed increases at the sub serving rail lines and rail yards such as the IHR rail yard at Blue Island, Illinois, and at Blue Island Junction; requires the Board consider the cumulative impact on our communities of the cumulative increase in Hazardous material accident impacts and need for emergency planning, prevention and community education.

Without the mitigation of grade separation at Western Ave and Broadway-135th there would likely be an increase in fatal accidents such that you should review the following disclosure included in the DEIS: "At least accidents and save 1 life per year." Illinois DEIS V. SEA, Table A-6.

Critique of criteria of significance for Haz-Mat rail accidents.

The criteria of significance, "one accident expected every 100 years or less per mile of route" is arbitrary and capricious. It is reasonable and necessary to consider the greater impact of Haz-Mat accidents in urban areas vs. rural areas and also exacerbating pre-acquisition conditions of contaminated air and possible industrial explosions adjacent the tracks. Life consider in Blue Island CSX has been moving explosives thru an Oil Refinery that stores 35,000 gallons of Hydrogen Fluoride, an extreme inhalation hazard chemical. An accident risk of 1 in a hundred that might be acceptable in a rural area is totally unacceptable for tracks just feet away from this refinery. Yet the SEA DEIS analysis of impacts of increase risk of Haz-Mat rail accidents and their arbitrary criteria of "one accident per 100 years per mile of track" ignores these reasonable facts that should be taken in consideration in determination of significance of Hazardous material accident risk increases.

The analysis of train delay in Blue Island considered exacerbating a pre-acquisition condition and likewise the SEA should consider the exacerbation of existing Haz-Mat risks in Blue Island. The potential risk to our community from this acquisition is also significant because freight train accidents - in a chemical industrial corridor - present greater potential hazard.

We criticize the Preliminary Recommended Mitigation pg II-65 15th Street. The SEA and the Board add a new bullet item - Development of an Emergency Response Plan. Please mapping Worst Case analysis, notification system, escape plan, etc. for the yard.

Thank-you for taking these comments. Please respond to the issues we have raised as well.

Lionel Trepanier, personally and behalf the Blue Island Greens.
Secretary Blue Island Greens, Box 1624
12601 Maple Blue Island Illinois 60413

2/13/98 5:00:12pm-3

ENVIRONMENTAL DOCUMENT

INDIANA DEPARTMENT OF NATURAL RESOURCES

LARRY D. MACKLIN, DIRECTOR

Division of Historic Preservation
and Archaeology
402 W. Washington St., Room W214
Indianapolis, Indiana 46204
E-mail: dear_mr_macklin@indiana.gov
(317) 232-1646
(317) 232-6003 FAX

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/13/98
DOCUMENT: 2/13/98 5:12:36



January 2, 1998

Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW, Suite 700
Washington, D.C. 20427

Dear Mr. Williams:

We have reviewed the Environmental Assessment for the proposed acquisition and control of Conrail at Willow Creek and Alexandria in Madison and Porter counties, Indiana (FINANCE DOCKET #33388). This review has been conducted pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f) and implementing regulations found at 36 C.F.R. Part 800.

As long as the project remains within areas disturbed by previous construction, no known historic buildings, structures, districts, objects, or archaeological sites listed in or eligible for inclusion in the National Register of Historic Places will be affected by this project. However, if any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-37 and 29) requires that work must stop and that the discovery must be reported to the Division of Historic Preservation and Archaeology within two (2) business days. Additionally, in the event that artifacts or features are discovered during the implementation of the federally assisted project, activity, or program and a plan has not been developed, it is the federal agency's responsibility to contact the Advisory Council on Historic Preservation in accordance with 36 C.F.R. Section 800.11(b)(2). Thank you for your cooperation.

Very truly yours,

John L. Carr

for Larry D. Macklin
State Historic Preservation Officer

LDM:SLW:RSW:mjg

EQUAL OPPORTUNITY EMPLOYER

PRINTED ON RECYCLED PAPER

1/9/98 3:12:36pm

WILLIAM J. SLOVER
C. MICHAEL LOFTUS
DONALD G. JONES
JOHN P. LA SOTA
BILLY J. DAVIS
ROBERT S. SCHUMACHER
CHRISTOPHER J. KELLA
FRANK J. FURMAN
ARNDT B. SCHUBERT III
JAMES H. CUNNINGHAM
PETER A. FORD

SLOVER & LOFTUS
ATTORNEYS AT LAW
222 KENTINGTON STREET, N.W.
WASHINGTON, D.C. 20008



CENTRAL ADMINISTRATIVE UNIT
REC'D: 1/12/98
DOCUMENT # 10178718-3117
January 12, 1998

BY HAND DELIVERY

Elaine K. Kaiser
Environmental Project Director
Section of Environmental Analysis
Surface Transportation Board
ATTN: STB Finance Docket No. 33388
1925 K Street, N.W.
Washington, D.C. 20423-0001

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 Ms. Kaiser:

The Cities of East Chicago, Indiana; Hammond, Indiana; Gary, Indiana; and Whiting, Indiana (collectively, the "Four City Consortium" or the "Four Cities") hereby request that the Board's Section of Environmental Analysis ("SEA") provide them with additional information concerning the train speed inputs used by SEA's environmental contractor in calculating vehicle delay times at certain at-grade rail/highway crossings in the Four Cities area that will be adversely impacted by the Applicants' operating plans after the Conrail control transaction is consummated. The vehicle delay times calculated by SEA's contractor are included in the Draft Environmental Impact Statement ("DEIS") in the above proceeding served on December 12, 1997.

The information requested is necessary to enable the Four City Consortium to provide meaningful comments with respect to the DEIS's analysis of the environmental impacts of the Conrail transaction on the Four Cities region. Such comments are due on February 2, 1998. The information requested may also be useful in facilitating a negotiated solution to the problems raised by the Four Cities, as suggested by SEA, which would avoid

1/16/98 9:18:31am-1

Elaine K. Kaiser
January 12, 1998
Page 2

the necessity for asking the Board to impose environmental mitigating conditions.

On October 21, 1997, the Four City Consortium filed Comments and Requests for Conditions in this proceeding which described certain negative environmental impacts from the Applicants' proposed division of Conrail. The negative impacts result primarily from Applicants' plans to move more traffic over line segments containing numerous highway/rail grade crossings. The Four Cities' Comments propose an Alternative Routing Plan that was developed to mitigate these negative environmental and related impacts, while requiring only minimal adjustments to the Applicants' proposed operating plans.

In the DEIS, SEA recognizes the concerns raised by the Four City Consortium, and recommends that the Applicants consult with the Four Cities and other appropriate parties to address the potential traffic delay and safety concerns raised by the Four Cities with respect to certain rail/highway grade crossings. (DEIS, Volume 3A, Chapter 5 at page IN-85.) The Four Cities and the Applicants are in the process of attempting to negotiate a mutually-acceptable agreement for measures to address these problems (which may include aspects of the Alternative Routing Plan). The first meeting of the parties for this purpose took place last Friday, and further meetings will be held in the near future.

One of the principal issues in dispute between the Four Cities and the Applicants is the amount of delay time that is or would be incurred by vehicles at certain rail/highway grade crossings in the Four Cities region that are impacted by the Applicants' operating plans. Crossing delay times are influenced heavily by train length and speed, among other factors. In order to be able to comment intelligently on the DEIS and respond to the Applicants' contentions, it is critical for the Four Cities to know what train speeds and other assumptions were used by the SEA's environmental contractor in developing crossing delay estimates for these crossings.

The DEIS indicates that SEA has analyzed 15 at-grade rail/highway grade crossings in the Four Cities area for vehicle delay. (Id., Volume 3A, Chapter 5 at page IN-84.) The Four Cities' consultant has inquired informally of SEA's environmental contractor as to the inputs used to calculate delay times for these crossings, including the train speeds used. However, the contractor would not divulge the specific train speeds or other assumptions used in developing delay times for the 15 crossings studied.

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Elaine K. Kaiser
January 12, 1998
Page 3

Accordingly, the Four City Consortium requests that SEA furnish it with the following inputs and assumptions used by SEA's environmental contractor in calculating the crossing delay times for the 15 grade crossings studied:

1. A list of all grade crossings in the Four Cities that were evaluated.
2. For each crossing evaluated (please provide the data separately for pre- and post-acquisition):
 - a. The number of trains assumed to use the crossing daily.
 - b. The train lengths assumed.
 - c. The train speeds assumed and the manner in which those train speeds were determined (if actual speeds, the source of the information concerning such speeds; if not actual speeds the basis for the speeds (e.g., FRA data, railroad timetable) and any adjustments made to approximate more closely actual speeds.
 - d. Any assumptions as to train weight and power (drawbar horsepower).
 - e. Average Daily Vehicular Traffic.
 - f. The number of vehicle lanes in each direction.
 - g. The number of tracks at the crossing.
 - h. The warning devices at the crossing.

In order to be able to make meaningful use of this information both in the settlement discussions with the Applicants and in preparing comments on the DEIS, the Four Cities respectfully request that it be provided to their undersigned counsel at the earliest practicable date. If SEA is unable to provide all of the data requested in a timely manner, the most critical items of information needed by the Four Cities are the

1/16/98 9:18:31am-3

Elaine K. Kaiser
January 12, 1998
Page 4

pre- and post-acquisition train lengths and train speeds used in conducting the crossing delay studies.

Sincerely,

C. Michael Loftus
C. Michael Loftus
An Attorney for the Cities of
East Chicago, Indiana; Hammond,
Indiana; Gary, Indiana; and
Whiting, Indiana (collectively,
The Four City Consortium)

CAM:miv

cc: Hon. Vernon A. Williams
Dennis G. Lyons, Esq.
Richard A. Allen, Esq.
Paul A. Cunningham, Esq.

1/16/98 9:18:31am-4

STB

FD-33388

5-22-98

K

ID-29206V6A

4

OF

12

A-187



The City of Fort Wayne

Paul Helmke, Mayor

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

Attention: Elaine K. Kaiser
Environmental Project Director

Re: Conrail Acquisition Impacts on Fort Wayne, Indiana

Dear Director:

Thank you for the opportunity to comment on the draft EIS prepared by your agency regarding the pending acquisition of Conrail by CSX and Norfolk Southern railroads. The City of Fort Wayne is supportive of the economic boost which the results of this merger will bring to this community.

At the same time, we are concerned that the residents of Fort Wayne and vicinity not bear undue burdens from this opportunity. After careful examination of the STB's identified impacts on the Fort Wayne area, and after consultation with my professional planning and engineering staffs, we have determined that the cumulative impacts on this community, particularly in areas of safety, disruption of surface roads, noise, hazardous materials transport, and on low income and minority neighborhoods deserve additional consideration by the STB, even though the SEA has not found many of these issues to meet their thresholds of mitigation.

We strongly support the SEA's recommendation to improve crossing warning equipment at Anthony Blvd. and Engle Rd. We also support the Federal safety requirements which come with the creation of Major Key Routes through Fort Wayne. We support the training and simulations with our emergency preparedness teams to enhance their ability to mitigate hazardous material discharges, and the preparation of an emergency preparedness plan for such occurrences.

Our Hazardous Materials Emergency Team advises me that they will need some equipment upgrades involving computers and metering/testing equipment to handle the projected increase in rail cars containing hazardous materials coming through this densely populated area. This is expected to cost between \$5,000 and \$10,000. We would like this cost to be borne by the railroads.

1 E Main Street Fort Wayne, Indiana 46802-1804
An Equal Opportunity Employer

ENVIRONMENTAL DOCUMENT

CENTRAL ADMINISTRATIVE UNIT
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DOCUMENT # 2/2/98 5:35:27 PM

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Surface Transportation Board
January 30, 1998
Page 2

Rail noise is a concern in Fort Wayne, particularly from train horns in the near east and southwest neighborhoods bordering affected lines where there are grade crossings. The SEA impact statement notes that the Federal Rail Administration is mandated, under the Swift Rail Act of 1994, to develop "Whistle Ban" regulations. It is stated that the Notice of Proposed Rule-Making is expected to be published in the first half of 1998. We hope these rules will create opportunities to safely reduce train horn sounding at grade crossings like those found in Fort Wayne.

We further understand that supplementary safety features, including four-quadrant gates, could create the "secured" crossings needed before it would be considered safe to delete train horns at those intersections. This feature is already recommended by the SEA to improve safety at the Anthony Blvd. crossing. In order to help mitigate the 90% increase in train horns sounded in Fort Wayne from this acquisition, we request that "secured" crossings be created for the grade crossings near the residential areas bordering the affected lines in Fort Wayne. These include crossings at:

Lumbard Street
Wabash Avenue
Fletcher Avenue

Winter Street
Brooklyn Avenue
Nuttman Avenue

We also encourage the development of loudspeaker "horn" technology at grade crossings to reduce the impact area of the train horns on nearby residences.

The residents most affected by noise are heavily minority and of low income at these locations, especially the first four, as noted in the SEA study. While we applaud the STB's efforts to inform these populations, mitigation will be more meaningful to the quality of life in these neighborhoods.

I hope that the SEA will seriously consider including these mitigations in their final draft impact statement to the Surface Transportation Board. This acquisition represents great economic opportunity for many. We hope that opportunity comes at a fair price.

Sincerely,

Paul Helmke
Mayor

PH/c

2/2/98 5:35:27pm-2



Rayburn Docket, Suite No. 2
400 Main Street
Lafayette, Indiana
47901-1001
765-475-6000 • 765-752-7500
Fax: 765-752-6796

January 30, 1998

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

Attn: Elaine K. Kaiser
Environmental Project Director
Environmental Filing

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/2/98
DOCUMENT # 2/2/98 3:23:48 PM

Dear Ms. Kaiser:

Thank you for your letter and for the copy of the "Proposed Conrail Acquisition" Draft Environmental Impact Statement.

The City of Lafayette, Indiana, supports the proposed Conrail acquisition by Norfolk Southern and CSX Transportation.

As the EIS points out, the City has been working cooperatively with these railroads, along with federal and state government, for over twenty-five years to implement the Lafayette Railroad Relocation Project (see attached brochure). CSX has been relocated and 18 at-grade crossings eliminated. The City's request for federal funds for the last contract is pending with Congress. The last contract will relocate Norfolk Southern and eliminate the final 24 at-grade crossings bringing the project total to 42 (see attached status summary).

The final 24 crossings are the Norfolk Southern ones mentioned in the EIS and are the most dangerous. The community will be devastated if the acquisition goes through at the final federal funding for Railroad Relocation does not.

The mitigation you are counting on for the City of Lafayette, Indiana, depends on a decision that we hope will be forthcoming from Congress, but is not yet certain. Your communication of the importance of this final Railroad Relocation funding to the appropriate subcommittees of Congress would be appreciated.

Sincerely,

Dave Heath
Dave Heath, Mayor
City of Lafayette, Indiana

Attachments

ENVIRONMENTAL DOCUMENT



2/2/98 3:23:48pm-1

Continued
To: Surface Transportation Board
From: Mayor Dave Heath, Lafayette, Indiana, 1/30/98

page 2

cc with attachments:

The Honorable Kay Granger, Vice Chairwoman
Subcommittee on Railroads
Committee on Transportation and Infrastructure
U. S. House of Representatives
B-376 Rayburn Building
Washington, D.C. 20515

The Honorable Thomas E. Petri, Chairman
Subcommittee on Surface Transportation
Committee on Transportation and Infrastructure
U. S. House of Representatives
B-370A Rayburn Building
Washington, D.C. 20515

The Honorable John W. Warner, Chairman
Subcommittee on Transportation and Infrastructure
Committee on Environment and Public Works
U. S. Senate
410 Dirksen Building
Washington, D. C. 20510

The Honorable Edward A. Pease
U. S. House of Representatives
226 Cannon Building
Washington, D. C. 20515

The Honorable Richard G. Lugar
U. S. Senate
306 Hart Building
Washington, D.C. 20510

The Honorable Dan Coats
U. S. Senate
404 Russell Building
Washington, D.C. 20510

2/2/98 3:23:48pm-2



**LAFAYETTE
RAILROAD
RELOCATION**

Project Office: Suite 202
400 Main Street
Lafayette, Indiana
47901-1801
Tel: 479-333-1100 Fax: 479-333-1101
Fax: 479-333-1101

LAFAYETTE RAILROAD RELOCATION

... is a unique transportation infrastructure project begun in the 1970's to consolidate four rail lines of two railroads into a new conflict-free corridor eliminating 42 at-grade crossings.

CONSTRUCTION STATUS BY SEGMENT

- #1 Completed 1987: Wabash Avenue Underpass
- #2 Completed 1992: State Road 26 Bridges over Wabash River
- #3 Completed 1993: Ninth Street Underpass
- #4 Completed 1994: CSX Relocation; 1995: Fifth Street; 1996: Depot Plaza

18 grade crossings eliminated!

#5 Norfolk Southern Relocation

- Completed 1996: Bridges over Wabash Avenue and Ninth Street
- 1996-98: Embankment & Bridge over US 52
- 1997-98: Bridge over SR25
- 1999-00: NS Relocation - with additional federal funds

24 grade crossings eliminated in final contract will bring total to 42!

FUNDING

Federal

- Federal Aid Highway Act of 1973 (Sec. 163) as amended
- Surface Transportation Act of 1987 (Sec. 149), Rail Safety, Minimum Allocation
- ISTEA '91, Sec. 1037, Transportation Enhancements - Minimum Allocation

State

- 12 grants from two different administrations of differing political parties

Local

- City of Lafayette, unanimous bi-partisan approval of bonding and financial program to provide non-federal share to complete project

Funding is 84% complete, but 2/3 of the benefits come from the final contract.

NATIONAL RECOGNITION

The Project has been frequently cited for its extensive public participation process, high quality of design, and near unanimous public consensus, specifically.....

- All-America City Award, 1995
- Federal Highway Administration Environmental Excellence Award, 1995
- USDOT National Transportation Award for Design Excellence, 1981
- Numerous state and local awards



1/26/1998
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2/2/98 3:23:48pm-3

Construction Segments



March 1993

2/2/98 3:23:48pm-4

The Lafayette Railroad Relocation Project

Vitality Necessary

to Growth and Development
Studies determined that 30-40 trains per day, approximately 1,000 vehicles per day, including ambulances, police, fire, and 10 of 16 community bus routes. Trains in fact the city and run for 14 blocks down the center of a major downtown street.

All 42 Crossings Eliminated

The project will consolidate 42 miles of NS double track, 1.26 miles of NS single track, and 2.6 miles of CSX single track into one conflict-free corridor through the city. Careful studies alternatives were found to be ineffective or harmful to the area's transportation network. Eliminating grade crossings is a major goal.

Highway Trust Fund Provides

Most of the Federal Share
Lafayette has money makes deficit project feasible.



Lafayette Railroad
Relocation Office
Suite 202
400 Main Street
Lafayette, IN 47901-1801
Tel: 479-333-1100
Fax: 479-333-1101

David H. Hays, Mayor
Lafayette, Indiana
Project Manager
John F. Hays, Mayor
Lafayette, Indiana
Project Manager
Raymond W. Lamm
Lafayette, Indiana
Project Manager
Gerald M. Lamm
Lafayette, Indiana
Project Manager
Robert J. Hays
Lafayette, Indiana
Project Manager
Katherine D. Lamm
Lafayette, Indiana
Project Manager



National Design Award

Lafayette received one of only 17 awards of design excellence selected from 152 entries in the 1981 National Transportation Design Award Program sponsored by the U.S. Dept. of Transportation and the National Endowment for the Arts. Lafayette was the only railroad relocation project recipient.

Railroad Cooperation

From Norfolk Southern, CSX, and Amtrak.



Strong Public Support

No opposition and many positive comments were expressed at the well-attended Design Public Hearing. Thousands of individuals and groups contacted issued letters, signs, and responsive plan development in each of these phases.

1980 - Final Study

1979 - Environmental Impact

Approval

1981 - Design Approval

1984 - Final Design

1986 - Construction Begins

1987 - Segment #1 Completed

Wabash Avenue Underpass

1988 - Segment #2 Completed

State Road 26 Bridges

1989 - Segment #3 Completed

Ninth Street Underpass

1990 - Segment #4 Completed

Depot Plaza

1991 - Segment #5 Completed

NS Relocation

1992 - Total Project Completion

Eliminated

with eliminate congestion and delays

with eliminate congestion and delays

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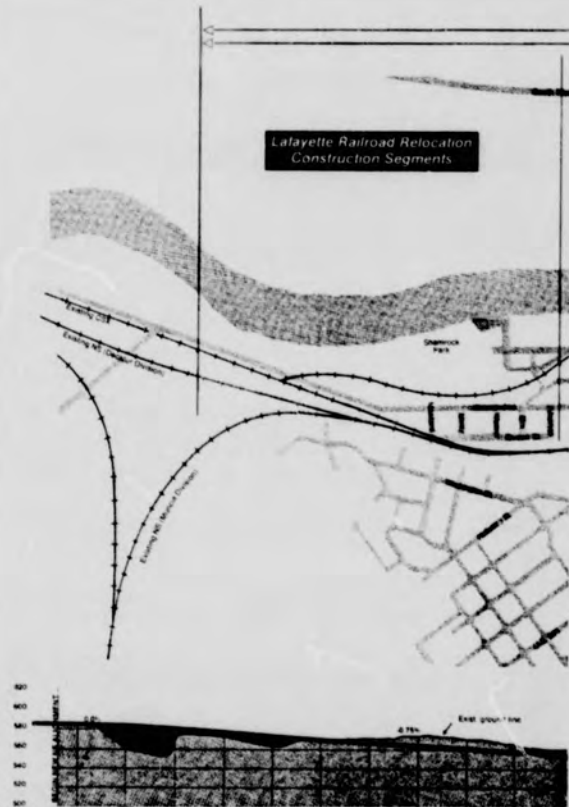
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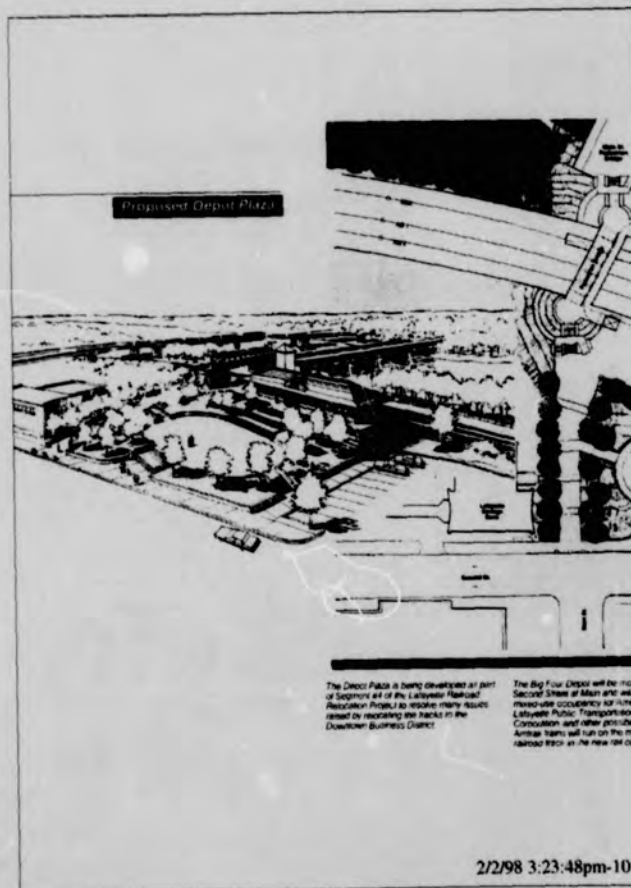
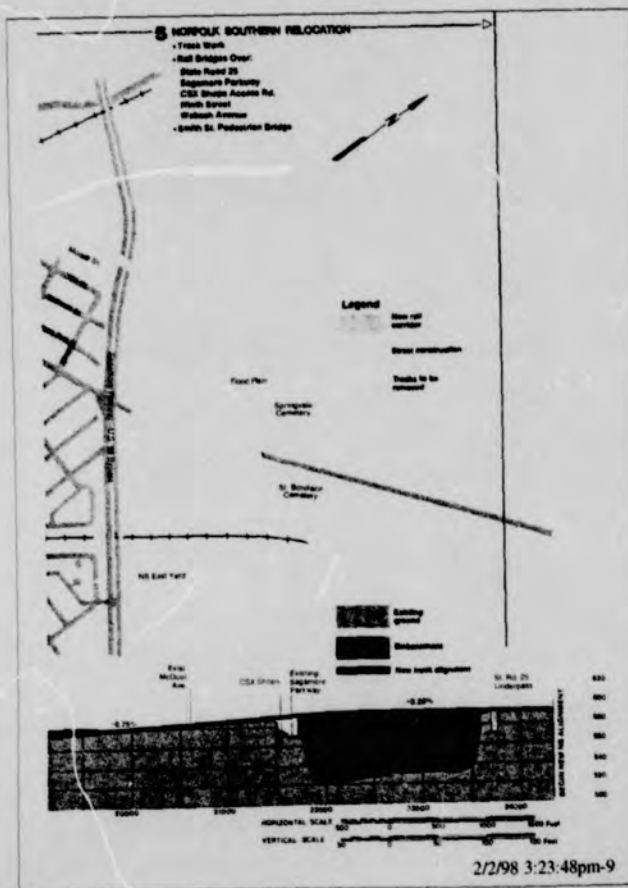
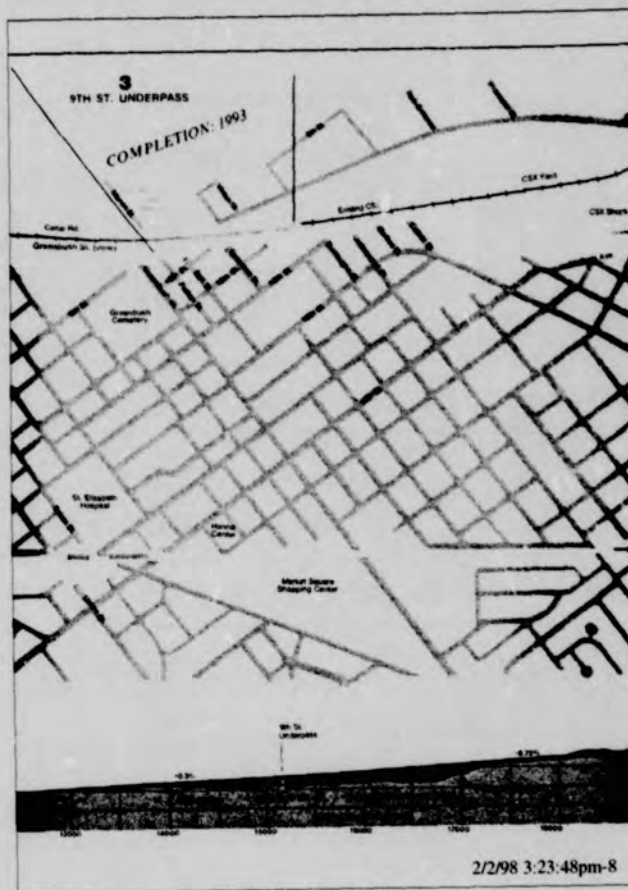
with eliminate congestion and delays

Lafayette Railroad Relocation Construction Segments



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2/2/98 3:23:48pm-6



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FEB 13 1998
February 2, 1998

VIA HAND DELIVERY

Mr. Vernon A. Williams, Secretary
Office of the Secretary
Case Control Unit
Surface Transportation Board
1925 K Street, N.W., Seventh Floor
Washington, DC 20423-0001

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

Re: CSX Corp./Norfolk Southern Corp. -- Control and
Operating Leases/Agreement -- Conrail; Finance
Docket No. 3338

Dear Secretary Williams:

Enclosed are the originals and 10 copies each of the highly confidential and public versions of the "Comments of Indianapolis Power & Light Company on Draft Environmental Impact Statement" (IP&L-10) for filing in the above-referenced proceeding. The highly confidential pleading is being filed under seal in accordance with the Protective Order. Also enclosed is a 3.5" diskette containing the documentation in WordPerfect format.

2/3/98 12:35:56pm

Mr. Vernon A. Williams
February 2, 1998
Page 2

Please date stamp and return the enclosed three additional copies of each pleading via our messenger.

Very truly yours,
[Signature]
Michael F. McBride
Brenda Durham

Attorneys for Indianapolis Power &
Light Company

Enclosures

2/3/98 12:35:56pm-2

PUBLIC VERSION
UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
SURFACE TRANSPORTATION BOARD

IP&L-10

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 INDIANAPOLIS POWER & LIGHT COMPANY
ON DRAFT ENVIRONMENTAL IMPACT STATEMENT**

Indianapolis Power & Light Company ("IPL") is pleased to submit these comments on the draft Environmental Impact Statement ("DEIS") prepared by the Board's Environmental Section and its outside consultants and served on December 12, 1997. IPL's comments specifically concern Indianapolis, but also respond to a serious flaw in the analysis that IPL first pointed out in its August 6, 1997 comments on the DEIS (see Attachment 1). The DEIS does not specifically refer to those August 6, 1997 comments. Those comments took the position, which IPL believes to be irrefutable, that the Board cannot rely on an arbitrary threshold to avoid considering air quality (or other) environmental impacts if the impacts would or could constitute a violation of law. Here, the Board would commit reversible error if it were not to consider ~~any~~ adverse impact on air quality in an area such as Indianapolis that may be in violation of the Clean Air Act because of increased emissions caused by the proposed transaction as recommended in IPL's August 6, 1997 letter.

2/3/98 12:35:56pm-3

The serious flaw in the DEIS is that it sets thresholds for analysis of air quality impacts of the proposed transaction, below which it deems the impacts not worthy of consideration. On that basis, it concludes that there will not be an air quality impact of the transaction on Indianapolis. While IPL understands the temptation to set thresholds under NEPA, the use of such thresholds here would allow the Board to ignore clear violations of the Clean Air Act, as is the case in Indianapolis, as well as unnecessary inefficiencies that the transaction creates that would cause unnecessary air pollution. Indianapolis ~~now~~ has in place a "Nozone" program because it has been in violation of the National Ambient Air Quality Standard for ozone in the past, but it has barely achieved compliance with the ozone standards under the Clean Air Act. Despite its progress, Indianapolis is likely to again be in violation of the applicable ozone ambient air quality standard on certain days, particularly during warm periods. See Attachment 2 and 59 Fed. Reg. 54,395 (October 31, 1994). Increased emissions of diesel fumes from NS's and CSX's locomotives would therefore necessarily cause additional violations, thus requiring mitigation by the City of Indianapolis, Marion County, and the State of Indiana. If NS and CSX are proposing unnecessary inefficiencies that can be corrected, the Board has an obligation to make those corrections to avoid violations of the ozone "AAQ" in Indianapolis.

Applicants are caught in a trap of their own making. CSX and NS agreed, between the two of them and without governmental direction, to divide Conrail in a manner that would result in CSX acquiring the Conrail line from Cleveland to St. Louis. As a result, Indianapolis would be by far the largest "2 to 1" region affected by the proposed transaction. Thus, while today Indianapolis is a "2-railroad town," if the transaction proposed by Applicants is approved without change, Indianapolis will become essentially captive to CSX. Even NS

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Witness Mohan admitted that NS will not have much of a presence in Indianapolis. See CSX/NS-20, Application Vol. 3 p. 28 ("Although Indianapolis will be primarily served by CSX...").

In order to keep NS from being more competitive with CSX in Indianapolis, what CSX apparently insisted on and NS ultimately accepted in Indianapolis was that NS would acquire only overhead trackage rights (except for rights to directly serve one shipper, a General Motors plant), which would necessitate all other NS traffic to use only the Hawthorne Yard in the southeast part of Indianapolis. That may well make sense for non-trainload traffic, which by definition makes use of such yards for blocking, switching, and rearranging cars, but it makes no sense for unit trains of coal to IPL's two powerplants located in Indianapolis, the Stout and Perry K Plants. Clearly, the most efficient arrangement for handling of IPL's coal unit trains would be to take them directly into and out of IPL's powerplants in Indianapolis. (IPL has an interest in the efficient handling of the cars since it owns the cars that are used to take coal to the Perry K and Stout Plants.) CSX and NS have not proposed to do that in their Application (CSX/NS-18, et al., filed June 23, 1997), but Indiana Southern Railroad, Inc. ("Indiana Southern") has made precisely that proposal for its trains in its Responsive Application in Finance Docket No. 33388 (Sub-No. 76). If Indiana Southern and Norfolk Southern are granted direct access through trackage rights to IPL's Stout and Perry K Plants for coal shipments in which they participate, that would solve the problem. (A schematic illustrating Indiana Southern's proposal trackage rights to Stout and Perry K is attached as Attachment 3.)

IPL's Stout Plant is served today by The Indiana Rail Road directly, and by Indiana Southern/Conrail via switch over Indiana Rail Road via an interchange track at Raymond Street, not via Hawthorne Yard. Indiana Rail Road is an 89-percent owned subsidiary of CSX.

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CSX/NS-18, Application Vol. 1, p. 271. Since the switch charge for IPL's trains is fixed, IPL has 2-railroad access to the Stout Plant. IPL also has demonstrated that it is feasible to build out from the Stout Plant to Conrail today. See IPL-3 (filed Oct. 21, 1997). Despite all of this, Applicants refuse to concede that Stout is a "2 to 1" destination, insisting that CSX and Indiana Rail Road are independent companies, even though under common ownership, and thus that they will compete with one another. E.g., Aug. 21, 1997 Dep'n of CSX Vice President Raymond L. Sharp at 14-16; Aug. 24, 1997 Dep'n Tr. of CSX Vice President William Hart at 30-31. Even without the "build out," which Applicants dispute the feasibility of, the Stout Plant qualifies as a "2 to 1" destination under the Board's standards in prior mergers, and under Mr. Hart's own standard (see CSX/NS-19, Application Vol. 2A, Hart V.S. at 146), because of the access to Conrail via switching.

In their Rebuttal filed on December 15, 1997, CSX and NS now appear to have abandoned the fiction that CSX will compete with Indiana Rail Road at the Stout Plant. Instead, they have adopted a new theory, that IPL's real competition for CSX/Indiana Rail Road at the Stout Plant is (a) truck and (b) its alleged ability to generate power at lower cost elsewhere on the system to "discipline" CSX/Indiana Rail Road.

In his Rebuttal Verified Statement (CSX/NS-177 at pp. P-518-21 and P-650-56) Mr. John Orrison, Vice President-Service Design for CSX, described the existing interchanges in Indianapolis, but nowhere claimed that Indiana Southern's proposed trackage rights into the Stout and Perry K Plants would be inefficient, or that it would not be more efficient to route NS-origin coal to Stout via an interchange west of the Stout Plant, rather than through the Hawthorne Yard. See id., especially p. P-656 (admitting that NS would have to use Hawthorne Yard for

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deliveries to Stout, rather than having access directly or via the interchange with Indiana Rail Road at Raymond Street).

At IPL's Perry K Plant, the situation is almost the mirror image of that at the Stout Plant. Perry K is served directly by Conrail, but Indiana Rail Road can also serve the Plant via switching over the Conrail line. Thus, Applicants have conceded that the Perry K Plant is a "2 to 1" point entitling it to protective conditions if the proposed acquisition of Conrail is approved. Moreover, since the coal pile at Perry K is quite small, IPL maintains an emergency coal pile for Perry K at its Stout Plant (which is just a few miles away), and can (and has) trucked coal to Perry K from Stout. (The coal that IPL has trucked to Perry K from Stout is a relatively small percentage of the coal delivered to Stout and a relatively small percentage of the coal used at Perry K. IPL generally trucks coal only during emergencies.)

Despite Applicants' apparent concession that Perry K is a "2 to 1" destination, they insist that, if NS serves the Perry K or Stout Plant, it must take IPL's unit trains of coal to the Hawthorne Yard, rather than connect directly with Indiana Rail Road via switching, as Conrail can today, or be allowed to serve the Stout Plant directly via a build-out (since NS's trackage rights in Indianapolis would be only "overhead," and not local). Applicants would preclude efficient connections, as exist today, in favor of routing that traffic through Hawthorne Yard. Even Applicants conceded that there is absolutely no reason to route unit trains into and out of a Yard used for blocking and reconfiguring rail cars for less-than-trainload movements.

For example, NS Vice President Fox admitted in his deposition that the efficient routing of coal to IPL's Stout Plant, if such coal were to be used, would be not to route unit trains in and out of the Hawthorne Yard, but rather that NS would switch crews from NS to CSX at some point west of the Stout Plant. Tr. 149-52. But the Application provides no such assurance.

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as Mr. Fox admitted, since it provides for routing such traffic into and out of the Hawthorne Yard. If Indiana Southern were to seek to have NS serve the Perry K Plant, it would not be able to do so where Indiana Southern now interchanges with Conrail (the "GM Yard" on the west side of Indianapolis), but rather the Hawthorne Yard (which, as we have said, is on the east side of Indianapolis).

If NS were to participate in a movement of western, low-sulfur coal to IPL's Stout Plant, the efficient routing, as NS Vice President Fox conceded, would be some point west of Stout, not the Hawthorne Yard east of Stout. And if NS were to participate in a movement of coal to the Perry K Plant, the efficient routing, and thus the one that would minimize air pollution, would be to allow NS to interchange the traffic where Conrail now interchanges the traffic -- in the "GM Yard," as it is referred to locally, on the west side of Indianapolis, where Indiana Southern's traffic now terminates, where it can be interchanged on the shortest available route into the Perry K Plant, which is in downtown Indianapolis.

The impact of the transaction proposed by CSX and NS on Indianapolis' air pollution should not be underestimated. CSX's public statements have indicated that it projects an increase in business to Indianapolis as well as diversion of a portion of Cincinnati traffic through Indianapolis. This information is contradicted by CSX Witness Orrison who contends, despite public statements to the contrary, that total traffic in Indianapolis will decrease or remain the same post-transaction. The uncertainty of increased traffic in Indianapolis is coupled with CSX's promotion of trucking coal to IPL's Perry K and Stout Plants as IPL's competitive alternative justifies close scrutiny of the potential for any increase in ozone in Indianapolis and placement of responsibility for mitigation of any such increase on Applicants.

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The Transaction Proposed by CSX and NS for Indianapolis
Would Be Inefficient and Could Cause Unnecessary Air Pollution

IPL therefore has three simple points to make. One, CSX has contended vigorously that IPL's real competition at the Stout Plant is truck, not Indiana Southern/Conrail (via switching). See, e.g., CSX/NS-177, Applicants' Rebuttal, Vol. 2A, pp. HC-194-204, Verified Statement of Thomas G. Hoback, and Vol. 2B, pp. HC-500-22, Verified Statement of Gerald E. Vaninetti. If CSX succeeds in eliminating IPL's rail-to-rail competition at Stout from Indiana Southern/Conrail via a via CSX/Indiana Rail Road, it will expose IPL to the risk of having to resort to trucks to create competition for coal transportation at Stout, whereas in 1995 and 1996, when IPL was in negotiation with Indiana Rail Road leading up to the contract that took effect in 1997, IPL used rail, not truck, via Indiana Southern/Conrail and then switch via Indiana Rail Road, to compete with Indiana Rail Road. If CSX's analysis were correct (which it is not), IPL would have had to use trucks to compete with Indiana Rail Road during 1995-96.

Moreover, if CSX's analysis is correct that IPL's only effective competition for transportation of coal to the Stout Plant if the transaction proposed by CSX and NS is approved, IPL would need approximately 60,000 coal trucks to move the coal that the Stout Plant uses annually and that the rail mode carries almost exclusively now. This would amount to about 460 loaded and empty coal trucks going into and out of the Stout Plant, every business day of the year, or about 17-18 an hour, every hour of each business day, through numerous small towns and ultimately over an already congested, two-lane street in the City of Indianapolis, Harding Street, which is the only street providing truck access to the Stout Plant.

Two, the transaction will be unnecessarily inefficient in Indianapolis, especially for IPL's unit trains of coal, which should be handled as they are today -- directly into IPL's Plants via the most efficient connection, rather than inefficiently, into the Hawthorne Yard.

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Moreover, if NS is to participate in a movement of coal to either the Stout or Perry K Plants, it should be able to do so as Conrail could today, with direct access to Stout via a build-out, or through switch on The Indiana Rail Road on the interchange track at Raymond Street, or with the ability to interchange with CSX/Indiana Rail Road west of Stout or at the interchange at Raymond Street with Indiana Rail Road. These efficient routings would necessarily reduce air pollution.

Third, due to the proposed transaction, projected increases in Indianapolis business as well as rerouting of Cincinnati traffic through Indianapolis threaten an increase in ozone in Indianapolis which should be closely scrutinized so that Applicants are required to bear the burden of any mitigation.

1. Additional Truck Traffic

Through the testimony of Messrs. Hoback and Vaninetti cited above, CSX and NS insist that IPL's real competition for CSX/Indiana Rail Road at the Stout Plant is the truck mode, not Indiana Southern/Conrail. See CSX/NS-176, pp. HC-55-57. IPL vigorously disputes Applicants' contention, since as IPL informed CSX, all coal movement to Stout in 1995-97 via rail, not truck, but if the Board were to accept Applicants' contention, it follows that the result of the proposed transaction could be to cause IPL to move its coal to Stout via truck instead of by rail. Since IPL uses about 1.5 million tons of coal per year at Stout, using trucks with a capacity of about 25 tons, IPL would need about 60,000 coal trucks per year to move the same amount of coal. That means about 230 loaded, and 230 empty, trucks coming and going, 24 hours per day, on every business day, Monday-Friday, throughout the year, most likely through the congested I-465/Harding Street interchange. Applicants' Witness Vaninetti privately advised CP Rail and

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See Attachment 4. He was right.

The Stout Plant is in the City of Indianapolis, which has the usual city traffic, and the only street access is via two-lane Harding Street. Moreover, such an immense number of coal trucks could have an even greater impact on the small towns that the coal trucks would have to drive through from one or more of the mines in southern Indiana that supply the Stout Plant to that Plant, several of which are more than 100 miles from the Stout Plant. Aside from the immense damage that such trucks could do to Harding Street, the congestion that such additional truck traffic would cause would add considerable air pollution to Indianapolis. Because Indianapolis has been in violation of the NAAGS for ozone in the recent past, and is barely in compliance at the present time, any increase in air pollution, particularly a substantial increase in nitrogen oxides (a precursor of smog and a likely cause of ozone) as would inevitably occur from adding that much truck traffic and resulting congestion to the City's roads, would very likely cause violations of the Clean Air Act which Indianapolis would then be required to mitigate. Given CSX's position, if the result of the transaction is to force IPL to use trucks at Stout, the Board cannot satisfy NEPA without considering and quantifying the impact on air quality of the trucks.

CSX's and NS's position that IPL can and should use trucks rather than rail to deliver coal to the Stout Plant to create competition flies in the face of their contrary arguments in all other forums than this one. CSX's and NS's trade association, the Association of American Railroads ("AAR"), as recently as November 1997 has been opposing legislative changes that would accommodate higher and wider trucks. In its position paper opposing use of trucks to move goods that can also move by rail, AAR stated (see Attachment 5):

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"The Rail Industry's Position on Bigger Trucks"

"Opposition to Bigger Trucks Is Widespread"

"But railroads aren't alone in opposing bigger trucks. So do many highway safety advocates, citizen groups and environmentalists. . . ."

"Why Bigger Trucks Are a Bad Idea"

"* Bigger trucks would increase highway congestion. . . ."

"* Bigger trucks would create additional highway safety problems. . . ."

"* Bigger trucks would harm the environment. . . ."

"Bigger trucks may be more fuel efficient than smaller trucks, but they are not nearly as fuel efficient as trains. Every ton of freight diverted from rail to highway increases emissions of air pollutants by factors as high as nine."

Rather than to allow the need for such mitigation to arise, it is the Board's responsibility to approve this proposed transaction only if it prevents IPL's effective loss of its current rail-to-rail competition from Indiana Southern/Conrail to CSX/Indiana Rail Road at Stout. Thus, it should condition the transaction, as IPL proposed in IPL-3 (filed October 21, 1997) and in testimony supporting Indiana Southern's Responsive Application (ISRR-9, filed January 14, 1998), to permit Indiana Southern or NS or both to have direct access to the Stout Plant, or at least to allow Indiana Southern and Norfolk Southern to interchange IPL's coal unit trains without requiring that they be moved into and out of the Hawthorne Yard.

2. The Transaction Proposed by CSX and NS for Indianapolis Will Be Inefficient.

It is quite obvious that, for three reasons, routing IPL's and others' unit trains of coal into and out of the Hawthorne Yard would be inefficient. One, the trains are not routed there today, demonstrating that efficient operating practices dictate another routing. Two, NS

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and CSX are considering expanding the Hawthorne Yard, thus demonstrating that it is not capable of handling the traffic to be routed there. And three, such trains would cause congestion in the Yard, making the handling of all other trains in that Yard more inefficient.

The solution is simply to do what NS Witness Fox admitted would likely be done, and interchange IPL's coal unit trains somewhere other than Hawthorne Yard. (As stated previously, IPL has an interest in efficient handling of the cars because it owns the railcars used for moving its coal to Perry K and Stout Plants. Moreover, inefficiencies inevitably raise the railroads' costs, which could be passed along to the shipper.) The most efficient routing is as the trains are or would be routed today, i.e., (a) for Indiana Southern-origin traffic to Perry K, through the "GM Yard" directly to the Perry K Plant, whether Indiana Southern, NS, or CSX ends up delivering it, and for Indiana Rail Road-origin traffic into the Perry K Plant, at the existing interchange between Indiana Rail Road and Conrail, and (b) for Indiana Southern-origin coal into Stout, at the same existing interchange between Conrail and Indiana Rail Road, and the same interchange or some other efficient interchange west of Stout for NS-origin coal into Stout. Since the Applicants concede that those would be the most efficient means of serving those Plants, and they are or would be the approaches used today, they should be required, rather than what the Applicants propose.

3. Indianapolis Air Pollution

Lastly, CSX's public statements have contended that it will increase business in Indianapolis, including rerouting traffic that now goes through Cincinnati (see, for example Attachment 6). The remaining Conrail business will presumably go to Norfolk Southern (there is no other railroad that could move it). If so, the Board's decision not to include Marion County,

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Indiana among those areas whose air will be adversely affected by the proposed transaction is wrong.

Despite these public claims that congestion elsewhere (e.g., Cincinnati) will be relieved by rerouting traffic through Indianapolis, CSX Witness Orrison appears to contend that total traffic in Indianapolis post-transaction will decrease. Frankly, we find this testimony impossible to reconcile with claims about rerouting traffic through Indianapolis. But, given the uncertainty, the Board must adopt a condition to any approval of the transaction requiring that Applicants mitigate any increase in ozone in Indianapolis associated with increased traffic due to the proposed transaction.

Conclusion

For the foregoing reasons, the Board should (1) mitigate the adverse environmental impact of the transaction proposed by CSX and NS by preserving IPL's right to be served directly at the Stout Plant by Indiana Southern or NS or both, as it could be served via Conrail today, so that IPL is not compelled to seriously consider moving some or all of the coal to the Stout Plant by using up to 60,000 loaded coal trucks each year into, and 60,000 empty coal trucks out of, the Stout Plant on a very busy, two-lane, City street, as well as through numerous small towns in Indiana between the coal mines from which IPL buys its coal and the Stout Plant, (2) mitigate the adverse environmental impact on air quality in Indianapolis by requiring CSX to permit NS to interchange and deliver IPL's coal trains in the most efficient manner, as is done today and would be done if Conrail were to have remained an independent railroad serving IPL's powerplants in Indianapolis, rather than to route IPL's coal trains into and out of the Hawthorne Yard, and (3) mitigate the adverse environmental impact on air quality in

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Indianapolis by requiring that the Applicants mitigate any increase in ozone in Indianapolis associated with increased traffic due to the proposed transaction.

Respectfully submitted,

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Due Date: February 2, 1998
Dated: February 2, 1998

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August 6, 1997

VIA HAND DELIVERY

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

Re: CSX Corp./Moorfolk Southern Corp. -- Control and
and Operating Leases/Agreements -- Conrail;
Finance Docket No. 33388

Dear Ms. Kaiser:

Indianapolis Power & Light Company ("IP&L") and The
Ohio Valley Coal Company ("Ohio Valley") hereby submit their
comments on the scope of the draft Environmental Impact Statement
("EIS").

IP&L and Ohio Valley respectfully request that the
Section of Environmental Analysis ("SEA") consider the potential
adverse impacts on air quality in those regions in both Indiana
and Ohio which will experience changes in service after the
Conrail acquisition. Such areas will experience increases in
switching activity, and, therefore, increases in air pollution,
especially ozone and particulates. Accordingly, the EIS should

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Page 2

Attachment I
Page 2 of 2

examine the post-Acquisition impacts in those counties which may
become nonattainment areas for ozone as a result of the increased
switching. Thus, the EIS should include an analysis of the air
quality impacts in Marion County, Indiana (i.e., Indianapolis),
as well as in Cuyahoga, Lake and Ashtabula Counties, Ohio (i.e.,
Cleveland and areas to the east). Because the Clean Air Act is
administered at the state and local level, it follows that the
Board's analysis must concern the same level of impacts, and not
just focus on the overall impacts (as the Applicants would
apparently have it).

IP&L and Ohio Valley further request that the EIS
propose suitable measures to mitigate adverse environmental
impacts in these counties, as well as any other protective
conditions which may be necessary. These may include package
rights for origin carriers to avoid unnecessary switching.

Respectfully submitted,

Michael F. McBride

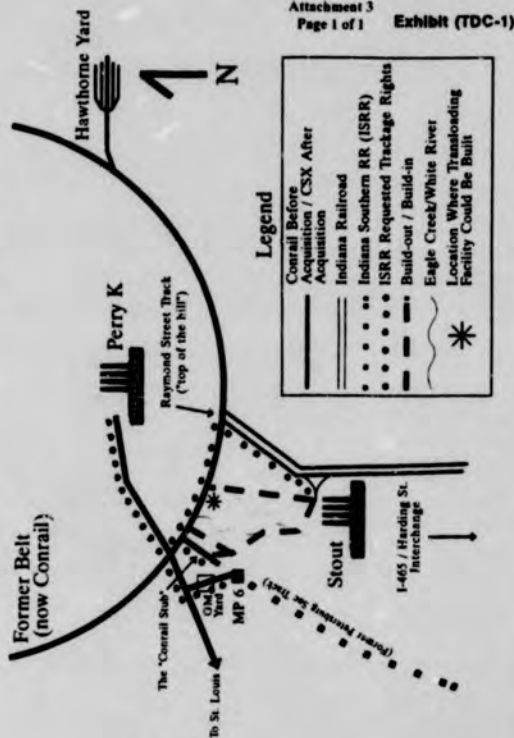
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cc: Dennis G. Lyons, Esq.
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Paul A. Cunningham, Esq.
Richard A. Allen, Esq.

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Schematic of Routes to IPL Power Plants



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Attachment 3
Page 1 of 1 Exhibit (TDC-1)

The Rail Industry's Position on Bigger Trucks

Attachment 5
Page 1 of 4

Some elements of the trucking industry want to give states the right to put even bigger trucks on the nation's highways — double and triple trailer rigs known as longer combination vehicles (LCVs) that can be up to 120 feet long. For very valid reasons of self-interest, the railroad industry opposes this proposal.

Opposition to Bigger Trucks is Widespread

But railroads aren't alone in opposing bigger trucks. So do many highway safety advocates, citizen groups and environmentalists — the American Automobile Association, the Arkansas Trucking Association, the Mississippi Trucking Association, American Public Health Association, Clean Air Council, Environmental Defense Fund, General Federation of Women's Clubs, International Association of Chiefs of Police, League of American Bicyclists, National Association of Police Organizations, National Association of Women Highway Safety Leaders, National League of Cities, National Sheriff's Association and the National Trauma Foundation among others. In fact, between 75 and 80 percent of all Americans oppose permitting bigger trucks on all highways, according to a poll by the Tarance Group.

Why Bigger Trucks Are a Bad Idea

Here are some of the key reasons why so many people and groups oppose bigger trucks:

- Bigger trucks would increase highway congestion. A single LCV has the same impact on highway congestion and traffic delay as 10 to 12 automobiles. Bigger trucks also would divert to highways several hundred million tons of freight currently moving by rail, adding millions of truck miles to highways that are already congested.
- LCVs underpay their highway cost responsibility. A triple trailer operating at the most common registered weight of 115,000 pounds pays only 70 percent of its federal highway cost responsibility, according to the most recent federal highway cost allocation study.
- Bigger trucks would create additional highway safety problems. Diverting freight from rail to highway has negative implications for highway safety. According to 1995 statistics, more than three times as many people died in truck-related accidents as in rail-related accidents, in spite of the fact that railroads provided more total freight transportation than trucks.
- LCVs cause severe bridge damage. National operation of LCVs would cost government agencies \$12.7 billion in bridge replacement costs. Those repairs would mean an additional \$59 billion in indirect costs for lost time and extra fuel burnt by auto drivers stuck in traffic because of bridge work.

www.aar.org

Association of American Railroads • Nov. 1997

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Attachment 2
Page 1 of 2

OZON

OZON

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did you know? Did you know that the average person spends more time in traffic than in the shower? Did you know that the average person spends more time in traffic than in the shower?

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Attachment 2
Page 2 of 2

OZON

OZON

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LCVs aren't compatible with existing highways and traffic volumes. They have trouble merging or changing lanes, they have difficulty maintaining speed on upgrades, and they have a much larger blind spot than conventional trucks.

- Bigger trucks would harm the environment. Bigger trucks may be more fuel efficient than smaller trucks, but they are not nearly as fuel efficient as trains. Every ton of freight diverted from rail to highway increases emission of air pollutants by factors as high as nine.
- Bigger trucks would harm the nation's railroads. According to one recent survey of shippers, allowing bigger trucks on highways would cause them to shift to the highways freight that currently provides railroads with almost \$4.5 billion in annual revenues. This would sharply curtail railroad operating income and capital expansion programs. It would also force railroads to attempt to raise rates on remaining customers, abandon additional lines and rethink investment and maintenance expenditures that have sharply improved the rail infrastructure.
- Intermodalism is a better idea. Railroads and trucks have formed successful partnerships over the past few decades to move truck trailers and ocean containers long distances by rail — a practice known as intermodalism. Since 1980, this traffic has more than doubled. A single train can carry 200 trailers or containers, decreasing wear and tear on our highways and relieving congestion and pollution.

The Trucking Industry's "State Option" — The First Step to a National Mandate
Many in the trucking industry say they are not seeking nationwide authority for bigger trucks. Instead, they say they only want individual states to have the right to decide for themselves whether or not to permit bigger trucks on the highways of each state — this is not the case.

In the past, the trucking industry has viewed state rights as nothing more than a ploy to eventually force nationwide acceptance of bigger trucks. In the 1970s, for example, the trucking industry assured Congress it wasn't seeking nationwide authority to operate 80,000-pound trucks, just a state option to permit heavier trucks. By the early 1980s, the industry was complaining about operating difficulties created by "weightless" states that hadn't increased weight limits. It successfully used this argument to gain legislation mandating a nationwide weight limit increase to 80,000 pounds in 1994.

Maintain the LCV Freeze

In 1991, Congress carefully considered the arguments proffered on increasing truck sizes, and it concluded that the public interest lay in halting the spread of larger trucks. That is why the Intermodal Surface Transportation Efficiency Act of 1991 contains a freeze on LCVs, permitting them to operate in the 17 states where they are already legal but nowhere else. Nothing has changed since Congress made that decision. The public interest lies in maintaining that freeze, and the next highway funding bill ought to reflect that.

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Association of American Railroads • Nov. 1997

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KEY POINTS

Automobile overwhelmingly opposes LCVs. Every poll ever done has shown huge majorities against expanded use of triples and long doubles. The most recent poll shows that 90 percent oppose triples, 76 percent oppose long doubles. 68 percent support the current freeze on the expansion of LCV use.

- The main reason people don't want to see larger or heavier trucks is their fear that bigger trucks are unsafe. There's plenty of engineering evidence supporting this public concern.
- Heavy combination trucks already have shown rates for the fatal accident rate per mile as automobiles. Today, almost all of these trucks are conventional, single trailer "motor combinations."
- Yet LCVs have even worse handling, landing and other safety problems than conventional trucks. And while today LCVs are less than 1% of all truck traffic, according to the American Trucking Association's own study, 30 percent of the combination trucks on the road would be LCVs if they were to be legalized nationwide—the truckers' ultimate goal.
- The worst safety problem with LCVs is the fact that they just aren't compatible with the existing highway system and traffic volumes. They're so big and so slow (especially when trying to accelerate) that they have trouble merging or changing lanes in heavy traffic. Similarly, they have problems maintaining speed on upgrades (and then have trouble reducing speed, and braking, on downgrades). These speed differentials create serious safety risks. And (again because of their size) they have a much larger blind spot than conventional trucks.
- LCVs also present a greater safety risk simply because they have more trailers. As a result, LCVs suffer from increased "rear-end amplification" (the "stack the ship" effect). They also have more trailer separation. And they offer a higher surface area to wind, increasing the risk of being blowed off the road.
- Because LCVs are heavier than conventional trucks they cause more severe accidents (their greater length also means that they have a larger crash "footprint").
- LCVs make driving harder. Automobiles are now even. But sharing the road with LCVs—even when there isn't an accident—makes driving already very stressful, even more difficult. Surveys of older drivers, for example, show consistently that having to share the road with trucks is one of the things they fear most about driving.
- LCVs cause bridge damage. National operation of LCVs would cost government agencies \$12.7 billion in bridge replacement costs. That repair would mean \$99 billion in lost time and extra fuel burnt by auto drivers stuck in traffic because of bridge work.

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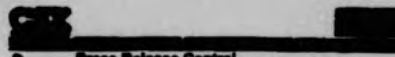
- LCVs are going to make our highway congestion problems worse. A single LCV has the same impact on highway congestion and traffic delay as 10 to 12 automobiles (or more than twice the impact of two conventional trucks). Diversion of freight from railroads to highways will compound this problem. Highway congestion is already our nation's number one transportation problem, with estimated annual costs of \$29 billion or more.

- LCVs underpay their highway cost responsibility. A single trailer operating at the most common registered weight of 115,000 pounds pays only 70% of its Federal highway costs.

- Heavier single trailer trucks also miss serious infrastructure and safety issues. (See the attached one page on 97k trucks).

Nationwide operation of 97,000 pound trucks would cost railroads \$2.4 billion. (Same ADL study as LCVs. Figures are cumulative).

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Press Release Central

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FOR IMMEDIATE RELEASE

CEX RAIL PROPOSAL GREATLY ENHANCES INDIANA'S
HARVEST REACH
THROUGHOUT THE EASTERN UNITED STATES

JACKSONVILLE, Fla., June 25, 1997 — Indiana will be a leading rail transportation hub, and Indianapolis will become a regional operations center in a proposal by CEX Corp. for operating the routes it plans to acquire from Conrail Inc.

CEX and Markus Southern Corp. today filed a joint application with the Federal Surface Transportation Board to acquire the routes and assets of Conrail. One component of the application is CEX's proposed operating plan, which includes details about CEX's company's expanded role in Indiana and planned capital expenditures in the state that will total in excess of \$125 million.

"Indiana overall, and Indianapolis in particular, will play an increasingly important role for CEX under the transaction," said John W. Snow, Chairman and Chief Executive Officer of CEX Corp. The plan calls for Indianapolis to become a regional operating headquarters and for Conrail's John York, to be acquired by CEX Transportation Inc. (CEXT), to become a major freight hub in the new CEX rail system. "CEXT's rail upgrade project across southern Indiana and Ohio will provide a highly efficient, high-capacity rail link between the Midwest and Northeast," Snow noted.

Some details of the operating plan related to Indiana include:

- Indianapolis will become a new "service line" headquarters for CEXT, where operations, crew management, dispatching, engineering, maintenance and service planning will be directed at the regional level. CEXT now operates seven regional centers of this type.

- CEXT's Chicago-Greenwich, Ohio, route line, which runs across northern Indiana will be upgraded as part of a project to create a high-capacity corridor between the Midwest and the Northeast. CEXT's capital investment on this project in Indiana is projected at \$110 million, with an additional \$5 million in expenditures in the state this year through the purchase of land services.

- John York, west of Indianapolis, will serve as a major classification yard for the CEXT system, dispatching freight cars to the Northeast, United States and Europe. Thousands of rail cars and other trains for movement beyond the Midwest River. Land reclamation at Indianapolis will be completed at Indianapolis. York on the city's southeast side. Capital investment in yard and facility improvements at Indianapolis is estimated at \$10 million.

- CEXT also plans to acquire from Markus Southern a parallel route between Chicago, Fort Wayne and central Ohio for "all its rail as an auxiliary corridor route for both commodity freight trains, such as grain and coal. Roughly \$5.5 million will be invested in track improvements.

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"CEX's customers will be able to reach new markets for their products and expand their options for obtaining raw materials and components," said A.R. "Pete" Carpenter, president and CEO of CEX. "A fundamental advantage of the new system is its ability to link major producing markets in the South with consumer markets in the Northeast and Midwest with single-line service. The result will be a faster, more flexible and cost-efficient network."

Carpenter said more efficient, reliable rail transportation will make Indiana a more attractive location for economic development. He added that CEX will continue to already aggressive efforts, working with state and local economic development officials, to bring new industries to Indiana and the region.

Indiana will be served by eight key CEX service routes that will improve the state's railroad links to nearly every market in the East, Midwest and South by providing single-line service. These routes are:

- NORTH-EASTERN GATEWAY SERVICE ROUTE - Chicago to Cleveland, Boston and New York via Gary and Auburn.
- EASTERN GATEWAY SERVICE ROUTE - Chicago to Pittsburgh, Washington, and Philadelphia via Gary and Auburn.
- ALTERNATE CHICAGO SERVICE ROUTE - Chicago to Cleveland via Fort Wayne.
- ST. LOUIS GATEWAY SERVICE ROUTE - St. Louis to the East Coast via Terre Haute, Indianapolis and Miami.
- MICHIGAN-CHICAGO SERVICE ROUTE - Detroit to Chicago via Gary and Auburn.
- CHICAGO GATEWAY-SOUTHEAST SERVICE ROUTE - Chicago to Miami via Terre Haute and Evansville.
- CENTRAL SERVICE ROUTE - Southeast United States to Chicago and St. Louis via Indianapolis or Terre Haute.
- HEARTLAND SERVICE ROUTE - Nashville, Tenn., to Detroit and New England via Evansville, Terre Haute, Indianapolis and Miami.

The Northeastern and Eastern Gateway routes will provide high-capacity rail links between the Midwest and East across northern Indiana. Connections to the Southeast will open grain and other market opportunities to Indiana customers now served by Conrail. Improved service for Indiana's auto and steel production facilities also will result.

The expanded rail system includes benefits for key commodity groups that make up a majority of rail freight traffic: coal, steel, automotive, grain, wood, paper products, chemicals, minerals and general merchandise traffic. Routes and connections were designed with customers in mind to facilitate commodity flows to expanded market areas created by the acquisition.

"The CEX system will create vast new opportunities for rail movement of freight with increased efficiency and greater reliability," Carpenter said. "The single-line service and operating efficiencies that the acquisition will create will allow us to reduce transit times, often by one or more days depending on the route."

CEX's operating plan will not result in any rail line abandonments in the state, nor is it expected to have an adverse impact on commuter passenger operations in the Chicago area.

CEX Corp. employs about 4,500 workers in Indiana with an annual payroll of \$115 million. About 1,400 are employees of CEX and the remaining work for American Commercial Bridge Lines, based in Jeffersonville, Ind.

CEX and its 28,000 employees provide rail transportation and distribution services over an 18,000 route-mile network in 20 states.

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The District of Columbia and Ontario, Canada, CEX is a business unit of CEX Corp., headquartered in Richmond, Va.



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CENTRAL ADMINISTRATIVE UNIT

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PCC-13

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 DRAFT ENVIRONMENTAL IMPACT STATEMENT
BY THE CITIES OF EAST CHICAGO, INDIANA; HAMMOND,
INDIANA; GARY, INDIANA; AND WHITING, INDIANA
(COLLECTIVELY, THE FOUR CITY CONSORTIUM)

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BEFORE THE
SURFACE TRANSPORTATION BOARD

CSX CORPORATION AND CSX	)	
TRANSPORTATION, INC., NORFOLK	)	
SOUTHERN CORPORATION AND NORFOLK	)	
SOUTHERN RAILWAY COMPANY --	)	Finance Docket No. 33388
CONTROL AND OPERATING LEASES/	)	
AGREEMENTS -- CONRAIL INC. AND	)	
CONSOLIDATED RAIL CORPORATION	)	

COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT
BY THE CITIES OF EAST CHICAGO, INDIANA; HAMMOND,
INDIANA; GARY, INDIANA; AND WHITING, INDIANA
(COLLECTIVELY, THE FOUR CITY CONSORTIUM)

I.

INTRODUCTION

The Cities of East Chicago, Indiana; Hammond, Indiana; Gary, Indiana; and Whiting, Indiana (collectively the "Four City Consortium" or the "Four Cities") hereby submit their Comments with respect to the Draft Environmental Impact Statement ("EIS") prepared for this proceeding by the Board's Section of Environmental Analysis ("SEA") and served on December 12, 1997. As directed by Decision No. 52 served November 3, 1997, these Environmental Comments also include the Four City Consortium's response to CSX's and NS' Safety Integration Plans ("SIPs") filed on December 3, 1997.¹

¹ The purpose of each SIP is to describe the programs and processes by which CSX and NS plan to administer safety standards and plan to integrate their safety programs to ensure safe post- (continued...)

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The Four City Consortium consists of four contiguous communities located in Lake County in northwestern Indiana, immediately south and east of Chicago, Illinois. As a result of their strategic location, the Four Cities are traversed by numerous railroad lines, including every major line used by CSX, NS and Conrail to move traffic between the Chicago area and eastern points. There are approximately 208,000 residents in the Four Cities who are significantly and constantly impacted by the over 150 trains that pass through their neighborhoods daily.

The Four City Consortium was formed for the purpose of evaluating the proposed acquisition and division of Conrail by CSX and NS in terms of its potential environmental and other impacts on the Four Cities region; developing and proposing alternatives (including environmental mitigating measures) designed to ameliorate any adverse impacts on the region identified by the Four Cities; and providing regional input to the Board in its environmental review process.

In the Board's procedural schedule adopted for this proceeding, it determined that preparation of an EIS was warranted in its consideration of the Application because the proposed transaction has the potential for significant environmental impact. Decision No. 6, (served May 30, 1997) at 2-3. The Board, through its SEA, has conducted an initial environmental review of the proposed Conrail acquisition. The SEA's Draft EIS

¹(...continued)
merger operations. The Applicants' SIPs have been included by the Board as part of its Draft EIS.

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contains an analysis of the potential environmental impacts of the proposed Conrail acquisition, and preliminary recommendations for environmental mitigation.²

The SEA has invited comments from the public addressing both the environmental and safety impacts of the proposed Conrail acquisition, and SEA's preliminary analyses and recommendations for mitigating the possible environmental effects of the proposed transaction contained in the Draft EIS. Under the Board's procedural schedule, after consideration of the above written comments, SEA anticipates issuing a Final EIS in late May, 1998.³ A final decision on environmental mitigation conditions will be made at the Board's voting conference scheduled for June 8, 1998 and in its written decision which will be served by July 23, 1998.

² According to SEA, the information used in preparing the Draft EIS was provided by the Applicants in their Environmental Report and Operating Plans filed with their Application in this proceeding, an Errata to the Environmental Report and Supplemental Environmental Report submitted by the Applicants on August 26, 1997, as well as information gained through supplemental environmental information directly provided by the Applicants to SEA. Other information used by SEA in preparing the Draft EIS included comments that have been submitted from interested parties to this proceeding as well as comments from the public. Additionally, in preparing the Draft EIS, the SEA consulted with other federal agencies, conducted its own independent environmental analysis, and conducted site visits. SEA engaged the assistance of a number of third-party contractors to assist with environmental analysis and field work, and to help prepare the Draft EIS. See Draft EIS, Vol. 1 at 1-8 to 1-11.

³ As announced in the Board's July 3, 1997 Notice of Intent to Prepare an Environmental Impact Statement, the Final EIS will address comments submitted on the Draft EIS and will include SEA's final recommendations, including appropriate environmental mitigation.

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SUMMARY OF POSITION

After reviewing the CSX and NS operating plans as set forth in the Rail Road Control Application in this proceeding, the Four Cities determined that implementation of those plans is likely to make the serious existing rail-related public health and safety problems in their region significantly worse. Accordingly, on October 21, 1997, the Four City Consortium filed Comments and Request for Conditions with respect to the merits of the proposed transaction (PCC-9) ("October 21 Comments"). In their October 21 Comments -- copies of which were provided to SEA -- the Four Cities identified and described the adverse environmental consequences likely to result from the Conrail transaction (particularly in the areas of rail/highway at-grade crossings delay/safety/emergency response), and proposed a solution intended to preserve the Applicants' post-acquisition routing flexibility for rail traffic moving to and from Chicago, while at the same time reducing the transaction's adverse impacts on their communities. The negative impacts associated with the Application are largely attributable to the Applicants' proposed increases in rail traffic movements over certain line segments heavily laden with rail/highway at-grade crossings, and the Applicants' planned reinstatement of rail service on a long-unused rail right-of-way that traverses directly through the heart of Gary, Indiana.

The Four Cities have conducted a review of the Draft EIS, as well as a review of the Application, the Applicants'

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Safety Integration Plans ("SIPs") filed on December 3, 1997, and the Applicants' December 15, 1997 Rebuttal filing, and have specifically analyzed these documents as they pertain to environmental considerations and preparation of comments on the Draft EIS. In summary, the Consortium has concluded that both the Applicants and SEA (the latter through its analysis in the Draft EIS) have failed to consider adequately the significant adverse safety, socioeconomic, and environmental impacts in the Four Cities associated with the Applicants' proposed post-transaction operations. The SEA also failed to analyze adequately the Consortium's Alternative Routing Plan as required under applicable federal laws, regulations, and orders. Additionally, the SEA failed to consider adequately the significant cumulative impacts on the Four Cities that are associated with the proposed transaction. Finally, the SEA's recommended mitigation for the Four Cities, as set forth in the Draft EIS, completely fails to ameliorate these considerable impacts.

The reasons for the foregoing conclusions are detailed in the accompanying verified statements of Michael L. Cervay, the Director of Planning and Community Development for the City of Gary, Indiana ("Cervay Environmental V.S."); Philip M. Burris of L.E. Peabody & Associates, Inc. ("Burris Environmental V.S."); and Dr. Gary M. Andrew of L.E. Peabody & Associates, Inc. ("Andrew Environmental V.S.") as well as in the Four Cities' comments set forth below.

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To be sure, SEA has recognized the legitimacy of some of the Four Cities' concerns and, indeed, has acknowledged in the Draft EIS that "even a small increase in [crossing] delays could exacerbate the problems faced by an urban area with several grade crossings." Accordingly, the Draft EIS contains SEA's recommendation that:

CSX and NS consult with representatives of the Four City Consortium and the Indiana Department of Transportation to address potential traffic delay and safety concerns at the nine highway/rail at-grade crossings in these communities [with a pre-acquisition level of service D]. Specifically, CSX and NS would meet with these parties to negotiate a mutually-binding agreement on the implementation and funding allocation for measures to address traffic delay and safety concerns at these crossings.

Draft EIS, Vol. 3A at IN-85; see also IN-87.

The Four Cities are appreciative of the SEA's acknowledgement of the negative environmental impacts of the proposed transaction on communities in northwest Indiana. The Four Cities also agree that the most efficient way to address the adverse impacts of the proposed transaction should be through negotiations among the affected parties (which the Four Cities wish had occurred before the filing of the Application). However, in the event the parties are unable to achieve an agreement prior to the SEA's completion of the Final EIS (expected in late-May, 1998), the Consortium strongly believes that upon careful consideration, the SEA must find that additional mitigation is required under:

¹ Draft EIS, Vol. 3A, Ch. 5 at IN-85.

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applicable governing federal policies and principles for mitigating the significant environmental impacts that are likely to result from the Conrail control transaction as proposed by the Applicants.

The Four Cities have met on several occasions with CSX and NS representatives (and with Indiana DOT) in an effort to negotiate a mutually-acceptable solution to the problems raised by the Applicants' proposed post-transaction operating plans. Additional meetings are scheduled. It is uncertain at this time whether an agreement can be reached that will obviate the necessity for the imposition of environmental mitigating conditions.

With regard to the Four Cities, the Draft EIS specifically "invites public comments on appropriate mitigation that the Board could require in an event that a mutually-acceptable binding agreement cannot be reached prior to the release of the final EIS." *Id.* at IN-87. Accordingly, the Four Cities are submitting these detailed Comments on the Draft EIS. It is the Four Cities' intention to supplement these comments, as appropriate, upon the conclusion of the discussions with CSX and NS.

ENVIRONMENTAL RELIEF REQUESTED

To ameliorate the substantial adverse environmental, safety, and socioeconomic impacts of the Applicants' proposed transaction, the Four City Consortium respectfully requests that SEA recommend in its Final EIS that any approval of the Application be conditioned on the imposition of the Consortium's Alternative Routing Plan ("ARP") as well as continued Board oversight

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to ensure that the ordered mitigation is achieved in the manner intended.

The ARP is described in detail in the Four Cities' Comments filed with the Board (with separate copies submitted to SEA) on October 21, 1997. It has two principal aspects. The first aspect of the ARP involves rerouting some CSX traffic that is projected to move between Willow Creek, IN and Calumet Park, IL from the CSX/BOCT line via Pine Junction (Gary), IN¹ to a parallel route consisting of Conrail's Porter Branch (to be acquired by CSX) between Willow Creek and a proposed new connection with the Indiana Harbor Belt's ("IHB") Gary-Calumet Park line near Virginia Street in Gary.

The second aspect of the Four Cities' ARP involves an alternative to CSX's plan to acquire from NS and restore to service the portion of the former Pennsylvania Railroad ("PRR") Fort Wayne-Chicago line between Hobart, IN and Clarke Junction (Gary), IN, at a cost of \$13 million.² Under the ARP, the post-transaction traffic that CSX proposes to move over this line

¹ "BOCT" is the acronym for the Baltimore & Ohio Chicago Terminal Railroad Company, a wholly-owned CSX subsidiary. BOCT owns the portion of the Willow Creek to Calumet Park line between Pine Junction and Calumet Park. This BOCT line segment is particularly problematic because it is a heavily-used line having 20 rail/highway at-grade crossings over a distance of approximately six miles. Nine of these crossings have average daily vehicle counts ("ADT") above the SEA's threshold of 5,000.

² This out-of-service line has 23 rail/highway at-grade crossings, many of which have been paved over. CSX proposes to rehabilitate this line to provide an alternative route for certain bulk trains that would otherwise operate via CSX's main line through Willow Creek.

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would be rerouted to a parallel route via the NS's line between Hobart and Van Loon, IN, and thence via the Elgin, Joliet and Eastern Railway Company ("EJE") between Van Loon and a connection with both the EJE and CSX lakefront lines near Pine Junction.

The Four Cities' October 21 Comments demonstrated why their requested condition is necessary to minimize the adverse impacts that would result from the Conrail transaction. The Consortium also has clearly shown that this requested condition is operationally feasible, will produce positive public benefits, and will not cause any reduction in the public benefits otherwise produced by the transaction. In the analysis below, the Four Cities will also demonstrate the significant environmental impacts that are implicated by the transaction and how their proposed ARP will ameliorate many of these impacts.

If, after considering the Four Cities' ARP in more detail, the SEA still believes that negotiation between the Applicants and the Consortium is the most appropriate mitigation action, then the Four Cities would request, at a minimum, that the SEA's Final EIS recommend that moratoriums be placed on (1) any increase in railroad traffic moving over the BOCT line between Pine Junction and Calumet Park above current levels (28 trains per day), and (2) the rehabilitation of, and reinstitution of service on, the former PRR line between Hobart and Clarke Junction. These recommended moratoriums should remain in place until the Applicants and the Four Cities come to a binding resolution of this matter.

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II.

ARGUMENT

SCOPE OF FOUR CITIES' COMMENTS

The Four Cities' Comments on the Draft EIS are divided into two separate parts. First, the Comments will review the statutory and regulatory framework governing the Board's review of the environmental impacts of the proposed Conrail acquisition, and the authority of the Board to impose conditions, including environmental conditions, to mitigate potentially adverse environmental impacts. Second, the Comments will address the environmental impacts on the Four Cities' region that would be caused by the proposed transaction and the manner in which these impacts should be mitigated in the Final EIS.

The SEA's Draft EIS identified eleven separate areas of environmental impact which SEA used for its analysis of the Applicants' proposed post-transaction operational activities. Through its "threshold screening process," described in detail in Appendices A through K of the Draft EIS, SEA essentially identified those activities that it believed warranted further review for possible mitigation. For the Four Cities, the most significant environmental impacts are caused as a result of increases in rail traffic over certain line segments, and re-instatement of rail operations over a long-unused rail right-of-way. Of the eleven areas of potential environmental impacts, the Consortium has identified eight of them as seriously impacting the Four Cities Region. These eight include the following:

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- Safety;
- Traffic and Transportation Systems;
- Energy;
- Air Quality;
- Noise;
- Land Use and Socioeconomics;
- Environmental Justice; and
- Cumulative Impacts.

Each of these areas is evaluated, in turn, in the second part of these Comments on the Draft EIS. The Four Cities' analyses of these eight areas will include, among other things, a critique of SEA techniques and computational formulas utilized in its threshold screening process (as well as suggested corrections); a discussion of local impacts that SEA has failed to evaluate adequately (or impacts which SEA failed to evaluate altogether); a critique of the Applicants' operational assumptions impacting environmental analyses (and suggested remedial actions to correct for those flawed assumptions in the Final EIS); and proposed remedies to mitigate individual environmental impacts. In sum, this analysis seeks to offer meaningful suggestions on areas requiring additional review, and actions that SEA should take in the Final EIS to respond appropriately to the severe adverse environmental impacts the proposed transaction is likely to have on the Four Cities.

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A. The Environmental Review Process

1. The Statutory Framework Governing STB Environmental Review of Proposed Mergers/Consolidations

On June 23, 1997 CSX, NS, and Conrail filed a joint Application with the Board seeking authority for CSX and NS to acquire control of Conrail. The railroad control transaction that has been proposed by the Applicants, involving over 44,000 miles of rail lines and related facilities owned by these railroads, is a "major transaction" under the Board's regulations at 49 C.F.R. Part 1180 governing railroad consolidations.

As part of the Board's review of railroad control applications, the Board is required to evaluate economic, competitive, and environmental considerations. When evaluating a proposed railroad merger or control transaction, the Board's standard for approval is whether the transaction is "consistent with the public interest." 49 U.S.C. § 11324(c).¹

The Four Cities' October 21, 1997 Comments set forth in detail the law governing the Board's review of proposed merger or consolidation transactions, and that discussion will not be repeated here. In general, however, under the Board's regulations, the Board must perform a "balancing test" in determining whether a proposed railroad consolidation is in the public interest. In conducting that test, the Board must weigh "the

¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (1995), established the STB as well as its jurisdiction over railroad control transactions, including the Conrail control transaction being considered in this proceeding. The Board's governing standards for railroad consolidations are set forth at 49 U.S.C. § 11324.

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potential benefits to applicants and the public against the harm to the public." 49 C.F.R. § 1180.1(c). If the Board determines that the overall effect of a proposed transaction is in the public interest, it still has broad authority to impose conditions on the consolidation in order to ameliorate potential adverse effects, including the authority to impose environmental mitigation conditions.

The Board in its Notice of Final Scope of Environmental Impact Statement (EIS), issued in this proceeding on October 1, 1997, set forth three separate alternatives that it will consider when reviewing the proposed transaction's impact on the environment:

In making its decision in this proceeding, the Board will consider public comments and SEA's environmental analysis contained in the EIS, including any proposed environmental mitigation. The alternatives SEA will consider in the EIS are: (1) approval of the transaction as proposed; (2) disapproval of the proposed transaction in whole (No-Action alternative); and, (3) approval of the proposed transaction with conditions, including environmental mitigation conditions.

Id. at 3 ("Notice of Final Scope"), see also Draft EIS, Executive Summary at ES-6.

The Board's standards for imposing environmental conditions in merger and control cases are consistent with its general authority to impose conditions in railroad control transactions under 49 U.S.C. § 11324(c). Among other things, "the record must support the imposition of the condition at issue. . . . there must be a sufficient relationship between the condition imposed

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and the transaction before the agency, and the condition imposed must be reasonable." Notice of Final Scope at 3 n.2.

2. Requirements of the EIS Process

The statutory framework governing the EIS review process includes the National Environmental Policy Act ("NEPA"). 42 U.S.C. §§ 4321 et seq., the regulations issued by the Council on Environmental Quality ("CEQ"), 40 C.F.R. Pts. 1500-1506, and the Board's own environmental rules, 49 C.F.R. Pts. 1105 et seq., as well as other applicable environmental statutes, orders, and guidelines. Under NEPA, Congress declared that as a "national environmental policy" each federal agency should become a "trustee of the environment," with the responsibility to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings." 42 U.S.C. § 4331(b).

As noted above, the EIS process was devised to ensure that major federal actions with the potential for significant environmental impacts are closely evaluated. The EIS is a device that is designed to identify impacts, analyze impacts, and consider alternatives to proposed actions that might have significant environmental impacts. The CEQ regulations provide that the purpose of the EIS is as follows:

The primary purpose of an environmental impact statement is to serve as an action-forcing device to insure that the policies and goals defined in the Act are infused into the ongoing programs and actions of the Federal Government. It shall provide full and fair discussion of significant environmental impacts and shall inform decisionmakers and the public of the reasonable alternatives which

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would avoid or minimize adverse impacts or enhance the quality of the human environment.

40 C.F.R. § 1502.1. One of the most important areas that an agency must focus on in an EIS is a detailed evaluation and assessment of alternatives to proposed actions. Because of the importance of this component of the EIS, the CEQ rules for addressing alternatives are set forth in detail below:

§ 1502.14 Alternatives including the proposed action.

This section is the heart of the environmental impact statement. . . . [I]t should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public. In this section agencies shall:

(a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.

(b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.

(c) Include reasonable alternatives not within the jurisdiction of the lead agency.

(d) Include the alternative of no action.

(e) Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.

(f) Include appropriate mitigation measures not already included in the proposed action or alternatives.

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When considering the "significance" of a transaction, CEQ Regulations require examination of both "context" and "intensity." *See* *Id.* at 1508.27. Context usually means that the impact of a proposed action should be evaluated in the context of the impact on a specific region or locale. Intensity, which refers to the severity of the impact, also requires an examination of the cumulative impacts on the environment of an action, even if individual environmental impacts themselves are not considered to be significant. CEQ Rules explain that "significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment," and that "significance cannot be avoided by terming an action temporary or by breaking it down into small component parts." *Id.* at § 1508.27(b)(7). CEQ Rules further define cumulative impact as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." *Id.* at § 1508.7

The requirement that an agency take a "hard look" at proposed actions, and not leave it up to the parties or the public to analyze a transaction for environmental impacts, is a central tenet of NEPA. Delegation of an agency's NEPA responsibilities is frowned upon as "the Commission may not delegate to parties and intervenors its own responsibility to independently investigate and assess the environmental impact of the proposal

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before it." *Illinois Commerce Comm'n v. ICC*, 848 F.2d 1246, 1258 (D.C. Cir. 1988).

Finally, under CEQ rules, any recommended mitigation measures in an EIS are required to be effective enough to solve the problem at hand. There are five categories of mitigation measures that agencies must consider, including: i) avoiding impacts altogether, ii) minimizing impacts, iii) rectifying impacts through restoration of the affected environment, iv) reducing or eliminating the impact over time; and/or v) compensating for impacts by replacing or providing substitute resources or environments. *Id.* at § 1508.27(b)(7). On the subject of mitigation, the United States Supreme Court in *Robertson v. Methow Valley Citizens' Council*, 490 U.S. 332 (1989), stated:

To be sure, one important ingredient of an EIS is the discussion of steps that can be taken to mitigate adverse environmental consequences. The requirement that an EIS contain a detailed statement of possible mitigation measures flows both from the language of the Act and, more expressly, from CEQ's implementing regulations. Implicit in NEPA's demand that an agency prepare a detailed statement on "any adverse environmental effects which cannot be avoided should the proposal be implemented," is an understanding that an EIS will discuss the extent to which adverse effects can be avoided.

Id. at 347-351.

3. The Inadequacy of the SEA's Draft EIS

In the sections below, the Consortium will demonstrate the inadequacies of the Draft EIS as it pertains to the Four Cities, and show how those inadequacies can and should be ad-

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dressed in the Final EIS. Specifically, the analysis will show that the SEA's examination of the proposed transaction fails adequately to inform the public of the proposed action because the agency failed to take a "hard look" at its adverse environmental impacts. The Draft EIS also insufficiently analyzed reasonable alternatives, including the Four Cities Alternative Routing Plan.⁷ Among other things, under the CEQ regulations set forth above, SEA: i) did not "rigorously explore and objectively evaluate" the reasonable alternative proposed by the Four Cities for railroad operations, ii) did not "devote substantial treatment" to the Four Cities' alternative in sufficient detail to adequately inform the public "so that reviewers may evaluate their comparative merits;" and iii) did not "identify the agency's preferred alternative or alternatives."

The SEA also failed to address adequately the substantial cumulative impacts that the proposed transaction will have on the Four Cities. This issue will be outlined in more detail below. However, suffice it to say, the Draft EIS insufficiently addressed the significant cumulative impacts of the Application on northwest Indiana, especially in light of the standard that such impacts must be viewed in the context of "other past,

⁷ As noted above, the Four Cities sent copies of their Comments and Request for Conditions directly to SEA, emphasizing the need to consider their contents in development of SEA's environmental analysis (see Counsel's Exhibit 1). Four Cities' counsel also contacted SEA and advised that the Four Cities were prepared to respond to any questions SEA might have concerning the Consortium's Comments or its Alternative Routing Plan. The SEA's contractor in the Chicago area did, in fact, meet with representatives of the Four Cities in November, 1997.

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present, and reasonably foreseeable future actions." The SEA found no appreciable cumulative impact in the Four Cities despite the fact that, combined, there are over 150 trains that pass through the Four Cities, the Four Cities have a total of 243 at-grade rail/highway crossings (many of which are extremely close together with resulting significant interrelated impacts), and the number of vehicles crossing rail lines at-grade exceeds 450,000 daily. *See* October 21 Comments, Argument at 11. Meanwhile, the region is a severe non-attainment area for a number of air pollutants, contains a population well over 50 percent minority, which is largely low-income, and has suffered for years from the impacts of regional environmental degradation.

The Draft EIS also fails to provide the public with sufficient meaningful information on the environmental impacts of the Conrail transaction to make an informed decision on the environmental merits of the Application. For the Four Cities, SEA found only isolated instances of significant impacts. Even in those individual instances where environmental thresholds were met, SEA largely brushed off such impacts as insignificant because the impacts were "offset systemwide" or, upon further review, the SEA concluded that the impacts were not actually significant enough to require mitigation.

Finally, while the Draft EIS at Volume 4 contains a laundry list of possible mitigation actions, by-and-large it contains no "detailed statement of possible mitigation measures." For the Four Cities, the SEA did not propose the Consortium's

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proffered Alternative Routing Plan as a possible mitigation measure. Instead, the Draft EIS largely requests parties to "negotiate" matters where conflicts exist. As noted above, the Four Cities have been engaging in (and will continue until agreement or impasse) such negotiations with the Applicants over planned post-transaction movements in the area. While discussions have taken place, no resolution has been reached. If such negotiations fail, the SEA (and the Board) have a clear responsibility to consider environmental mitigating conditions such as the Four Cities' Alternative Routing Plan.

B. Environmental Impacts on the Four Cities

1. Safety

In their October 21 Comments, the Four Cities identified a number of safety problems that will be caused by the Conrail transaction -- and, in particular, by the Applicants' post-transaction operating plans. These adverse safety effects result from a combination of the large number of heavily-used rail/highway at-grade crossings in the region, and the increase in rail traffic projected for certain problematic lines. These lines include, in particular, the BOCT line between Pine Junction and Calumet Park and the former PRR line between Hobart and Clarke Junction. The adverse impacts on safety identified by the

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Four Cities as a direct result of the Conrail transaction include the following:¹

- * Increased likelihood of crossing accidents. The increases in train traffic and, in some cases, train speeds will result in an increased likelihood of at-grade crossing accidents. Already, many residents and workers in the Four Cities are so frustrated by endemic crossing delays that they have developed an unfortunate habit of ignoring active crossing protection devices and running (or driving) around lowered crossing gates if a train is not actually occupying the crossing. This dangerous situation will be exacerbated by projected increases in train frequency, particularly on the BOCT line. The proposed reinstitution of train operations on the PRR Hobart to Clarke Junction line, which has been out of service for ten years, will also be problematic in terms of ignoring crossing protection devices as motorists have become used to crossing this line without having to worry about whether a train may be approaching.

- * Interference with the provision of EMS services. The frequent crossing blockages habitually prevent emergency police, fire and ambulance vehicles from responding in a timely manner to calls that require such vehicles to use rail/highway at-grade crossings. Again, this problem is particularly acute with

¹ See the Verified Statements by the City Planners of each of the Four Cities (Kimberly Gordon of East Chicago, Donald Thomas of Hammond, Michael Carvey of Gary, and Daniel Botlich of Whiting), included in the Four Cities' October 21 Comments; Carvey Environmental V.S. at 16-20; Burris Environmental V.S. at 13-17.

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respect to the crossings on the BOCT line, which runs in an east-west direction through the heart of the central business districts of East Chicago and Hammond. A total of 20 highways and streets cross the six-mile segment of this line between Pine Junction (Gary) on the east and the Indiana/Illinois state line on the west.¹⁸ These 20 crossings are so closely spaced that when a train stops anywhere in East Chicago or Hammond (as frequently occurs due to the existence of seven different at-grade railroad crossings of the BOCT line in these two communities alone), several rail/highway at-grade crossings are inevitably blocked. The projected increase from 27 to 33 trains per day over this segment, combined with their greater length and weight, will cause an already-intolerable safety situation to become worse.

- * Climbing under and through stopped trains. Train stoppages and blocked crossings occur so frequently that pedestrians, particularly children, routinely climb under or through trains to get from one side of the tracks to the other. Again, this problem will be exacerbated by the Applicants' projected increases in train traffic in the region.

- * Increased train speeds. Motorists have become used to slow-moving trains, particularly on the BOCT line, which contributes to the around-the-gates problem. In addition, vehicles traveling on east-west Chicago Avenue, which parallels the BOCT

¹⁸ Nine of these crossings, all located in East Chicago and Hammond, have average daily vehicular traffic counts ("ADT") greater than 5,000.

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line through East Chicago and Hammond, routinely attempt to beat a train to the next open crossing. These problems may be exacerbated by CSX's proposal to raise the maximum train speed on the BOCT line to 40 miles per hour, as motorists who desire to cross this line will not expect increased speeds.¹⁹

The DEIS acknowledges that these safety problems exist,²⁰ but it completely ignores their cumulative impact and proposes no specific mitigation measures to ameliorate the adverse safety effects of the Conrail transaction that are of principal concern. Moreover, SEA's thresholds for analysis of safety impacts (a line segment having an increase of eight or more trains per day as a result of the transaction and for which a statistical predicted accident rate per year per mile is met) appear to be arbitrary, certainly as applied to the out-of-service Hobart to Clarke Junction line.²¹

¹⁹ As a practical matter, the stoppages caused by the large number of railroad at-grade crossings of the BOCT line will inhibit trains using this line from reaching anything approaching the full timetable speed. Nonetheless, any increase in speeds on this line could raise serious safety concerns.

²⁰ For example, the DEIS states at page IN-84 in Chapter 5 (Volume 3A) that "SEA acknowledges the concern identified by the Four City Consortium regarding the proposed Acquisition's potential impact on emergency vehicle response times. Similarly, at page IN-85 the following general statement is made: 'SEA recognizes the concerns of the Four City Consortium regarding the pre-existing conditions and acknowledges that even a small increase in delays could exacerbate the problems faced by an urban area with several at-grade crossings.'"

²¹ The PRR Hobart to Clarke Junction line will have a post-acquisition "increase" of only five trains per day, and (continued...)

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Nor does the DEIS indicate that SEA has considered any alternatives to the Applicants' proposal, such as the Four Cities' Alternative Routing Plan, that would ameliorate these adverse safety effects. Although it was certainly reasonable for the SEA to encourage the parties to address these issues, the failure of the SEA to evaluate the Four Cities' Alternative Operating Plan in the Draft EIS effectively deprives the Four Cities of the opportunity to respond in these Comments to any errors, unjustified criticisms, etc., that might be made in such evaluation. Fulfillment of its statutory duties under NEPA requires SEA to consider specific measures to mitigate the transaction's identified adverse safety impacts.

We also note that, in compliance with Decision No. 52 served November 3, 1997, the Applicants have filed Safety Integration Plans ("SIPs") with respect to their post-transaction operations over their systems as reconfigured as a result of the acquisition and division of Conrail's lines. These SIPs were filed on December 3, 1997, or six weeks after the Four Cities' October 21, 1997 Comments were filed. Despite that fact, the Applicants' SIP's are very general in nature, and they do not address any of the specific safety concerns raised in the Four

¹³(...continued)
since the pre-acquisition train frequency has been zero for the last ten years, obviously there have been no at-grade crossing accidents on this line for ten years. It is self-evident that the reactivation of 23 closed at-grade crossings on this line will cause enormous safety problems for motorists who are used to ignoring the possibility that a train may be approaching a crossing.

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Cities' Comments. This is even more reason why these concerns must be addressed, and appropriate mitigation recommended, in the Final EIS for this case.

2. Traffic and Transportation Systems

One of the most significant adverse environmental impacts on the Four Cities region arising from the Conrail transaction relates to delays to vehicular traffic at rail/highway at-grade crossings. These delays have a significant impact on safety (as described in the preceding section) and air pollution emissions (described below), as well as an adverse economic impact resulting from unproductive time incurred by vehicle occupants while waiting for blocked crossings to clear.

In evaluating at-grade crossing vehicular delays in the Four Cities region, the DEIS considered only crossings having an ADT of 5,000 vehicles or greater as even eligible for mitigation. It also refused to consider mitigation for any individual crossing unless either (1) its post-acquisition "level of service" (LOS), as measured by average delay per vehicle in seconds, would be at "E" or worse (i.e., an average delay per vehicle of greater than 40 seconds) regardless of its pre-acquisition LOS, or (2) its LOS would decline from a pre-acquisition LOS of "C" or better (i.e., an average delay per vehicle of 25 seconds or less) to a post-acquisition LOS of "D" (i.e., an average delay per vehicle of 26 to 40 seconds).

The SEA's ADT and LOS thresholds may be reasonable for viewing the impacts of the transaction on individual grade

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crossings, in terms of possible mitigation such as improvements to crossing protection devices. However, SEA's apparent decision to evaluate individual crossings in the Four Cities in isolation, without any consideration of cumulative increases in crossing delays for contiguous crossings or a related group of crossings, is both arbitrary and a violation of the Board's statutory duty to consider the cumulative environmental impacts of the proposed Conrail transaction. It is also inconsistent with SEA's determination to consider delay times for crossings having ADT's of less than 5,000 vehicles in other geographic areas affected by the transaction.

For example, in Cuyahoga County, Ohio, SEA decided to analyze all highway/rail grade crossings, regardless of whether they had an ADT of 5,000 vehicles. The reason for this was SEA's conclusion that Cuyahoga County had a relatively high incidence of vehicle delays at the many grade crossings in the county. See Draft EIS, Vol. 5A at F-17. However, according to Mr. Cervay, who has planning experience in Cuyahoga County as well as in Gary, "at-grade highway/railroad crossing problems are significantly worse in Lake County (Indiana) than in Cuyahoga County." Cervay Environmental V.S. at 26 n. 15. SEA's failure to conduct the same kind of detailed grade crossing delay study for the Four Cities region that it conducted for Cuyahoga County is puzzling at best, and arbitrary at worst.¹⁴ SEA should correct this

¹⁴ Similarly, in Tippecanoe County, Indiana, the SEA analyzed ten grade crossings in the City of Lafayette notwithstanding...

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oversight by analyzing all of the impacted grade crossings in the Four Cities for possible mitigation measures.

In addition to the inconsistencies described above, SEA's calculations of crossing delay times in the Four Cities are understated for at least three different reasons which are explained below.¹⁵

a. Number of Crossings Studied.

First, SEA inexplicably calculated delay times only for 15 of the 29 affected rail/highway grade crossings in the Four Cities having an ADT of 5,000 vehicles or more. In addition, as noted above, SEA did not study any of the grade crossings in the Four Cities having ADT's of less than 5,000 vehicles. The Four Cities, on the other hand, studied a total of 108 grade crossings (all those impacted by the changes in routings and rail traffic volumes that will result from the Conrail transaction, regardless of their ADT levels). Andrew Environmental V.S. at 6-8. The Four Cities' approach is consistent with the statutory directive to consider cumulative environmental impacts. This directive mandates that in circumstances presented by the Four Cities (and

¹⁵(...continued)
standing that they did not meet the LOS threshold criteria described above, and recommended preliminary mitigation until a proposed railroad relocation project (already in the works) can be completed or implemented. See DEIS, Vol. 3A at IN-89.

¹⁶ A fourth error in SEA's calculations has already been corrected. The SEA's original formula for calculating average delay times used the time for the last vehicle in the queue for each crossing, rather than the average time for all vehicles in the queue. This error was corrected in the Supplemental Errata to the DEIS served on January 21, 1998.

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Cuyahoga County, Ohio), where a large number of contiguous grade crossings of lines that will experience a significant increase in rail traffic exist, delay times should be calculated for all of the impacted crossings.

b. Train Speeds.

Second, the train speeds used as inputs to SEA's formula used to calculate individual crossing delay times are inconsistent both with reality and with the Applicants' own data. As indicated by Messrs. Andrew and Burris in their accompanying testimony, SEA assumed that most trains would operate at maximum timetable speeds (with minor reductions in some instances to reflect operating conditions known to SEA's contractor). Thus, for the BOCT line between Pine Junction and Calumet Park, SEA assumed an average train speed of 25 MPH.¹⁸ For the PRR Hobart to Clarke Junction line segment, SEA assumed an average train speed of 10 MPH which is this line's present maximum timetable speed (although, in reality, this line segment is out of service at the present time).

In fact, maximum train speeds are very rarely (if ever) achieved on the six-mile segment of the BOCT line located in Indiana. The principal reason for this is the large number of at-grade railroad crossings of this line segment -- all of which are controlled by railroads other than CSX. Andrew Environmental V.S. at 13-14; Burris Environmental V.S. at 19-20. This means

¹⁸ The maximum authorized timetable train speed for this line is actually 35 MPH. Burris Environmental V.S. at 19.

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that CSX trains frequently stop to allow trains to clear one or more of these crossings.¹⁹ According to CSX's own data, the actual average speed of trains moving over the BOCT line between Pine Junction and Barr Yard is 12.6 MPH. Andrew Environmental V.S. at 13.

CSX plans to increase the maximum authorized timetable train speed on the entire BOCT line between Pine Junction and Barr Yard from FRA Class 2 to FRA Class 3 track safety standards, thereby permitting an increase in the theoretical maximum train speed to 40 MPH. However, this is unlikely to have any material impact on actual train speeds on the six-mile segment of this line between Pine Junction and State Line Tower on the Indiana/Illinois border. The reason is that the same seven railroad grade crossings of this segment (all controlled by carriers other than CSX) will continue to exist -- which means that CSX trains will continue to have to stop on this segment to wait for railroad crossings to clear just as they do today. In addition, the CSX trains using this line after the Conrail transaction is consummated will be longer and heavier than the trains presently using the line, which means that the deceleration/acceleration time for trains that have to stop on this line will be longer than at present. However, to be conservative, the Four Cities have assumed that the post-transaction average train speed on the

¹⁹ The crossing delay study conducted by the Four Cities in September 1997 indicated that 58% of the CSX trains using the BOCT line between Pine Junction and State Line Tower come to a complete stop. Burris Environmental V.S. at 20-21.

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BOCT line will increase by 10% compared with the pre-transaction level, which yields an average train speed of 13.2 MPH. Andrew Environmental V.S. at 14-15; Burris Environmental V.S. at 21-22.

With respect to the PRR Hobart to Clarke Junction line segment, CSX plans to restore this line to service and upgrade it from FRA Class 1 to FRA Class 3 track safety standards, thus also permitting a theoretical maximum train speed of 40 MPH. Again, however, the actual average train speed on this line is likely to be far less than the maximum timetable speed.²⁰ The PRR line has two at-grade railroad crossings that will be controlled by CSX after the transaction is consummated, but that will have both a higher traffic density and a higher priority in terms of train movements through the crossings than the PRR line. This line also will connect with the CSX and Conrail Lakefront lines (the latter to be acquired by NS), which will also have a very high traffic density and priority of movement. For these reasons, and based on data from CSX indicating that comparable lines have an average train speed that is less than 40% of the maximum authorized speed, a more appropriate post-transaction average actual train speed for the Hobart to Clarke Junction line segment is

²⁰ The Applicants have both utilized the full maximum timetable speeds in their calculations of individual crossing delay times. See Joint Rebuttal Verified Statement of James C. Rooney and T. Stephen O'Connor at 14-17 (MC-293 to 296). The use of full timetable train speeds as projected post-transaction average speeds is clearly unsupportable and unacceptable. The recent western service crisis being experienced by the Union Pacific Railroad demonstrates that the Board cannot and should not take such unsubstantiated and claimed operational improvements made in the context of a railroad control proceeding at face value.

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14.6 MPH. Andrew Environmental V.S. at 14-15; Burris Environmental V.S. at 22-24.

c. Train Length.

The time a train occupies a grade crossing is a factor of its length as well as its speed. SEA's calculations generally assume an increase in average train length in northwestern Indiana of only 200 feet as a result of the Conrail transaction. However, this is inconsistent with CSX's own records, which indicate a post-transaction increase in average train length of 1,298 feet for the BOCT line between Pine Junction and Barr Yard. Andrew Environmental V.S. at 11-12; Burris Environmental V.S. at 24-25. This significant increase in train length has a substantial effect on calculation of vehicle delay times at grade crossings.

* * *

The Four Cities' consultants have used SEA's own corrected formula for calculating crossing delay times, and have corrected the SEA's data inputs to reflect all impacted crossings, average actual train speeds, and the actual change in average train lengths. The result is that the Conrail transaction will result in a total increase in annual vehicle crossing delay time in the Four Cities from 204,385 hours to 355,265 hours, an increase of 150,880 hours or approximately 74%. Andrew Environmental V.S. at 9; Burris Environmental V.S. at 11. Implementation of the Four Cities' Alternative Routing Plan would reduce the total post-transaction annual vehicle delay time to

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214,645 hours -- a very substantial mitigation of the 355,265 delay hours caused by Applicants' operation plans. *Id.*

In the final EIS for this proceeding, SEA should correct the data input errors to the formula used to calculate crossing delay times, and it should also calculate delay times for all 108 affected grade crossings in the Four Cities. As indicated above, these corrections clearly warrant mitigation for the significant net increase in crossing delay time that will result from the Applicants' post-transaction operating plans.

3. Energy

The SEA's consideration of potential increases in the consumption of energy resources (i.e., fuel) involved an analysis of truck-to-rail traffic diversions as a result of the Conrail transaction. Although the SEA acknowledged that the Applicants' have probably overestimated the truck-to-rail diversions that will occur, it basically accepted their figures indicating that the transaction will result in a net reduction in fuel consumption of approximately 80 million gallons of diesel fuel system-wide. Burris Environmental V.S. at 26-27.

The SEA also evaluated rail/highway grade crossings with an ADT of greater than 5,000 vehicles. Using a fuel consumption factor for idling vehicles of .65 gallons per hour, the SEA essentially determined that because there would be no significant system-wide changes in energy use due to vehicle crossing delays, no mitigation is necessary for individual crossings. The SEA also appeared to determine that any increased energy consump-

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tion caused by vehicles idling at grade crossings was offset by overall fuel consumption reductions likely to result from post-acquisition truck-to-rail diversions.

With respect to the Four Cities region, the SEA's conclusions again ignore the cumulative impacts of crossing delays at the many interrelated grade crossings, particularly on the BOCT line between Pine Junction and Calumet Park. The Conrail transaction will clearly result in a substantial increase in fuel and oil consumption by idling vehicles delayed at blocked grade crossings in this region.

The SEA's failure to consider mitigation for energy (fuel and oil consumption) impacts in the Four Cities is a direct result of SEA's incomplete evaluation of grade crossing delays, discussed in the preceding section. When the revised total vehicle crossing delay time as calculated by Messrs. Andrew and Burris in their accompanying testimony is taken into account, the result is a post-transaction increase in fuel consumption. This causes annual fuel consumption costs caused by grade crossing delays to increase from \$180,208 to \$313,344. Burris Environmental V.S. at 38. If the Four Cities' Alternative Routing Plan were implemented, the total annual increase in fuel and oil consumption costs due to grade crossing delays would drop to \$209,400. *Id.* at 43, 48.

4. Air Quality

The Four Cities currently experience some of the worst air quality problems encountered anywhere in the Midwest. Lake

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County, in which the Four Cities are geographically situated, has the poorest overall air quality of any area in the State of Indiana.¹⁹ Cervay Environmental V.S. at 21. These impacts are largely a result of the heavy industrial activities that have sustained the area economically over the last century. Lake County does not meet Clean Air Act standards for air quality, and, as the Draft EIS has recognized, it is categorized by the Environmental Protection Agency ("EPA") as a severe "nonattainment" area for the emission of Ozone ("O₃") (which is produced in part by volatile organic compounds ("VOCs")), oxides of nitrogen ("NOx"), and other chemical pollutants. Lake County is also partially nonattainment for Sulfur Dioxide ("SO₂"), Carbon Monoxide ("CO"), and Particulate Matter ("PM").

Because of these air pollution problems, the Four Cities, in conjunction with state and federal officials, and with the cooperation of businesses and the public, have expended considerable time and resources in developing programs to improve area air quality. As a direct result of the severe pollution problems facing northwest Indiana, EPA has organized the Northwest Indiana Environmental Initiative. The Initiative is designed to focus resources and attention on improving the region's environment. Additionally the Initiative has developed an Action Plan, which includes strategies for improving northwest Indiana

¹⁹ Mr. Cervay's Environmental V.S. outlines in considerable detail the significant air quality impacts that the proposed transaction would have in the Four Cities. The economic consequences of these impacts are further quantified in Mr. Burris' Environmental V.S.

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environmental problems. Cervay Environmental V.S. at 21-22, Exhibit MLC-2.

A significant problem facing the Four Cities is the emission of mobile source pollutants from vehicles, including ozone-producing VOCs, NOx, and CO emissions. Enforcement provisions of the Clean Air Act strictly regulate such emissions and the State of Indiana and local officials have spent considerable energy and resources on actions to conform with the EPA enforced standards. Among other things, EPA recently approved the State's Rate-Of-Progress Plan, which requires Lake County to take steps sufficient to reduce weekday ozone emissions by at least 15 percent over a six-year period. *Id.* at 24-25, Exhibit MLC-4. Lake County pollution control efforts include the implementation of an enhanced vehicle emission testing program, and requirements that gasoline providers sell only reformulated gasoline and install vapor recovery equipment on gasoline pumps. *Id.* at 25.

Unfortunately, the Draft EIS largely fails to consider the significant air pollution impacts that the proposed transaction would have on the Four Cities. As has been demonstrated throughout the Four Cities' October 21 Comments and in these Comments on the Draft EIS, these impacts will result from the increased blockage of highway traffic at railroad grade crossings that will occur as a result of the Applicants' post-transaction operating plans for this area.

In examining air quality impacts in the Draft EIS, for some communities -- such as those in Cuyahoga County, Ohio, as

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previously discussed -- SEA decided to analyze all highway/rail at-grade crossings impacted by the Application, including those with ADT volumes under 5,000 vehicles. For Lake County, the SEA only considered crossings with ADT's over 5,000 vehicles, despite the well-documented at-grade highway/rail crossing problems that have been brought to the SEA's attention by the Four Cities. Cervay Environmental V.S. at 25-26. The Final EIS should consider the air pollution impacts of all impacted grade crossings in the Four Cities, and not just those crossings with ADT's over 5,000 vehicles.

a. The SEA Failed to Consider Potential Sanctions Facing the Four Cities that are Implicated by the Transaction.

While northwest Indiana has made progress in improving air quality, the area must do much more to overcome environmental air quality problems in order to achieve Clean Air Act requirements. Under the SEA's formulae utilized for calculating air quality impacts in this proceeding, SEA concluded that net NOx emissions will increase by 83.76 net tons per year in Lake County. See Draft EIS, Vol. 3A at IN-41, Table 5-IN-22. While this level of impact is significantly above the SEA's threshold of 25.0 tons per year for the imposition of mitigation, SEA inexplicably determined that the impact was not significant enough to impose mitigation for the Four Cities.

Unfortunately, the SEA's analysis fails to consider the substantial impacts of non-action in the case of air quality in the Four Cities. Because of the Four Cities' nonattainment air

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quality status, and specifically, its severe nonattainment status for NOx, any increases in air pollution may cause the region to violate its compact with EPA which requires it to substantially reduce ozone and other air pollution emissions as required under the federal Clean Air Act. Among other things, the Clean Air Act requires any increased sources of NOx emissions above 25 tons per year to be offset by a ratio of 1.3 to 1. See 42 U.S.C. § 7511a(d); Cervay Environmental V.S. at 27-28. Additionally, the Four Cities are facing the threat of sanctions in the form of blocked federal highway assistance grants for failing to achieve Clean Air Act standards, as well as other sanctions. See 42 U.S.C. § 7509; Cervay Environmental V.S. at 27. Again, SEA has acknowledged that significant air pollution impacts for the Four Cities are implicated by the proposed transaction, but its recommendations fail to comport with these critical federal/state compliance requirements.

For the above reasons, the Four Cities request that SEA, as part of its Final EIS, conduct a conformity determination to ascertain the impact of the Application on the Four Cities. Under the requirements of NEPA, in determining the significance of a potential impact on the environment, agencies are required to ascertain "(w)hether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment." 40 C.F.R. § 1506.26. Additionally, the Clean Air Act specifies that "[n]o department, agency, or instrumentality of the Federal Government shall . . . permit[]

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or approve[] any activity which does not conform to an implementation plan after it has been approved or promulgated under section 7410 of this title." 42 U.S.C. § 7506(c)(1). Section 7410 is a reference to state implementation plans, which are compacts between the states and EPA in the achievement of air quality standards. Cervay Environmental V.S. at 23. Conformance assurance is the "affirmative responsibility" of the agency head, who must ensure that activities will not:

- (i) cause or contribute to any new violation of any standard in any area;
- (ii) increase the frequency or severity of any existing violation of any standard in any area; or
- (iii) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

Id. at 7506(c)(1)(B).

Because of the potential conflict of the Applicants' post transaction plans with federal/state air quality standards, as demonstrated above, the SEA should undertake a conformity determination for the Four Cities prior to any approval of the proposed Conrail Transaction. The Four Cities believe that their Alternative Routing Plan, if imposed as an environmental mitigating condition, would obviate the need for such a determination because of the amelioration of impacts that it would achieve.

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b. The Draft EIS Failed to Consider the Socioeconomic Impact of Increased Air Pollution.

There would be significant socioeconomic impacts caused by post-transaction increases in air pollution in the Four Cities. In his accompanying verified statement, witness Burris has quantified the economic impacts on the Four Cities of the degradation in air quality caused by the transaction. In total, the anticipated costs associated with the implementation of the Applicants' post transaction plans on the Four Cities is \$3.4 million annually. Burris Environmental V.S. at 32. Mr. Burris has also measured the economic impact from emissions caused by vehicle delays at rail/highway grade crossings in the Four Cities, based on Federal Railroad Administration economic modeling formula. Specifically, Mr. Burris compared the cost of air pollution impacts that would be caused by Applicants' proposed operations over the Willow Creek to Calumet Park line segment and the Hobart to Clarke Junction line segment versus the cost of air pollution impacts resulting from current operations. The result is that annual vehicle emission costs will increase from \$463,000 under current operations to nearly \$851,000 under the Applicants' proposal. Id. at 36.

Additionally, as discussed below in the Land Use and Socioeconomics section, the Four Cities are involved in extensive economic redevelopment plans, largely involving the restoration and development of the Lake Michigan waterfront which spans the entire northern boundary of all of the Four Cities. Cervay

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Environmental V.S. at 11-16. These plans are part of a larger effort that is being made by the region to move away from heavily industrial economic activities, and to promote cleaner forms of economic growth for the region. The restoration of the waterfront at Buffington Harbor alone already has resulted in over \$25 million in new annual tax revenues for the City of Gary alone. *Id.* at 12. To attract additional visitors to the region, and to continue to expand waterfront opportunities, however, significant improvements will be needed in the area of air quality in particular, as well as in other areas of environmental clean up.

* * *

Unfortunately, despite acknowledging in the Draft SEA that significant air pollution impacts will result from the Conrail transaction, the SEA is not recommending -- and the Applicants are not initiating -- any air quality mitigation for the Four Cities. Such inaction is clearly unacceptable, especially in light of the important mitigation actions that state, county, and local officials have already undertaken to improve the region's air quality to conform to Clean Air Act standards, and in light of the critical importance of improved air quality for the success of areawide economic development efforts.

5. Noise

The SEA examined two kinds of noise impacts potentially resulting from the Applicants' post-transaction operating plans. These were wayside noise (i.e., wheel/rail interaction noise) and horn noise (which is an additional noise source at grade cross-

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ings). SEA analyzed potential increases in noise for line segments experiencing a post-transaction increase of eight trains per day or a 100% increase in annual gross ton-miles. The noise thresholds used to determine whether mitigation is warranted were an incremental increase in noise levels of three decibels ("dBA") or more, or any increase resulting in a noise level of 65 dBA or greater.

For line segments meeting the SEA's environmental noise-analysis thresholds, SEA identified sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities and nursing homes) in the affected area and quantified the noise increase for those receptors. For areas affected by wayside noise, SEA recommended mitigation for noise-sensitive receptors exposed to at least 70 dBA and an increase of at least five dBA due to increased rail activity.

Using these criteria, the SEA identified three line segments in the Four Cities as meeting its thresholds for noise analysis: the former PRR line segment between Tolleston and Clarke Junction, the former PRR line segment between Warsaw and Tolleston via Hobart, and the CSX line segment between Willow Creek and Pine Junction.¹¹ However, the SEA proposed no mitigation for any of these line segments. For receptors near grade crossings that would experience increases in horn-sounding noise

¹¹ SEA also determined that the Conrail line segment between CP-501 and Indiana Harbor (to be acquired by NS) met the thresholds for noise analysis, but that the increase in noise due to increased rail activity was insignificant and thus that receptor counts were unnecessary.

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levels, SEA determined that mitigation was not feasible due to FRA regulations requiring locomotive horns to be blown at rail/highway grade crossings. For those areas affected by wayside noise, the SEA determined that none of the receptors was exposed to at least 70 dBA and an increase of at least five dBA due to increased rail activity, and therefore that no noise mitigation was warranted.

Although the SEA considers grade separations to be a noise mitigation option, it normally "does not consider grade separations to be cost-effective solely for noise mitigation." Draft EIS, Vol. 5A at F-11. However, the Four Cities have proposed an Alternative Routing Plan that makes extensive use of existing grade separations on the elevated INH line which parallels the BOCT Pine Junction-Calumet Park line several miles to the south. The Four Cities have shown that their Alternative Routing Plan is a cost-effective mitigation option for a number of adverse environmental impacts, including increased noise pollution. In the Final EIS, the SEA should consider the Alternative Routing Plan as an effective means of mitigating noise as one of the cumulative impacts on the Four Cities resulting from the Applicants' proposed post-transaction train operations.

The SEA also failed to consider the fact that the PRR Hobart-Clarke Junction line is presently an inactive line that incurs no noise impacts from rail operations. A proposed low-income Gary housing project described by Mr. Carvey would lie in close proximity to this line, and would contain numerous recep-

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tors (residences) that would suffer new noise impacts from the re-institution of rail service on this line. Carvey Environmental V.S. at 5-8. The SEA made no attempt to determine whether such impacts warrant mitigation.

6. Land Use and Socioeconomics

In determining the impact of the proposed transaction on land use and socioeconomics, the SEA scope of review was very narrow. In particular, the SEA's final order on the scope of the EIS review stated that the EIS would consider whether any proposed constructions or abasements were "consistent with existing land use plans." See Notice of Final Scope of Environmental Impact Statement (EIS), served October 1, 1997, at 12. Additionally, the scoping order stated that SEA would "address socioeconomic issues shown to be related to changes in the physical environment as a result of the proposed transaction." *Id.*

For the Four Cities, the SEA did not identify the former PRR Hobart to Clarke Junction line segment in its analysis of land use and socioeconomics. As stated in these comments, CSX plans to acquire this inactive line from NS and restore it to service. Rehabilitation/construction costs are estimated at \$13 million. Because of its long inactivity, and because of the substantial rehabilitation work that would be necessary to restore this line into service, the line should be considered to be a construction project that meets the requirements of SEA's scoping order for consideration of land use and socioeconomic impacts.

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Even if the SEA does not consider rehabilitation of the Hobart-Clarke Junction line to be a "construction project," because of its long inactivity, there will be substantial socioeconomic issues related to changes in the physical environment that would be caused by the restoration of this line to service. For these reasons, the SEA should consider the land use and socioeconomic impacts of construction on the former PRR line in its Final EIS.

In his accompanying testimony, Michael Cervay, the Director of Planning and Community Development for the City of Gary, has described a number of adverse socioeconomic impacts that will result from the reinstitution of rail service on the Hobart to Clarke Junction line. Cervay Environmental V.S. at 5-8 and 11-16. As is detailed in Mr. Cervay's statement, restoration of this line would negatively impact important housing, airport, and waterfront development plans in the Four Cities. For example, the line constitutes the northern boundary of the planned Roosevelt Manor low-income housing project. Because the PRR line has been inactive for the last ten years, and because of its poor condition, development plans for the housing project were made by the City of Gary and community planners involved with the project with the understanding that the housing project would not be impacted by future railroad operations. Restoration of the PRR line to service will cause significant impacts in terms of noise, air pollution, and traffic at reopened rail/highway grade crossings in the immediate vicinity.

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The reinstatement of rail service on the PRR line would also interfere with the Four Cities' plans to expand the Gary/Chicago Airport. Cervay Environmental V.S. at 8-11. The PRR line passes immediately to the east of the airport. The airport's expansion plans have been ongoing for the past several years, and airport authorities anticipate that the expansion will include the institution of passenger service as well as increased cargo service. Without increasing the length of the runways and runway safety buffer zones, as required by Federal Aviation Administration regulations, the airport will be unable to take on passenger service and to handle increasing amounts of air cargo. If the out-of-service PRR line is reactivated, the runway extensions (and thus the airport expansion itself) will be blocked.

Finally, reinstatement of the PRR would impede plans for the redevelopment of Gary's Lake Michigan waterfront. Cervay Environmental V.S. at 11-16. As has been stated elsewhere in these comments, the redevelopment of the lakefront is a critical component of the region's long-term economic growth plans. The lakefront Buffington Harbor gaming facilities, which were opened two years ago, attract 10 to 12 million visitors annually, and provide thousands of jobs for local residents. The reactivated PRR line would intersect with the CSX and Conrail (NS) lakeshore main lines directly south of Buffington Harbor. The result would be to create significant vehicular and pedestrian congestion problems and disrupt the lakefront redevelopment plans in this area.

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For all of these reasons, the SEA in its Final EIS should evaluate, for possible mitigation through the Four Cities' Alternative Routing Plan, the significant land use and socioeconomic impacts that the reinstatement of the former PRR line between Hobart and Clarke Junction would have on the Four Cities.

7. Environmental Justice

a. Implications of the President's Environmental Justice Order

Under Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, issued February 11, 1994 ("Environmental Justice Order"), the President ordered all federal agencies

to the greatest extent practicable and permitted by law . . . to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.

Guidance orders for the implementation of the Environmental Justice Order have been issued by several departments and agencies, including the CEQ, EPA, and the Department of Transportation ("DOT"). While CEQ and EPA have issued only draft guidance on procedures to be used for implementing the Environmental Justice Order, DOT issued a final order on environmental justice on February 3, 1997.⁴¹ The DOT Environmental Justice Order requires that all DOT offices ensure that steps are taken to ensure that any approved actions do not disproportionately impact minority or low-income populations.⁴² The DOT Environmental Justice Order directs that any "programs, policies or activities that will have a disproportionately high and adverse effect" on minority or low income populations should be avoided if at all possible.⁴³ Under the DOT Environmental Justice Order, such programs, policies, or activities may only be carried out if:

- (1) a substantial need for the program, policy or activity exists, based on the overall public interest; and
- (2) alternatives that would have less adverse effects on protected populations (and that still satisfy the need identified in subparagraph (1) above), either (i) would have other adverse social, economic, environmental or human health impacts that are more severe, or (ii) would involve increased costs of extraordinary magnitude.

The DOT Environmental Justice Order provides further guidance as follows:

⁴¹ While it is unclear whether the Board, as an independent entity established within DOT, is legally bound by the terms of the DOT Environmental Justice Order, in the Draft EIS, SEA stated that it is following the Order, as well as other draft guidance documents issued by other agencies addressing the implementation of the Executive Order. See Draft EIS, Vol. 3 at 3-47.

⁴² "Programs, policies, and/or activities" as defined under the Order include "all projects, programs, policies, and activities that affect human health or the environment, and which are undertaken or approved by DOT." In addition, "disproportionately high and adverse effect on minority and low-income populations" is defined generally as an "adverse effect that . . . is predominately borne by a minority population and/or a low-income population."

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DOT officials will ensure that [such actions] will only be carried out if further mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse effect are not practicable. In determining whether a mitigation measure or an alternative is "practicable," the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects will be taken into account.

In the Draft EIS, the SEA generally identified its environmental threshold criteria for environmental justice analysis as follows. First, SEA examined population areas surrounding rail line segments potentially impacted by the proposed transaction.²⁴ SEA then determined whether greater than 50 percent of the population in these areas is minority or low income.²⁵ If the requisite threshold requirements were met, SEA examined whether a population zone on either side of a rail line segment (from 400 feet to 1,500 feet) was potentially impacted from an environmental perspective.

b. The SEA's Proposed Mitigation for Four Cities' Environmental Justice Impacts is Inadequate

The Applicants' proposed post-transaction operating plans present significant environmental justice concerns for the Four Cities, which have a substantial minority and low-income

²⁴ For nonattainment air quality areas, such as Lake County, Indiana, the SEA's threshold criteria was to examine rail line segments with anticipated increases in traffic levels of 3 trains/day.

²⁵ The SEA defined a minority person as "someone who is Black (Non-Hispanic), Hispanic, Asian American, American Indian or Alaskan Native. Draft EIS, Vol. 1, at 3-49. The SEA noted that while "poverty thresholds vary by size," it established a threshold of \$12,674 for a family of four, as set forth under the Department of Health and Human Services poverty guidelines.

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population. 84 percent of the Gary population (97,626 of the total population of 116,646) is non-white/minority. 81 percent of the East Chicago population (28,264 of the total population of 34,740) is non-white/minority.

In the Draft EIS, SEA determined that the Warsaw to Tolleston (via Hobart) and the Tolleston to Clarke Junction line segments, both constituting part of the former PRR Fort Wayne line, present significant environmental justice impacts. Additionally, the SEA determined that the BOCT Willow Creek to Pine Junction line presents significant environmental justice impacts. See Draft EIS Vol. 5 at IN-74.

The SEA states in the Draft EIS that it has been conducting additional public outreach as well as additional studies to determine exactly how the environmental justice populations identified are impacted. In terms of mitigation, the Draft EIS states that for the State of Indiana, "SEA is currently developing additional mitigation strategies [beside public outreach] in coordination with the local communities in Indiana surrounding the sites and rail line segments and will report on these strategies in the Final EIS." Draft EIS Vol. 5 at IN-81. In the Draft EIS, SEA concludes that it is "determin[ing] the extent and nature of the potential environmental justice impacts. If an environmental justice impact exists, SEA will determine if mitigation would be practicable." *Id.*

The SEA's environmental justice analysis for the Four Cities is deficient in several regards. First, while the SEA

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identified populations in the City of Gary to be affected by environmental justice impacts, it did not determine the population of the City of East Chicago, which is 81 percent minority, to be significantly impacted. In particular, the BOCT Pine Junction to Calumet Park line passes directly through East Chicago on the northern edge of the central business district. As described by East Chicago's Director of Planning and Business Development, Kimberly Gordon, in her Verified Statement in the Four Cities' October 21 Comments, the BOCT line has a number of heavily-used highway grade crossings that cause numerous safety and quality-of-life problems for East Chicago residents and workers. See October 21 Comments, Gordon V.S. at 4-6.

Despite Mr. Gordon's detailed account of the safety and environmental hazards caused by the Pine Junction to Calumet Park line segment (whose rail traffic will increase by six trains per day as a result of the Conrail transaction), and even though the community surrounding this line meets the Board's threshold standards, SEA apparently did not consider the area to be significant for environmental justice purposes. As noted above, SEA only considered the Willow Creek to Pine Junction line segment to have environmental justice impacts. However, a majority of the Pine Junction to Calumet Park line passes through the minority neighborhoods of Gary and East Chicago. For these reasons, the Board should include this line segment as significantly impacted for environmental justice mitigation purposes.

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Reinstatement of the PRR Hobart to Clarke Junction line segment would also produce substantial environmental justice impacts on the heavily minority population of Gary. This line constitutes the northern border of the Roosevelt Manor low- to moderate-income housing project site. The SEA did not consider the fact that restoring this line segment to service would adversely impact the development of Roosevelt Manor and the future residents that will be purchasing new homes in the community. Cervay Environmental V.S. at 6-7. This area is populated by an 88 percent minority population. *Id.*²⁶

The Four Cities strongly believe that SEA must impose environmental justice mitigation in order to comply with environmental justice requirements. It is important to note that the two rail line segments that SEA has determined to be significantly impacted in terms of environmental justice, the former PRR line from Warsaw to Clarke Junction via Hobart and the CSX/BOCT line from Willow Creek to Pine Junction, are in part the very same line segments that the Four Cities have targeted as presenting significant safety, crossing delay, socioeconomic, and other environmental problems. Under the Four Cities' Alternative Routing Plan, the PRR line between Hobart and Clarke Junction would remain inactive post-transaction, and a significant portion of the rail traffic that would otherwise move over the CSX/BOCT

²⁶ This impact was also brought to SEA's attention by the Four Cities in their October 21 Comments. Cervay V.S. at 8-9, and Attachment No. 1.

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line via Pine Junction would be shifted to other lines with a higher proportion of rail/highway grade separations.

As stated above, under applicable environmental justice requirements, if environmental justice populations are impacted, the SEA is required to impose an alternative if that alternative "would have less adverse effects on protected populations." The SEA failed to consider the Alternative Routing Plan as a potential means of mitigating environmental justice impacts. The Four Cities, both herein and in their October 21 Comments, have clearly demonstrated that the Alternative Routing Plan would have far less environmental impacts than the Applicants' proposal and would also produce substantial economic savings as compared to the Applicants' proposed operations plans. Accordingly, the law requires that the Alternative Routing Plan be implemented as an environmental justice mitigation measure.

8. Cumulative Impacts

The legal framework for the Board's consideration of the cumulative environmental impacts of the proposed transaction is set forth in the statutory review section at pages 12-17 above, and will not be repeated in detail here. In summary, NEPA's definition of cumulative impact is precisely what the phrase itself implies: impacts that individually may not be deemed significant, but when considered together on an incremental, cumulative basis, in context with past, present and other reasonably foreseeable actions, are significant. See the discussion at page 16, above. The CEQ guidance regulations provide

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that "[c]umulative impacts can result from individually minor but collectively significant actions taking place over a period of time." 40 C.F.R. § 1508.7.

In the Draft EIS, the SEA states that it has reviewed the cumulative impact of the proposed transaction, not just on a systemwide basis, but also on a regional basis. See DEIS, Vol. 3 at 3-52. The SEA's methodology was to consider past, present, and planned projects and activities that could, when considered with potential impacts on the proposed Conrail acquisition, result in significant regional cumulative effects on air quality, safety, and transportation systems. Among other things, SEA stated that its Draft EIS would discuss the potential environmental impacts of construction or facility modification activities within railroad-owned right-of-way property . . . and additional environmental impacts related to the proposed transaction but not subject to Board approval." *Id.* at 3-53. However, the SEA did not examine any cumulative impacts involving either of the two line segments of principal concern to the Four Cities: the BOCT line between Pine Junction and Calumet Park, and the former PRR line between Hobart and Clarke Junction.

It should be readily apparent from both the Four Cities' October 21 Comments and these comments on the Draft EIS that the Applicants' post-transaction operating plans will have a very substantial cumulative impact on the Four Cities region, particularly in the area of rail/highway grade crossing safety and delays. A distinctive example of the serious cumulative

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impact of the grade crossing problems facing the Four Cities' 208,000 residents is the "around-the-gates" phenomenon identified by Dr. Andrew (and the planning officials from each of the Four Cities). See, e.g., Andrew V.S. in the Four Cities' October 21 Comments at 16. In a September 1997 study of rail/highway grade crossings in the Four Cities, the study personnel witnessed an average of 484 vehicles per day ignoring railroad/highway safety devices at the twelve crossings studied. *Id.* Drivers throughout the Four Cities are at great risk of death or bodily injury to themselves and their passengers as a result of these actions. The September 1997 fatal Amtrak collision with a truck at a grade crossing in Gary, described in Mr. Cervay's accompanying testimony, demonstrates in graphic detail the seriousness of the problem. Cervay Environmental V.S. at 17-19. The flashing lights and warning gates at this crossing were operating properly when the collision occurred. *Id.*

The close proximity of numerous at-grade highway/rail grade crossings in the Four Cities is particularly problematic on the BOCT Pine Junction to Calumet Park line, which traverses western Gary as well as both the East Chicago and Hammond business districts. The 6.0-mile segment of this line in Indiana has 20 rail/highway grade crossings, nine of which are arterial roads as indicated by their ADT's which exceed 5,000 vehicles. These grade crossings are often used interchangeably by motorists when train crossing blockage occurs. Cervay Environmental V.S. at 19-20. For example, when motorists on one (or more) of the nine

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main north-south arterial routes face blocked grade crossings on this line, they will often speed ahead to the next crossing in an attempt to "beat the train" across the intersection. The dangerous situation that this phenomenon has created cannot be overstated. Since trains on this line almost always block more than one grade crossing at a time, such crossing attempts by motorists are often futile. This creates even more motorist frustration.

While no single grade crossing of the BOCT line may warrant mitigation under the thresholds used by the SEA, collectively they present an enormous problem in terms of vehicle delay and safety. As indicated earlier in these Comments, the SEA deemed just such a form of cumulative impact in Cuyahoga County, Ohio, to warrant consideration of mitigation. There is simply no rational basis for failing to consider the cumulative impacts of delays at the numerous closely-spaced grade crossings on the BOCT line.

The Hobart to Clarke Junction line segment involves a change from zero trains per day at present to five trains per day post-acquisition, and the reopening of 23 inactive rail/highway grade crossings. This will result from CSX's proposal (at a cost of \$13 million) to rehabilitate this line segment and restore it to service. The Draft EIS indicates that SEA did evaluate "several different railroad related projects that do not normally require the approval of the Board such as proposed modifications of existing railroad properties." (and that it) included analysis of three of these projects in the Draft EIS because it concluded

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that these projects could have potentially significant environmental effects off of existing right-of-way." Draft EIS, Vol. 1 at 3-56. Because SEA elected not to mention the specific projects analyzed in the Draft EIS, it is uncertain whether SEA evaluated CSX's proposed reinstatement of service on the Hobart to Clarke Junction line segment.

The Four Cities have outlined in great detail the significant cumulative environmental, safety, and socioeconomic impact that would result from the reinstatement into service of the PRR Hobart to Clarke Junction line. The reinstatement of this line would interfere with the Roosevelt Manor Affordable Housing Initiative, the expansion and upgrading of the Gary/Chicago Airport, and the ongoing development of the Lake Michigan lakefront area.

In discussing the cumulative effects of the Conrail transaction on the State of Indiana, the Draft EIS discusses cumulative impacts in only four short paragraphs. See Draft EIS, Vol. 5 at IN-81 to IN-82. The Draft EIS states that SEA is "unaware of any activities that would require a cumulative effects analysis" in the State, and that "[d]ue to a lack of cumulative effects, no mitigation measures are necessary." The Four Cities strongly urge the Board to evaluate in a meaningful fashion the significant cumulative environmental, safety, and socioeconomic impacts on the residents and communities of north-west Indiana region that would be created by the Applicants' proposed incremental increases in railroad traffic using the HOCT

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line between Pine Junction and Calumet Park and the reinstatement of service on the portion of the PRR line between Hobart and Clarke Junction.

CONCLUSION

For all of the reasons set forth above and in the accompanying verified statements, the SEA should re-evaluate the adverse environmental impacts that the Applicant's post-acquisition operating plans would have on the Four Cities. As related earlier, the Four Cities' discussions with CSX and NS are continuing and the Four Cities will supplement these Comments as appropriate when the discussions are concluded. If the parties are unable to achieve an accommodation, the SEA should recommend in the Final EIS that the Four Cities' proposed Alternative Routing Plan be imposed as an appropriate environmental mitigating condition to approval of the Application that would ameliorate the adverse impacts in a manner that is consistent with the

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overall objectives of CSX and NS in their proposal to acquire Conrail.

Respectfully submitted,

THE CITIES OF EAST CHICAGO,
INDIANA; HAMMOND, INDIANA;
GARY, INDIANA; AND WHITING,
INDIANA (COLLECTIVELY, THE
FOUR CITY CONSORTIUM)

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Dated: February 2, 1998

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COUNSEL'S EXHIBIT 1

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October 21, 1997

BY HAND DELIVERY

Elaine K. Kaiser
Environmental Project Director
Section of Environmental Analysis
Surface Transportation Board
ATTN: STB Finance Docket No. 33388
1325 K Street, N.W.
Washington, D.C. 20423-0001

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

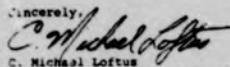
Dear Ms. Kaiser:

Enclosed please find three (3) copies of the Comments and Requests for Conditions of the Cities of East Chicago, Indiana; Hammond, Indiana; Gary, Indiana; and Whiting, Indiana (collectively, The Four City Consortium) (FCC-9) filed today with the Board as part of the above-referenced proceeding. Also enclosed, please find a computer diskette containing the text of this document in WordPerfect 5.1 format.

These copies of the Four Cities' Comments are being sent to the SEA because of the extensive negative environmental impacts that the Applicants' proposed division of Conrail would have on the Four Cities area, located in northwestern Indiana. The Four Cities' Comments address these environmental impacts in detail, which primarily are the result of Applicants' plans to move their traffic over line segments containing numerous at-grade highway/rail crossings. The Four Cities' Comments also describe an Alternative Routing Plan that was developed to mitigate the negative environmental and related impacts that would be caused under the Applicants' plan, while requiring only minimal adjustments to the Applicants' proposed operations plan. The Four Cities are requesting that the Board condition any approval of the Application on the imposition of this important alternative plan.

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Through an October 1, 1997 letter, you invited the public to submit comments on the potential environmental impacts that might result from the above-referenced transaction, and which might assist the SEA in their preparation of a draft and final Environmental Impact Statement ("EIS"). The Four Cities intends to fully participate in the environmental portion of this proceeding. We hope that the enclosed comments will assist you in better understanding the enormous environmental implications of the transaction on the Four Cities and northeast Indiana and that you will closely review these impacts as you develop the EIS.

Sincerely,

C. Michael Loftus
An Attorney for the Cities of
East Chicago, Indiana; Hammond,
Indiana; Gary, Indiana; and
Whiting, Indiana (collectively,
The Four City Consortium)

Enclosures

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REPORT THE
SURFACE TRANSPORTATION BOARD

CSX CORPORATION AND CSX	
TRANSPORTATION, INC. AND NORFOLK	
SOUTHERN CORPORATION AND	
NORFOLK SOUTHERN RAILWAY	
COMPANY -- CONTROL AND OPERATING	Finance Docket No. 33388
LEASES/AGREEMENTS -- CONRAIL INC.	
AND CONSOLIDATED RAIL	
CORPORATION	

VERIFIED STATEMENT
OF
MICHAEL L. CERVAY

INTRODUCTION

My name is Michael L. Cervay and I am Director of the Department of Planning and Community Development for the City of Gary, Indiana. My background and responsibilities as City Planning Director are set forth in detail in my Verified Statement included with the Comments and Request for Conditions (FCC-9) filed in this proceeding on October 21, 1997 by the northwestern Indiana cities of East Chicago, Hammond, Whiting, and Gary (collectively known as the "Four City Consortium" or the "Four Cities"). As stated therein, my responsibilities for the City of Gary include managing a number of City programs and activities including those involving the City's transportation networks, economic development, housing, and tourism and recreation, among others. I also serve as a Commissioner on the Board of the Northwestern Indiana Regional Planning Commission, and I am

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knowledgeable of the many planning and development challenges facing the communities in northwestern Indiana.

The Four Cities' October 21 Comments in this proceeding apprised the Board of the serious environmental, safety, and planning-related problems that are associated with CSX Transportation, Inc.'s ("CSX") and Norfolk Southern Railway Company's ("NS") (collectively referred to as the "Applicants") proposed post-transaction railroad operations and movements through the Four Cities and, in particular, through Gary.¹ These problems would result primarily from the Applicants' plans to increase the post-transaction railroad traffic moving over at-grade highway/rail crossings in the Four Cities and over line segments traversing heavily populated residential areas. The Applicants' proposed operations would also significantly interfere with regional land use and development plans. The Four Cities' October 21, 1997 Comments and my prior Verified Statement also urged the Board to adopt the Alternative Routing Plan as proposed by the Four Cities as a means of mitigating the adverse consequences of the proposed transaction.

One area of particular concern to the Four Cities in this proceeding is CSX's planned purchase and reinstatement of the out-of-service portion of the former Pennsylvania Railroad Fort Wayne-Chicago line (the "FWR line") between Hobart, Indiana

¹ The Four Cities' October 21, 1997 Comments included testimony from each of the four elected mayors and four city planners (including myself), from other federal and state elected officials, and from expert economic and engineering consultant witnesses.

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and Clarke Junction, Indiana.² As mentioned in my previous Verified Statement, CSX projects that five trains per day will move over the currently unused Hobart to Clarke Junction line segment. See FCC-9, V.S. Cervay at 10. A major portion of this line segment, running from approximately Interstate 65 to Clarke Junction, spanning a distance of approximately 6 miles, will directly impact thousands of Gary residents and a number of City land use and development projects.

The purpose of this statement is, first, to inform the Board's Section of Environmental Analysis ("SEA"), which I understand is charged with preparing the Environmental Impact Statement ("EIS") in this proceeding, of the serious harm that would be caused to several important local and regional housing, infrastructure, and community development programs and plans if the former FWR line between Hobart and Clarke Junction is reinstated to service. CSX's plans for this line segment could put in jeopardy present plans by the City of Gary to assist in the construction of dozens of units of affordable (low-income) housing, plans for expanding the Gary/Chicago Airport, and regional waterfront development plans along Lake Michigan. Second, this statement will address two areas that I believe were not adequately addressed by the Board in its Draft EIS, and which

² This out-of-service line has 23 at-grade rail/highway crossings. CSX proposes to rehabilitate the FWR line in order to provide an alternative route for five daily bulk trains that would otherwise operate via CSX's main line through Willow Creek. According to the Applicants, restoring this line to service will cost \$13 million.

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are of considerable concern to the Four Cities: at-grade highway/railroad crossing safety problems and air pollution problems.³

I.

REINSTATEMENT OF THE FORMER PRR LINE WOULD SERIOUSLY IMPAIR IMPORTANT HOUSING, AIRPORT, AND WATERFRONT DEVELOPMENT PLANS

I have had the opportunity to review the Application, the Applicants' Rebuttal (submitted to the Board on December 15, 1997), and the Board's Draft EIS filed on December 12, 1997 as they pertain to the Four Cities. Unfortunately, in both their Application and their Rebuttal the Applicants have failed to acknowledge any safety, environmental, or land use problems associated with the reinstatement of the PRR line between Hobart and Clarke Junction. CSX's planned reinstatement of the former PRR line through Gary appears to ignore serious environmental, safety, and other land use impacts in favor of uncertain efficiency gains. Additionally, the SEA in its Draft EIS did not consider any impacts associated with the reinstatement of this

Elsewhere in these Comments on the Draft EIS, and in particular in the Verified Statement of Philip M. Burris, the Consortium sets forth in detail the safety, congestion, air pollution, noise, environmental justice and other environmental problems associated with the reinstatement of the PRR line. While I concur with these concerns, in the interest of brevity I will not rehash this analysis. Nevertheless it is, of course, critical that the Board consider all environmental and safety impacts associated with the reinstatement of the PRR line, in addition to the land use, safety, and air pollution impacts mentioned in this Verified Statement, when it considers mitigation for the Four Cities in the Final EIS.

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line.⁴ Despite the Applicants' (and the SEA's) failure to take into consideration the numerous problems that would be caused by the reinstatement of the former PRR line, the resulting impacts are of utmost concern to northwestern Indiana's elected representatives, regional planning officials, and residents and businesses for the reasons set forth below.

A. Reinstatement of the PRR Line Would Interfere with the Roosevelt Manor Affordable Housing Initiative

In my previous Verified Statement submitted to the Board in this proceeding, I attached a copy of a letter from the Broadway Area Community Development Corporation ("BACDC") discussing the Roosevelt Manor housing project. As referenced therein, since 1996 the BACDC has been engaged in consultations with Gary, federal and state officials with respect to the redevelopment of a 10-acre vacant property site involving the construction of approximately 40 to 50 low- to moderate-income single family homes.⁵ This property is located in the Midtown neighborhood of Gary and is displayed on the map on the following page.

⁴ Four Cities officials and representatives of the Applicants have met during the past month to discuss the Applicants' planned operations in northwestern Indiana and the Consortium's concerns. During those meetings, the negative impacts that would result from reinstatement of the PRR line were discussed. Discussions between the Four Cities and the Applicants are ongoing, but to date no resolution has been achieved.

⁵ The homes will have an average construction cost of \$90,000 per unit, and will be situated on 50' X 125' lot parcels.

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OPTION 1

ROOSEVELT MANOR

BLACKBURN ARCHITECTS, INC.

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Substantial progress has been made on the actual development of the Roosevelt Manor housing project. An architect has been retained to design a site plan and infrastructure improvements, and phases I and II environmental testing is complete. Additionally, in consultation with the City of Gary, project planners have secured funding assistance through a federal Department of Housing and Urban Development ("HUD") program that will provide a total of \$250,000 in grants to prospective future low- and moderate-income home buyers in the form of down payment assistance.

The PRR Hobart to Clarke Junction line constitutes the northern boundary of the Roosevelt Manor site, which is located south of the Tollestson railroad crossing. The portion of the PRR line between Hobart and Tollestson has been out of service for approximately ten years. The track is significantly deteriorated, with shrubs and small trees growing between the tracks, etc., and most at-grade rail/highway crossings have been paved over. To our knowledge, Conrail (the successor to the PRR) had no plans to reinstate service over this line. Because of Conrail's long-standing lack of interest in reinstating the former PRR line north of Hobart to service, and because of the line's poor condition, City and BACDC planners assumed the line would continue to be inactive, and our plans were made with the understanding that development of the Roosevelt Manor housing project would not be impacted by future railroad operations.

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The reinstatement of railroad operations by CSX over the PRR line would adversely impact the development of Roosevelt Manor and would harm the lives of families that will be purchasing new homes in the community. As noted above, the PRR line forms the northern boundary of the proposed housing development. Reinstatement of this line to service would pose substantial health and safety risks for families and children who will live and play in the community. Even if CSX proposed to place buffers or barrier mechanisms along this line (which it has not), the future residents would be exposed to safety and environmental harms associated with daily railroad operations. The proposed railroad operations would increase noise and air pollution due to both the five daily trains that would operate over the line and the reopening of 21 at-grade rail/highway crossings between Hobart and Tolleston which presently are closed.

In addition to the above problems, significant environmental justice concerns are raised by CSX's proposed operations over this line segment, which would disproportionately impact minority and low income populations. The City of Gary is comprised of an 84 percent non-white, minority population. According to 1990 United States Census data, the census tract in which Roosevelt Manor is to be constructed is comprised of an 88 percent non-white, minority population. Additionally, 43 percent of persons residing within this census tract have incomes below the poverty level. As mentioned above, the Roosevelt Manor

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housing project is designed primarily for low or moderate income families. Of the initial 38 housing units to be constructed, 23 (or 61 percent) are slated for families with household incomes below \$37,120 -- which is well-below the Lake County median household income of \$46,400 for a family of four. There is a household income limitation of \$53,360 for the other initial 15 Roosevelt Manor homes slated for construction.

In summary, the proposed reinstatement of the PRR line between Hobart and Clarke Junction will have significant adverse effects on desperately needed housing development plans for low/moderate income Gary citizens that have not been addressed by SEA in its draft EIS.

B. Reinstatement of the PRR Line Would Interfere with Gary/Chicago Airport Expansion Plans

The portion of the Hobart-Clarke Junction line north of Tolleston forms most of the eastern boundary of the Gary/Chicago Regional Airport.⁴ Reinstatement of this line segment to service would also impact plans by the Gary/Chicago Airport to construct a new east-west runway and related buffer zones which is necessary to obtain the Federal Aviation Administration ("FAA") certification necessary for expansion of the airport. The planned expansion of the Gary/Chicago Airport offers the City

⁴ The airport was formerly known as the Gary Airport. In the fall of 1997, the Gary Airport Authority renamed the airport as the Gary/Chicago Airport in recognition of its new role as a regional airport through a 1995 Compact with the City of Chicago to form a bi-state airport authority.

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and the region a vitally important opportunity for economic development.

Together with federal, state, and private entities, the City has been actively planning a multimillion dollar Airport expansion project. In February, 1994 the first phase of the master plan for expansion was completed, and the second planning phase is currently underway.

The Gary/Chicago Airport is currently certified by the FAA as a Reliever/General Aviation Airport. The expansion plans for the airport will allow it to accommodate larger aircraft and more traffic, which is needed to reduce serious air traffic congestion problems being experienced at the Chicago O'Hare and Midway Airports. Increased air cargo and potential commercial air passenger service are envisioned.

In order to expand operations at the Gary/Chicago Airport, its FAA certification must be upgraded from its present level of Reliever/General Aviation to Utility/Transport. Certification as a Utility/Transport Airport, however, will require at a minimum the lengthening of runway safety areas. Applicable FAA regulations will require 1,000 feet long by 500 feet wide runway safety areas at the ends of both the existing north-south runway and a proposed new (second) east-west runway. Additionally, under applicable federal regulations, every vertical foot of rise beyond the end of each runway buffer zone requires that an additional 50 feet of horizontal ground be clear of any obstruction within the runway safety buffer area.

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The location of the Gary/Chicago Airport is shown on the map on the following page. The PRR line between Hobart and Clarke Junction lies in close proximity east of the Gary/Chicago Airport. If this line is reactivated, it will directly interfere with the City's airport expansion plans because it results in a 23-foot hard obstruction above the elevation of the track (which represents the height of trains operating over the line). As a result, 1,150 feet of additional clear land with no vertical obstruction at the east end of the Airport's existing or new runways (above and beyond the 1,000 foot minimum runway safety area) will be necessary for the Gary/Chicago Airport to obtain FAA certification as a Utility/Transport Airport.⁵

Absent the Conrail control transaction and CSX's plan to acquire the PRR line from NS and restore it to service, the City had planned to negotiate with NS to remove the track and vacate the portion of the line that is directly adjacent to the airport.⁶ This action would allow the airport expansion plans to proceed as planned. CSX's plan to restore the line to service, however, obviously would prevent the removal of this

⁵ The proposed reinstatement of the PRR line may also cause additional clearance problems because of the line's potential connections with (and crossings of) other railroad lines on the north, including an elevated line of the Elgin, Joliet & Eastern Railroad. These problems would likely require the acquisition of additional land for airport operations under the FAA's safety requirements.

⁶ As stated in the Four Cities' October 21, 1997 Comments, the PRR line segment between Tolleston and Clarke Junction is in inoperable condition, and some sections of track have already been removed. See FCC-9, Argument at 19-20 n.10.

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obstruction. This would effectively block the planned expansion of the Gary/Chicago Airport.

CSX's proposal to upgrade the PRR line and to recommence its operation would be an extremely wasteful exercise. In essence, if the Application is approved in its current form, CSX will be expending considerable sums of money to reinstate a line to handle very light traffic -- five trains per day -- on land that will be needed in the near future to make room for the expansion of the Gary/Chicago Airport. The acute problems that the reactivation of the former PRR line would present to airport expansion plans are detailed in the attached letter from the firm of R.W. Armstrong, the City's airport engineering consultants, to Gary/Chicago Airport Authority officials. See Exhibit MLC-1. R.W. Armstrong prepared the master plan for the present site of the Airport in 1994. The letter was sent in response to a request made by Airport Authority officials that the firm review and report on the impact of the proposed reactivation of the PRR line on airport expansion plans.

For all the above economic, planning, and environmental perspective, the reinstatement of the PRR simply does not make sense.

C. Reinstatement of the PRR Line Would Impede Plans for the Redevelopment of the Gary Lakefront

CSX's proposed reinstatement of the PRR Hobart to Clarke Junction line segment would also adversely impact public investments already made and the pending plans for the

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redevelopment of the Lake Michigan lakefront area. A central component of the Four Cities' plans for future economic development is its lakefront area. In particular, the Gary lakefront planning area spans approximately 25 square miles, bounded on the north by Lake Michigan, on the south by U.S. Route 12/20, on the east by County Line Road in the Miller Beach neighborhood, and on the west by the Gary/East Chicago boundary at Cline Avenue (State Route 912).

Regional lakefront development initiatives are significant undertakings, as much of the Lake Michigan shore area in Lake County, Indiana has been utilized primarily for industrial purposes for nearly a century. Gary's lakefront redevelopment efforts originated a few years ago with the redevelopment of Buffington Harbor. The Buffington Harbor casino project was first initiated in 1995 as a result of the issuance by the State of Indiana of two out of a total of five gaming licenses on Lake Michigan in an effort to assist economically distressed areas of the state. The project has been extremely successful, supplying thousands of jobs for area residents, and providing approximately \$25 million in tax revenues annually for the City.

The City has put together a draft waterfront master plan that, in its first phase, targets resources on the continued development of Buffington Harbor, including the construction of a performance arena seating approximately 5,000 people, a 301-room hotel (that is currently under construction), a 2,000- to 2,500-

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car parking structure, and other retail and restaurant facilities. This first phase also includes railroad relocation and consolidation efforts. The second phase of the lakeshore redevelopment program includes major plans to restore and preserve the natural waterfront area and improved vehicular and pedestrian access to the lakeshore. Included in this plan is the restructuring of the area into arranged neighborhoods that will include businesses (including retail, commercial, and conference/convention facilities), marina and harbor facilities, residential housing, museums, and parks and other open spaces for recreation and waterfront access.

Presently, vehicular and pedestrian access to the lakeshore is severely limited due in part to the many railroad tracks that parallel the entire lakeshore area. The proposed reinstatement by CSX of the PRR line from Hobart to Clark Junction is particularly problematic because it will intersect with CSX's and Conrail's lakeshore main lines directly south of Buffington Harbor. The result would be the disruption of lakefront planning opportunities, increased vehicular and pedestrian congestion, and exacerbated environmental and safety problems.

As part of Gary's waterfront development plan, a consolidation and/or relocation of the lakefront yards of the Elgin, Joliet & Eastern Railroad ("EJE") and the Indiana Harbor

* I understand that the Conrail lakeshore line is to be acquired and operated by NS.

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Belt Railroad ("INB"), as well as the Conrail and CSX lakefront rail corridor will be necessary to optimize waterfront development and to promote pedestrian and vehicular access to the lakefront.¹⁴ Negotiations and engineering designs are underway among EJE and INB, major local shippers (including Inland Steel, USX, and NIPSCO Industries), and the Cities of Gary and East Chicago. These efforts are expected to make more than 600 acres of contiguous lakefront property available for economic development.

In particular, a major thoroughfare system is planned to upgrade roads and improve access to the waterfront. Currently, as a result of the railroad and industrial land uses, vehicular access to the lakeshore is extremely limited. One of the major access points to the waterfront is planned from Cline Avenue. Under CSX's plan, the reactivated PRR line will connect with the lakefront lines at this same location. Another access point is planned for Clark Road, which intersects and crosses the former PRR line north of U.S. 12. The reactivation of the former PRR will greatly complicate these and other planned roadway access and movement plans.

The reactivation of the former PRR line by CSX will also impact the City's plans for the construction of pedestrian

¹⁴ I understand that a similar railroad relocation project has been undertaken by the City of Cincinnati, Ohio, where the City is developing a Central Riverfront project. Under an agreement between Cincinnati and NS, NS has agreed to vacate its track along the Ohio River to permit riverfront development. These plans are detailed in the Comments of City of Cincinnati, submitted to the Board in this proceeding on October 21, 1997.

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walk and traffic ways in and around the waterfront. Extensive recreational and access trails for pedestrians are planned to connect the lakefront attractions to one another and to provide direct access from the existing southern neighborhoods. The additional railway traffic caused by the reactivation of the former PRR line will greatly complicate and, at a minimum, significantly increase the costs of the City's overall efforts to create a network of coordinated pedestrian/vehicular passageways to access the waterfront area and its plans to maximize the interconnection of neighborhoods, businesses, and various attractions.

Finally, it is important to stress that the continued redevelopment of the Gary waterfront and the enhancement and expansion of the Gary/Chicago Airport cannot be viewed in isolation from each other. In many ways, the two projects are mutually dependant upon one another. The existing Buffington Harbor development has attracted 10 to 12 million visitors annually, who travel to the area exclusively by highway vehicle. In terms of tourism development, it is expected that the enhancement and expansion of Buffington Harbor, and the other waterfront developments as set forth above, will attract many more thousands of weekly visitors. Meanwhile, the airport's expansion and, more specifically, its provision of passenger air transportation service, will promote access to the region for many visitors who might otherwise be unable to visit due to vehicular travel time concerns or for other reasons. The

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upgraded Airport therefore will bring a whole new influx of visitors, convention business, etc. to the area which will greatly bolster the City's revitalization efforts and benefit lakefront businesses.

Ultimately, the hard work and planning being undertaken by Gary and officials of the other members of the Four City Consortium to preserve and revive the lakefront will hinge on the continued dialogue and coordination of a number of public and private participants who have joined together to develop a viable economic initiative. Further infrastructure investments, expansion and enhancement of the airport, reconfiguration of transportation corridors, rail line consolidation/relocation, and environmental cleanup are all necessary components to making the lakefront development a viable and thriving economic and community enterprise. The City of Gary is committed to making this important plan work and we are extremely concerned about CSX's plans to revive a long unused rail line segment (arrived at without any consultation with the Four Cities) which would significantly harm these important community revitalization plans.

II.

APPLICANTS' POST-TRANSACTION PLANS PRESENT SERIOUS INCREMENTAL SAFETY AND ENVIRONMENTAL IMPACTS

A. The Board and the Applicants Do Not Adequately Address Significant At-Grade Crossing Safety Problems

As stressed elsewhere in this statement and throughout the Four Cities' comments submitted in this proceeding (both in

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our October 21, 1997 filing and in this filing), one of the Four Cities' major concerns with the Conrail transaction as proposed is its effect on at-grade railroad/highway crossings. In his verified statement, Mr. Burris outlines in great detail the environmental problems that the Application presents for the Four Cities. These include significant public health, safety, and economic problems which are in large part attributable to planned incremental increases in rail traffic over selected Four Cities line segments that contain a large number of at-grade rail/highway crossings. In considering these important impacts, it is critically important that the Board and SEA understand exactly why the Four Cities are so adamant about the need for mitigating the negative safety and environmental impacts that the Applicants' plan will have on the well-being of our citizens and communities.

Attached to this statement are press reports from last fall on the September 15, 1997 crash of Amtrak Train 371, the Pere Marquette, which struck an 18-wheel gravel truck at the Clark Road at-grade crossing in Gary (at Conrail Milepost 499.29), killing the driver and injuring 11 passengers and one Amtrak employee. See Exhibit MLC-2. This train was traveling from Grand Rapids, Michigan to Chicago, Illinois on the Conrail lakefront line (which is to be acquired by NS). This unfortunate incident demonstrates the dangerous conditions that are facing area citizens, railroad passengers, and railroad employees as a

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result of trains operating over the numerous at-grade crossing corridors in the Four Cities.

Unfortunately, this accident is only one of several similar recent incidents occurring in the area. As reflected in a letter submitted to the Federal Railroad Administrator by Amtrak Chairman Thomas M. Downs, the accident is one of nine similar incidents that have occurred in the area involving Amtrak passenger trains since November 1995. See Exhibit MLC-3. These accidents have caused three deaths and several injuries. Mr. Downs' letter to the Federal Railroad Administrator explains that, because the railroad rights-of-way along the lakefront are not consolidated, and because highway traffic must cross several sets of tracks, "this area is dangerous, even when all railroad operating rules are followed and safety devices and crossing protection are functioning as intended." In response to Mr. Downs' request, the FRA is coordinating efforts with other federal and state agencies, the City of Gary, and the railroads, to more closely study the many problem crossings located between Hammond and Gary.

Merely one-half mile to the south of where the September 15 Amtrak crash occurred, directly east of the Gary/Chicago Airport, Clark Road also crosses the PRR line between Clarke Junction and Tollestson at-grade. This is the same line segment, presently out of service, which CSX proposes to reactivate as part of its post-acquisition operating plan. If CSX's plans for the former PRR line are approved, 7,500 new daily

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vehicle crossings will occur at the reactivated line's grade crossing of Clark Road -- a location where there are currently no active vehicular crossings. As I have indicated in this statement, Clark Road is anticipated to be a primary access point for vehicular traffic to and from the waterfront. Therefore, traffic levels are expected to increase significantly as the waterfront development activity grows.

Apparently, SEA's Draft EIS did not consider post-transaction operations over the Clark Road/PRR line crossing to be significant enough to warrant serious mitigation action. My understanding is that the SEA has recommended merely that gates be installed at this crossing. This is not sufficient mitigation. The Clark Road crossing where the September 15 train crash occurred has both flashing lights and gates. The driver of the truck involved in the September 15, 1997 Amtrak crash apparently ignored activated flashing lights and lowered gates. Unfortunately, such illegal crossings are not uncommon in the Four Cities. Despite the City's efforts to prevent illegal vehicular crossings, frustrated citizens who encounter numerous at-grade train crossings on a daily basis frequently ignore warning devices. Put simply, the Board must do much more than ordering the installation of two gates to mitigate the significant human safety problems inherent in the Applicants' post-transaction operating plans for the Four Cities region.

Amtrak President Downs's letter to the FRA points out a problem that is endemic to the Four Cities area, and that the

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Draft EIS also fails to take into account. This is the large number of grade crossings in our region, which produces severe cumulative problems in terms of crossing delays. Several of the rail lines in the Four Cities region have numerous grade crossings located within close proximity to each other, and that are used interchangeably by motorists when train crossing blockage occurs. This is particularly problematic with respect to the east-west CSX line between Pine Junction and the Indiana/Illinois state line at State Line Tower. This line has 20 highway grade crossings, most of which are located in the central business districts of East Chicago and Hammond. While not all of these crossings meet the SEA's threshold for study in terms of possible mitigation (a daily average of 5,000 vehicles using the crossing), they all constitute alternatives for crossing this busy CSX line when one (or more) of the more heavily utilized crossings is blocked -- particularly when a train is stopped which occurs several times each day. These crossings cannot be considered in isolation from each other, and cumulatively they carry an enormous daily vehicular traffic volume.

III.

THE FOUR CITIES' AIR QUALITY CONCERNS

A. Four Cities' Air Quality Problems

Northwest Indiana has long suffered the effects of severe pollution caused during the past century largely as a

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result of the industrial activities that have been the economic lifeblood of the region. Lake County, in which the Four Cities are located, continues to face severe environmental problems. These problems include air pollution, contaminated water and sediments, and numerous hazardous waste sites.

Lake County does not meet federal standards for air quality, and is categorized as a severe "nonattainment" area under the federal Clean Air Act for Ozone ("O₃"), which is affected by emissions of volatile organic compounds ("VOCs") and oxides of nitrogen ("NO_x"), and other air quality pollutants. Parts of Lake County are also nonattainment for Sulfur Dioxide (SO₂), Carbon Monoxide ("CO"), and Particulate Matter ("PM").

According to Environmental Protection Agency ("EPA") statistics, Lake County has the poorest overall air quality of any area within Indiana. While efforts to clean up the area's air quality have not been easy, in the past several years, EPA, in conjunction with the Indiana Department of Environmental Management ("IDEM"), and county and local governments have spent a considerable amount of energy and resources in coordinating strategies to improve regional pollution related problems. Results are beginning to be achieved through various means, including stricter enforcement, rulemaking developments, and public awareness efforts. Achieving and maintaining healthy air-quality standards is extremely important to supporting a healthy community and citizenry.

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In 1992, together with the assistance of IDEM, EPA organized the Northwest Indiana Environmental Initiative. The Initiative is designed to address the severe environmental problems facing the northwest Indiana region (covering Lake, Porter, and LaPorte Counties) and is managed by EPA. It is the first geographic program of its kind organized by EPA's Region 5.¹¹ Among other things, the Initiative has developed the Northwest Indiana Environmental Initiative Action Plan. First adopted in 1992, the Action Plan sets forth short and long term strategies for improving northwest Indiana environmental problems. The Northwest Indiana Environmental Action Plan is attached as Exhibit MLC-4.¹² The Initiative has been an important catalyst for promoting citizen involvement and implementing regional environmental remediation initiatives.

B. Emission Control and Mobile Source Standards

A major element of the Clean Air Act of 1990 was the inclusion of more stringent state mobile source air pollution reduction measures. Mobile sources of air pollution are produced

¹¹ EPA's Region 5 consists of the states of Minnesota, Wisconsin, Illinois, Michigan, Ohio, and Indiana.

¹² Included in Exhibit MLC-4 are maps displaying the Northwest Indiana Environmental Initiative Area. These maps also show the population densities, percent minority population, and percent low-income population of northwest Indiana, as compiled from U.S. Census Bureau data. Among other things, these maps show the substantial environmental justice populations of the Four Cities.

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primarily from automobiles, buses, trucks, and other vehicles.¹³ A major component of vehicle emissions is ozone producing VOCs and NOx emissions, as well as CO. The EPA estimates that emissions from highway vehicles represent 33 percent of the overall national VOCs and 40 percent of the overall NOx emissions. To address the problems of mobile source pollution, among other things, the Clean Air Act tightened tailpipe emission standards for cars, buses, and trucks, and expanded Inspection and Maintenance ("I/M") programs for the testing of vehicles. As described below, the Act also imposes strict penalties on regions for failure to adopt comprehensive strategies to meet new federal pollution limitation standards.

The principal vehicle for the planning and adoption of programs aimed at attaining federal Clean Air Act standards is the State Implementation Plan ("SIP"), which in Indiana is developed and coordinated by IDEM. Under federal law, regional transportation plans must conform to the state SIP generally and to the transportation emission control measures included in the SIP in particular. For nonattainment areas, such as Lake County, failure to comply with the SIP can result in federal sanctions, including the loss of critical federal highway assistance grants.¹⁴ As is indicated in the attached news article,

¹³ They also come from off-highway mobile sources including railroads, snowmobiles, farm, and construction and lawn/garden equipment.

¹⁴ Sanctions for failure to attain clean air standards are set forth at 42 U.S.C. §§ 7509. Sanctions and consequences of Failure to Attain. Besides economic sanctions, the Administrator

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Northwest Indiana is struggling to solve its vehicle congestion problems in order to meet emission requirements, and unless additional steps are taken to improve traffic congestion/vehicular ozone emissions, there is a possibility that federal sanctions may be imposed. See Exhibit MLC-5. Another enforcement provision of the Clean Air Act that is targeted at severe nonattainment areas, such as Lake County, is the imposition of certain pollution offset requirements for VOC and NOx emissions. Under the Act, new sources or modifications of existing sources of pollution which increase emissions of VOCs or NOx by 25 tons per year or more must be offset by other area emission reductions at a ratio of 1.3 to 1. 42 U.S.C. § 7511a(d).

1. Indiana's 15 Percent ROP Plan

This past summer, EPA approved the State of Indiana's Rate-Of-Progress ("ROP") plan that governs the State's continued implementation of ozone attainment goals. See 62 Fed. Reg. 38457, at Exhibit MLC-6. The plan was submitted in accordance with the Clean Air Act, which requires states with ozone nonattainment areas classified as moderate and above to submit a SIP revision known as a 15% ROP plan. In short, states must implement plans that reflect actual reductions in weekday ozone

of EPA can also require that an area with increased sources of emissions offset any new emissions through reductions in other emissions, with a ratio of emission reductions to increased emissions of at least 1 to 1. The Administrator can also upgrade an area to the next level of nonattainment status, which would impose even more environmental mitigation requirements.

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VOC emissions of at least 15 percent in the area over a 6 year period. For the State of Indiana, EPA has classified the counties of Lake and Porter as one of two state ozone nonattainment areas subject to the 15% ROP plan.

Several emission reduction programs have been undertaken in Lake County to help the area achieve Clean Air Act requirements. Lake County pollution control efforts include the implementation of an enhanced biennial vehicle I/M program for the testing of automobiles and light duty truck tailpipe emissions, the requirement that all gasoline providers in the county sell only reformulated gasoline, and the requirement that vapor recovery equipment be installed for gasoline pumps to capture vapors escaping during fueling. Even with these extremely complex and expensive ozone reducing programs, however, unless additional steps are taken to reduce the amount of pollution vehicles emit in northwest Indiana, Clean Air Act standards will be extremely difficult to meet.

C. The Draft EIS Fails to Protect the Four Cities From the Air Pollution Hazards Caused by the Application

A significant cause of air pollution that is impacted by the Applicants' proposed post-transaction operations in the Four Cities is the issue of emissions caused by highway traffic blocked at highway/rail at-grade crossings. As I understand from reviewing the Draft EIS, before analyzing an at-grade crossing for air pollution impacts, the SEA required several threshold criteria to be met. First, for nonattainment air quality areas,

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such as Lake County, the SEA required there to be an increase of at least three trains per day over the impacted line segment, or a 50 percent increase in annual gross ton miles. From that group of selected line segments, the SEA elected to examine only those segments with rail crossings that have estimated average daily vehicle traffic counts of over 5,000.

For the Four Cities, this threshold criteria implemented by SEA for air pollution impact analysis eliminated dozens of crossings from review. Meanwhile, for at least one geographic area impacted by the Application, Cuyahoga County, Ohio, SEA decided to analyze all highway/rail at-grade crossings, including those with volumes over 5,000 vehicle per day and those with under 5,000 vehicles per day. The SEA apparently selected Cuyahoga County for more detailed analysis because it believed that the county had a relatively high amount of vehicle delays due to railroad/highway at-grade crossings. See Draft EIS, Vol. 5A, at E-17. Despite the serious highway/rail at-grade crossing congestion problems facing the Four Cities, which were outlined in detail in the Four Cities October 21, 1997 Comments submitted to the Board and to SEA, SEA elected not to conduct a detailed air emission analysis for all of the Four Cities' at-grade crossings over impacted line segments. The SEA's final EIS should include an analysis of all Lake County at-grade

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highway/rail crossings, and not just those with over 5,000 vehicle movements.¹⁵

In the Draft EIS, SEA concluded that only one criteria pollutant met its thresholds for mitigation for Lake County. SEA determined that net NOx emissions increases for the county are 83.76 tons/year, significantly above the 25.0 tons/year threshold for imposing mitigation. However, SEA concluded that upon further review, NOx emissions in Lake County are not a significant factor contributing to area Ozone formation. SEA also concluded that because the increased NOx emissions are under 1 percent of existing (1995) county-wide NOx emissions, that mitigation is not necessary for the region.

The SEA's recommendations in the Draft EIS are inadequate for mitigating significant Four Cities' air pollution impacts for several reasons. First, they ignore the fact that any increase in air pollution levels caused by post-transaction incremental increases in traffic over lines in the Four Cities region will create significant impacts on the area's ability to meet required federal air quality standards. As mentioned above,

¹⁵ Immediately prior to assuming my current position as Gary City Planner, for 13 years I worked for the City of Cleveland and I lived during that time in Cuyahoga County, Ohio. While there, I served as an alternate to the Mayor of Cleveland on the Metropolitan Planning Organization for the Northeast Ohio Area Coordinating Agency. My experience as planner both in Cuyahoga County and Lake County gives me a unique perspective on environmental and safety issues facing the two areas. My experience is that while the air quality problems facing Lake and Cuyahoga counties are fairly similar, at-grade highway/railroad crossing problems are significantly worse in Lake County than in Cuyahoga County.

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2/3/98 10:08:49am-92

a number of far reaching programs have been implemented in Lake County that are designed to help the region meet Clean Air Act requirements. Increased emissions caused by the Applicants' planned post-transaction train movements could negate gains from these exacting enforcement programs.

As indicated above, if Lake County fails to meet requisite federal clean air standards, it faces the imposition of sanctions, including the potential loss of significant sources of federal highway funding. Additionally, the transaction may subject Lake County to strict federal air pollution emission offset requirements that require it to offset any new or increased NOx emissions of over 25 tons/year by a ratio of 1.3 to 1. For Lake County, that could mean that under the Board's NOx determined levels of 83.76 tons/year for Lake County estimated to result from the transaction, the county may be required to obtain an additional 109 tons/year of offsets. SEA has ignored these critically important ramifications in analyzing the impact on air quality of the Applicants' post-transaction plans.

The Application's negative impact on public health is by itself an important enough reason for the Board to impose more stringent and appropriate mitigation on the Applicants than the Draft EIS proposes for northwest Indiana. For the Four Cities, mitigating the Application's negative impacts on air quality is also vitally important to achieving our regional economic development goals. As mentioned in detail in this statement, the Four Cities are striving to promote new and cleaner forms of

-28-

2/3/98 10:08:49am-93

economic growth for the region, with the focus being on waterfront development.

Anyone who has traveled through northwest Indiana is immediately aware of the severe pollution problems facing the area. Environmental mitigation is an essential part of waterfront planning. The Four Cities ability to draw residents and businesses to the proposed waterfront neighborhoods, and visitors from beyond northwest Indiana to these new businesses/attractions will largely depend on our success in cleaning up the environment. What is clear is that without cleaner air quality, along with other planned environmental restoration and remediation, the economic potential of the region's waterfront development plans will not be realized.

IV.

CONCLUSION

Local and regional officials have expended considerable time, energy, and resources in the promotion and adoption of efficient and environmentally benign infrastructure and development programs and policies to enhance the well-being of northwest Indiana citizens. As described in detail above, CSX's proposed reinstatement of the former PRR line would interfere with major community and regional redevelopment projects. Their plans would also cause serious safety and environmental problems (including environmental justice, air quality, etc.) which the Applicants and the SEA in its Draft EIS do not sufficiently address.

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The Four Cities' Alternative Routing Plan provides an alternative to reinstatement of the out-of-service PRR line, which would easily accommodate the additional trains (five daily) that CSX has proposed moving over the line. The Alternative Routing Plan would not interfere with the important housing, airport, and lakefront development projects discussed above, which could proceed unimpeded. It would also eliminate the need to reinstate 23 highway at-grade crossings of the PRR line between Hobart and Clarke Junction, and the imposition of 115 new daily train/highway crossings in an area where there are currently no such crossings.

The Draft EIS indicates that SEA has examined all proposed construction projects to be undertaken by the Applicants to determine their impact on local land use plans. Unfortunately, in its evaluation, SEA did not consider CSX's major \$13 million construction project involving the restoration to service of the currently unused Hobart to Clarke Junction line segment. It is imperative that SEA (and the Board) closely examine the reinstatement of this line segment and the problems detailed in my testimony as it prepares the Final EIS for this major federal action. This analysis is especially important in light of the fact that the entire City of Gary, including the population residing along the PRR line, meets the Board's threshold requirements for environmental justice mitigation.

The Alternative Routing Plan set forth by the Four Cities provides a cooperative regional plan that minimizes the

-30-

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Conrail transaction's impacts on northwestern Indiana while accommodating regional rail traffic movements. Upon further evaluation, I believe the Board will clearly see that the problems associated with the Applicants' plans to reinstate the Hobart to Clarke Junction line segment as outlined above are significant, and that the Consortium's Alternative Routing Plan should be adopted as a low-impact means of mitigation.

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2/3/98 10:08:49am-96

Verification

State of Indiana)
)
) SS:
)
 County of Lake)

Michael L. Cervay, being duly sworn, deposes and says that he has read the foregoing statement, known the contents thereof, and that the same are true as stated to the best of his knowledge, information and belief.

Michael L. Cervay

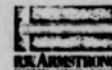
Subscribed and sworn to before me this 30th day of January, 1998.

MICHAEL E. C. BISHA
NOTARY PUBLIC STATE OF INDIANA
LAKE COUNTY
MY COMMISSION EXPIRES FEB. 16, 1999

Michael E. C. Bisha
Notary Public in and for the
State of Indiana

2/3/98 10:08:49am-97

EXHIBIT MLC-1



January 29, 1998

Mr. Moses A. Ditts
Vice President
Gary-Chicago Airport Authority
6001 West Industrial Highway
Gary, Indiana 46408

RE: Railway Reactivation North of Industrial Highway
Gary-Chicago Airport Impacts

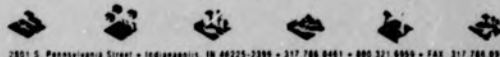
Dear Mr. Ditts:

We are writing in response to your request for information on the impacts of reactivating an inactive rail line located northeast of Industrial Highway near Gary-Chicago Airport. We recommend that the Airport Authority oppose any reactivation of this inactive rail line.

We understand that there is a proposal being considered where the former Pennsylvania Railroad Ft. Wayne-Chicago Line ("PRR line") would be reactivated by CSX. The reactivation of this rail line would prevent the airport expansion plans. A segment of this line is located directly northeast of the Gary-Chicago Airport. In summary, because of the increasing activity and interest in the Airport and partnership with the City of Chicago to market and encourage the use of the airport, the Airport Authority is planning for an extended east-west runway or replacement runway to provide a longer landing surface and expanded capacity. The re-institution of rail service by CSX on the former PRR line will limit or stop the Airport expansion plans.

Although you are familiar with the facts, we have summarized the primary points that have led us to our recommendation to oppose reactivation of the PRR line.

- The Gary-Chicago Airport is one of the most important economic assets of the area. The airport is one of the closest aviation facilities to the downtown Chicago area. It has unused capacity which will be tapped to meet the demands of Northwest Indiana and Southern Chicago residents and businesses.
- In 1985, the City of Gary joined forces through a Compact with the City of Chicago to form a bi-state airport authority, overseeing the capital improvements of the system of airports serving the Chicago area, including O'Hare International, Midway, and Gary-Chicago Airport. Under this compact agreement, significant capital investment has been and will be made in the Gary-Chicago Airport annually. In addition, a joint marketing effort is underway.


2001 S. Pennsylvania Street • Indianapolis, IN 46225-2399 • 317 786 8461 • 800 321 8959 • FAX 317 786 8957

2/3/98 10:08:49am-98

Mr. Moses A. Ditts
Gary-Chicago Airport Authority
January 29, 1998
Page Two

- The combination of capital and marketing investments is expected to produce new commercial activity. The local community and Airport Authority are promoting an incentive pool to attract candidate users to the facility. Several interested aviation operators are talking with the Airport about new passenger and cargo service.
- The present airfield configuration is confined on all sides by the toll road, power lines, Calumet River, and railroad tracks. To extend the existing runways presents serious challenges. While some of the standards have been grandfathered for the present airfield, in order to clear the approach areas and meet the rigorous demands of larger transport aircraft, reorientation or development of a new parallel east-west runway will be required to meet FAA threshold requirements for the upgrading of the Airport.
- The existing primary commercial service airports serving the Chicago area demonstrate the depth of the metropolitan area's aviation demands. O'Hare is the busiest airport in the world, and yet, despite the heavy activity at O'Hare, Midway's passenger and cargo activity continues to grow. Through the partnership with the City of Chicago, opportunities exist to allow growth to continue in the Chicago area, through the expansion of the Gary-Chicago Airport.
- The proposal to reactivate the former Pennsylvania Railroad Ft. Wayne-Chicago Line will negatively impact or block the expansion of the Airport. Accordingly, we oppose the reintroduction into service of the former PRR line.

Given these facts, we encourage the Airport Authority and communities within the service area of the Gary-Chicago Airport to oppose the reactivation of the former PRR line.

Please call me if you need additional information in regard to the facts provided within this letter.

Sincerely,

R. W. ARMSTRONG & ASSOCIATES, INC.

[Signature]
Susan M. Schalk, A.A.E., A.C.P.
Vice President

2/3/98 10:08:49am-99

Amtrak train, truck collide Lake Station driver is killed



Northwest Indiana Amtrak train driver killed in collision with truck. The truck driver was killed in the collision. The train driver was killed in the collision.



group seeks
y for women

Diet drug component banned

2/3/98 10:08:49am-100

Crash

Truck driver was killed
in crash

(Continued from Page 1)

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Trains move slowly past accident scene

Amtrak service resumes
through the North Clark
Road crossing, where two
accidents have occurred in
five days.

Post-Tribune Staff Report

GARY — Amtrak trains resumed service through Northwest Indiana on Tuesday, a day after a train collided with a tractor-trailer, killing the truck driver.

Train speeds, however, were restricted near North Clark Road where the accident happened.

Wayne Hibbard, 34, of Lake Station was killed when he drove his tractor-trailer around a curve after the rail crossing, according to police.

Marc Magliari, Amtrak spokesman, said Tuesday the morning train from Chicago arrived in

Windsor, Mich., only 13 minutes late. Magliari said about 12 Amtrak trains pass through that crossing each day.

Next Tuesday, Operation Lifesaver, a national rail-safety group, will be in Northwest Indiana to promote rail-crossing awareness, Amtrak officials said.

The group has invited several law enforcement officials, public officials and judges to participate in the campaign.

As part of the effort, they will board a train that will pass through the North Clark Road crossing, which was the site of another train wreck on Friday.

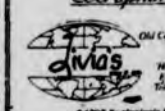
That rail crossing has been identified by the Indiana Department of Transportation as one of the state's most dangerous crossings in the area.

In the Friday accident, the truck driver was trapped in his truck, but received only minor injuries, according to reports.



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Hammond Railroad Passenger Corporation, 60 Massachusetts Avenue, N.E., Washington, D.C. 20002 Telephone (202) 695-2000

EXHIBIT NLC-3



September 25, 1997

THOMAS M. DEWINE, JR.
Administrator
Federal Railroad Administration
U. S. Department of Transportation
400 Seventh Street, SW
Washington, DC 20590

Dear Jolene:

On September 15, 1997, Amtrak Train 371, the Pere Marquette, which was headed toward Chicago from Grand Rapids, Michigan, struck an 18-wheel gravel truck at Clark Road, 8 miles east of Hammond, Indiana, at Conrail MP 499.29. As a result, the entire consist including a locomotive and four passenger cars derailed incurring injuries to eleven passengers and one employee. The truck driver was killed.

This crossing accident was the ninth similar occurrence involving Amtrak passenger trains in this area since November 1995. Several have resulted in injuries to people on the train and there have been three fatalities in the vehicles that have been struck. There have been over 50 accidents involving passenger and freight trains in the past 20 years in this particular area between Hammond and Gary. Conrail and CSX tracks are parallel to each other and highway traffic is required to cross both sets of tracks. As you can see, this area is dangerous, even when all railroad operating rules are followed and safety devices and crossing protection are functioning as intended.

This situation is of great concern to us at Amtrak. I am requesting that you arrange for your staff to examine the crossings, their protective devices and surrounding terrain to determine what can be done to effectively eliminate or greatly reduce the potential danger to all trains, passengers, operating crew, and to the public in this area. Your assistance would be greatly appreciated. If Amtrak can be of any help, please contact me immediately.

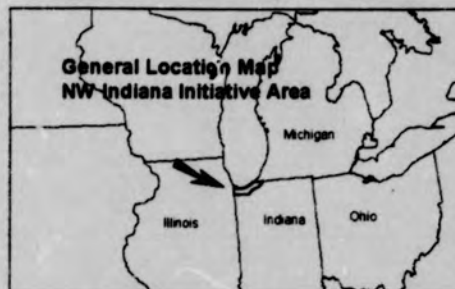
Sincerely,

Thomas M. Dewine, Jr.
Thomas M. Dewine
Chairman, President and
Chief Executive Officer

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EXHIBIT NLC-4

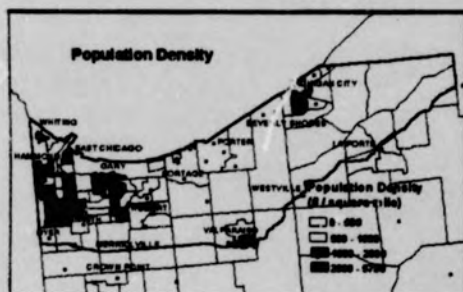
NW INDIANA INITIATIVE AREA



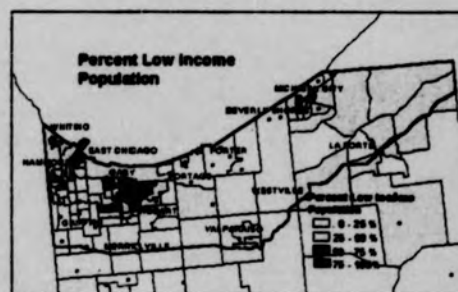
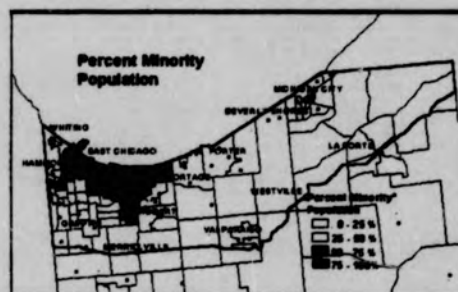
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NW INDIANA INITIATIVE AREA Demographic Maps

The following maps for the EPA's NW Indiana Initiative area were developed from the 1990 Decennial Census as published by the U.S. Bureau of the Census. The data are reflected in census tracts.



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Northwest Indiana Environmental Initiative Action Plan

I. Background and Vision of the Northwest Indiana Environmental Initiative

- Northwest Indiana has suffered the effects of severe pollution through a century of industrial activity. As a consequence, contamination threatens the health and vitality of communities and surrounding ecosystems. The air quality of Lake and Porter counties does not meet Federal standards. Five to ten million cubic yards of contaminated sediments cover the bottom of the Grand Calumet River and Indiana Harbor Ship Canal, of which 150,000 cubic yards enter Lake Michigan each year. Millions of gallons of petroleum float atop the ground water in certain portions of Northwest Lake County. Hundreds of acres require clean up, including seven Superfund sites and numerous leaking underground storage tank sites. The extent of these and other environmental challenges requires special governmental action. During the last several years, EPA and IDEM have worked together to prevent further degradation and have begun developing long term solutions to restore ecological balance in the region.
- Starting with the 1992 Northwest Indiana Action Plan, EPA and IDEM joined in the Northwest Indiana Environmental Initiative, designed to direct significant federal and state resources to the region. We have pursued certain short term strategies to relieve immediate threats to the environment and provide the ground work for longer term, more comprehensive solutions for the region. The long-term enforcement strategy of EPA and IDEM sends an important signal to the affected communities that future abuses will not be tolerated and past wrongs will be remediated.
- With the current Northwest Indiana Action Plan, we intend to continue our geographic focus on Northwest Indiana. It reflects our agreement to continue commitment to work cooperatively to address some of the most environmentally challenging problems in the nation. Both agencies seek to clean up major waterways and contaminated lands, reduce the use of toxic substances, restore and protect sensitive ecosystems, and foster practices among industry and citizens that are sustainable for the long term health of the environment and people of Northwest Indiana. To that end, we have established a collaborative management arrangement involving teams from both agencies to craft concepts and work with the community to achieve the objectives of this Action Plan. By sharing information and strategically focusing our joint resources, we can use the limited resources each have to maximize governmental efforts in the area. Together, U.S. EPA and IDEM have already enhanced our communications and coordination in Northwest Indiana. Our evolving relationship allows us to continue collaborative strategies, maximize our resources, and bring about better environmental results for everyone in Northwest Indiana.

II. Major Environmental Goals and Key Principles of the Northwest Indiana Environmental Initiative:

- EPA and IDEM seek environmental restoration of the region and elimination of serious environmental stresses now threatening Lake Michigan. Several strategies, many initiated through the 1992 Northwest Indiana Action Plan, will be pursued under the Action Plan, including: improving the area's air quality; cleaning up contaminated sediments in the Indiana Harbor Ship Canal and Grand Calumet River; remediation and restoring contaminated lands and ground water; using pollution prevention as a tool to develop an overall environmental strategy with local industry and citizens; ensuring high compliance with state and federal environmental laws; and continuing to develop and implement the Remedial Action Plan (RAP) for the Grand Calumet River, Indiana Harbor Ship Canal and Nearshore Lake Michigan Area of Concern and the Lake Michigan/Lakewide Management Plan (LAMP).
- Several key principles will guide our efforts. Success will be measured through:
 - achieving tangible environmental improvements;
 - developing creative solutions and non-traditional ways of dealing with environmental problems that foster cooperation among affected groups;
 - closely coordinating strategies and action with other federal and state agencies and local governments;
 - encouraging involvement by affected groups such as industry, environmental groups, and citizens; and
 - using integrated, multi-media approaches consistent with long term environmental goals.
- The Initiative is based on a collaborative effort between EPA and IDEM. We have agreed to work together, sharing resources and information, and engaging in informed decision-making by involving all those who hold a stake in the process.

III. Scope of the Northwest Indiana Environmental Initiative

- This Initiative focuses on the most industrialized and developed portions of Northwest Indiana. Its geographic boundary approximately is a crescent along the shore of Lake Michigan. In Lake County, the Action Plan addresses the area north of Route 30 in Porter County, the area north of Route 30 west of Valparaiso and north of Route 2 to the east of Valparaiso, and in LaPorte County, the area north of Route 2.

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In the December 1993 roundtable meetings, several commenters suggested that "Sustainable Development" should be included in the Action Plan. EPA and IDEM agree that the concept and practice of sustainable development should be one of the guiding principles of how we accomplish our goals in Northwest Indiana. Indeed, President Clinton, announcing his Executive Order creating the President's Council on Sustainable Development, stated the following: "To grow the economy and preserve the environment for our children and our children's children, bringing together some of the most innovative people from business, from government, from the environmental movement, the civil rights movement, and the labor movement, I am asking [the Council] to find new ways to combine economic growth and environmental protection, to promote our best interests in the world community, to bring our people together to meet the needs of the present without jeopardizing the future."

But sustainable development as a global vision for the Northwest Indiana area is not as clearly defined. EPA and IDEM recognize that the agencies need to begin working with the communities of the area to come to some common understandings of what sustainable development is, what the desired outcomes of work should be, and what roles parties can and should play. The agencies will work together with the public to open up avenues for dialogue on these issues. For example, currently there is a significant movement toward redeveloping abandoned and unused urban sites. EPA and IDEM both recognize the importance of this "brownfields" concept. EPA sees its role as one of removing impediments to redeveloping these sites, providing the market with clear signals of EPA's interests, sharing information, and testing ideas. IDEM has an active role in cleaning up sites used through various state programs including the state's Voluntary Clean Up program. In addition, both agencies are engaged in transportation planning activities aimed at promoting growth patterns consistent with our environmental goals. These activities will be continued, and other activities will be explored, as we cooperate with communities in Northwest Indiana in the development of a shared vision of sustainable development for their region.

VIII. Implementation and Future Review of the NWIAP

- The Action Plan, with its six major strategies - Air Quality, Compliance and Enforcement, Land and Ground Water Remediation, Pollution Prevention, Remedial Action and Lakewide Management Plans, and Sediments - will be implemented jointly by EPA and IDEM. This Action Plan is not enforceable. It will be assessed continuously for progress by the agencies, and periodically reviewed by the public for major shifts in strategies and changing environmental priorities. Joint agency committees have been charged with implementation for strategies not already coordinated and implemented through base program work. Our agencies will work cooperatively with the public to ensure that the goals of this Initiative are achieved. Indicators of progress based on tangible environmental improvements will be developed and reported to the public. Our six strategies follow, with a brief explanation of our goals and objectives and the major activities that will guide our efforts over the next several years.

AIR QUALITY

Goal:

The air quality in north-west Indiana will not interfere with the citizens enjoyment of their region or threaten its health.

Objective:

To improve the area's air quality by: ensuring compliance with the new Clean Air Act Amendments requirements for the area; taking all steps needed to achieve and maintain health-based air quality standards; involving the public and improving their awareness of what we all can do to lessen air pollution; and sustaining targeted efforts through enforcement, rule development, and public awareness.

Definitions:

- Criteria Pollutants: Pollutants identified in Title I of the Clean Air Act that include carbon monoxide, lead, nitrogen oxide, ozone, particulate matter, and sulfur dioxide.
- VOC: Volatile organic compounds; active in formation of ozone-smog.
- PM-10: Fine particulate matter (measured as PM-10).
- Title III: Portion of Clean Air Act Amendments of 1990 that outlines hazardous air pollutant control program.
- Title IV: Portion of Clean Air Act Amendments of 1990 that outlines new state operating permit program.

Background:

- Lake County has the poorest overall air quality of any area within Indiana. Over the years, portions of this county have not met state and federal health standards for most of the criteria air pollutants. The smog problem persists in Porter County and possibly LaPorte County. Northwest Indiana, and Lake County in particular, also have high air emissions of

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- This Initiative complements other major environmental planning efforts underway in Northwest Indiana, through their geographic boundaries differ. The RAP, which is led by IDEM, designates the northern portion of Lake County as its area of concern. Both the LAMP, which is led by EPA, and the Coastal Zone Management Program (CZMP), which is led by DNR, address the drainage basin of Lake Michigan, although the boundaries for the CZMP have not been finalized. A number of watershed management planning efforts focus on drainage areas for specific watersheds, including the Trail Creek Watershed in LaPorte County and the watersheds for George and Wolf Lakes in Hammond. IDEM's Northwest Regional Office promotes these planning programs, and supports individual regulatory activities by providing services to the counties of Lake, Porter, and LaPorte.
- The objectives of this Action Plan represent strategies that EPA and IDEM have identified as critical to the long term restoration and protection of the region. NOTWITHSTANDING, ACTIVITIES UNDER EACH OBJECTIVE DO NOT REPRESENT ALL THE ACTIVITIES ENGAGED IN BY THE TWO AGENCIES, NOR DO THE OBJECTIVES THEMSELVES INDICATE ALL MATTERS OF CONCERN. RATHER, THEY REPRESENT THOSE ACTIVITIES THAT BOTH AGENCIES HAVE AGREED ARE CONDUCTIVE TO JOINT COLLABORATION OR IN NEED OF STRONG COORDINATION TO SUPPORT LONG TERM RESTORATION AND PROTECTION EFFORTS. Activities not jointly undertaken by EPA and IDEM will be coordinated through the Initiative and be consistent with major Initiative strategies. The result of such cooperation will bring about stronger communications, more effective use of resources, and a better environment.

IV. Relationship of the Northwest Indiana Action Plan with Other Planning Processes

The effectiveness of this Action Plan depends greatly on maintaining close coordination and frequent communications with other major planning processes underway in the region. The activities under the Action Plan will further mutual goals shared by these longer term planning processes, and augment ongoing regional regulatory activities required by state and federal laws. Efforts will be made to strengthen communications and coordination among federal, state, and local units of government and agencies, as well as with private groups working within Northwest Indiana. Such coordination will ensure that the Initiative promotes broadly shared environmental problems and the cooperative use of government and private resources to address regional problems.

V. Public Involvement in the Northwest Indiana Environmental Initiative

- EPA and IDEM are committed to providing citizens of Northwest Indiana with opportunities for input into the decision making process. We recognize that public involvement is important to our success. Consequently, our process to revise the 1992 Northwest Indiana Action Plan began with several "roundtable" meetings held among agency representatives and community leaders in Northwest Indiana. The committee of more than 60 individuals, representing industry, environmentalists, labor, and local government, helped guide the preparation of this Action Plan. In addition, the final draft of this Action Plan was widely circulated for public review and comment before final adoption. Our Action Plan seeks to create wide spread understanding of environmental challenges in Northwest Indiana and foster development of opportunities for the public and industry to cooperatively address environmental problems. To achieve this goal, IDEM and EPA will: (1) enhance public access to information concerning environmental problems (including concerns, documents, technical documents and reports); (2) provide the public with opportunities for input and interaction; (3) identify and communicate how challenges and solutions; and (4) maintain flexibility to allow for implementation of new and different communication strategies to meet the public's changing priorities and needs.

VI. Environmental Justice

- Protecting the public health and the environment for everyone in Northwest Indiana is central to our mission. Yet because of the level of past environmental degradation, the historic concentration of industry in the region, the environmental issues presented by industry located near the shore of Lake Michigan, and the socioeconomic conditions within certain communities, the environmental challenges of Northwest Indiana raise unique concerns. Although our geographic initiative has allowed us to focus resources and efforts on Northwest Indiana, with the current Action Plan we have made emerging environmental justice issues an important consideration for our agencies.
- As society at large struggles with environmental justice concerns, EPA and IDEM are focusing on this issue. We are committed to working with the public to develop a mutual understanding of environmental justice and a direction for our work. By involving minority communities in our outreach efforts and exploring ways that we can be responsive to their concerns, we will further our efforts to protect everyone in Northwest Indiana, regardless of ethnic background or financial resources. As we identify and define environmental justice issues, we will undertake appropriate responses to them.

VII. Sustainable Development

- EPA and IDEM have spent considerable time and effort developing new rules and programs and enforcing existing laws to improve air quality in this region. These efforts have resulted in substantial improvements in air quality, especially for particulate matter, sulfur dioxide and carbon monoxide. However, problems still persist for ozone and other hazardous air pollutants.
- New control plans for particulate matter and sulfur dioxide have been established and are being implemented. The State of Indiana is working with Illinois, Wisconsin, and Michigan on a new smog-volatile control program aimed at eliminating the health threat from ozone before 2007. IDEM is also launching the Title III (Air Toxics) program that will lead to substantial reduction in emissions of hazardous air pollutants to reduce risk to public health. EPA is participating in developing these new programs, and is guaranteeing their success.

Major Activities:

- IDEM and EPA will develop a targeted compliance and enforcement strategy aimed at addressing the area's major air quality problems (ozone, PM-10 and toxic substance exposure). IDEM will work to reduce major nuisance problems related to odor, dust, and other air quality problems.
- IDEM will prepare a statewide air toxic substances control program with an emphasis on activities in Northwest Indiana that will both evaluate the extent of excessive risk and address major problems with toxics, compliance and outreach efforts. EPA will actively support IDEM through technical assistance and other means. The state air toxic substances program will incorporate all mandatory elements of the hazardous pollutant programs of the Clean Air Act Amendments.
- IDEM will work with the Clean Air Act Advisory Council - Northwest Indiana Committee to focus on their concerns relative to air quality in Northwest Indiana.
- IDEM and EPA will continue to coordinate and cooperate in the Lake Michigan Ozone Project, and develop control measures to reduce ozone and smog.
- IDEM and EPA will continue to coordinate closely on all significant regulations and programs required as part of the Clean Air Act Ozone State Implementation Plan to ensure that the state rules and programs meet the federal requirements and to assure that EPA's review process supports the state's actions.
- IDEM will collect and evaluate air quality monitoring data in the area to track improvements, and will increase sampling for hazardous air pollutants as part of its air toxics substance program.
- IDEM and EPA will evaluate pollution prevention approaches during compliance and enforcement activities, public outreach efforts and, when practical, rulemaking.
- IDEM will work to secure approval from EPA on its state's Fine Particulate Matter Implementation Plan and then closely coordinate state and federal compliance activities in the area.
- IDEM will pilot an odor control program for the area, working with EPA wherever there is a federal authority for effective air pollution reduction.
- IDEM will implement an effective enhanced vehicle emissions testing program with assistance from EPA that will provide better service to the motorists and more emissions reduction.
- IDEM will incorporate air quality considerations into transportation planning decisions and identifying effective mobile source control measures.
- IDEM will prepare implementation of the Clean Air Act's new Title V permitting program for major sources in Lake and Porter counties. IDEM's Small Business and Technical Assistance Program will work to assure compliance with Clean Air Act requirements for small businesses in the area.

Opportunities for Public Involvement

- IDEM and EPA will develop a targeted compliance and enforcement strategy aimed at addressing the area's major air quality problems (ozone, PM-10 and toxic substance exposure). IDEM will work to reduce major nuisance problems related to odor, dust, and other air quality problems.

- IDEM and EPA will meet regularly to discuss programs and coordination on joint efforts in Northwest Indiana. The IDEM/EPA Northwest Indiana Air Committee is responsible for communicating on all matters involving or affecting the other agency to assure proper coordination and effective actions.
- The public, industry and local government can participate in meeting these objectives through IDEM's Clean Air Act Advisory Committee, public meetings and hearings, and other public processes associated with regulatory activity.

COMPLIANCE AND ENFORCEMENT

Goal:

Reduce the quantities of conventional and toxic pollutants entering water and entering the environment in Northwest Indiana.

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Objective:

Use enforcement actions and other statutory authorities to achieve a high level of compliance with all federal and state environmental laws and to remediate contaminated sites.

Definitions:

- Supplemental Environmental Project (SEP): A project carried out by a polluter which has direct environmental benefits and is not otherwise required by law. Such projects can be used to offset a portion of the cost penalty.
- RCRA: Resource Conservation and Recovery Act of 1976, the law established rules to manage hazardous substances from the time of production to disposal. It requires that safe procedures be used in treating, storing, using and disposing of hazardous substances.

Background:

- Many of EPA's and IDEM's joint efforts under the Action Plan focus on remediation and restoration of Northwest Indiana because of the environmental degradation that has occurred over many decades. But the long term benefits to the environment and to the citizens in Northwest Indiana, as well as the success of the Initiative depend on whether ongoing regulated activities comply with federal and state environmental laws and regulations, now and in the future. Therefore, it is critical that IDEM and EPA continue our joint efforts in determining the compliance status of the industries and other regulated facilities operating in Northwest Indiana, and when appropriate, vigorously enforce against those not in compliance.
- Northwest Indiana presents difficult challenges with regard to compliance and enforcement for several reasons. First, many industries located in Northwest Indiana were established decades prior to modern environmental laws and regulations. These processes and equipment were not designed to control or limit pollution to the environment. Some of these facilities have had difficulty adopting the processes and equipment to meet current environmental standards. As a result, many have experienced chronic compliance problems. In addition, and unfortunately, there have been some who have chosen to locate in Northwest Indiana who have not taken their environmental responsibilities and obligations seriously. Regulating such facilities requires vigilance and aggressiveness. Finally, because of the past significant degradation of all the environmental media - air, water and land - compliance and enforcement strategies must take into account that pollution can be shifted from one medium to another. As a result, IDEM and EPA will continue to focus on environmental improvement through a multi-media approach to compliance and enforcement, and by actively seeking through enforcement actions remediation of past contamination.

Major Activities:

1. Coordinate state and federal enforcement actions through the Compliance and Enforcement Committee (CEC) to ensure efficient use of state and federal resources.
2. Prioritize and target inspections and enforcement to ensure compliance.
3. Research the legal/judicial facets of industry remediation, the remediation of contaminated ground water and the development of natural resource damage claims to enable state and federal enforcement personnel to bring cases which, if successful, will compel the remediation of past damages to the environment. Evaluate cases to determine the applicability of additional statutory authorities.
4. Coordinate with the Indiana Department of Environmental Management and local voluntary actions to remediate contaminated sites, including contaminated sediments in the Grand Calumet River/Indiana Harbor Ship Canal, and compel responsible parties to undertake clean up at contaminated sites to remove hazardous, toxic and solid wastes and to clean up leaking underground storage tanks.
5. EPA will follow its Supplemental Environmental Project Policy to facilitate inclusion of environmental and pollution prevention projects in its enforcement activities. IDEM will complete its Supplemental Environmental Project Policy in order to do the same.
6. Work with local governments to identify their industries and use them most effectively to address violations, including open dumpsites, air pollution sources, and industrial discharges to municipal sewage treatment plants.
7. At permitted and closing RCRA sites, prioritize and complete closure and/or corrective action.
8. Implement a compliance and enforcement strategy which increases inspection surveillance and enforcement against sources of Volatile Organic Compounds (VOCs), Hazardous Air Pollutants (HAPs), and toxic sources.
9. Continue to implement the Grand Calumet Enforcement Strategy dated 9-15-93 for reducing toxic discharges to Grand Calumet River/Indiana Harbor Ship Canal.

Opportunities for Public Involvement:

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- The citizens of Northwest Indiana have the opportunity and responsibility to be aware of problems and call them to the attention of their city and/or county officials, or contact IDEM or EPA about them. Additionally, citizens may provisions exist in many state and federal laws, so another means to bring about compliance with the law.

LAND AND GROUND WATER REMEDIATION

Goal:

Protect Northwest Indiana from the release of hazardous substances, petroleum or petroleum-related substances and clean up of contaminated lands and ground water.

Objective:

Prevent the release of hazardous substances, petroleum or petroleum-related substances to the land or ground water; if releases occur, ensure the immediate containment and clean up, and use all applicable Federal and State authorities and programs to address the containment, removal and/or treatment of hazardous substances, petroleum or petroleum-related substances currently contaminating land or ground water of Northwest Indiana.

Definitions:

- Northwest Indiana Brownfields Redevelopment Project: A local initiative of East Chicago, Gary, and Hammond and IDEM to identify properties owned because of potential environmental contamination, and to encourage their remediation and reuse.
- Superfund: The Comprehensive Environmental Response, Compensation and Liability Act of 1980, the federal law which established a mechanism for identification and remediation of the worst hazardous substance contaminated sites in the U.S.
- Voluntary Remediation Program: A cooperative initiative between the state and private parties in which contaminated sites are remediated with state oversight and, upon successful completion of the remediation, a Covenant Not To Sue is issued to the property.

Background:

- Northwest Indiana has been the site of substantial industrial activity for over 100 years. Past industrial practices in Northwest Indiana often did not consider their future impact upon the environment and have resulted in significant contamination of the soils and ground water. This historical contamination has not only resulted in potential threats to human health and the environment but is now impacting the local economy through the real or perceived threat of environmental liability on properties within Northwest Indiana.
- IDEM and EPA have many different programs within their authority over the prevention and correction of pollution of the land and ground water. Northwest Indiana, because of its size and density, presents a major challenge to all involved. Through this Action Plan, EPA and IDEM will work in coordination, and where possible, accelerate addressing land and ground water contamination.

Major Activities:

1. Continue to coordinate and encourage more targeted actions to protect and remediate contaminated land and ground water through federal and state Superfund remedial programs, petroleum clean ups, corrective actions, closures and non-traditional efforts.
2. Improve coordination with other units of government to enhance protection and achieve clean up where no one agency or department has complete authority, and foster partnerships with other major stakeholders.

Efforts will continue to work with state and federal agencies, such as the Indiana Department of Natural Resources, Indiana Department of Commerce, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, the National Biological Survey, and local units of government. Through such efforts EPA and IDEM can effectively extend their programs and resources to address egregious problems over which neither agency has complete authority.

3. Identify and encourage the use of both innovative approaches and innovative technologies for land and ground water remediation.

The August 1994, execution of a voluntary Memorandum of Cooperation (MOC) by IDEM and EPA with local

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Initiatives is an example of an innovative approach to a vexing problem. The MOC describes a way to prevent future releases of petroleum to the Indiana Harbor Ship Canal from the ground water beneath the properties of the companies. Several companies have agreed to voluntarily take measures to prevent the migration of petroleum to the canal which may be currently occurring. EPA and IDEM will also continue to research and use, where appropriate, new technologies to enhance the effectiveness of clean up actions.

4. Continue efforts to map, locate, and define the extent and thickness of petroleum-related products on or within the soils and ground water.

The continuing mapping efforts will provide the location of pockets of "floating oil" in the ground water, assist in prioritizing clean ups and assist in evaluating the impacts on the environment.

5. Continue to assist and coordinate with the Northwest Indiana Brownfields Redevelopment Project through the identification of potential sites and through the innovative use of Indiana's Voluntary Remediation Program. IDEM and EPA will also seek out further opportunities to work with local units of government and industry for further "Brownfields" redevelopment opportunities throughout the entire geographic initiative area.

The implementation of the "Brownfields" approach will not only provide enhanced clean up and the protection of green fields outside the metropolitan area but has the potential to result in positive economic impacts.

6. Identify and resolve regulatory barriers to achieving remediation of contaminated sites.

The purpose of this activity is to clearly define the authorities and tools state and federal staff may use to prevent and/or address spills, releases or existing contamination in the most effective manner. IDEM and EPA will review and develop a "tool box" of mechanisms which may be employed to obtain compliance under state and federal hazardous substance and oil pollution legislation.

Opportunities for Public Involvement:

IDEM and EPA rely on the public to help identify suspected locations of contamination in the soil and/or ground water. We will keep the public current on activities associated with clean ups and continue to encourage their participation in formal community periods used to gather input on site specific projects. Throughout the implementation of this element of the Action Plan, EPA and IDEM will continue to look for and provide opportunities for further cooperation with the public, government agencies and industry.

POLLUTION PREVENTION

Goal:

Integrate pollution prevention and environmental stewardship into industry practices and public behavior in Northwest Indiana.

Objective:

IDEM and EPA will engage in a consistent effort promoting pollution prevention and environmental stewardship in Northwest Indiana. In general, IDEM will take the lead on pollution prevention in the region. Through this consistent effort by the agencies, industry and the public in Northwest Indiana can adopt pollution prevention and environmental stewardship practices. Success will be measured by integration of pollution prevention measures into other Action Plan activities. When this objective is met, the pollution prevention and environmental stewardship committee should no longer be necessary.

Definitions:

- Environmental Waste: All environmental pollutants, wastes, discharges or emissions, regardless of whether or how they are regulated, and regardless of whether they are released to the general environment or the workplace environment.
- CFR: Code of Federal Regulations.
- Toxic Materials: For purposes of this Action Plan, toxic materials are substances on the CERCLA Hazardous Substance list (40 CFR Part 302), and they also include toxic chemicals as defined by 40 CFR Part 372.

Background:

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- Pollution prevention and, in the broader sense, environmental stewardship, are the primary mechanisms for positive change for IDEM and EPA activities in Northwest Indiana. Each agency has committed resources to the issues and will continue to emphasize pollution prevention as a priority. These efforts will be aggressively incorporated into the agency activities whenever possible.

- Indiana's program seeks a dramatic shift in perspective to pollution prevention, rather than incremental shifts towards the best approach. These incremental shifts from disposal to treatment and recycling, and from finally prevention, delay the time when the economic and environmental benefits of prevention can be realized. To promote this shift, Indiana has a strong definition of pollution prevention that is unique in the United States.

- EPA and IDEM believe it is important to recognize that while there are differences between state and federal pollution prevention legislation, EPA and IDEM are committed to working in partnership in Northwest Indiana to achieve reductions in the generation of pollution and/or in release to the environment.

- Pollution prevention means the use of practices that reduce or eliminate the industrial use of toxic materials or the hazards associated with an environmental waste without diluting or concentrating the waste before the release, handling, storage, transport, treatment, or disposal of the waste.

- Pollution prevention consists of activities that directly impact the production of a product or the providing of a service. It includes product reformulation, production process redesign, housekeeping, environmental and process training, inventory control, preventive maintenance, energy conservation by the energy producer, and on-site closed-loop recycling. It does not include waste burning, waste exchanges, most recycling, or environmental remediation activities.

- Environmental stewardship includes pollution prevention, but is a broader concept. It means activities that protect the environment either directly or indirectly. Some examples of activities that are not pollution prevention but are environmental stewardship include: energy conservation (industrial activity is by energy producer), waste minimization, environmental education, household hazardous waste collection, and sediment remediation.

- IDEM and EPA have active pollution prevention and environmental stewardship efforts in the region. For the most part, IDEM has taken the lead in implementing these efforts, with financial and/or technical support from EPA. The exceptions to this are the Steel Industry Pollution Prevention effort, which is jointly state funded, and EPA's Hazardous Waste Minimization Assessment, which were entirely federally funded. Other efforts include the Environmental Hazardous Waste Minimization Studies, and the Grand Calumet River District Pollution Prevention Effort. In general, IDEM has taken the lead on these efforts with support from EPA.

Major Activities:

1. The Pollution Prevention Implementation Committee will aggressively integrate pollution prevention objectives into the other components of this Action Plan over the next two years. IDEM will facilitate integration by assigning a representative of the Office of Pollution Prevention and Technical Assistance to work on each of the objectives that address preventing future pollution. EPA will work with its staff to ensure that pollution prevention is an integral part of the Action Plan and the agency's efforts.
2. The EPA, with IDEM support, will continue to assist companies in these efforts to identify and evaluate pollution prevention, waste minimization, and environmental stewardship opportunities. In the future, assessment results will distinguish between pollution prevention, waste minimization, and environmental stewardship.
3. IDEM, with the support of EPA, has developed a number of pollution prevention programs among manufacturers in the region. This committee will work with the citizens to get the information out in a format that is understandable.
4. This committee will promote opportunities within this initiative for public and industry awareness of and participation in pollution prevention and environmental stewardship activities.

Opportunities for Public Involvement:

- The public, industry and local government are already working toward pollution prevention and environmental stewardship by participating in household hazardous waste collection, and environmental education, including the Environment, teacher education, and continuing public forums on pollution prevention and environmental stewardship.

REMEDIATION ACTION PLAN AND LAKEWIDE MANAGEMENT PLAN

Goal:

Eliminate pollution that impairs beneficial uses in Lake Michigan and the Grand Calumet Area of Concern and restore those beneficial uses.

Objective:

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A. Calculation of the 1990 Adjusted Base Year Emission Inventory

To determine the 1990 adjusted base year inventory, Indiana used the 1990 base year emissions inventory approved by EPA on January 8, 1995 (40 FR 175), which was found to meet the requirements of sections 172(c)(1) and (2)(ii) of the Act for Lake and Porter Counties. Total VOC emissions calculated from this inventory are 424,723 lbs VOC/day. Indiana instructed fugitive emissions and emissions from outside Lake and Porter Counties from the 1990 base year inventory to determine that the 1990 ROP inventory level is 381,841 lbs VOC/day. No pre-emission based emission credit was included in this inventory. Indiana used EPA's Mobile Source Emissions Model (MOBILE3) to calculate the emission reductions from the pre-1980 PMVOC and 1980 ROP inventory level to find the 1990 adjusted base year inventory level of 323,803 lbs VOC/day. Indiana's documentation includes the actual 1990 motor vehicle emissions using 1990 vehicle miles traveled (VMT) and MOBILE3 emissions factors, and the adjusted emissions using 1990 VMT and the MOBILE3 emissions factors in calendar year 1996 with the appropriate RVP for the nonattainment area as mandated by EPA. The plan includes adequate documentation showing how the MOBILE3 model was run to calculate the expected emission reductions from PMVOC and RVP.

B. 1996 ROP Target Emission Level

To calculate the 1996 target emission level for Lake and Porter Counties, Indiana first multiplied the 1990 adjusted base year inventory by 0.15 to determine that the 1996 required emission reduction by 1996 is 48,559 lbs VOC/day. Then, 58,528 lbs VOC/day of reductions from non-creditable control measures (pre-1980 PMVOC and 1980 ROP) were added to the 15% required reduction to find that the total required reductions by 1996 is 107,087 lbs VOC/day. Finally, Indiana subtracted the 1996 total required emission reductions from the 1990 ROP inventory to determine that the 1996 emission target level for Lake and Porter Counties is 274,553 lbs VOC/day.

The 15% ROP plan substantially adequately documents the calculations used to determine the Lake and Porter Counties target level by showing each step, discussing any assumptions made, and stating the origin of the numbers used in the calculations.

C. Proven Emission Inventory

To determine the 1996 proven emission inventory, Indiana has included in the 15% ROP plan the growth factors used together with documentation for the assumptions made. The point, area, and non-road mobile source emission inventories were projected using either State or Federal historical data, or where historical data were unavailable or not suitable to project, the U.S. Department of Commerce Bureau of Economic Analysis regional growth data were used. The non-road mobile source emission inventory was projected using MOBILE3 emissions factors and growth in the on-road mobile off-road mobile, industrial, and area source sectors is 10.180 lbs VOC/day, 1.748 lbs VOC/day, 4.842 lbs VOC/day, and 3.310 lbs VOC/day, respectively, for a total of 19.880 lbs VOC/day. These growth estimates were calculated in a manner consistent with EPA's guidance. The proven inventory was added to the 1990 adjusted base year inventory to determine that the 1996 proven emission inventory level is 342,683 lbs VOC/day.

D. Creditable Reductions from Control Measures

From the calculation of the 1996 target emission level, Indiana must reduce emissions in Lake and Porter Counties by 58,528 lbs VOC/day to secure the 15% ROP reduction. The Lake and Porter Counties 15% ROP plan does not include the 15% required emission reductions achieved by the 1990 ROP inventory level of 381,841 lbs VOC/day. Emission reductions not needed to meet the 15% ROP required level will be applied toward achieving the 15% ROP reduction, leading to attainment of the ozone air quality standard.

The SIP submitted includes documentation identifying the sources or source categories which are not to be affected by such control measures. The SIP also includes the 15% required emission reduction without controls, and the assumptions used to estimate how much the sources required emission would be reduced by 1996 emission level. The SIP also includes documentation identifying the sources or source categories which are not to be affected by such control measures. The SIP also includes the 15% required emission reduction without controls, and the assumptions used to estimate how much the sources required emission would be reduced by 1996 emission level. The SIP also includes documentation identifying the sources or source categories which are not to be affected by such control measures. The SIP also includes the 15% required emission reduction without controls, and the assumptions used to estimate how much the sources required emission would be reduced by 1996 emission level.

E. Calculation of the 1990 Adjusted Base Year Emission Inventory

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B. 1996 ROP Target Emission Level

To calculate the 1996 target emission level for Lake and Porter Counties, Indiana first multiplied the 1990 adjusted base year inventory by 0.15 to determine that the 1996 required emission reduction by 1996 is 48,559 lbs VOC/day. Then, 58,528 lbs VOC/day of reductions from non-creditable control measures (pre-1980 PMVOC and 1980 ROP) were added to the 15% required reduction to find that the total required reductions by 1996 is 107,087 lbs VOC/day. Finally, Indiana subtracted the 1996 total required emission reductions from the 1990 ROP inventory to determine that the 1996 emission target level for Lake and Porter Counties is 274,553 lbs VOC/day.

The 15% ROP plan substantially adequately documents the calculations used to determine the Lake and Porter Counties target level by showing each step, discussing any assumptions made, and stating the origin of the numbers used in the calculations.

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meanwhile accelerate the date by which this level is achieved. The EPA does not believe that measures meaningfully accelerate the 15% date if they are only as insignificant as the amount of reductions.

Indiana's enhanced LM program for Lake and Porter Counties was approved by EPA on March 18, 1996 (61 FR 11442), and the State began testing vehicles under the new program on January 1, 1997. A single control measure, known as the "test only" control measure, is used for inspections and re-inspection. The Indiana LM program requires control measures beyond the standard gasoline powered light duty passenger cars and light duty trucks up to 9,000 pounds Gross Vehicle Weight Rating (GVWR). All applicable 1991 and newer vehicles will be subject to a permanent mass emissions category test that includes the purge and pressure test. All applicable 1978 through 1980 vehicles will be subject to a BA/BG single speed idle test that includes the pressure test. The LM contractor has acquired all the necessary test equipment to conduct the State LM control, and all the test stations required have been constructed. The EPA has analyzed the enhanced LM program to predict when the emission reductions claimed in the Lake and Porter Counties 15% ROP plan for the program will actually be secured. This analysis was based on the methodology specified in EPA's policy memorandum, "Due to Which States Need to Achieve all the Reductions Needed for the 15% Plan from LM and Guidance for Recalculation," August 13, 1996, and "Modeling 15% VOC Reductions from LM in 1996."

Supplemental Guidance: December 23, 1996. MOBILE3 runs were used to evaluate the credit using inputs that reflect actual program start-up. Some of the input parameters, discussed in the guidance, were changed. The inputs included a January 1, 1997, program start date, start-up curbside at the time of the test, and EPA will estimate the emissions test procedures available at start-up. The State has taken credit in 1996 for the enhanced LM program. The EPA has analyzed the enhanced LM program to predict when the emission reductions claimed in the Lake and Porter Counties 15% ROP plan for the program will actually be secured. This analysis was based on the methodology specified in EPA's policy memorandum, "Due to Which States Need to Achieve all the Reductions Needed for the 15% Plan from LM and Guidance for Recalculation," August 13, 1996, and "Modeling 15% VOC Reductions from LM in 1996."

To determine whether there are other available potential control measures which can meaningfully accelerate the date by which a 15% reduction in VOC emissions is achieved, EPA has analyzed the enhanced LM program to predict when the emission reductions claimed in the Lake and Porter Counties 15% ROP plan for the program will actually be secured. This analysis was based on the methodology specified in EPA's policy memorandum, "Due to Which States Need to Achieve all the Reductions Needed for the 15% Plan from LM and Guidance for Recalculation," August 13, 1996, and "Modeling 15% VOC Reductions from LM in 1996."

emissions in Lake and Porter Counties can be achieved. EPA has analyzed the Lake and Porter Counties 15% ROP and 3% contingency plans with control measures included in 15% ROP plans nationwide, which are listed in EPA's report, "Simple City Analysis: Comparison of Enhanced LM Reductions Versus other 15 Percent ROP Plan Measures," December 12, 1996, referenced in EPA's policy documents, "15% VOC SIP Approval and the Air Quality Criteria Test," February 12, 1997. Based upon the report, EPA believes there are no other potential control measures beyond those already included in the Lake and Porter Counties 15% ROP and 3% contingency plans which can secure a significant amount of emission reduction before November 1999.

Because Indiana's enhanced LM program will secure emission reductions claimed under the Lake and Porter Counties 15% ROP plan by November 1999, and because there are no other potential control measures which can meaningfully accelerate the achievement of a 15% reduction in the emissions before November 1999, the EPA has analyzed the enhanced LM program to predict when the emission reductions claimed in the Lake and Porter Counties 15% ROP plan for the program will actually be secured. This analysis was based on the methodology specified in EPA's policy memorandum, "Due to Which States Need to Achieve all the Reductions Needed for the 15% Plan from LM and Guidance for Recalculation," August 13, 1996, and "Modeling 15% VOC Reductions from LM in 1996."

Federal: Reformulated Gasoline Program

The federal reformulated gasoline program (RFG) part 80, Subpart D, requires gasoline to reduce VOC emissions by 10% and to reduce benzene emissions by 30% in the nonattainment area. The EPA has analyzed the enhanced LM program to predict when the emission reductions claimed in the Lake and Porter Counties 15% ROP plan for the program will actually be secured. This analysis was based on the methodology specified in EPA's policy memorandum, "Due to Which States Need to Achieve all the Reductions Needed for the 15% Plan from LM and Guidance for Recalculation," August 13, 1996, and "Modeling 15% VOC Reductions from LM in 1996."

To determine whether there are other available potential control measures which can meaningfully accelerate the date by which a 15% reduction in VOC emissions is achieved, EPA has analyzed the enhanced LM program to predict when the emission reductions claimed in the Lake and Porter Counties 15% ROP plan for the program will actually be secured. This analysis was based on the methodology specified in EPA's policy memorandum, "Due to Which States Need to Achieve all the Reductions Needed for the 15% Plan from LM and Guidance for Recalculation," August 13, 1996, and "Modeling 15% VOC Reductions from LM in 1996."

emission of facilities with a monthly gasoline throughput of less than 10,000 gallons. Indiana has credited a 82,000 lbs VOC/day emission reduction from this rule, which is acceptable.

Federal ARI Coatings Rule

Pursuant to section 181(b) of the Act, EPA proposed on June 25, 1996 (61 FR 32778), a national rule requiring manufacturers of ARI coatings to meet VOC content limitations. The March 7, 1996, EPA's "Air Quality Criteria Test," February 12, 1997. Based upon the report, EPA believes there are no other potential control measures beyond those already included in the Lake and Porter Counties 15% ROP and 3% contingency plans which can secure a significant amount of emission reduction before November 1999.

New CTG RACT Rule

Indiana's new CTG RACT rule (326 IAC 8-1-10) requires VOC controls on sources which have the potential to emit 25 tons of VOC emissions per year, and are not already covered under an existing CTG or part of a post-1990 CTG category. Sources subject to this rule are allowed to demonstrate compliance by choosing among any one of the following three available options: (1) Achieve an overall VOC reduction in baseline actual emissions of 90% by the addition of add-on controls or incremental reduction in VOC-containing materials used; (2) achieve a level of reduction equal to 84% of baseline actual emissions by the same means as listed above; or (3) achieve an overall VOC reduction in baseline actual emissions by the application of RACT as determined by the State and EPA. EPA has analyzed the enhanced LM program to predict when the emission reductions claimed in the Lake and Porter Counties 15% ROP plan for the program will actually be secured. This analysis was based on the methodology specified in EPA's policy memorandum, "Due to Which States Need to Achieve all the Reductions Needed for the 15% Plan from LM and Guidance for Recalculation," August 13, 1996, and "Modeling 15% VOC Reductions from LM in 1996."

Color Coat Factory Showdowns at Indiana

Indiana's new CTG RACT rule (326 IAC 8-1-10) requires VOC controls on sources which have the potential to emit 25 tons of VOC emissions per year, and are not already covered under an existing CTG or part of a post-1990 CTG category. Sources subject to this rule are allowed to demonstrate compliance by choosing among any one of the following three available options: (1) Achieve an overall VOC reduction in baseline actual emissions of 90% by the addition of add-on controls or incremental reduction in VOC-containing materials used; (2) achieve a level of reduction equal to 84% of baseline actual emissions by the same means as listed above; or (3) achieve an overall VOC reduction in baseline actual emissions by the application of RACT as determined by the State and EPA. EPA has analyzed the enhanced LM program to predict when the emission reductions claimed in the Lake and Porter Counties 15% ROP plan for the program will actually be secured. This analysis was based on the methodology specified in EPA's policy memorandum, "Due to Which States Need to Achieve all the Reductions Needed for the 15% Plan from LM and Guidance for Recalculation," August 13, 1996, and "Modeling 15% VOC Reductions from LM in 1996."

Inland Steel is required under Indiana's Particulate Matter rule 326 IAC 8-1-10 to shut down

"BACT is the lowest emissions limitation that is achievable under the Act, taking into account the application of such control technology that is economically achievable, and taking into account the energy, cost, and non-air quality impacts of such measures. CTG or EPA emissions which provide a significant amount of emission reduction are not required to be BACT for particulate matter. The enhanced LM program is not a CTG RACT rule so it does not require BACT for the Act."

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numbers 6 through 11 take January before 1996. The 1990 base year emissions from these rule categories, 23,609 lbs VOC/day, are being credited as emission reductions. These reductions are acceptable.

Residential Open Burning Rule

Under Indiana's rule 326 IAC 8-1-10, residential open burning is banned in Lake and Porter Counties. Indiana estimates 80% emission reduction and 80% rule effectiveness from this rule. An emissions reduction credit of 925 lbs VOC/day from the rule is acceptable.

Automobile Refueling Rule

The State rule, 326 IAC 8-1-10 requires automobile and vehicle equipment refueling shops to use lower VOC coatings, less venting up to 100 ft, and spin-on cleaning equipment and improved work practices to reduce

VOC. To improve rule effectiveness, this rule also requires refueling station suppliers in the area to sell only coatings which meet VOC limits required in the rule. In addition to documentation contained in the supplemental documentation which indicates that an overall 77.8% emission reduction can be expected from all control measures required by this rule with 100% rule effectiveness. This documentation is included in the folder for this rulemaking. Indiana has taken an emissions reduction credit of 4.576 lbs VOC/day from this rule, which is acceptable.

E. Enforceability Issues

All measures and other elements in the SIP must be enforceable by the State and EPA. See sections 177(c)(1) and 110(a)(2)(A) of the Act, and 57 FR 11442.

13556. The EPA criteria addressing the enforceability of 72% and 82% reductions were stated in a September 23, 1987 memorandum to the Administrator. The Administrator's letter to the State, dated September 23, 1987, is included in the supplemental documentation which indicates that an overall 77.8% emission reduction can be expected from all control measures required by this rule with 100% rule effectiveness. This documentation is included in the folder for this rulemaking. Indiana has taken an emissions reduction credit of 4.576 lbs VOC/day from this rule, which is acceptable.

F. Transportation Conformity Rule

Section 176(c) requires States to submit SIP revisions establishing the State's criteria and standards for assessing the conformity of federal actions (transportation and general) to the SIP's purposes of attaining and reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of such standards, and that such activities will not: (1) Cause or contribute to any new violation of any standard in any area; (2) increase the frequency or severity of any existing violation of any standard in any area; or (3) delay (either attainment of any standard or any required emission reductions in other measures) in any area. To assure conformity with the rule, conformity analyses for transportation projects must take into account the amount of on-road mobile source emissions that can be reduced in accordance with SIP emission reduction measures. For the purposes of EPA transportation conformity determinations, the 1996 emission level for on-road mobile source emissions achieved from the 15% ROP plan

G. Concluding Statement on 15% ROP Plan

The EPA has reviewed the Lake and Porter Counties 15% ROP plan and SIP revision submitted to EPA as described above, and finds that the plan satisfies the requirements of section 182(b)(1) of the Act, as well as EPA guidance for such plans. Therefore, the EPA, in this action, is approving this plan as a revision to the Indiana baseline SIP.

H. Final Rulemaking Action

The EPA is approving Indiana's 15% ROP plan for Lake and Porter Counties, as a revision to the SIP. For transportation conformity purposes, final approval of the 15% ROP plan also approves the 1996 mobile source emission budget of 56,015 lbs VOC/day. This action will be effective on August 18, 1997.

I. Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for such a revision to the SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, scientific, and environmental factors and in relation to relevant statutory and regulatory requirements.

VII. Administrative Requirements

A. Executive Order 12686

The Office of Management and Budget has exempted this regulatory action from Executive Order 12686 review.

B. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. section 600 et seq., EPA must prepare a regulatory flexibility analysis

assessing the impact of any proposed rule on small entities. 5 U.S.C. sections 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and Subchapter 1, part 1 of the Act do not create any new requirements, nor impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic responsibilities of the State action. The Clean Air Act requires EPA to base its actions on information on such sources. United States Code, 42 U.S.C. 248, 256-46 (1976); 42 U.S.C. 7410a(d)(2).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law March 22, 1995, EPA must undertake various actions in connection with any proposed or final rule that includes a Federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate or to the private sector of \$100 million or more. The Federal action requires pre-existing requirements under state or local law and imposes no new requirements. Accordingly, EPA has no additional costs to state, local, or tribal governments, or the private sector, from this action.

D. Submission to Congress and the General Accounting Office

Under section 801(b)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report concerning this rule to the United States House of Representatives and the Congressional Budget Office prior to publication of this rule in the Federal Register. This rule is not a major rule as defined by section 804(2).

E. Petition for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate

circuit by September 18, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be subject to judicial review as it does not impose any requirements. See section 307(b)(2).

List of Subjects in 60 CFR Part 82

Environmental protection, Air pollution control, Air quality standards, Inorganic pollutants, Organic pollutants, Ozone, 60 CFR part 82.

Dated: July 9, 1997

Michael D. Jordan,
Acting Regional Administrator.

For the reasons stated in the preamble, part 82, chapter 1, title 40 of the Code of Federal Regulations is amended as follows:

PART 82—[AMENDED]

1. The authority citation for Part 82 continues to read as follows:

Authority: 42 U.S.C. 7401-7410.

2. Section 82.777 is amended to add paragraph (b) to read as follows:

§ 82.777. Control of Particulate Matter Emissions.

(b) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(c) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(d) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(e) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(f) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(g) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(h) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(i) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(j) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(k) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(l) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(m) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(n) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(o) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

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(q) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(r) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(s) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(t) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(u) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(v) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(w) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(x) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(y) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(z) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(aa) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(ab) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(ac) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(ad) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(ae) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent rule-of-progress plan for the Lake and Porter Counties portion of the Chicago-Gary Lake County ozone nonattainment area. This plan satisfies the conditions of section 182(b)(1) of the Clean Air Act, as amended in 1990.

(af) On June 26, 1995, and June 13, 1997, Indiana submitted a 15 percent

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 DRAFT
ENVIRONMENTAL IMPACT STATEMENT

Verified Statement
of
Philip H. Burris
Vice President
L. E. Peabody & Associates, Inc.

On Behalf of
Four Cities Consortium

Due Date: February 2, 1998

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I. INTRODUCTION

My name is Philip H. Burris. I am a vice president of the economic consulting firm of L. E. Peabody & Associates, Inc. The firm's offices are located at 1501 Duke Street, Alexandria, Virginia 22315. I am the same Philip H. Burris who submitted a verified statement in these proceedings as part of the Four City Consortium's Comments and Request for Conditions (FCC-9) filed on October 21, 1997. My qualifications are attached to my earlier verified statement.

I have been requested by the Cities of East Chicago, Indiana, Hammond, Indiana, Gary, Indiana and Whiting, Indiana (hereinafter referred to as the "Four Cities", "Four City Consortium" or "FCC") to comment on the Draft Environmental Impact Statement ("DEIS") served by the Surface Transportation Board's ("STB") Section of Environmental Analysis ("SEA") on December 12, 1997.

As part of my analysis of the DEIS, I have re-evaluated the impact on the Four Cities of the proposed acquisition and operation of Consolidated Rail Corporation ("Conrail")^{1/} by Norfolk Southern Corporation and its rail affiliates ("NS") and CSX Corporation and its rail affiliates ("CSX"), collectively referred to as "Applicants." My evaluation uses the SEA's formulae for calculating delay time at rail crossings, the SEA's factors for determining vehicular emissions resulting from the Applicants' operating plan, and certain revisions to the data relied on in my October 21, 1997 verified statement.

My statement is organized as follows:

^{1/} Including Conrail's 51 percent ownership interest in the Indiana Harbor Belt Railroad ("IHB").

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- II. Background
- III. Summary
- IV. Comments Related to SEA's Conclusions in the DEIS
- V. Economic Impact of Applicants' Projected Increase in Rail Traffic
- VI. Comparative Analysis of Applicants' Proposal and FCC's Alternative Routing Plan
- VII. Conclusions

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II. BACKGROUND

Each of the Four Cities named above is located in Northwest Indiana, at the southern tip of Lake Michigan. The region, which is part of the greater Chicagoland area, is densely populated with industrial development and residential communities. The industries (including steel mills, oil refineries, an electric generating station and a cement plant) are served by several railroads via hundreds of miles of mainline, switch, yard and industrial tracks.

The region is a major crossroads for transcontinental rail and motor carrier freight traffic. Three Class I railroads, four terminal and switching railroads, and a regional railroad operate in the area.^{2/} In addition, Amtrak provides inter-city passenger service and the Northern Indiana Commuter Transportation District ("NICTD") operates commuter passenger rail service in the region.

As stated in my October 21, 1997 verified statement, railroad operations over this extensive network currently cause significant safety problems and disruption of motor vehicle movements throughout the entire Four City region because of the dense industrial and residential population in the area. The present disruption of vehicular traffic at rail/highway grade crossings is barely manageable especially with regard to the provision of emergency services by the local governments. In the Four Cities alone, 243 at-grade rail/highway crossings exist.

^{2/} These carriers include, Conrail, NS, CSX, IHB, The Belt Railway Company of Chicago ("BRC"), the Elgin Joliet and Eastern Railway Company ("EJE"), the Baltimore, Ohio and Chicago Terminal Railroad ("BOCT"), and the Chicago South Shore & South Bend Railroad ("CSSB").

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According to the Association of American Railroads ("AAR"), the state of Indiana has the fourth highest incidence of vehicle-train collisions and fatalities of any of the fifty states and the District of Columbia². This statistic underscores the Four Cities' extreme concern regarding rail/highway safety.

As a result of the existing, barely manageable railroad congestion situation, the Four Cities are deeply concerned by the potential impact of the Applicants' plan to increase rail traffic on several rail lines in the Four Cities region. These concerns are exacerbated by the impact of the projected increase in rail traffic on the Cities' respective infrastructure improvement and economic development plans, which are vital to the economic recovery of the region. The public safety, emergency services, and economic development concerns of the Four Cities were described at length in the October 21, 1997 verified statements of the City Planners from each community.³ The negative impacts of the proposed transaction on the construction of affordable housing, expansion of the Gary/Chicago Airport, and Lake Michigan waterfront development are addressed in the accompanying Verified Statement of Michael L. Cervay. Mr. Cervay's testimony also addresses the severe air pollution problems facing the Four Cities region and the adverse impact of the Applicants' plan on area-wide efforts to improve the environment.

In the EIS process, the SEA is charged with evaluating the impact of the Applicants' entire proposed transaction which covers dozens of states, hundreds of cities and line segments and

² Association of American Railroads, Overall Rail Casualty Data, preliminary 1996 FRA Data, obtained from the AAR internet web site, <http://www.aar.org/comm/9/17/97>.
³ These include the verified statements of Daniel A. Busch, Michael L. Cervay, Kimberly L. Gordon and Donald F. Thomas included in the Four Cities' Comments of October 21, 1997 (FCC-9).

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thousands of mile of track. This analysis must be completed in an extremely short time frame. Because of time constraints, it is apparent that the SEA has examined the environmental impacts of the transaction in much less detail than is warranted in some circumstances, and the SEA has used formulas for evaluating certain impacts that rely on extremely generalized information and criteria. In short, the DEIS appears to identify only the most egregious and negative impacts, and its analysis glosses over many other serious impacts.

Unfortunately, this approach does not produce the most accurate result, nor does it lead to mitigation actions which address all serious environmental impacts. I believe that the Four Cities region is far more negatively impacted than SEA's conclusions in the DEIS would indicate. My testimony will identify why I believe this to be true and will review the Four Cities' alternative to the Applicants' proposed operating plan. This alternative will mitigate the majority of the negative environmental impacts in the Four Cities Region.

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III. SUMMARY

Based on my review of the DEIS and my analysis of the impact of the Applicants' proposed operating plan, I believe the SEA has significantly understated the negative impact of the proposed operating plan on the Four Cities Region. In contrast to the SEA's findings, I have determined that the Applicants' proposed operating plan would have substantial adverse incremental impacts on safety and the provision of emergency services by the Four Cities, traffic congestion and delay, air quality, land use, and socioeconomic factors within the Four Cities.

Further, I have determined that the FCC's Alternative Routing Plan, as fully described in my October 21 verified statement, will mitigate the majority of the incremental adverse impacts of the Applicants' proposed operating plan. As a result, I believe it is incumbent on the SEA to consider and recommend the FCC's Alternative Routing Plan as an environmental mitigating condition to approval of the Applicants' acquisition and control of Conrail.

1. Economic Impact of Applicant's Projected Increase in Traffic

In my October 21, 1997 verified statement, I discussed the current levels of rail traffic over the key rail lines in the Four Cities, the adverse incremental impacts on safety, emergency services, traffic delays and other aspects of life in the Four Cities that would be caused by the proposed transaction, as well as the economic impact on the Four Cities. In this statement, I have revised my analysis of the economic impact related to the projected increase in Applicants' traffic above the current traffic levels and found that the annual cost to the public living and working in the Four Cities region equals a minimum of \$3.4 million. The net present value of

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the cost to the cities for a twenty year period equals \$48.2 million. The discount factor used in this calculation is the Office of Management and Budget, Real Interest Rates on 30 year Treasury Notes and Bonds of 3.6 percent. The real interest rate is used because it recognizes the tax effects of investment by municipalities. The source for time discount factor is OMB Circular No. A-94, Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs. This is the source for discount rates used by the Federal Railroad Administration in evaluating rail/highway grade crossing improvements.

The increased costs are a result of four factors: 1) lost productivity resulting from incremental vehicle delays at rail/highway crossings; 2) additional fuel and oil consumption associated with the incremental delays; 3) the incremental emissions exhausted into the atmosphere resulting from the increased delays at rail crossings; and, 4) the increase in the number of rail/vehicle accidents, injuries and fatalities at rail crossings resulting from increased rail traffic.

I have not attempted to quantify the significant negative impact on the Region's economic growth, which will occur if service on the former Pennsylvania Railroad ("PRR") line between Hobart and Clarke Junction is reinstated. As Mr. Cervay indicates in his verified statement, renewed service on this line will prevent expansion of the Gary/Chicago Airport, which in turn will prevent the economic development of this airport as a utility/transport facility and significantly impair the economic redevelopment of the Lake Michigan waterfront. It would also interfere with the planned construction of 40-50 affordable homes for low-income Gary residents.

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2. FCC Alternative Routing Plan

As described in my October 21, 1997 verified statement, the FCC has developed an Alternative Routing Plan which permits the flow of Applicants' projected traffic through the Four Cities in a manner that maximizes use of grade separated rail lines and minimizes millions of dollars of capital investment in rail line rehabilitation and upgrades proposed by the Applicants.

The FCC alternative addresses two proposed routes included in Applicants' operating plans. First, FCC proposes that CSX reduce the traffic it projects to move on the Willow Creek to Pine Junction and Pine Junction to Calumet Park lines² by using these lines primarily for westbound traffic, and using the IHB line for eastbound movements from Calumet Park, IL to a new connection with the Conrail Porter Branch near Tollestson (Gary), IN, and thence via the Porter Branch back to Willow Creek. This will effectively result in paired mainline tracks, each with traffic moving primarily in a single and opposite direction.³ Exhibit PHB-3 attached to my October 21, 1997 verified statement is a map of the CSX Willow Creek to Calumet Park line via Pine Junction and the IHB/Conrail Porter Branch from Calumet Park to Willow Creek.

The CSX lines between Willow Creek and Calumet Park via Pine Junction have 27 at grade crossings, with 20 of these crossings located on the CSX/BOCT line between Pine Junction and

² The Pine Junction to Calumet Park line is owned by the BOCT, which is a wholly owned subsidiary of CSX. I will hereinafter refer to this line as the "CSX/BOCT line".

³ Based on responses to the FCC's discovery requests, CSX has provided traffic diagrams (trains numbers CSX 44 CO 00010-CSX 44 CO 000126) and data on computer databases, describing the existing CSX traffic flows within the Chicago-Northern Indiana region. This information identifies the individual trains traversing these routes and whether their direction is inbound or outbound thereby allowing for a determination as to the proportional flow of traffic in each direction.

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Calumet Park which runs through the downtown areas of East Chicago and Hammond. By contrast, the IHB/Conrail Porter Branch line from Calumet Park to Willow Creek runs through a less developed area and has only three at grade crossings. The IHB/Conrail line also has thirteen grade separated crossings. As stated in the October 21, 1997 verified statement of Mr. Donald F. Thomas, City Planner for Hammond, the Federal, State and City governments have invested \$25 million in the grade separations on the IHB corridor.

The FCC's proposed shift of traffic from the CSX Willow Creek to Pine Junction and Pine Junction to Calumet Park lines to the IHB/Conrail Porter Branch lines will substantially reduce the number of at-grade highway crossings by the affected trains, thereby mitigating the most significant negative impacts on the Four Cities as a result of the Applicants' proposed operating plans.

The second route addressed by the FCC's Alternative Routing Plan is the portion of the former PRR Fort Wayne to Chicago line between Hobart and Clarke Junction via Tollestson, which is presently out of service but which CSX proposes to rehabilitate and place back into service. According to the information provided by CSX, both in its operating plan and in responses to discovery, CSX plans to connect this line to the Conrail Porter Branch at Tollestson, the NS Wabash spur north of Tollestson and the CSX/Conrail lakefront line north of Clarke Junction. The out-of-service PRR line is 11.75 miles in length and has 23 at-grade rail/highway crossings, which will be reactivated under the Applicants' proposal. Based on CSX's informal responses to FCC's Third Set of Interrogatories and Document Production Requests ("Third Discovery Requests"), it appears that CSX desires to reactivate the PRR line northwest of

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Hobart to move coal and coke to the steel mills located on the Lake Michigan waterfront and other bulk commodities into and out of the Chicago region, thus keeping this slower-moving traffic off of CSX's main line through Garrett, IN.

The FCC opposes the reactivation of the out-of-service PRR line between Hobart and Clarke Junction. Such reactivation would entail reopening of 23 inactive rail/highway grade crossings, interfere with the City of Gary's effort to develop part of the area traversed by this line for a new low-income housing development, and prevent expansion of the Gary/Chicago Airport. To accommodate the five trains per day CSX expects to move over this line, the FCC proposes that the CSX trains destined to steel mills served by the EJE be routed from Hobart west to Van Loon over the NS's former Nickel Plate ("NKP") line via a new trackage rights agreement between CSX and NS. From Van Loon, FCC proposes that the CSX trains move north over the EJE via trackage rights to EJE's Kirk Yard to reach the same lakefront steel mills and to CSX's Curtis Yard for continued movement on CSX's lakefront line.²

CSX coal and coke trains destined to steel mills served by IHB can be moved from Hobart to Osborn over the NS former NKP line, where it connects to the IHB. From Osborn the traffic can move to either of the IHB-served steel mills.

² According to CSX's responses to the FCC's questions in lieu of deposition, it is apparent that CSX has an agreement with the EJE which allows "coal and coke deliveries to U.S. steel using CSX crews." If such an agreement were not in place and if CSX and EJE were unable to achieve such an agreement, establishment of an agreement could be required as a condition of the reactivation. Such a condition would allow CSX to obtain trackage rights to operate over the EJE line from Van Loon to Pine Junction, enabling it to deliver this traffic to the Gary area.

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Exhibit PHB-4 attached to my October 21, 1997 verified statement is a map of the Hobart to Clarke Junction PRR line and the FCC's proposed alternative routing via NS and EJE.

3. Vehicular Delay At Grade Crossings

The FCC's Alternative Routing Plan would avoid the Applicants' planned increase in rail traffic moving over the CSX/BOCT line. Additionally, it will actually produce a decrease in vehicle delay hours from current levels, while allowing Applicants to move all of their projected traffic through the Four Cities region in an efficient manner. The table below summarizes current annual vehicle delay hours and those resulting from both the Applicants' projected traffic and operating plan and FCC's proposed Alternative Routing Plan, using the SEA's corrected formulas for calculating delay times with adjustments to various input data as described later in my testimony.

Line Segment (1)	Current Delay Hours (2)	Applicants' Proposed Delay Hours (3)	FCC's Alternative Delay Hours (4)
Willow Creek to Calumet Park Hobart to Clarke Junction (via PRR)	204,385	333,453	187,341
Hobart to Clarke Junction (via Van Loon)	0	21,812	0
	0	0	27,404
Total Hours	204,385	355,265	214,645

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4. Comparative Analysis of Applicants' Proposal and the FCC's Alternative Operating Plan

I have performed a comparative analysis of the Applicants' proposed operating plans for these two routes and the FCC's Alternative Routing Plan and determined that the FCC's Alternative results in an annual cost savings to the public and the Applicants of \$4.2 million. The net present value of these savings for a twenty-year period using the OMB discount factor discussed above equals \$59.3 million.

My comparative analysis is based on the same four factors listed in the previous section plus the change in rail operating costs and a return on investment on the capital required to implement each of the alternatives. Based on our calculations, the Applicants' operating costs will decrease slightly using the FCC's Alternative Routing Plan to operate between Willow Creek and Calumet Park, and increase slightly from Hobart to Clarke Junction. The Applicants' required capital costs will decrease significantly using the FCC Alternative as the Applicants will avoid the substantial expenditure of funds required to reactivate the PRR rail line.

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IV. COMMENTS REGARDING SEA'S CONCLUSIONS IN THE DEIS

The SEA's DEIS identified 119 rail line segments as meeting or exceeding the STB's thresholds for environmental analysis. For these 119 segments the SEA examined 11 separate categories of environmental issues. Each of these issues will be discussed below to the extent they pertain to the Applicants' proposed operating plan and the FCC's Alternative Routing Plan.

1. Safety

The DEIS found four rail/highway grade crossings in the Four Cities region to be significantly impacted by the Applicants' proposed operating plan. These include County Line Road, Hobart Road, Lake Street and Clark Road, all located on CSX's Willow Creek to Pine Junction line segment. According to DEIS, a crossing will not be found significantly impacted unless it has a history of at least one accident every seven years (or 0.15 accidents per year) and an increase of at least 0.01 accidents per year.

a. Hobart to Clarke Junction Line

In the instance of Lake County, Indiana, the DEIS analysis is deficient because it fails to include the PRR line between Hobart and Clarke Junction which CSX intends to restore to service. This line segment has been out of service for approximately ten years. As a result, it cannot meet the DEIS criteria for having significant safety impact, as by definition, it has not had an accident in the past seven years.

In fact, vehicular accidents are more likely to occur on this line precisely because it has been out of service for more than seven years. Unfortunately as discussed below, throughout

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the Four Cities' region, motorists regularly ignore crossing safety devices. Motorists will not be expecting trains to be using this line. There is no reason to believe motorists behavior will be any different with respect to the PRR line, particularly since drivers will not be used to having to deal with active grade crossings on this line.

The FCC Alternative Routing Plan avoids the likely high occurrence of accidents on the Hobart to Clarke Junction line segment by routing traffic over the currently used Hobart to Van Loon and Van Loon to Pine Junction line segments where the public is accustomed to the movement of rail traffic. Further, the Applicants propose to reduce rail traffic on the Hobart to Van Loon line segment from the present 26 trains per day to 11 trains per day, thereby assuring ample capacity for handling Applicants' projected five trains per day scheduled for the restored PRR Hobart to Clarke Junction line segment.

b. Vehicles Around Gates

Another safety issue that is not addressed in the DEIS is the "around the gate" phenomenon identified and described by Dr. Gary M. Andrew in his October 21, 1997 verified statements included in FCC-9. In the September 1997 train delay study designed by Dr. Andrew, an average of 484 vehicles per day were observed going around activated gates at the 12 rail crossings included in the train delay study.

Rail traffic and the associated delays are so prevalent in the Four Cities region that the public frequently ignores crossing protection to avoid the ever-present delays at rail crossings. The SEA's formulaic approach to determining mitigation of safety problems at rail crossings

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ignores the realities of behavior in these communities. This behavior cannot be overlooked, and it has been brought to the attention of the agency through both the Four Cities' October 21, 1997 testimony and these comments.

Two possible approaches to mitigate the around-the-gate phenomenon are to: 1) require the Applicants to install motion detectors at the control points which activate and deactivate crossing protection devices, thus permitting the devices to deactivate in those instances when trains have stopped moving⁸ and have not cleared the control points; and/or 2) require the Applicants to install Jersey barriers at heavily-used crossings to force motorists to observe closed gates at rail crossings. The best mitigation, of course, would be adoption of the Alternative Routing Plan for the reasons discussed in these, and the Four Cities earlier comments.

c. Disruption of Emergency Services

Another safety issue in the Four Cities is the disruption to the provision of emergency services by slow moving trains and stopped trains that are blocking highway crossings. As discussed in the verified statements of the city planners from each community included in FCC-9, current vehicle delays at rail crossings significantly impair the delivery of emergency services, such as fire, ambulance and police services. In many instances, the cities have, at significant expense, constructed duplicate facilities, and acquired extra equipment and emergency services personnel to minimize this disruption.

⁸ As discussed in a later section, train stoppage in the Four Cities region often blocks numerous highway crossings at one time. This creates significant safety problems and can also result in vehicle delays. This problem is especially significant on the CSX/BOCT line between Pine Junction and Calumet Park.

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For example, the City of East Chicago incurred 9,688 delays in 1996 by police vehicles responding to emergency calls. This represents twenty percent of the total police emergency calls responded to by East Chicago in 1996. Further, of 1,594 medical emergencies responded to by EMS vehicles in East Chicago in 1996, 966, or 61 percent, were delayed at railroad crossings and in 241 of these instances, an additional emergency vehicle had to be dispatched to provide the needed service.

As noted previously, the extremely heavy rail traffic volumes that currently exist in the Four Cities region create a barely manageable situation for the residents, employees and emergency service providers in the region. Any increase in rail traffic in the Four Cities region, especially on the CSX/BOCT line from Pine Junction to Calumet Park which bisects the Cities of East Chicago and Hammond, will significantly add to this already difficult situation. The formulaic approach taken by the DEIS does not consider the significant safety problems which would be caused by even a small increment of additional rail traffic in this region.

The FCC Alternative Routing Plan, however, is a workable alternative which permits the carriers to move the projected volumes of traffic and minimizes the negative impact of these safety issues in the region. For example, the table below displays the number of daily occurrences of trains crossing highways for both the Applicants' operating plan and the FCC's Alternative Routing Plan.

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	Applicants' Operating Plan	FCC Alternative Plan
Train-highway crossings	1313	1074

As discussed, requiring adoption of the FCC's Alternative Routing Plan as a condition to the approval of Applicants' acquisition and control of Conrail would offer important mitigation of the negative safety impacts resulting from Applicants' proposed operating plans.

2. Roadway Crossing Delays

The DEIS examined the impact of the Applicants' proposed operating plan on vehicular delays at rail/highway crossings and concluded that no significant increase in vehicle delays would occur in the Four Cities Region. I believe this conclusion is incorrect for several reasons, including: 1) the SEA limited its analysis to selected crossings with daily vehicle counts ("ADT") of greater than 5,000 vehicles, 2) the length of train data utilized by SEA is inconsistent with that found in the Applicants' documents and supporting workpapers, and 3) the SEA's train speed data overstates the actual operating speeds that can be achieved on the rail lines in the Four Cities region.

The accompanying verified statement of Dr. Andrew addresses each of the above factors leading to the DEIS' understatement of vehicular delay at rail crossings. Dr. Andrew's testimony demonstrates that when corrected for these errors, use of the SEA train delay formula results in a significant increase in the vehicular delay that would be experienced under the Applicants' operating plan as compared to that currently experienced in the Four Cities.

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Further, Dr. Andrew's testimony shows that the FCC's Alternative Routing Plan results in significantly lower delay than does the Applicants' operating plan, while still accommodating Applicants' projected traffic volumes and desire for routing flexibility.

a. Crossings with Less Than 5,000 ADT

As noted by Dr. Andrew, the SEA's analysis of crossing delays ignores crossings with an ADT of less than 5,000. The 5,000 ADT criterion appears to be arbitrary as applied to the Four Cities situation because it ignores the cumulative impact of crossing delays in an area having numerous crossings in close proximity to each other.

For example, the CSX/BOCT line between Pine Junction and Calumet Park traverses the heart of both downtown East Chicago and downtown Hammond. Almost every north-south street in each community crosses this line at grade. These crossings are shown on Exhibit PHB-9 which is a series of maps showing the CSX/BOCT line produced by CSX in discovery. Nine of these crossings involve arterial highways having an ADT of more than 5,000; they are listed in revised Table 5-IN-45 on Page IN-35 of Chapter 5 of the DEIS. However, other road crossings lie between each of these heavily-used crossings, and motorists often attempt to use one of them if, as often happens, one (or more) of the arterial roads is blocked by a train.² While the ADT's for these other crossings are less than 5,000, all of them are impacted by delays at the arterial highway crossings. They must be considered as a group in assessing the cumulative impact of crossing delays on the CSX/BOCT line.

² Chicago Avenue parallels the CSX/BOCT line, runs to the south, and motorists wishing to cross this line occasionally use Chicago Avenue to try to find a vacant crossing.

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b. Train Operating Speeds

The SEA used track chart speeds and timetable speeds in its calculation of vehicular delay. According to conversations with the SEA contractor, these speeds were adjusted in some instances to better reflect actual operating circumstances in specific areas. When adjusted, the speeds were reduced by either five or ten miles per hour.

It is obviously better to use actual operating circumstances rather than unrealistic maximum track speeds. Maximum timetable speeds can rarely be achieved on average because of track restrictions and train stops and starts which require deceleration and acceleration. Obviously, on relatively short line segments where stops and starts are frequently experienced, lower average speeds will be achieved regardless of the maximum timetable speed.

In his original calculation of crossing delay times as reflected in his verified statement in FCC-9, Dr. Andrew relied on one-half the maximum timetable speed to estimate the operating speed for each line segment in calculating the vehicle delay time at rail/highway crossings. In his second verified statement, accompanying these environmental comments, Dr. Andrew has re-calculated vehicular delay times at rail crossings using the SEA formula, corrected to reflect actual train speeds. In this calculation, Dr. Andrew uses actual speeds where they are known and surrogates for actual speeds based on other available information where actual speeds are not known. Two specific line segments are addressed below.

1. CSX/BOCT Pine Junction to Calumet Park - The CSX/BOCT Pine Junction to Calumet Park line segment has a timetable speed of 35 mph. According to CSX's January

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23, 1996 Informal Response to the FCC's Third Discovery Requests, however, this line segment is crossed at-grade by another railroad ten times in the 7.2 miles between Pine Junction and Calumet Park. Because of these frequent rail crossings, which for the most part are controlled by carriers other than CSX, CSX trains on this segment must start and stop frequently which causes a significant reduction in average operating speeds. It is not surprising then, that based on information contained in CSX's own document (see CSX 12 CO 000102), the average train speed on this line segment is only 12.0 MPH.¹⁰

This information is further confirmed by the observations during the September 1997 train delay study, where the observed train speed for trains on this line was 12.5 MPH, and by radar speed checks performed by the Hammond Police Department in December 1997 that showed the average observed speed of trains actually moving on this line was 14.5 MPH.¹¹ In all three instances the average train speed on this line is less than 40 percent of the maximum time table speed and also significantly less than the 25.0 MPH speed used in the SEA calculations of train delay time.

The high incidence of train stopping on this line is also confirmed by the September 1997 train delay study. During this study there were 18 observations of trains at stopped crossings between Clark and Calumet Streets, which all cross in the Pine Junction to Calumet Park segment at grade. Expansion of these 18 observations to represent total stopped trains during a one week period yields 112 stopped trains at the observed crossing locations per week. This

¹⁰ The document is included in my workpapers.

¹¹ This average speed for trains observed by radar speed checks obviously would be reduced if stopped trains were also taken into account.

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equates to 16 stopped trains per day or 58 percent of the 27.6 trains per day currently moving on this segment.

While it can be argued that the planned improvements on this line by CSX will enable the average speed to increase, significantly, this hypothesis is not supported by CSX's experience on other line segments in the Chicago area. Examination of the CSX document cited above shows that the CSX Willow Creek to Pine Junction line segment, which for all but two miles has a 60 MPH maximum timetable speed limit, has an actual average train speed of only 24.5 MPH. Further, the CSX Blue Island Junction to 75th Street line segment which has a 40 MPH maximum timetable speed, has an actual average train speed of only 12.0 MPH. Stated differently, regardless of the maximum allowable timetable speed based on the class of track standard, actual operating speeds are dictated by numerous other factors, especially in areas with numerous railroad crossings. As a result, an increase in maximum timetable speed will not necessarily result in any change in actual operating speed.

Further, CSX does not control dispatching at any of the ten at-grade railroad crossings on this line segment, and in many instances, either the other railroad's trains have priority or trains are dispatched on a first come, first served basis.¹² Even after CSX makes improvements to increase maximum train speed on this line, the dispatching train priority situation at the railroad grade crossings of this line will not change.

¹² A list of these crossings and the dispatching priorities, obtained from CSX during discovery, is included in my workpapers.

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Moreover, the additional investment in the line from Pine Junction to Calumet Park is unlikely to result in an increase in average operating speed for two additional reasons. First, CSX's investment to change from class 2 to class 3 track standard between Pine Junction and Calumet Park is most likely for capacity reasons, i.e., to allow CSX to handle the longer and heavier trains proposed in its operating plan, rather than to increase existing timetable speed on the line from 35 to 40 miles per hour. CSX proposes to increase the average train weight for trains on this segment from 4,070 gross tons per train to 5,324 gross tons per train, an increase of 31 percent.

Second, the proposed longer, heavier trains require more time to accelerate and decelerate to and from each stop. The increased acceleration and deceleration time combined with the frequent stops required by the ten rail crossings in this 7.2 mile segment, will prevent CSX from increasing its average operating speed on this line, even with the minimal increase in timetable speed from 35 to 40 miles per hour.

For all of the above reasons, I do not believe that CSX's average operating speed between Pine Junction and Calumet Park will increase above the current 12.0 mph. However, in order to be conservative, we are using vehicle delay hours for this segment based on an increase of current train speed of 10 percent or 13.2 mph. This increased train speed is used for both the Applicants' proposed operating plan and the FCC Alternative Rostering Plan.

ii. PRR line between Hobart and Clarke Junction - The PRR line segment between Hobart and Clarke Junction has been out-of-service for approximately 10 years, and the

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timetable speed limit on this line is 10 MPH. In the calculations of vehicle delay at rail crossings used in my October 21, 1997 verified statement, I assumed the continuation of the existing timetable speed for this line, which using Dr. Andrew's formula, assumes that operating speed equals one-half of this timetable speed.

When restating the vehicle delay times using the SEA formula, Dr. Andrew assumed an average operating speed on this line segment equal to 14.6 MPH. The reason for using this average train speed as follows:

On Rebuttal, for the first time, the Applicants claim an intent to restore this line to FRC Class 3 standards with a maximum timetable speed of 40 miles per hour. However, based on the percentages of maximum timetable speed developed for other CSX lines in the Chicago area as described above, CSX is likely to achieve only 36.6 percent of the maximum timetable speed or 14.6 MPH.

This percentage reduction is appropriate given CSX's intended use of the Hobart-Clarke Junction line and the existence of several railroad grade crossings of this line. CSX intends to restore service to this line to transport slow moving bulk trains, thereby removing them from its other line segments in the Four Cities region. According to CSX these other lines will be dedicated to moving high priority, service sensitive freight.

The PRR line crosses two of these high priority lines (the Porter Branch and the CSX/BOCT line) at-grade and connects with the CSX/Conrail lakefront lines at-grade. As a result, it is likely that at each of these crossings and at the connection, bulk trains will have to stop and wait

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for any high priority or service sensitive train to pass prior to crossing or entering the high priority line. On a combined basis, the projected number of trains per day on these high priority lines equals 109 trains, or 4.5 trains every hour. This high frequency of high priority trains will certainly cause the heavy slow-moving bulk trains to stop and wait for priority trains to pass, thereby causing the bulk trains (with slow deceleration and acceleration speeds) to operate at much lower average speeds than the maximum timetable speed.

This situation will be exacerbated because, as noted in the previous section, the numerous railroad crossing interlockers on the CSX/BOCT Pine Junction to Calumet Park line will frequently cause trains on that line to stop. These stopped trains will most certainly have priority over the bulk trains using the Hobart-Clarke Junction line, which will be required to remain stopped until the priority trains have cleared through the area.

For all of the above reasons, we calculated vehicle delay times associated with these five trains assuming an average actual operating speed of 14.6 MPH.

c. Train Length

As stated previously, the train length information used by SEA in the DEIS is inconsistent with that found in Applicants' documents and supporting workpapers. Train length is a significant determinant in the calculation of vehicle delay hours. The difference in train lengths for current and post-acquisition for CSX line segments in the Four Cities region trains included in the DEIS is only 200 feet. Based on information found in the Applicants' documents we find

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that the difference in current and post-acquisition train lengths range from a reduction of 356 feet to an increase of 1,298 feet depending on the line segment.

In response to the FCC's Second Set of Interrogatories and Document Requests, CSX provided the FCC the current and post acquisition train sizes (number of cars and tons) by line segment in the Four Cities region. Utilizing this information and information contained in CSX's 1995 R-1 Annual Report to the STB, I calculated the average train length for current and post-acquisition trains using each CSX line segments in the Four Cities region.

This train length information was used by Dr. Andrew in his calculation of vehicle delay hours for his October 21, 1997 verified statement. The information supporting my calculation of train length was included in the workpapers to my October 21, 1997 verified statement, at Bates Numbers 001191-001194 and 001159.

The table below displays the train lengths for CSX line segments relied on by the SEA in the DEIS and by Dr. Andrew in both his October 21, 1997 verified statement and his verified statement filed today.

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CSX Train Lengths Four Cities Region (Length in feet)				
Segment (1)	DEIS		FCC	
	Current (2)	Post Acquisition (3)	Current (4)	Post Acquisition (5)
1. Willow Creek to Pine Jct	6,000	6,200	4,335	5,141
2. Pine Jct to Calumet Park	6,000	6,200	4,192	5,490
3. Calumet Park to Willow Creek	not used	not used	4,900	4,554
4. Hobart to Clarke Jct	6,000	6,200	---	5,306
5. Hobart to Van Loon	not used	not used	---	5,306

3. Air Quality Issues

The SEA's air quality calculations in the DEIS undertake the expected Nitrogen Oxide ("NO_x") emissions from vehicles idling at at-grade crossings due to SEA's omission of lower traffic-density grade crossings from its analysis. SEA calculated an increase in NO_x emissions of 1.01 tons per year from vehicles delayed at at-grade rail crossings with a traffic density greater than 5,000 ADT¹². Within the Four Cities area, only 14 of the 109 at-grade crossings affected by the Conrail transaction reach the threshold ADT level. As I stated previously, the cumulative impact of delays at all affected Four Cities crossings must be included in the emissions calculations. The cumulative impact of delays at all affected crossings increase the expected NO_x emissions from vehicle delays to 4.05 tons per year, an increase of 304%.¹³

¹² DEIS, Appendix E, Page E-16.
¹³ See PHB work papers for calculation.

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The Alternative Routing Plan as proposed by the FCC ameliorates the effects of these additional NO_x emissions. As I discussed above, at-grade crossing delay times decrease by 41 percent if rail traffic is rerouted according to the FCC's Alternative Routing Plan. This decrease in delay time reduces the NO_x emissions by 1.6 tons per year.

Additionally, according to the DEIS, the decrease in emissions due to truck-to-rail diversions is overstated by the Applicants. As SEA states: "As noted in previous sections, SEA acknowledges that some overestimation of the truck-to-rail diversions has probably occurred; however, the air quality analysis is based on the figures provided."¹⁴ While the SEA does not provide an estimated amount of the overstatement, any decrease in truck-to-rail diversions will obviously adversely impact air quality in the Four Cities area.

The increased NO_x emissions from both the inclusion of all FCC at-grade crossings and the overstatement of truck-to-rail diversions will exacerbate the negative impacts already recognized by SEA in the DEIS, but which it has elected to ignore. (For Lake County, Indiana, SEA determined that post-transaction operations in Lake County would result in an increase of 83.76 tons/year in NO_x emissions, which is well above the 25.0 tons/year in NO_x threshold level. Nevertheless, SEA proposed no mitigation.)

There are other reasons why the STB must pay close attention to the pollution impacts resulting from the Conrail transaction. First, the FCC lies in one of the most heavily polluted regions of the United States. This is confirmed by the EPA's declaration of Lake County as a

¹⁴ DEIS, Chapter 4, Page 4-55.

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severe non-attainment area for NO_x emissions as well as a non-attainment area for SO₂, CO and particulate matter. Any incremental increase in emissions is sure to exacerbate these area pollutant problems.

Second, as indicated in Mr. Cervay's accompanying testimony, the Four Cities and Lake County may lose federal highway funds if they fail to comply with mandated air quality standards. According to the Northwest Indiana Regional Planning Commission ("NIRPC"), Lake County stands to lose federal funding for highway expansion if it does not come into line with highway congestion and air quality standards. This factor, along with the already severe air pollution in the area, dictates that all efforts should be made to mitigate anticipated increases in emissions. For this reason also, the FCC Alternative Routing Plan must be given serious consideration by the STB in the Final EIS.

4. Socioeconomic Impacts

The Applicants' proposed train routings impose two deleterious socioeconomic impacts on the Four Cities Consortium which are not addressed by SEA in the DEIS. Both of these negative impacts are caused by restoration of service on the PRR Hobart to Clarke Junction line.

First, the Applicants' proposed reactivation of the PRR line would impede the expansion of the Gary/Chicago Airport ("GCA"). The Four Cities have initiated several industrial and urban development projects to expand their industrial base and to revitalize their lake front properties. These projects are contingent upon the GCA expanding its capacity to become an effective supplement to Chicago's O'Hare International Airport for both cargo and passenger

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traffic. This planned expansion requires that the GCA upgrade its current FAA certification as a Reliever/General Aviation Airport to certification as a Utility/Transport airport capable of handling expanded commercial traffic. This change in certification requires expansion of the overall airport complex. Most importantly for present purposes, it requires the expansion of the airport's two existing runways and the addition of a third runway as explained in Mr. Cervay's verified statement. Currently, the GCA has the available land to accommodate the North-South runway expansion and is negotiating with the EIAE to allow a partial expansion and addition of the East-West runways on the west side of the airport line on the east side of the airport. Reactivation of the PRR however, would negate all expansion and addition efforts.

To safely meet expansion plans and to continue existing levels of operations, the runway construction must be performed in a sequential manner with the North-South runway completed before expansion and addition to the East-West runway. This will allow for continued airport use during the construction effort. The GCA's current land holdings when combined with the currently unobstructed area at the terminus of the North-South runway may be sufficient to meet FAA vertical obstruction regulations. Reactivation of the PRR line will be viewed as a hard obstruction for this runway and will require 1,150 feet of additional unobstructed space to provide an acceptable Runway Safety Area. Since the inactive PRR line lies within the boundaries of this obstruction-free zone, reactivation of this line will halt expansion of this runway.

The second socioeconomic impact is on a proposed affordable housing project in the City of Gary. The housing development, known as Roosevelt Manor, is bounded on the north by the

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inactive PRR rail line. The Broadway Area Community Development Corporation ("BACDC"), a neighborhood based 501-C3 corporation formed to promote urban redevelopment and revitalization, has incurred considerable time and expense bringing this project to fruition. Much of this time has been spent obtaining a \$250,000 grant from the Department of Housing and Urban Development for down payment assistance for low-income and minority families. The BACDC's initial plans and costs estimates were made under the assumption that the line would remain inactive. Reactivation of the line, at a minimum, will require additional costs to barrier the development from the adverse impacts of the proposed rail traffic and jeopardize the considerable time and expense previously incurred.

5. Environmental Justice

Chapter 5 of the DEIS describes the potential environmental justice effects of restoring the Hobart-Clarke Junction segment of the PRR line to service¹². The DEIS specifically addresses the noise impacts along this segment; however, other deleterious effects, most noticeably in regard to safety, will also occur.

As discussed above, the Hobart to Clarke Junction line segment is presently inactive and would, after rehabilitation, see an expected rail traffic of five trains per day. While below the SEA's eight train-per-day increase threshold for mitigation, logic dictates that an increase from zero trains per day to five trains per day substantially raises the risk of accident. This risk is magnified even further given the propensity of Four Cities' residents to disregard crossing safety devices and to drive around lowered crossing gates.

¹² Draft Environmental Impact Statement, Chapter 5, Page IV-76.

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The SEA also did not address the issue of the population's alternative uses of the inactive line. History shows that abandoned and inactive rail lines become surrogate rights of way for foot traffic and play areas for neighborhood children. Even with community outreach programs such as Operation LifeSaver, the risk to people neighboring the track substantially increases when a rail line that has been inactive for a period of several years is reactivated.

Given the demographics of the Four Cities area, reactivation of the Hobart to Clarke Junction line segment will have a disproportionate impact on a low income and minority population. As indicated by SEA, the population impacted by this line segment is 98.7% minority and the low-income population is more than 10% higher than the low-income population for Lake County as a whole.¹³ Further, as stated above, the segment is the northeastern boundary of a housing development currently planned by the City of Gary targeted at the area's minority and low-income population.

Reinstatement of train service on this line will directly impact the quality of life of those living along it by exposing the populace to higher levels of noise and placing it at greater risk of accident. This is in direct contrast to the Department of Transportation's Order to Address Environmental Justice in Minority Populations and Low-Income Populations, OST Docket No. OST - 95 - 141 (50125).¹⁴ The order provides the following mandate related to Department of Transportation related projects:

¹³ Draft Environmental Impact Statement, Chapter 5, Page IV-76.

¹⁴ This order outlines the DOT's response to Executive Order 12899 of February 11, 1994 outlining mandates for environmental justice.

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The Operating Administration and other responsible DOT officials will ensure that any of their respective programs, policies, or activities that will have a disproportionately high and adverse effect on minority populations or low-income populations will only be carried out if further mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse effects are not practicable.¹⁷

In this particular situation, the STB clearly has a practical alternative. The FCC's Proposed Alternative Routing Plan would negate and avoid the safety and noise issues endemic to reactivation of this line segment by rerouting rail traffic to an existing line. This will help ameliorate the effects of the Conrail transaction and meet the requirements of the DOT's environmental justice policies, which the STB has adopted.

¹⁷ Federal Register/Vol. 62, No. 72, Page 18380/April 15, 1997.

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V. ECONOMIC IMPACT OF APPLICANTS' PROJECTED INCREASE IN RAIL TRAFFIC

As stated previously, I have quantified the economic impact related to the projected increase in Applicants' traffic above the current traffic levels as set forth in the CSX and NS Operating Plans based on SEA's vehicle delay formula and certain revisions to the data. Based on my calculations, I have concluded that the annual cost to the public living and working in the Four Cities equals \$3.4 million. The net present value of the cost to the cities for a twenty year period equals \$48.2 million.

The cost to the public shown above does not include, however, any quantification of numerous additional factors which should be considered by SEA. These include, for example, the lost economic value to the Four Cities if the GCA fails to become a Utility/transport airport. This would include the loss of income from expanded air passenger traffic and the development of the proposed air freight hub. In addition, the quantification does not include the lost economic value resulting from reduced development of the Lake Michigan waterfront, because the public can not easily access the waterfront by air travel.

Further, my calculations do not include the reduction in the quality of life that results from increased noise from incremental rail activity. Finally, my calculations do not include any account for the value of human life that will be lost as a result of increased accidents at rail/highway crossings because of increased rail traffic.

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As with the calculations in my October 21, 1997 testimony, these costs are a result of four factors: 1) lost productivity resulting from incremental vehicle delays at rail/highway crossings; 2) additional fuel and oil consumption associated with the incremental delay; 3) the incremental emissions exhausted into the atmosphere resulting from increased delays at rail crossings; and 4) the increase in the number of rail/vehicle accidents, injuries and fatalities at rail crossings resulting from increased rail traffic.

1. Revisions to the Calculation of the Impact of Applicants' Projected Increase in Traffic

As stated above, several revisions have been made in calculating the vehicle delay hours in the Four Cities. The revisions to my October 21, 1997 calculations of the impact of Applicants' projected traffic increase on certain Four Cities rail lines are based on the following factors: 1) use of the SEA vehicle delay formula, 2) adjustments to reflect actual average operating train speeds, and 3) corrections of the crossing data for the Conrail Porter Branch between Ivanhoe and Willow Creek.

a. SEA Vehicle Delay Formula

The use of the SEA vehicle delay formula is fully discussed above and in the accompanying testimony of Dr. Andrew and will not be repeated here.

b. Train Operating Speeds

Use of the most appropriate train operating speeds has been fully discussed previously and in the accompanying testimony of Dr. Andrew. That discussion will not be repeated here.

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however, a summary of the timetable and operating speeds used to calculate vehicle delay hours in both our October 21, 1997 testimony and in our current testimony is provided below.

Line Segment (1)	October 21 Testimony		February 2 Testimony	
	Maximum Train Speed (2)	Operating Train Speed (3)	Maximum Train Speed (4)	Operating Train Speed (5)
1. Willow Creek to Pine Junction	79	39.5	60	24.5
2. Pine Junction to Calumet Park	25	12.5	35	13.2
3. Calumet Park to Ivanhoe	40	20	40	20
4. Ivanhoe to Willow Creek	10	5	40	20
5. Hobart to Clarke Junction	10	5	40	14.6

c. Highway Crossings on the Conrail Porter Branch

As correctly pointed out by Applicants' Rebuttal witnesses Rooney/O'Connor (see SCX/NS-177, Vol. 2B), in my October 21 testimony I incorrectly stated both the current traffic using the Conrail Porter Branch and Applicants' projected traffic over the IHB line segment between Ivanhoe and Virginia Street, rather than on the Porter Branch between Ivanhoe and Virginia Street. As a result of this error, I included only three rail/highway crossings on this line segment rather than the actual 11 crossings that exist on the Porter Branch. In my current calculations of the impact of the Applicants' projected traffic on the Four Cities using the Applicants' operating plans, I have used the ADT, train operating speed and incidence of accidents associated with these 11 crossings.

Based on the vehicle delay hours provided by Dr. Andrew, I have calculated the costs related to each of the above factors using precisely the same methodology that I used to calculate

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the associated costs in my October 21, 1997 testimony with the exception of the costs related to incremental emissions. As fully described in my earlier testimony, I relied primarily on the factors contained in the FRA's model titled, *GradeDec Model - Highway-Rail Grade Crossing Investment Decision Support Tool*, Version 1.0. A copy of that model is contained in the workpapers supporting my October 21, 1997 testimony.

4. Vehicle Emissions Costs

Vehicle delay hours at rail crossings produce costs to the public related to emissions of Hydrocarbons, Carbon Monoxide and Nitrogen Oxides. These emissions are measured in grams per hour of idling time. The table below provides the emission rates for each pollutant as contained in the DEIS /or highway/rail grade crossings emissions only.

Vehicle Emission Rates Grams Per Hour of Idling		
Hydrocarbons (HC) (1)	Carbon Monoxide (CO) (2)	Nitrogen Oxides (NO _x) (3)
55.05	456.85	10.35

Based on the FRA *GradeDec* Model, the cost of emissions equals \$3,000 per ton for Hydrocarbons (Volatile Organic Chemicals), \$4,000 per ton for Carbon Monoxide and \$6,000 per ton for Nitrogen Oxides. Applying the SEA rates of emissions to the vehicle hours of delay fully developed by Dr. Andrew in his accompanying verified statement produces the grams of emissions by type of pollutant. I then converted the cost per ton to a cost per gram and applied it to the grams of pollutants emitted to yield vehicle emission costs for both the current traffic

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levels and the Applicants' projected traffic. The table below shows the calculated vehicle emissions costs.

Emissions Cost		Applicants' Proposal (3)
Line Segment (1)	Current (2)	
Willow Creek to Calumet Park	\$462,985	\$755,355
Hobart to Claiborne Junction	—	49,411
Total	\$462,985	\$804,766

Source: Exhibit PH-10.

2. Summary of Impact of Applicants' Post-Acquisition Increase in Rail Traffic on the Four Cities

The table below summarizes the lost productivity, fuel and oil consumption, emission and accident costs for both the current and Applicants' post-acquisition traffic levels. As shown in the table, Applicants' projected post-acquisition traffic levels will result in an annual additional cost to the public of \$3.4 million. The net present value of this cost for a twenty-year period equals \$48.2 million.

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Summary of Public Costs for Current and Projected Traffic			
Item (1)	Current Traffic (2)	Projected Traffic (3)	Difference (4)
1. Vehicle Delay Hours	204,385	355,265	150,880
2. Lost Productivity Cost	\$3,270,166	\$5,684,247	\$2,414,081
3. Fuel and Oil Consumption	\$186,268	\$313,344	\$133,076
4. Emission and Pollutants	\$462,985	\$804,766	\$341,781
5. Accident Costs	\$1,222,790	\$1,755,731	\$532,941
6. Total Cost to the Public	\$5,136,209	\$8,558,088	\$3,421,879

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VI. COMPARATIVE ANALYSIS OF ENVIRONMENTAL IMPACTS OF APPLICANTS' PROPOSAL AND FCC'S ALTERNATIVE ROUTING PLAN

As discussed previously, the FCC profiles alternative routings for two distinct segments of the Applicants' proposed operating plans for the region. These include 1) rerouting a portion of the traffic CSX proposes to handle over the lines from Willow Creek to Pine Junction and from Pine Junction to Calumet Park to the IHB and Conrail Porter Branch lines from Calumet Park to Willow Creek via Virginia Street (Gary), and 2) rather than restoring service on the former "RR line from Hobart to Claiborne Junction, routing the projected traffic for this line over a combination of the NS/NKP line from Hobart to Van Loon and the EJE line from Van Loon to Pine Junction, thus allowing movement of coal and coke by CSX to the Lakefront steel mills and other bulk commodities to the CSX lakefront line.

As stated in the Summary and Conclusion Section, I have performed a comparative analysis of the Applicants' proposed operating plans for these two routes and the FCC's Alternative Routing Plan and determined that the FCC Alternative results in an annual cost savings to the public and the Applicants' of \$4.2 million. The net present value of these savings for a twenty year period equals \$59.3 million.

As with my October 21, 1997 testimony, my comparative analysis is based on the same four factors listed in the previous section plus the change in railroad variable operating costs and return on investment of the capital required to implement each of the alternatives. Based on my calculations the Applicants' operating costs will increase slightly under the FCC's Alternative

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Routing Plan but Applicants' required return on investment of capital costs will be significantly reduced.

Applicants' required return on investment will be reduced because Applicants will be able to avoid the expenditure of funds required to reactivate the out-of-service PRR line from Hobart to Chicago Junction.

1. Revisions to the Comparative Analysis

Revisions to my comparative analysis of the Applicants' proposed operating plan for these two routes and the FCC Alternative Routing Plan are based on the following factors which have been discussed above: 1) use of the SEA vehicle delay formula as corrected in SEA's Supplemental Errata, 2) use of the SEA rate of emissions factors, 3) adjustments to more accurately reflect train operating speeds, 4) adjustments to the train length used by the SEA, and, 5) corrections to the rail/highway crossing data for the Conrail Porter Branch between Ivanhoe and Virginia Street.

In addition to these factors, four additional revisions have been made, each related to capital investment costs. First, the Applicants' capital investment required to upgrade the CSX/BOCT line from Pine Junction to Calumet Park has been reduced from the \$6.6 million included in my October 21, 1997 testimony to \$2.0 million. This revision is based on information provided by CSXT in its January 23, 1998 Informal Response to FCC's Third Discovery Requests.

Second, the capital investment associated with the FCC Alternative Routing Plan for Hobart to Pine Junction via Van Loon has been reduced by the \$277,933 associated with the

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construction of a connection at Van Loon. This is based on conversations with the EJE, which has informed the FCC that this connection already exists.

Third, the capital investment associated with the use of the IHB line between Ivanhoe and Virginia Street has been increased by \$2.7 million. This increase is based on the testimony of Applicants' Rebuttal Witnesses Rooney/O'Connor, who point out that the portion of the IHB line between Ivanhoe and Chase Street must also be rehabilitated to accommodate traffic increases. Messrs. Rooney and O'Connor estimate the required rehabilitation equals \$2.7 million. When added to the investment amount included in my October 21 testimony, the total rehabilitation of the IHB line between Ivanhoe and Virginia Street equals \$4.3 million.

Finally, as stated in the October 21, 1997 verified statement of FCC witnesses Heinzmann/Dunn, the estimate of the capital expenditures to rehabilitate the PRR line to Class 2 condition equals \$7,017,167.²⁰ In rebuttal CSX asserts for the first time that the line will be restored to Class 3 serviceable condition. To estimate the cost of this rehabilitation, I have used the restoration cost information made available by Applicants' witnesses Rooney/O'Connor regarding rehabilitation of the IHB line from Ivanhoe to Virginia Street to Class 3 conditions.

Messrs. Rooney/O'Connor use a factor of \$200 per foot for this rehabilitation. I have accepted this factor and added the cost of constructing the required connections to the Porter Branch at Tolleston, the NS Wabash line, and the EJE line at Dunes. The resulting

²⁰ October 21, 1997 verified statement of Heinzmann/Dunn, page 11.

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rehabilitation cost for the PRR line to Class 3 condition is \$13,124,856. My calculation of the rehabilitation cost of the PRR line is shown in my workpapers.

A comparative analysis of the Applicants' proposed operations and each element of the FCC's Alternative Routing Plan is presented below.

a. Willow Creek to Calumet Park

The FCC's Alternative Routing Plan shifts traffic off CSX's Willow Creek to Calumet Park line via Pine Junction (this includes the heavily-impacted CSX/BOCT line) and makes use of the IHB and Conrail Porter Branch. The FCC proposal contemplates but does not necessarily require directional traffic flow, i.e., parallel mainline tracks with the majority of traffic on these lines operating in opposite directions.²¹ Operation of parallel mainlines with directional flow is a common and desirable practice in the railroad industry.

Operating in this manner will significantly reduce the volume of traffic moving on the CSX/BOCT Willow Creek to Calumet Park line via Pine Junction. Reducing the traffic on this line, which has twenty at-grade crossings over a distance of approximately seven miles alone, and placing a portion of the traffic on the grade separated IHB line, will significantly reduce the disruption of vehicular traffic in the Four Cities region. This alternative will significantly mitigate the incremental adverse economic, safety and quality-of-life impacts that would otherwise affect the public in the Four Cities region.

²¹ The plan would also work without directional traffic flow as a means to avoid the adverse incremental impacts of the increased traffic over the CSX/BOCT line. However, the directional flow arrangement would be significantly more efficient and would also be consistent with CSX's general plan to move traffic to and from Chicago in a counterclockwise direction.

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The table below shows the annual delay costs, accident costs, mileage-related railroad operating costs and return on investment for the Applicants' projected traffic using both the Applicants' proposed operating plans and the FCC's Alternative Routing Plan.

Cost Category (1)	Applicants' Proposal (2)	FCC's Alternative (3)	Difference (4)
Train Delay Cost	\$5,335.2	\$2,995.9	\$2,339.4
Vehicle Fuel Consumption Cost	\$270.1	\$151.7	\$118.4
Vehicle Oil Consumption Cost	\$24.0	\$13.5	\$10.5
Vehicle Emissions Cost	\$755.3	\$424.1	\$331.2
Accident Cost	\$1,728.0	\$1,392.5	\$335.5
Rail Operating Cost	\$16,104.1	\$15,781.5	\$322.6
Rail Capital Investment	\$340.0 ²	\$1,071.6 ²	(\$731.6)
Net Savings			\$2,716.5

¹ The required investment is estimated to equal \$2,000,000 with a pre-tax return on investment equal to 17 percent.

² Assumes capital investment to rehabilitate IHB abandoned line and construct connection to CSX (CR) equals \$4,303,762 and 2,000,000 to upgrade Pine Jet to Calumet Park with a pre-tax return on investment equal to 17 percent. If upon closer examination, it is determined that the bridges on the out of service portion of the IHB alternative line require rehabilitation that proves to be uneconomic, then traffic should be routed on the IHB line to the current connection with Conrail at Ivanhoe rather than to a new connection east of Tolleston. This alternative would also result in less disruption to the Fox Cities than the Applicants' operating plan; however, it is not as favorable as FCC's preferred route.

The productivity cost, fuel and oil costs, emissions costs, accident costs, mileage related operating costs, and the return on investment shown in the above table for both the Applicants' proposal and the FCC's Alternative Routing Plan were calculated in the same manner used in

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my October 2, 1997 testimony and as described in the previous section. The calculation of these costs is shown in Exhibit PHB-11.

As demonstrated above, the FCC's Alternative Routing Plan for the movement of Applicants' projected traffic between Willow Creek and Calumet Park results in a net annual reduction in public and railroad costs equal to \$2.5 million.

2. Hobart to Clarke Junction

Applicants' propose to reactivate the former PRR out-of-service rail line from Hobart to Tolleston and Tolleston to Clarke Junction. This out-of-service line has 23 at-grade crossings and two grade-separated crossings. CSX's operating plan and supporting documents indicate two distinct uses for this line. First, CSX intends to move five bulk trains per day, representing 12 million gross tons per year, over this line. CSX's January 23, 1998 Informal Responses to FCC's Third Discovery Requests indicate that these CSX trains include coal and coke moving to the lakefront steel mills and other bulk commodities moving to the Chicago area.

The second use Applicants intend for this line involves NS' service to the Gary Sugar Works, located on the former Wabash spur north of Tolleston. According to NS' January 28, 1998 Informal Responses to the FCC's Third Discovery Requests, NS plans to construct a connection between the Wabash spur and the Tolleston to Clarke Junction portion of the PRR line in order to permit NS to move traffic originating or terminating at Gary Sugar Works from the Wabash spur to the PRR line, then to the Conrail Forter Branch. This traffic can then move

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in an easterly direction to Burns Harbor, IN (or vice versa in the case of traffic terminating at the Gary Sugar Works).

The FCC's Alternative Routing Plan for reactivating the Hobart to Clarke Junction line permits movement of these shipments described above, without the reactivation of the out-of-service PRR line and its 23 at-grade crossings.

a. Bulk Commodity Shipments

The FCC's Alternative Routing Plan contemplates the movement of the CSX coal and coke traffic destined to EJE-served facilities from Hobart over the NS/NKP line to Van Loon, where a connection exists with the EJE. The CSX trains would be operated by CSX crews over the EJE to the U.S. Steel Mill in Gary and other lakefront steel mills in the area. As stated previously, use of CSX crews to operate over the EJE is consistent with CSX's current plan for the movement of traffic from Pine Junction to the Gary lakefront.²²

Coal and Coke destined to IHB served lakefront steel mills would move, using CSX crews, from Hobart to Osborn over the NS/NKP line then over the IHB from Osborn to IHB's Michigan Avenue Yard, where CSX would interchange the traffic to IHB.

²² Applicants' Rebuttal Witness Rooney/O'Connor claim that the movement of coal and coke trains over the EJE elevated line will require use of locomotive helper service to pull these heavy trains over the grade caused by elevating the line. They estimate the annual operating cost associated with the helper locomotive to equal \$825,000. Based on conversations with EJE personnel regarding current operations over this line, it has been learned that NS coal and coke trains currently move over the elevated portion of the EJE using three six-axle 3,000 horsepower units, without any assistance from locomotive helpers. This is the same locomotive consist that CSX uses to move its coal and coke trains into the Chicago area. As a result, I do not believe any locomotive helper service is required.

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Using the FCC Alternative Routing Plan, other bulk commodity traffic CSX plans to move over the PRR line into the Chicago area, would move from Hobart to Van Loon, then to the EJE's Kirk Yard and then into CSX's Curtis yard. From Curtis yard the traffic can move into Chicago over the CSX lakefront line.

Applicants' Rebuttal witnesses Rooney/O'Connor claim that the FCC's Alternative Routing Plan will leave this traffic "up in the air" on EJE's elevated north/south line, greatly complicating the connection to CSX's mainline and requiring a disruptive at-grade crossing of Conrail's lakefront line (to be acquired by NS). This is not the case. A connection in fact exists between EJE's elevated line and CSX's Curtis Yard. This connection, which uses the EJE overhead bridge to cross the CSX and Conrail lakefront lines, is clearly shown on EJE's track engineering map included in my workpapers. CSX trains using the EJE elevated line would cross over the CSX and Conrail lines towards EJE's Kirk Yard until they clear the switch for the connection to Curtis Yard, then shove to CSX's Curtis Yard. This is the same move that is made currently to interchange traffic from EJE to CSX.

b. NS Sugar Sugar Traffic

The FCC's Alternative Routing Plan accommodates the NS Gary Sugar Works traffic through the construction of a connection between the CSX lakefront line and the existing Conrail lakefront line just east of Pine Junction. This connection would permit NS to move traffic originated at the Gary Sugar Works along the Wabash spur, in a reverse move, to its current connection with the CSX Pine Junction to Calumet Park line. Once on the CSX Pine Junction

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to Calumet Park line, the traffic can move forward through Pine Junction onto the CSX lakefront line then through the new connection with the existing Conrail lakefront line and east to Burns Harbor, IN (which is the staging point for this traffic).

Applicants' Rebuttal witnesses Rooney/O'Connor object to this routing and the connection at Pine Junction because they claim it would again require a disruptive at-grade crossing of Conrail's busy Chicago-Toledo mainline. This objection is misplaced, because this connection would be used by only one train in each direction each day, and not by all trains CSX intends to route over the PRR line. Thus any disruption that may occur as a result of NS service to the Gary Sugar Works would be minimal. Further, one must question the wisdom of restoring service to the PRR line and its 23 rail/highway crossings through a low income, minority area just to accommodate one train a day to the Gary Sugar Works in light of the fact that all of CSX's planned trains for this line can be accommodated using the FCC's Alternative Routing Plan.

The table below shows the delay costs, accident costs, mileage related railroad operating costs and return on investment for the Applicants' projected traffic using both the Applicants' proposed operating plan and the FCC's Alternative Routing Plan for the planned movements on the out-of-service PRR line.

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Comparison of Costs for Applicants' Proposal and FCC's Alternative
Hobart to Pine Jet
(000)

Item (1)	Applicants' Proposal (2)	FCC's Alternative (3)	Net (4)
Delay Cost	\$349.0	\$438.5	\$(89.5)
Vehicle Fuel Consumption Cost	\$17.7	\$22.2	\$(4.5)
Vehicle Oil Consumption Cost	\$1.6	\$2.0	\$(0.4)
Vehicle Emissions Cost	\$49.4	\$62.1	\$(12.7)
Accident Cost	\$27.8	\$241.6	\$(213.8)
Rail Operating Cost ^{1/}	\$1,202.8	\$1,378.5	\$(175.7)
Rail Capital Investment ^{2/}	\$2,231.2	\$47.2	\$2,184.0
Net Savings (Cost)			\$1,687.4

^{1/} Includes trackage rights payments of 3 mills per gross ton-mile.

^{2/} Assumes capital investment to rehabilitate PRR abandoned line and construct connections at Tullahoma, Woburn and Duane equals \$13,124,856 with a pre-tax return on investment equal to 17 percent, and assumes capital investment to construct connections at Pine Jet equal \$277,933 with a pre-tax return on investment equal to 17 percent.

As with the comparative analysis of the Willow Creek to Cahomet Park lines, the productivity cost, fuel and oil costs, emissions cost, accident cost, the railroads' variable operating costs and the capital investment requirements shown in the above table for both the Applicants' proposal and the FCC's Alternative Routing Plan were calculated in the same

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manner as in my October 21, 1997 testimony and as described in the previous section. The calculation of these costs is shown in Exhibit PHB-12.

Two additional issues must be addressed with respect to the calculation of the Applicants' variable cost as it relates to the FCC's Alternative Routing Plan. First, Witnesses Rooney/O'Connor argue that I have understated the trackage rights payment from CSX to NS and EJE for use of their facilities. My trackage rights payment has been calculated based on the fee of 3.0 mills per gross ton-mile on unit train traffic paid by Burlington Northern & Santa Fe ("BNSF") to Union Pacific Railroad Company ("UP") as approved by the STB in the recent proceedings involving UP's acquisition of Southern Pacific Railroad Company ("SP"). This payment is certainly an appropriate measure of the trackage rights fee payable by CSX to EJE.

Second, Witnesses Rooney/O'Connor claim that the FCC plan understates CSX's variable cost for the Hobart to Van Loan to Pine Junction route because it fails to account for the increased costs associated with mileage payments to shippers using their own railcars. To the extent that this is true, any understatement is insignificant for three reasons. First the FCC Alternative route is only four miles longer than that proposed by Applicants. Second, by CSX's own admission in its Informal Response to FCC's Third Discovery Requests, the coal and coke trains intended to move on the PRR rail line move in railroad-provided cars for which no mileage payment is required. Third, to the extent that other bulk commodity traffic moves over this alternative route it will move at least in part in railroad-provided cars, in which event no mileage payment is warranted.

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As demonstrated above, the FCC's Alternative Routing Plan for the movement of Applicants' projected traffic between Hobart and Clarke Junction results in a net annual reduction in public and railroad costs equal to \$2.5 million annually. When combined with the net annual reduction of \$1.7 million for movement of the traffic between Willow Creek and Cahomet Park, this produces a total net savings for the FCC's proposal of \$4.2 million a year as compared to the Applicants' plan.

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VII. CONCLUSIONS

The present levels of rail traffic in the Four Cities region cause significant safety problems and disruption of motor vehicle movements throughout the entire Four Cities region. The present situation is barely manageable, especially with regard to the provision of emergency services by the local municipalities. Applicants' projected increase in rail traffic on certain rail lines in the Four Cities region will exacerbate this situation and cause significant additional negative impacts to the Four Cities related to safety, increased vehicle delays, increased emissions in an area classified as a non-attainment area, land use, economic development and socioeconomic factors.

The SEA's approach in the DEIS does not lead to mitigation actions which address all serious environmental impacts and I believe that the Four Cities region is far more negatively impacted than SEA's conclusions in the DEIS indicate. Further, I believe these negative impacts must be thoroughly evaluated by the STB and mitigation actions imposed as a condition of this proceeding.

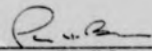
Finally, I believe the Alternative Routing Plan proposed by the FCC represents a reasonable and operationally feasible alternative to the operating plan proposed by the Applicants, and one which will mitigate many of the negative impacts related to the increased rail traffic proposed by Applicants, without inhibiting the movement of Applicants' traffic through the region.

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VERIFICATION

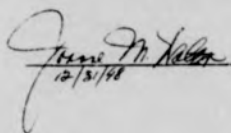
COMMONWEALTH OF VIRGINIA)
CITY OF ALEXANDRIA)

PHILIP H. BURRIS, being duly sworn, deposes and says that he has read the foregoing statement, knows the contents thereof and that the same are true as stated.


Philip H. Burris

Sworn to and subscribed
before me this 12th day
of February, 1998.

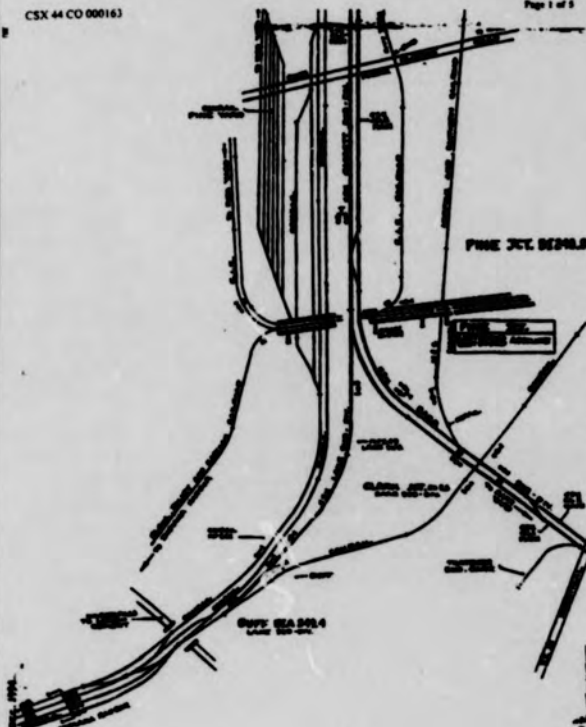
Witness my hand and official seal.


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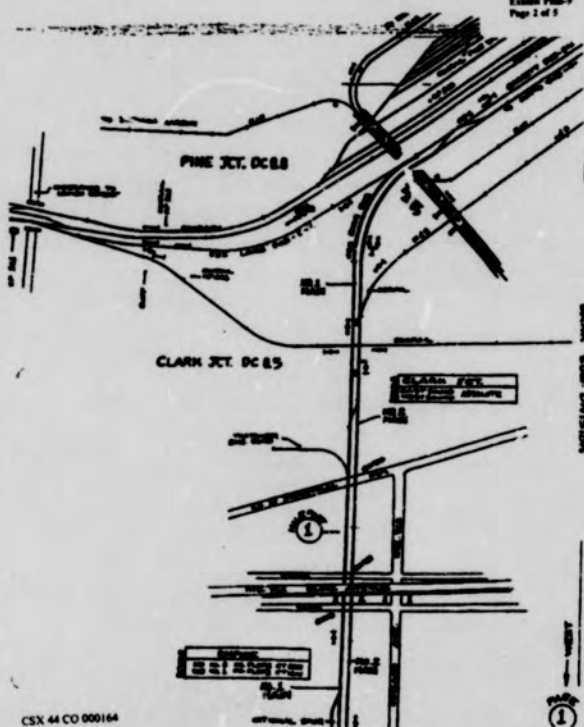
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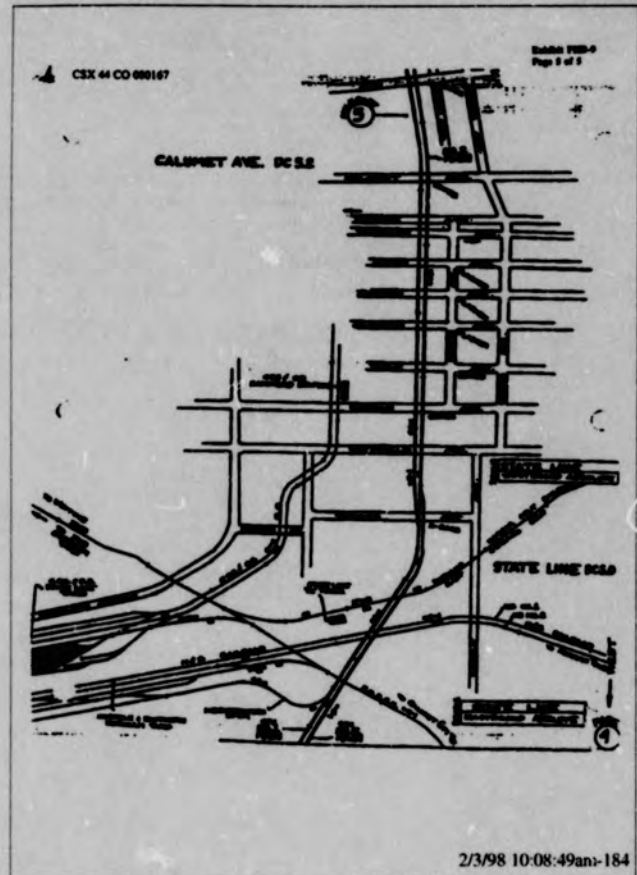
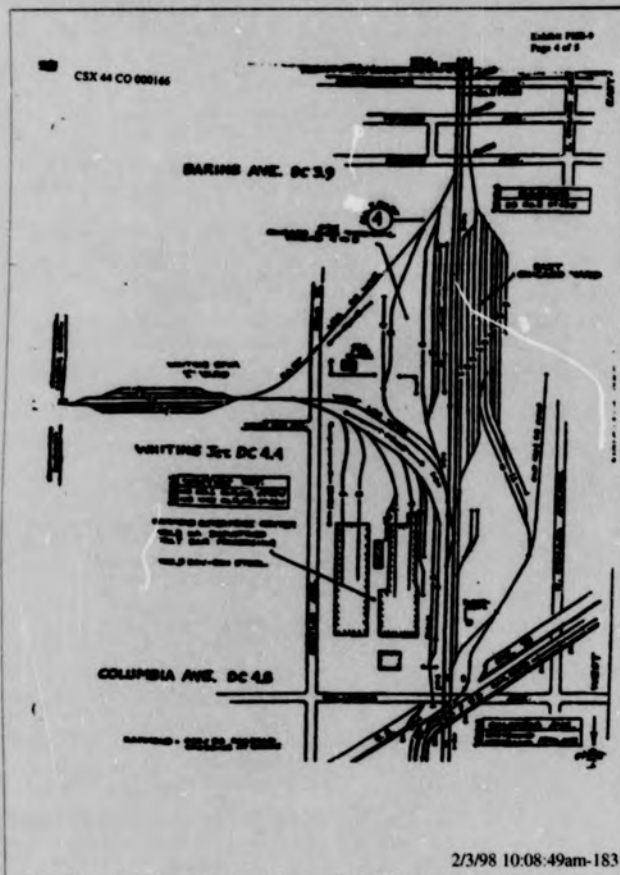


Exhibit PHB-10
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**Summary of Cost to the Public
Current Traffic and Applicants Post-Acquisition Projected Traffic
(Dollars in 000's)**

Item	Current Traffic	Projected Traffic	Difference
Train Delay Cost 1/	\$3,270.2	\$5,084.2	\$2,414.1
Vehicle Fuel Consumption Cost 1/	\$165.6	\$287.8	\$122.2
Vehicle Oil Consumption Cost 1/	\$14.7	\$25.6	\$10.9
Emission Costs 2/	\$463.0	\$804.8	\$341.8
Accident Cost 3/	\$1,222.8	\$1,755.7	\$532.9
Total Difference			\$3,421.9

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Exhibit PHB-10
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**Comparison of Vehicle Delay Costs between
Current Traffic and Applicants Post-Acquisition Projected Traffic**

Item	Current Traffic	Projected Traffic
1. Daily Delay Hours	559.96	973.33
2. Total per Year	204,386	355,366
Delay Cost		
3. Occupancy Factor	1.6	1.6
4. Hourly Delay Cost per Person	10	10
5. Annual Delay Cost	\$3,276,196	\$6,084,247
Fuel Cost		
6. Fuel Idle Consumption Rate (gallons per minute)	0.009	0.009
7. Fuel Cost per Gallon	\$1.50	\$1.50
8. Fuel Cost per Day	\$453.57	\$786.40
9. Annual Fuel Cost	\$165,662	\$287,768
Oil Cost		
10. Oil Idle Consumption Rate (gallons per minute)	0.0003	0.0003
11. Oil Cost per Gallon	4	4
11. Oil Cost per Day	\$40.32	\$70.08
12. Annual Oil Cost	\$14,716	\$25,679
13. Total	\$3,486,434	\$6,997,691

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Comparison of Emissions Costs between
Current Traffic and Applicant's Projected Traffic

	Current			Projected Traffic		
	VOC Emissions	NOX Emissions	CO Emissions	VOC Emissions	NOX Emissions	CO Emissions
Willow Creek to Pine Junction						
a. Emission Rates (grams per hr of idling) 1/	55.05	10.35	456.85	55.05	10.35	456.85
b. Daily Delay Hours 2/	23.24	23.24	23.24	53.59	53.59	53.59
c. Emissions Cost per gram 3/	\$0.0033	\$0.0086	\$0.0044	\$0.0033	\$0.0086	\$0.0044
d. Daily Emissions Cost	\$4.23	\$1.59	\$46.82	\$9.76	\$3.67	\$107.97
e. Total Annual Emissions Cost	\$1,544	\$581	\$17,090	\$3,562	\$1,339	\$36,408
Pine Junction to Calumet Park						
a. Emission Rates (grams per hr of idling) 1/	55.05	10.35	456.85	55.05	10.35	456.85
b. Daily Delay Hours 2/	495.73	495.23	495.23	816.58	816.58	816.58
c. Emissions Cost per gram 3/	\$0.0033	\$0.0086	\$0.0044	\$0.0033	\$0.0086	\$0.0044
d. Daily Emissions Cost	\$80.17	\$33.91	\$897.74	\$148.68	\$55.91	\$1,645.17
e. Total Annual Emissions Cost	\$32,812	\$12,376	\$394,177	\$54,289	\$20,406	\$600,488

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Comparison of Emissions Costs between
Current Traffic and Applicant's Projected Traffic

	Current			Projected Traffic		
	VOC Emissions	NOX Emissions	CO Emissions	VOC Emissions	NOX Emissions	CO Emissions
Calumet Park to Willow Creek (via I-94)						
a. Emission Rates (grams per hr of idling) 1/	55.05	10.35	456.85	55.05	10.35	456.85
b. Daily Delay Hours 2/	41.49	41.49	41.49	43.40	43.40	43.40
c. Emissions Cost per gram 3/	\$0.0033	\$0.0086	\$0.0044	\$0.0033	\$0.0086	\$0.0044
d. Daily Emissions Cost	\$7.56	\$2.84	\$83.59	\$7.90	\$2.97	\$87.44
e. Total Annual Emissions Cost	\$2,757	\$1,037	\$30,510	\$2,894	\$1,085	\$31,915
Total Willow Creek to Calumet Park to Willow Creek (via I-94)						
	\$37,214	\$13,883	\$411,777	\$60,714	\$22,839	\$671,811
Sum of all emissions	\$493,899			\$794,369		

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Comparison of Emissions Costs between
Current Traffic and Applicant's Projected Traffic

	Current			Projected Traffic		
	VOC Emissions	NOX Emissions	CO Emissions	VOC Emissions	NOX Emissions	CO Emissions
Hobart to Tullahoma						
a. Emission Rates (grams per hr of idling) 1/				55.05	10.35	456.85
b. Daily Delay Hours 2/				40.52	40.52	40.52
c. Emissions Cost per gram 3/				\$0.0033	\$0.0086	\$0.0044
d. Daily Emissions Cost				\$7.38	\$2.77	\$81.64
e. Total Annual Emissions Cost				\$2,693	\$1,013	\$29,797
Tullahoma to Clarke Jct./Michigan Yard						
a. Emission Rates (grams per hr of idling) 1/				55.05	10.35	456.85
b. Daily Delay Hours 2/				19.24	19.24	19.24
c. Emissions Cost per gram 3/				\$0.0033	\$0.0086	\$0.0044
d. Daily Emissions Cost				\$3.50	\$1.32	\$38.76
e. Total Annual Emissions Cost				\$1,279	\$481	\$14,148
Hobart to Clarke Jct.						
	\$0	\$0	\$0	\$3,972	\$1,493	\$43,948
				\$48,917		
Grand Total						
	\$37,214	\$13,883	\$411,777	\$64,688	\$24,323	\$715,757
Sum of all emissions	\$493,899			\$854,768		

1/ DEIS
2/ PHB Worksheets
3/ GrateDec Model - Converted to cost per gram from cost per ton

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Comparison of Accident Costs between
Current Traffic and Applicant's Projected Traffic

Accidents	Incidents		Cost Per Incident	Cost	
	Current Traffic	Projected Traffic 1/		Current Traffic	Projected Traffic
Willow Creek to Pine Junction					
Property Damage	0.8222	1.4381	\$80,000	\$61,110	\$71,803
Injury	0.2088	0.3847	\$500,000	\$104,400	\$182,348
Fatality	0.1116	0.1949	\$3,000,000	\$334,800	\$584,764
Subtotal				\$490,310	\$838,915
Pine Junction to Calumet Park					
Property Damage	1.2891	1.5605	\$80,000	\$94,255	\$77,525
Injury	0.2893	0.3480	\$500,000	\$144,850	\$174,523
Fatality	0.0584	0.0717	\$3,000,000	\$178,200	\$215,032
Subtotal				\$387,105	\$467,051
Calumet Park to Willow Creek (via I-94)					
Property Damage	0.8215	1.0943	\$80,000	\$66,075	\$84,714
Injury	0.2202	0.2815	\$500,000	\$110,100	\$130,744
Fatality	0.0884	0.0799	\$3,000,000	\$198,200	\$238,550
Subtotal				\$355,375	\$422,008
Total Willow Creek to Calumet Park to Willow Creek (via I-94)				\$1,232,790	\$1,727,971

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Comparison of Accident Costs between
Current Traffic and Applicants' Projected Traffic

Accidents	Incidents		Cost Per Incident	Cost	
	Current Traffic	Projected Traffic 1/		Current Traffic	Projected Traffic
Robert to Tolleston					
Property Damage	---	0.0412	\$50,000	\$0	\$2,080
Injury	---	0.0108	\$500,000	\$0	\$5,400
Fatality	---	0.0019	\$3,000,000	\$0	\$5,700
Subtotal				\$0	\$13,180
Tolleston to Clarke Junction					
Property Damage	---	0.0870	\$50,000	\$0	\$3,350
Injury	---	0.0153	\$500,000	\$0	\$7,650
Fatality	---	0.0012	\$3,000,000	\$0	\$3,600
Subtotal				\$0	\$14,600
Total Robert - Clarke Jct.				\$0	\$27,780
Grand Total				\$1,222,790	\$1,755,731

1/ Incidents for projected traffic equals current traffic increased by the change in the number of trains for each line segment

2/3/98 10:08:49am-191

Comparison of Costs for Applicants' Proposal and FCC's Alternative
Willow Creek to Calumet Park
(Dollars in 000's)

Item	Applicants' Proposal	FCC's Alternative	Difference
Train Delay Cost	\$5,335.2	\$2,995.9	\$2,339.4
Vehicle Fuel Consumption Cost	\$270.1	\$151.7	\$118.4
Vehicle Oil Consumption Cost	\$24.0	\$13.5	\$10.5
Emission Costs	\$755.3	\$424.1	\$331.2
Accident Cost	\$1,728.0	\$1,392.5	\$335.5
Rail Operating Cost	\$16,104.1	\$15,981.5	\$122.6
Rail Capital Investment	\$340.0 1/	\$1,071.6 2/	(\$731.6)
Net Savings (Cost)			\$2,526.0

1/ Assumes upgrade of line from 25mph to 40mph plus installation of a Centralized Traffic Control System. The required investment is estimated to equal \$2,000,000 with a pre-tax return on investment equal to 17 percent.

2/ Assumes capital investment to rehabilitate IHB abandoned line and construct connection to CSX (CR) and upgrade Pine Jct to Calumet equals \$6,303,752 with a pre-tax return on investment equal to 17 percent.

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Comparison of Vehicle Delay Costs Between
Applicants' Projected Traffic and FCC's Alternative
Willow Creek to Calumet Park to Willow Creek (via IHB/Conrail)

Item	Applicants' Proposal	FCC's Alternative
1. Daily Delay Hours	913.57	512.99
2. Total per Year	333,463	187,341
Delay Cost		
3. Occupancy Factor	1.6	1.6
4. Hourly Delay Cost per Person	10	10
5. Annual Delay Cost	\$6,316,248	\$2,996,862
Fuel Cost		
6. Fuel Idle Consumption Rate (gallons per minute)	0.009	0.009
7. Fuel Cost per Gallon	\$1.50	\$1.50
8. Fuel Cost per Day	\$739.99	\$415.52
9. Annual Fuel Cost	\$270,997	\$161,866
Oil Cost		
10. Oil Idle Consumption Rate (gallons per minute)	0.0003	0.0003
11. Oil Cost per Gallon	4	4
11. Oil Cost per Day	\$65.78	\$36.94
12. Annual Oil Cost	\$24,009	\$13,481
13. Total	\$6,629,364	\$3,161,809

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Comparison of Emissions Costs between
Applicants' Projected Traffic and FCC's Alternative

	Applicants' Projected			FCC's Alternative		
	VOC Emissions	NOX Emissions	CO Emissions	VOC Emissions	NOX Emissions	CO Emissions
Willow Creek to Pine Junction						
a. Emission Rates (grams per hr of idling) 1/	55.95	10.35	465.85	55.95	10.35	465.85
b. Daily Delay Hours 2/	53.99	53.99	53.99	30.40	30.40	30.40
c. Emissions Cost per gram 3/	\$0.0033	\$0.0008	\$0.0044	\$0.0033	\$0.0008	\$0.0044
d. Daily Emissions Cost	\$8.76	\$3.67	\$197.57	\$5.54	\$2.08	\$91.25
e. Total Annual Emissions Cost	\$3,862	\$1,339	\$39,408	\$2,020	\$760	\$22,355
Pine Junction to Calumet Park						
a. Emission Rates (grams per hr of idling) 1/	55.95	10.35	465.85	55.95	10.35	465.85
b. Daily Delay Hours 2/	51.58	51.58	51.58	499.52	499.52	499.52
c. Emissions Cost per gram 3/	\$0.0033	\$0.0008	\$0.0044	\$0.0033	\$0.0008	\$0.0044
d. Daily Emissions Cost	\$148.88	\$65.91	\$1,845.17	\$74.56	\$25.04	\$925.65
e. Total Annual Emissions Cost	\$54,289	\$20,408	\$640,408	\$27,216	\$10,734	\$301,148

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Comparison of Emissions Costs between
Applicants' Projected Traffic and FCC's Alternative

	Applicants' Projected			FCC's Alternative		
	VOC Emissions	NOx Emissions	CO Emissions	VOC Emissions	NOx Emissions	CO Emissions
Columet Park to Willow Creek (via IIR)						
a. Emission Rates (grams per hr of idling) 1/	55.05	10.35	456.85	55.05	10.35	456.85
b. Daily Delay Hours 2/	43.40	43.40	43.40	73.07	73.07	73.07
c. Emissions Cost per gram 3/	\$0.0033	\$0.0088	\$0.0044	\$0.0033	\$0.0088	\$0.0044
d. Daily Emissions Cost	\$7.90	\$2.97	\$67.44	\$13.30	\$5.00	\$147.21
e. Total Annual Emissions Cost	\$2,894	\$1,085	\$31,815	\$4,896	\$1,828	\$53,733
Total Willow Creek to Columet Park to Willow Creek (via IIR)						
	\$68,714	\$37,538	\$671,811	\$34,896	\$13,828	\$377,237
Sum of all emissions	\$765,368			\$455,145		

- 1/ DEIS
2/ PHB Workpapers
3/ GradsDec Model - Converted to cost per gram from cost per ton

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Comparison of Accident Costs between
Applicants' Projected Traffic and FCC's Traffic

Accidents	Incidents		Cost Per Incident	Cost	
	Projected Traffic 1/	FCC's Traffic		Projected Traffic	FCC's Traffic
Willow Creek to Pine Junction					
Property Damage	1.4361	0.8185	\$50,000	\$71,803	\$40,924
Injury	0.3547	0.2079	\$500,000	\$182,348	\$103,928
Fatality	0.1949	0.1111	\$3,000,000	\$584,784	\$333,285
Subtotal				\$838,912	\$478,137
Pine Junction to Columet Park					
Property Damage	1.5505	0.7776	\$50,000	\$77,525	\$38,879
Injury	0.3480	0.1750	\$500,000	\$174,523	\$87,524
Fatality	0.0717	0.0359	\$3,000,000	\$215,002	\$107,824
Subtotal				\$467,051	\$234,227
Columet Park to Willow Creek (via IIR)					
Property Damage	1.0843	1.8040	\$50,000	\$54,714	\$90,188
Injury	0.2615	0.4285	\$500,000	\$130,744	\$213,238
Fatality	0.0789	0.1256	\$3,000,000	\$236,550	\$378,716
Subtotal				\$422,008	\$682,152
Total Willow Creek to Columet Park to Willow Creek (via IIR)				\$1,727,971	\$1,392,515

1/ incidents for projected traffic equals current traffic increased by the change in the number of trains for each line segment

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Comparison of Costs for Applicants' Proposal and FCC's Alternative
Hobart to Pine Jct.
(dollars in 000's)

Item	Applicants' Proposal	FCC's Alternative	Difference
Train Delay Cost	1,349.0	\$438.5	(\$89.5)
Vehicle Fuel Consumption Cost	\$ 7.7	\$22.2	(\$4.5)
Vehicle Oil Consumption Cost	\$1.6	\$2.0	(\$0.4)
Emission Costs	\$49.4	\$82.1	(\$12.7)
Accident Cost	\$27.8	\$241.6	(\$213.8)
Rail Operating Cost	\$1,202.8	\$1,378.5	(\$175.7)
Rail Capital Investment	\$2,231.2 1/	\$47.2 2/	\$2,184.0
Net Savings (Cost)			\$1,687.4

2/ Assumes capital investment to rehabilitate PRR abandoned line and construct connections at Tolleston, Dunes and Wabash equals \$11,124,856 with a pre tax return on investment equal to 17 percent.

3/ Assumes capital investment to construct connection at Pine Jct equal \$277,933 with a pre tax return on investment equal to 17 percent.

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Comparison of Vehicle Delay Costs between
Applicants' Projected Traffic and FCC's Alternative
Hobart to Pine Jct.

Item	Applicants' Proposal	FCC's Alternative
1. Daily Delay Hours	59.76	75.08
2. Total per Year	21,812	27,684
Delay Cost		
3. Occupancy Factor	1.6	1.6
4. Hourly Delay Cost per Person	10	10
5. Annual Delay Cost	\$368,888	\$438,457
Fuel Cost		
6. Fuel Idle Consumption Rate (gallons per minute)	0.009	0.009
7. Fuel Cost per Gallon	\$1.50	\$1.50
8. Fuel Cost per Day	\$48.41	\$60.81
9. Annual Fuel Cost	\$17,868	\$22,197
Oil Cost		
10. Oil Idle Consumption Rate (gallons per minute)	0.0003	0.0003
11. Oil Cost per Gallon	4	4
12. Annual Oil Cost	\$1,279	\$1,973
13. Total	\$388,227	\$462,638

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Comparison of Emissions Costs between
Hobart to Pine Jct.

	Applicant's Projected			FCC's Alternative		
	VOC Emissions	NOX Emissions	CO Emissions	VOC Emissions	NOX Emissions	CO Emissions
Hobart to Tolleston						
a. Emission Rates (grams per hr of idling) 1/	55.05	10.35	455.85			
b. Daily Delay Hours 2/	46.52	46.52	46.52			
c. Emissions Cost per gram 3/	\$0.0033	\$0.0086	\$0.0044			
d. Daily Emissions Cost	\$7.38	\$2.77	\$81.84			
e. Total Annual Emissions Cost	\$2,893	\$1,913	\$29,797			
Tolleston to Clark Junction/Michigan Yard						
a. Emission Rates (grams per hr of idling) 1/	55.05	10.35	455.85			
b. Daily Delay Hours 2/	19.24	19.24	19.24			
c. Emissions Cost per gram 3/	\$0.0033	\$0.0086	\$0.0044			
d. Daily Emissions Cost	\$3.50	\$1.32	\$78.76			
e. Total Annual Emissions Cost	\$1,279	\$481	\$14,148	\$0	\$0	\$0

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Comparison of Emissions Costs between
Applicant's Projected Traffic and FCC's Alternative

	Applicant's Projected			FCC's Alternative		
	VOC Emissions	NOX Emissions	CO Emissions	VOC Emissions	NOX Emissions	CO Emissions
Hobart - Pine Jct (HS/E) or Michigan Yard (HS/E)						
a. Emission Rates (grams per hr of idling) 1/				55.05	10.35	455.85
b. Daily Delay Hours 2/				75.08	75.08	75.08
c. Emissions Cost per gram 3/				\$0.0033	\$0.0086	\$0.0044
d. Daily Emissions Cost				\$13.87	\$5.14	\$151.26
e. Total Annual Emissions Cost				\$4,980	\$1,878	\$55,212
Total Hobart to Pine Jct/Michigan Yard						
	\$3,972	\$1,403	\$43,946	\$4,980	\$1,878	\$55,212
Sum of all emissions				\$46,911	\$16,756	\$552,977

1/ DEIS
2/ PHS Workpapers
3/ GradeDec Model - Converted to cost per gram from cost per ton

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Comparison of Accident Costs between
Applicant's Projected Traffic and FCC's Traffic

Accidents	Incidents		Cost Per Incident	Cost	
	Projected Traffic 1/	FCC's Traffic		Projected Traffic	FCC's Traffic
Hobart to Tolleston					
Property Damage	0.0412	---	\$50,000	\$2,060	\$0
Injury	0.0108	---	\$500,000	\$5,400	\$0
Fatality	0.0019	---	\$3,000,000	\$5,700	\$0
Subtotal				\$13,160	\$0
Tolleston to Clark Junction/Michigan Yard					
Property Damage	0.0870	---	\$50,000	\$3,350	\$0
Injury	0.0253	---	\$500,000	\$7,650	\$0
Fatality	0.0012	---	\$3,000,000	\$3,600	\$0
Subtotal				\$14,600	\$0
Total Hobart to Pine Jct/Michigan Yard					
				\$27,760	\$0
Hobart - Pine Jct (HS/E) or Michigan Yard (HS/E)					
Property Damage	0.0000	0.5886	\$50,000	\$0	\$29,826
Injury	0.0000	0.1508	\$500,000	\$0	\$75,292
Fatality	0.0000	0.0455	\$3,000,000	\$0	\$136,472
Total				\$0	\$241,582

1/ Incidents for projected traffic equals current traffic increased by the change in the number of trains for each line segment

2/3/98 10:08:49 n-201

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 DRAFT
ENVIRONMENTAL IMPACT STATEMENT

Verified Statement
of
Gary M. Andrew, Ph.D.
Senior Consultant
L. E. Peabody & Associates, Inc.

On Behalf of the
Four-City Consortium

Due Date: February 2, 1998

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LIST OF EXHIBITS

EXHIBIT NO. (1)	TITLE (2)
GMA-1	Interlockers Between Pine Junction and Berry Yard
GMA-2	Revised Table 5-IN-9 (FCC)
GMA-3	Revised Table 5-IN-45 (FCC)
GMA-4	Supplemental Table 5-IN-Supplemental

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I. INTRODUCTION

A. QUALIFICATIONS

My name is Gary Martin Andrew. I am a Senior Consultant with the economic consulting firm of L.E. Peabody and Associates, Inc. located at 1501 Duke Street, Suite 200, Alexandria, Virginia 22314. My resume and qualifications are set forth in my earlier Verified Statement in this proceeding which was included in the Four City Consortium's Comments and Request for Conditions filed October 21, 1997 (FCC-9).

B. ENGAGEMENT

I was requested by the Four City Consortium ("FCC") to review and prepare written comments on the Draft Environmental Impact Statement ("DEIS") issued by the Surface Transportation Board in Finance Docket No. 33388. In particular, I was asked to concentrate on the part of Chapter 5 of Volume 3A that deals with the impact on vehicular traffic at rail/highway grade crossings and the corollary impacts on the environment that will result from the proposed CSX/NS acquisition of Conrail ("Applicants' Proposal").

// The Four City Consortium consists of the cities of East Chicago, Indiana; Hammond, Indiana; Gary, Indiana; and Whiting, Indiana.

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II. SUMMARY AND CONCLUSIONS

I have reviewed the portion of the DEIS and associated workpapers that consider the environmental impact of vehicular traffic delays created by the Applicants' Proposal in the Four Cities. Based on this review, my earlier work conducted on this subject², and further analysis I have revised the DEIS calculations by: 1) correcting certain errors in the DEIS grade crossing delay formula; 2) using data consistent with my earlier empirical traffic study, the Applicants' submissions and responses to discovery requests; and, 3) using data from all impacted at-grade crossings. With these additions and corrections, I have developed traffic delay statistics with the same basic methodology as used by the DEIS.

Table 1 shows the revised traffic delay statistics for the following three scenarios: Current operating conditions (Column 2); Applicants' Proposal (Column 3); and, the FCC Alternative Routing Plan (Column 4). Lines 13, 14 and 15 of Table 1 develop the differences between current conditions and the two proposals for the future. The Applicants' Proposal causes an additional 150,879 hours of vehicle delay per year (Line 13). The FCC Alternative Routing Plan causes an additional 10,258 hours of vehicle delay per year (Line 14). The FCC Alternative Routing Plan thus will prevent 140,621 vehicle delay hours per year when compared with the Applicants' Proposal (Line 15).

² See my earlier Verified Statement in FCC-9.

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Table 1
Vehicle Delays

Segment (1)	Vehicle Hours of Delay Per Day			Difference Applicants'-FCC (5)
	Current (2)	Applicants' (3)	FCC (4)	
1. Willow Creek, IN to Ivanhoe, IN	41.49	43.4	54.31	-10.91
2. Willow Creek, IN to Van Jct, IN	23.24	53.59	30.4	23.19
3. Pine Jct, IN- Barr Yard, IL (Calumet)	495.23	816.58	409.52	407.07
4. Gary to Illinois State Line	0	0	18.76	-18.76
5. Hobart to Tolleston, IN	not used	40.52	not used	40.52
6. Tolleston, IN to Clarke Jct, IN	not used	9.71	not used	9.71
7. Hobart, IN to Clarke Jct, IN (via Van Loon/E/E)	not used	not used	57.95	-57.95
8. Van Loon to Osborne	not used	not used	5.7	-5.7
9. Osborne to Michigan Ave. Yard, IN	not used	7.79	11.43	-3.64
10. Tolleston to IHB (via Porter Branch)	not used	1.74	not used	1.74
11. Total Vehicle Delay Hours per Day	559.966	973.332	588.069	385.262
Vehicle Hours of Delay Per Year				
12. Total Vehicle Delay Hours per Year	204,387	355,266	214,645	140,621
13. Yearly Difference between Applicants and Current Totals		150,879		
14. Yearly Difference between FCC and Current Totals			10,258	
15. Year Difference between Applicants and FCC Totals				140,621

Source: EXCEL Files Worksheet ADT.xls and New Worksheet ADT.xls

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Based upon my review of the DEIS and associated workpapers, I have concluded the following:

- The DEIS fails to calculate properly the aggregate effects of the Applicants' Proposal on vehicular traffic in the Four Cities areas where serious problems involving vehicular delay, public safety and air quality already exist. In particular the DEIS did not consider the cumulative impact on vehicle delay hours the Applicants' Proposal would cause at at-grade crossings with average daily traffic ("ADT") less than 5,000 vehicles per day.
- The data used in the DEIS differs significantly from the data presented by the Applicants' Proposal and Applicants' responses to discovery as well as other available sources. These differences occur in characteristics such as train lengths, train speeds, vehicle departure rates, and ADT by time of day that have major impacts on the estimates of vehicle delays in the area. In turn these changes in delays and exposures have corresponding impacts on other environmental factors such as air quality, loss productive time and safety.
- The DEIS did not evaluate the reduced environmental impact of the FCC Alternative Routing Plan that was developed and submitted to mitigate some of the impact of Applicants' Proposal.
- Using the corrections and additions that are required to provide full measurement of the impacts of the Applicants' Proposal on vehicular traffic in the Four Cities area, revisions to the DEIS are clearly necessary. These revisions are provided as Exhibit_GMA-2, Exhibit_GMA-3 and Exhibit_GMA-4.

I have provided these results and the corrected model used in the DEIS to Mr. Phillip Burris for evaluating the various measures of environmental quality that are impacted by changes in vehicular traffic.

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The analyses supporting these conclusions are presented below under the following headings:

- III. The Environmental Impact Statement Must Consider the Cumulative Effects of the Applicants' Proposal
- IV. Corrections to the Data and Model Used by the DEIS
- V. The FCC Alternative Routing Plan Mitigates Adverse Environmental Impacts
- VI. Proposed Revisions to the Environmental Impact Statement Analysis as it Pertains to the Four Cities

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III. THE ENVIRONMENTAL IMPACT STATEMENT MUST CONSIDER THE CUMULATIVE EFFECTS OF THE APPLICANTS' PROPOSAL

The DEIS does not consider any changes in vehicle delays for at-grade crossings with traffic density less than 5,000 vehicles per day [DEIS, Appendix C page 10]. Table 2 shows that 79 at-grade crossings in the Four Cities with ADT less than 5,000 vehicles per day will be affected by the Applicants' Proposal. The DEIS analysis omits all of these crossings. Furthermore, Table 2 shows that 29 at-grade crossings in the Four Cities with ADT of 5,000 or more vehicles per day will be affected by the Applicants' Proposal. The DEIS provided data on only 15 of these 29 at-grade crossings and failed to consider 14 of the 29 crossings or 48% fewer than required by its own ADT volume threshold. The total number of neglected at-grade crossings was 93, while the number of at-grade crossings analyzed was only 15.

Although use of the 5,000 vehicle per day threshold may be appropriate in some circumstances, in an area like the Four Cities it clearly is not. Due to the large number of crossings that fall below this threshold in this relatively concentrated area, ignoring the vehicle delays at these crossings produces a highly inaccurate and misleading portrayal of the cumulative impacts on the area.

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Table 2
Crossings Involved in the Alternatives by ADT

Crossing Type (1)	At-Grade Crossings				Total by Road ² (6)
	Included in DEIS (2)	Current Situation (3)	Applicants' Proposal (4)	PCC Alternative Routing (5)	
1. Crossings with ADT < 5,000	0	31	54	47	79
2. Crossings with ADT > 15,000	15	15	19	23	29
3. Total At-Grade Crossings	15	46	73	70	108

Sources: Column (2)-DEIS Table 5-B1-9 (Revised);
Column (3) through (6)-EXCEL file Worksheet, ADT.xls in Workpapers.

² This column represents the unique number of crossings required to evaluate all of the alternatives of Columns (3), (4) and (5). The figure is less than the sum of Columns (3), (4) and (5) because of crossings that are included in more than one of columns (3), (4) and (5).

The cumulative effect of omitting these numerous at-grade crossings was a significant understatement of the number of vehicle hours of delay per year. In turn, these omissions resulted in an implicit² understatement of the changes in vehicle hours of delay per year.

Table 3 compares the vehicle delay hours for the current operations in the Four Cities area and for the Applicants' Proposal as computed considering only the 15 at-grade crossings in the DEIS versus considering all applicable at-grade crossings. The last line of Table 3 shows that failure to include the cumulative effect of all at-grade crossings understates the change in vehicle delays by 49,920 hours per year or 42 percent. Inclusion of the less-travelled crossings is

² Implicit in that the DEIS never explicitly stated the vehicle delay hours for the current and proposed operations.

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particular, very important in light of the high levels of traffic delay hours that currently exist in the area. Therefore, I have included all at-grade crossings in my analysis.

Table 3
Vehicle Delay Hours Underestimated by the DEIS

Point Source (1)	Current Vehicle Hrs. of Delay/Day For DEIS Crossings (2)	Current Vehicle Hrs. of Delay/Day For All Crossings (3)	Post Act. Vehicle Hrs. of Delay/Day For DEIS Crossings (4)	Post Act. Vehicle Hrs. of Delay/Day For All Crossings (5)
1. Willow Creek, IN to Ivesdale, IN	0.00	41.49	0.00	43.40
2. Willow Creek, IN to Post Act, IN	7.77	23.24	17.91	53.39
3. Post Act, IN-Barr Yard, IL (Columbus)	459.90	495.23	758.32	816.58
4. Gary to Illinois State Line	0.00	0.00	0.00	0.00
5. Hobart to Tollman, IN	0.00	0.00	5.50	40.32
6. Tollman, IN to Clarke Jct. IN	0.00	0.00	8.55	9.71
7. Oshtemo, IN to Marblegate Ave Yard, IN	0.00	0.00	0.00	7.79
8. Tollman, IN to RSH Terminal	0.00	0.00	0.00	1.28
9. Total Delay Hours per Day	467.66	539.97	780.29	973.33
10. Total Delay Hours Per Year	170,698	204,187	288,135	355,268
11. Yearly difference between Current and Post Assumption Using DEIS at-grade crossings			117,737	
12. Yearly difference between Current and Post Assumption Using All at-grade crossings				167,677
13. DEIS Understatement of Impact of Applicants' Proposal (hours per year)				49,920

Source: EXCEL file Worksheet, ADT.xls and Post_Act, ADT.xls

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IV. CORRECTIONS TO THE DATA AND MODEL USED BY THE DEIS

The data used in the DEIS deviate from data from other sources. In the case of train lengths and train speeds, the DEIS data differs from the data provided by the Applicants as well as from data collected in a recent traffic study in the Four Cities. The vehicle departure rate used in the DEIS is significantly different from the actual observations in the affected area because the DEIS apparently ignored truck traffic. Another problem is that the model used in the DEIS assumes that the vehicular traffic and train traffic will be uniformly distributed in time. Local data contradicts this assumption, requiring treating the weekday hours different than the non-weekday hours where the data is available.⁵

The corrections necessary for the proper estimation of vehicular traffic delay statistics are discussed below under the following topics:

A. Train Lengths;

B. Train Speeds;

C. Vehicle Departure Rate; and

D. Weekday Versus Night and Weekend Average Daily Traffic (ADT)

⁵ There was an error in the DEIS formula for calculating average delay per stopped vehicle, but this error was corrected in the Supplemental Errors to the DEIS.

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A. TRAIN LENGTHS

The data used in the DEIS for average length of train differs significantly from the data presented by the Applicants. The average train length is a primary determinant in the calculation of vehicle delay times [DEIS Appendix C page 11ff]. Table 4 compares the train lengths for each rail line segment in the Four Cities area as presented in the DEIS with the train lengths provided by the Applicants to the Four Cities in discovery. The train lengths used in the DEIS are significantly different from the train lengths in the Applicants' discovery response. As shown in Table 4, the train lengths provided in the DEIS in Columns (2) and (4) are always larger than the corresponding train lengths provided by the Applicants' in Columns (3) and (5), respectively. In this analysis, the differential between current and proposed train lengths is the critical element - not the train lengths themselves. In the DEIS, the differences between current and proposed train lengths are 200 feet in all but part of one segment, while in the Applicants' data the differences between current and proposed train lengths are as large as 1,297 feet. It should be noted that the values on train lengths for current operations obtained from the traffic sample conducted by the FCC⁶ agree with the data in Applicants' response to FCC Interrogatory No. 7.

⁶ See my previous Certified Statement in FCC-9.

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Table 4
Train Lengths
(feet)

Road Segment (1)	Current		Proposed		Difference Proposed - Current	
	DEIS ¹ (2)	Applicants ² (3)	DEIS ¹ (4)	Applicants ² (5)	DEIS (6)	Applicants (7)
1. Willow Creek, IN to Ivanhoe, IN	None	4,910	None	4,554	N.A.	-356
2. Wilk v Creek, IN to Pine Jct, IN	6,000	4,335	6,200	5,141	200	806
3. Pine Jct, IN-Barr Yard, IL (Calumet)	6,000	4,192	6,200	5,490	200	1,298
4. Gary, IN to Illinois State Line	None	4,910	None	4,554	N.A.	-356
5. Hobart to Tollerton, IN	6,000	Not used	6,200	5,306	200	N.A.
6. Tollerton, IN to Clarke Jct, IN	5,600-6,000	Not used	6,200	5,306	200-600	N.A.

¹ From DEIS Volume 1A, Chapter 3, Table 5-IN-9, Page 1.

² Calculated from figures supplied in CSX's Supplemental Response to FCC Interrogatory 7.

For the above reasons, I have used the train lengths derived from the data supplied by the Applicants for evaluating both pre- and post-acquisition conditions.

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B. TRAIN SPEEDS

The DEIS uses values for train speeds that are not attainable in actual operations. For example, Table 5-IN-9 of the DEIS uses 25 miles per hour as the current train speed for the Barr Yard to Pine Junction Segment. The current maximum timetable speed in this segment is 35 miles per hour but the current average train speed in this area is approximately 12.0 miles per hour. This value is developed from three sources of data: 1) data obtained in discovery from the Applicants¹; 2) the traffic study conducted for the FCC under my supervision; and, 3) police radar observations.² The most reliable of these three sources is the CSX record that shows the average speed on this segment is 12.0 miles per hour. The police radar observations averaged 14.3 mph but these only involve trains that are in motion. Any amount of time that a train is stopped results in a lower average speed on the segment. The CSX record contains average duration to traverse the segment which accounts for any stops. If data were available to adjust the radar observations for stopped trains, the estimate of 14.3 mph would be considerably less.

The projected post-acquisition values for train speeds are similarly overestimated. Even with the improvements the Applicants' plan to make that will permit the speed limits to be raised in certain areas, the average actual speeds in the Four Cities are not likely to approach even 50 percent of the speed limit. There are several conditions that will prevent the average speeds from significantly increasing. First, there are several interlockers (signal systems) and side crossings

¹ Bates No. CSX 12C0 000101 (Confidential).

² Provided in my workpapers.

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in the area, especially in the Pine Junction to Barr Yard segment.⁸ These have slower speed restrictions and may require a full stop. As a result, the high level of rail traffic in the area occasions the need for slow movement of trains to allow trains to cross other rail lines. Second, the acceleration/deceleration times and distances are such that, given the various restrictions, the speed limit cannot even be approximated in most segments. Third, the high density of population and the large volume of vehicular traffic in the FCC area prevent higher speeds for safety reasons.

Data provided by CSX confirms that train operations in congested areas like the Four Cities are far lower than posted speeds. These data show numerous lines where average train speeds are less than one half of the posted speed limit. Table 5 shows the speed limits and actual speeds in mainline segments in or near various metropolitan areas with high population densities. The average actual speed on these metropolitan segments is only 36.6 percent of the speed limit.

On the Pine Junction to Barr yard segment I have used the CSX average actual train speed of 12.0 mph for the correct current train speed because of the three sources of evidence discussed above. Applicants claim that the capital improvements in this segment to handle more trains, longer trains and heavier trains and increase the speed limit to 40 mph will enable the average speed to increase. I do not believe the average speed will increase at all because of the increased number, length and weight of trains in a segment with many interlockers. However, to be conservative, I have assumed a 10% increase in average train speed from 12.0 to 13.2 mph

⁸ See Exhibit GMA-1.

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for the post acquisition analysis of both the Applicants Proposal and the FCC Alternative Routing Plan.⁹

The other segment where we have obtained actual average train speeds is Willow Creek to Pine Junction. The data from CSX noted above show the average train speed on this segment to be 24.5 mph. I have used 24.5 mph for both current and post-acquisition train speeds on the Willow Creek to Pine Junction segment.

The Hobart-Tolleston-Clarke Junction segment is currently out of service and the current actual speed data are not available. Because I have no other data, I have used 36.6% of the 40 mph that Applicants state as the maximum speed on this segment. This is consistent with the experience of CSX in other, similarly dense metropolitan areas. It is also consistent with the planned use of this line to handle bulk trains so that higher priority traffic can be expressed on CSX's lakefront line. These lower priority bulk trains will yield the right-of-way to other traffic at several rail-to-rail at-grade crossings on this segment.

In all other areas, I have used 50% of the maximum speed limit for average train speed in all calculations for current and proposed operating segments. Mr. Phillip Burris also discusses the rationale for the train speed used in his evaluation.

⁹ Because the Applicants raise on certain improvements to the Pine Junction to Barr Yard segment as the justification for an increased train speed, the Four Cities included this investment as a cost of the FCC Alternative Routing Plan as explained by Mr. Burris.

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Table 5
Segments for Which the Actual Average Train Speed is Less Than Half the
Maximum Authorized Speed for the Segment Shown in the CSX Timetable

Origin City (1)	St. (2)	Dest. City (3)	St. (4)	Miles (5)	Run Time (6)	Speed (MPH) Actual (7)	Limit (8)	% Diff. (9)
1. Cincinnati	OH	Anderson	KY	93	6:40	13.4	50	27.0%
2. Cincinnati	OH	Columbus	OH	112	9:27	1.35	40	28.4%
3. Blue Island Jct.	IL	75th St.	IL	8	0:67	1.94	40	29.9%
4. Salem	IL	E St. Louis	IL	68	3:70	18.4	60	30.6%
5. Detroit	MI	Plymouth	MI	25	1:75	14.2	45	31.8%
6. Athens	GA	Atlanta	GA	69	3:47	19.88	60	33.1%
7. Holly	MI	Wisconsin	MI	20	1:20	16.67	50	33.3%
8. Pine Jct.	IN	Barr Yard	IL	11	0:92	11.96	35	34.2%
9. Barr Yard	IL	Blue Island Jct.	IL	3	0:25	12.00	35	34.3%
10. Romulus	MI	Toledo	MI	49	2:53	16.72	45	37.2%
11. Plymouth	MI	Wayne	MI	8	0:47	17.02	45	37.8%
12. Wayne	MI	Romulus	MI	4	0:23	17.39	45	38.6%
13. Cincinnati	OH	Covington	KY	35	0:50	12.00	30	40.0%
14. Newark	OH	Columbus	OH	35	2:12	16.51	40	41.3%
15. Cincinnati	OH	Mitchell	IN	128	6:05	21.16	50	42.3%
16. Plymouth	MI	Grand Rapids	MI	124	5:53	22.42	50	44.8%
17. Deschler	OH	Toledo	OH	36	1:55	23.23	50	46.5%
18. Hamilton	OH	Indianapolis	IN	99	6:25	14.43	30	58.2%
					Average			36.6%

COLUMN SOURCE
(1)-(6) Confidential CSX Train Statistics Summary Spreadsheet, Bates No. CSX 12 CO 000102.
(7) Col. (5)/Col. (6).
(8) CSX Timetable "Maximum Authorized Speed" (lowest "max" applicable on any part of segment.)
(9) [Col. (7)/Col. (8)]*100

C. VEHICLE DEPARTURE RATE

The Supplemental Exista to the DEIS (at 2) gave the vehicle departure rate¹⁰ for vehicles leaving the queue after the train has passed as 1400 vehicles per hour per lane (or 23.3 vehicles per minute per lane). The source for this was given as "field measurements". This value

¹⁰ The vehicle departure rate is represented as Sc in the Appendix C of the DEIS.

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appears to be the unimpeded flow for cars (only) leaving a queue at a stop light. The actual departure rates from a queue across railroad tracks on the Pine Junction to Barr Yard segment were much slower because of trucks and traffic congestion. Measurements of queue clearing times and cars in queue reported in my Verified Statement in FCC-9 showed an average vehicle departure rate of 10.18 vehicles per minute per lane for 7 at-grade crossings¹¹ on the Pine Junction to Barr Yard segment.

This estimate of vehicle departure rate reflects the mix of cars and trucks and the congestion that actually exists in this area. Therefore, I have used 10.18 vehicles per minute per lane (610.8 vehicles per hour per lane) for the value of the vehicle departure rates at all at-grade crossings on the Pine Junction to Barr Yard rail segment. Because I did not have sufficient information to make an independent estimate for the other rail segments, I relied on the 1400 vehicles per hour per lane in the DEIS for all other segments.

D. WEEKDAY VERSUS NIGHT-WEEKEND AVERAGE DAILY TRAFFIC (ADT)

The model used in the DEIS assumes uniform traffic arrivals to the at-grade crossings throughout the period under study. In the study of Pine Junction to Barr Yard at-grade crossings we found that 60% of the vehicles were observed during the weekdays which account for 36%¹² of the hours in a week. Meanwhile 32% of the trains passed during the weekday hours. The

¹¹ No observations for Columbus Ave. were omitted in the above calculation because of construction in the area.
¹² The weekdays are 6 am to 7 pm, Monday through Friday and account for 60 hours out of the 168 hours in a week (60/168 = 36%).

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1 net result of the concentration of 60% of the vehicular traffic in 36% of the time is a significant
2 increase in delay times for vehicles that travel during the weekday hours.

3 I used this information and increased the effective ADT for 60 hours per week to reflect the
4 concentration of vehicles and ran 32% of the trains during the 60 weekday hours.¹² For nights
5 and weekends, I decreased the effective ADT for 108 hours per week to reflect the sparsity of
6 vehicular traffic and ran the remaining 68% of the trains during the 108 night and weekend
7 hours.¹³ The two results were added together.

8
9 The adjustment was used only for the at-grade crossings on the Pine Junction to Barr Yard
10 segment. The data was not available to make such adjustments for the other segments;
11 therefore, I used the uniform assumption of the DEIS.

12 After making all of the input adjustments describe above, I used the DEIS formula (as
13 corrected by the SEA Supplemental Errata) to calculate revised vehicle delay times as presented
14 in this verified statement.
15
16

¹² The actual adjustment made to the ADT for weekdays was to multiply the ADT by 60% and then divide by 36% of the week. Thus, the effective rate of an ADT with 10,000 vehicles per day is 10,000 vehicles per day during the 60 weekday hours.

¹³ The actual adjustment made to the ADT for nights and weekends was to multiply the ADT by 60% and divide by the 64% of the week. Thus, the effective rate of an ADT with 10,000 vehicles per day is 6250 vehicles per day during the 108 night and weekend hours.

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V. THE FCC ALTERNATIVE ROUTING PLAN MITIGATES ADVERSE ENVIRONMENTAL IMPACTS

1 The FCC has presented an alternative proposal for routing the subject traffic in the Four
2 Cities area. This proposal is designed to mitigate several of the adverse environmental impacts
3 of the proposed Conrail transaction including accident and injury rates, vehicle traffic delays and
4 the associated increases in fuel consumption and air pollution.
5

6 The draft EIS states:

7 SEA recognizes the concerns of the Four City Consortium regarding the pre-
8 existing conditions and acknowledges that even a small increase in delays could
9 exacerbate the problems faced by an urban area with several at-grade crossings.
10 It is SEA's preliminary recommendation that CSX and NS shall consult with
11 representatives of the Four City Consortium, the Indiana Department of
12 Transportation, and other appropriate parties to address potential traffic delay
13 and safety concerns at the nine highway/rail at-grade crossings in these
14 communities. Specifically, CSX and NS would meet with these parties to
15 negotiate a mutually-acceptable binding agreement on the implementation and
16 funding allocation for measures to address traffic delay and safety concerns at
17 these crossings. (DEIS at IN-85)

18 The Four Cities and the Applicants are engaged in discussions with the Applicants as
19 recommended by the DEIS. In the event that these discussions do not resolve the Four Cities'
20 concerns, however, it will be necessary to evaluate the FCC Alternative Routing Plan and its
21 ability to mitigate some of the serious environmental impacts of the Applicants' proposal.
22 Therefore, the next section presents my proposed changes and additions to the final
23 environmental impact statement to include the evaluation of the FCC Alternative Routing Plan.
24
25

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VI. PROPOSED REVISIONS TO THE ENVIRONMENTAL IMPACT STATEMENT ANALYSIS RELATING TO THE FOUR CITIES

1 Based on the discussion and data presented above and in my attached exhibits, I propose the
2 following revisions be included in the final environmental impact statement:
3
4

5 A. Revise Table 5-IN-9 as shown in my Exhibit_GMA-2:

- 6 1. To include the FCC Alternative Routing;
- 7 2. To include all at-grade crossings where the impact of the Applicants' Proposal will be
8 different than the FCC Alternative Routing;
- 9 3. To include the data corrections in train speeds and train lengths; and,
- 10 4. To include the corrected formula for average vehicle delay.

11 B. Revise Table 5-IN-45 as shown in my Exhibit_GMA-3:

- 12 1. To include the FCC Alternative Routing;
- 13 2. To include all at-grade crossings where the impact of the Applicants' Proposal will be
14 different than the FCC Alternative Routing;
- 15 3. To include the data corrections in train speeds and train lengths; and,
- 16 4. To include the corrected formula for average vehicle delay.

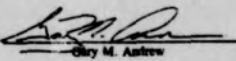
17 C. Include a Table 5-IN-Supplemental as shown in my Exhibit_GMA-4 that summarizes and
18 compares the environmental impacts on vehicular traffic resulting from the Applicants'
19 Proposal and the FCC Alternative Routing Plan.
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VERIFICATION

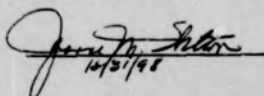
COMMONWEALTH OF VIRGINIA)
CITY OF ALEXANDRIA)

GARY M. ANDREW, being duly sworn, deposes and says that he has read the foregoing statement, knows the contents thereof and that the same are true as stated.


Gary M. Andrew

Sworn to and subscribed
before me this 2nd day
of February, 1998.

Witness my hand and official seal.


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Table 5-IN-9 (FCC)
Indiana[illegible]

Table 5-14. 9 (FCC)
Indiana
Highway/Rail At-Grade Crossing Vehicle Delay and Queues

[illegible]

Table 6-20.9 (FCC)
Indiana
Highway/Rail At-Grade Crossing Vehicle Delay and Queues

[illegible]

Table 6-14-9 (FCG)
Indiana
Highway/Rail At-Grade Crossing Vehicle Delay and Queues

[illegible]

Table 5-14-8 (FCC)
Indiana
Grade Crossing Vehicle Delay and Queues

Pre Acquisition										
Roadway Name	Number of Roadway Lanes	ADT	Travels per day	Realized Train Speed (mph)	Train Length (feet)	No. of vehicles Delayed daily	Max. No. of Veh. in Queue per day	Congestion Delay per stopped vehicle (minutes)	Avg. Delay per vehicle (All vehicles) (seconds)	Level of Service
HOHARI, IN TO PINE JCT, IN										
HOHARI ST	2	500	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
ENTER ST	2	500	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
MAIR ST	2	7,800	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
LAKE PARK	2	500	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
CLAY ST	2	500	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
WILCOXSON ST	2	3,000	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
THIRD ST	2	3,000	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
COL GRADY AVE	2	500	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
SUMMIT RD	2	2,500	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
KENTUCKY RD	2	700	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
WILCOX ST	2	3,000	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
COLLAWARE ST	2	3,000	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
CLAY AVE	2	700	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
SPRINGWAY	2	27,100	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
WASHINGTON	2	3,000	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
ADAMS	2	700	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
WASHINGTON	2	700	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
MADISON	2	3,000	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
MADISON	2	700	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
JACKSON	2	8,400	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
CARRINGTON	2	200	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
WILCOX	2	200	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
GRANT ST	4	12,200	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
INDIAN ROAD	4	20,100	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
CHASE	4	4,700	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
CLARK RD	2	1,500	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
CALHOUN ST	2	100	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
COLLINS	2	11,372	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
BLACK JACK	2	100	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
10TH AVE	2	700	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
10TH AVE	4	3000	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
10TH AVE	2	700	0	0		Not Used	Not Used	Not Used	Not Used	Not Used
10TH AVE	2	1400	0	0		Not Used	Not Used	Not Used	Not Used	Not Used

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Exhibit GMA-2
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Peak Acquisition										
Roadway Name	Number of Roadway Lanes	AD _T	Trucks per day	Realized Train Speed (mph)	Train Length (feet)	No. of with Delays per day	Mile. No. of with Delays per time	Crossing Delays per stopped veh (min/veh)	Avg. Delay per Vehicle (mi weighted) (sec/veh)	Level of Service
HARRIS (WHEELER) TO YOLSTON, IN										
PAVIL AVE	2	988	55	14.548	3308	8	3	4.88	8.85	B
JOHN'S ROADWAY	2	1788	55	14.548	3308	11	4	4.71	10.5	B
8000	2	1788	55	14.548	3308	7	8	4.76	9.13	B
COUNTRY LANE RD	2	100	55	14.548	3308	0	0	0.02	0.08	B
SLACK AVE	2	770	55	14.548	3308	128	16	9.22	19.91	B
WICKA ST	2	780	55	14.548	3308	4	1	4.63	8.81	B
CLEVELAND ST	2	3020	55	14.548	3308	46	14	4.63	9.26	B
FAIR PARK	2	780	55	14.548	3308	7	3	4.67	9.26	B
WILSONWAY ST	2	780	55	14.548	3308	12	2	4.64	9.83	B
LOVER LOOK RD	2	880	55	14.548	3308	14	4	4.66	9.85	B
SOUTH LUTHER KING	2	780	55	14.548	3308	12	2	4.64	9.85	B
WHEELER ST	2	780	55	14.548	3308	12	3	4.67	9.88	B
21ST ST	2	3020	55	14.548	3308	46	14	4.63	10.26	B
BRADSHAW	2	4770	55	14.548	3308	281	41	5.13	13.24	B
WILSONWAY DR	2	3020	55	14.548	3308	46	14	4.63	9.26	B
18TH ST	2	3020	55	14.548	3308	46	14	4.63	9.26	B
JACKSON ST	2	780	55	14.548	3308	4	1	4.63	9.81	B
17TH ST	2	780	55	14.548	3308	12	3	4.67	9.1	B
HARRISON	2	780	55	14.548	3308	12	3	4.67	9.1	B
18TH ST	2	3020	55	14.548	3308	46	15	4.68	9.33	B
13TH ST	2	3020	55	14.548	3308	46	14	4.63	9.26	B
11TH AVE	2	1000	55	14.548	3308	46	14	4.63	9.26	B
GRANT	2	3000	55	14.548	3308	46	17	4.68	9.33	B
10TH AVE	2	590	55	14.548	3308	4	1	4.63	8.91	B

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Roadway Name	Number of Roadway Lanes	102	Peak Acquisition								
			Trains per Day	Realized Train Length (length)	Train Length (feet)	No. of vehicles with Queue per Day	Max. No. in Queue per Day	Crossing Delay per Vehicle (seconds)	Avg. Delay per Vehicle (all vehicles)	Level of Service	
HOBBART, IN TO PINE CTR. IN											
INDIANA ST	2	500	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
CENTER ST	2	500	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
MARK ST	2	500	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
LAKE PARK	1	500	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
ASH ST	2	250	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
ROCKFORD ST	2	3,000	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
THIRD ST	2	3,000	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
COLORADO AVE	2	750	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
OVERBROOK RD	2	250	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
STEVENS AVE	2	750	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
GEORGIA ST	2	3,000	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
COLUMBIANA ST	2	500	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
1ST AVE	2	750	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
BROADWAY	4	27,120	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
WASHINGTON	2	3,000	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
LOCUST	2	750	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
MADISON	2	750	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
MONROE	2	3,000	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
JACKSON	2	750	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
CHARLESTON	2	5,420	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
PERCE	2	250	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
GRANT ST	2	27,120	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
MOORE ROAD	4	17,260	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
CHALMERS	4	7,500	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
2ND AVE RD	2	750	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
SCARLETT ST	2	100	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
COLfax	2	11,372	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
BLACK OAK	2	100	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
8TH AVE	2	750	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
10TH AVE	4	250	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
8TH AVE	2	750	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	
10TH AVE	2	154,200	0	0		Not Used	Not Used	Not Used	Not Used	Not Used	

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Roadway Name	Number of Roadway Lanes	ACT	Trains per day	Resident Pop. (thous)	Train Length (feet)	No. of Vehicles per day	Mile Hrs. in Queue per lane	Crossing Delay per (train/hour)	Avg. Daily per Vehicle (in vehicles) (minutes)	Level of Service
HARRISBURG (WHEELER) TO TOLLESTON, IN										
PARK AVE	2	988	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
JOHN'S ROAD	2	1,884	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
WHEELER RD	2	1,884	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
COUNTY LINE RD	2	120	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
CLARKS AVE	2	7,884	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
ELK CREEK	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
CLIVE LAKE BY	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
LAKE PARK	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
WAGGONMOUNT BY	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
LODGEPOLE RD	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
MARTIN LUTHER KING	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
CHICKADEE RD	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
21ST BY	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
BROADWAY	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
WAGGONMOUNT	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
18TH BY	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
JACKSON BY	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
17TH BY	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
WAGGONMOUNT	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
16TH BY	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
15TH BY	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
14TH AVE	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
GRAND	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
HARRISBURG	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used

Table 6-24-9 (FCC)
Indiana
Trade Crossing Vehicle Delay and Queues

			Post Acquisition							
Reservoir Name	Number of Reservoir Lanes	ADT	Trucks per day	Reservoir Turn Radius (feet)	Truck Length (feet)	No. of Trucks Delayed per day	No. of Trucks in Queue per day	Crossing Delays per day (with/without stoppage)	Avg. Delay per vehicle (min)	Level of Service
TOLLESTON, IN TO CLARKE JCT, IN										
12 th AVE	4	1,093	8	12,848	5308	48	14	4.83	9.28	B
8 th AVE	4	11,329	9	12,848	5308	212	31	9.12	9.84	B
CLARKE RD	2	7,800	5	12,848	5308	120	30	3.20	9.80	B
CLARKE TO ILLINOIS STATE LINE										
CLARKE RD	2	7,800	5	30	4854	Not Used	Not Used	Not Used	Not Used	Not Used
SCURRY ST	2	750	0	30	4854	Not Used	Not Used	Not Used	Not Used	Not Used
COLLEGE AVE	2	750	0	30	4854	Not Used	Not Used	Not Used	Not Used	Not Used
LOW LON, IN TO OSBORNE, IN										
WALKER ST	2	37,024	0	0	Not Used	Not Used	Not Used	Not Used	Not Used	Not Used
WALKER AVE	2	37,024	0	0	Not Used	Not Used	Not Used	Not Used	Not Used	Not Used
1 st AVE	2	3,024	0	0	Not Used	Not Used	Not Used	Not Used	Not Used	Not Used
FRANKLIN ST	2	904	0	0	Not Used	Not Used	Not Used	Not Used	Not Used	Not Used
BRONCKOW AVE	2	904	0	0	Not Used	Not Used	Not Used	Not Used	Not Used	Not Used
WABT ST	4	12,894	0	0	Not Used	Not Used	Not Used	Not Used	Not Used	Not Used
FRANKLIN AVE	2	25,000	0	0	Not Used	Not Used	Not Used	Not Used	Not Used	Not Used
OSBORNE, IN TO ILLINOIS AVE, YARD,										
Illinois St	4	19,320	9	12.8	5308	Not Used	Not Used	Not Used	Not Used	Not Used
WALKER & 15 th ST	2	3,024	2	12.8	5308	21	18	2.00	4.78	A
Illinois St	2	12,800	2	12.8	5308	9	4	5.50	4.78	A
Illinois St	2	804	2	12.8	5308	8	4	5.50	4.78	A
Illinois St	4	18,320	2	12.8	5308	121	43	6.08	9.37	B
TOLLESTON, IN TO IHS CONNECTION										
ROBERTSON ST	2	250	2	30	4854	1	1	3.10	1.88	A
TAFT ST	2	304	2	30	4854	1	1	3.10	1.88	A
CLARK ST	2	3,094	2	30	4854	13	9	3.22	1.88	A
CLARK ST	2	7,904	2	30	4854	32	23	3.48	1.78	A
CLARK ST	2	7,904	2	30	4854	3	3	3.12	1.81	A
CLARK AVE	2	854	2	30	4854	4	5	3.13	1.81	A

Table E-IN-9 (FCC)
Indiana
Trade Crossing Vehicle Delay and Queues

FCC Alternative Solution										
Rightway Name	Number of Rightway Lanes	ACT	Trains per day	3' offset Train Speed (mph)	Train Length (feet)	No. of cars Delayed per day	Max. No. of cars stopped per train	Crossing Delay per train (min)	Avg. Delay per Vehicle (s) (all delays included)	Level of Service
HOBART, IN TO PINE ACT, IN										
GEORGIA ST	2	980	5	25	5308	5	1	2.83	3.58	A
CENTER ST	2	980	5	25	5308	5	1	2.83	3.58	A
MAIN ST	2	780	5	25	5308	88	23	3.35	3.42	A
2ND ST	2	780	5	25	5308	88	23	3.35	3.42	A
4TH ST	2	280	5	25	5308	3	1	2.82	3.54	A
WILKINSON ST	2	3300	5	25	5308	30	8	2.58	3.75	A
WILKINSON ST	2	3300	5	25	5308	30	8	2.58	3.75	A
COLLINS AVE	2	780	5	25	5308	8	2	3.34	3.57	A
WILKINSON ST	2	3300	5	25	5308	30	8	2.58	3.75	A
PENITENT RD	2	780	5	15	5308	12	3	4.57	6.80	B
GEORGIA ST	2	3300	5	15	5308	47	14	4.79	8.81	B
GEORGIA ST	2	3300	5	15	5308	47	14	4.79	8.81	B
4TH AVE	2	780	5	15	5308	12	3	4.57	6.86	B
BROADWAY	4	27 120	5	25	5308	279	48	3.86	4.43	A
WILKINSON ST	2	3300	5	25	5308	30	8	2.58	3.75	A
ACADEM	2	780	5	15	5308	12	3	4.57	8.90	B
MACDON	2	780	5	15	5308	12	3	4.57	8.90	B
MACDON	2	3300	5	15	5308	47	14	4.79	8.81	B
JACKSON	2	780	5	15	5308	12	3	4.57	8.90	B
WILKINSON	2	3300	5	15	5308	47	14	4.79	8.81	B
PERC	2	780	5	25	5308	4	1	4.54	6.54	B
GRANT ST	2	25 120	5	25	5308	223	64	4.34	5.28	B
2ND ST	2	11 280	5	25	5308	192	36	4.37	5.38	B
CHAM	4	7 620	5	15	5308	118	17	4.76	9.01	B
CLARK RE	2	7 880	5	15	5308	118	34	5.09	9.98	B
CLARK RE	2	7 880	5	15	5308	118	34	5.09	9.98	B
CLARK	2	15 172	5	25	5308	115	35	3.95	4.25	A
2ND AVE	2	120	5	25	5308	4	0	4.53	6.85	B
DEPT AVE	2	120	5	25	5308	4	0	3.22	3.26	A
18TH AVE	4	300	5	22.5	5308	30	6	3.26	4.30	A
18TH AVE	4	300	5	22.5	5308	30	6	3.26	4.30	A
WTC AVE	4	1640	5	22.5	5308	181	20	3.82	4.82	A

Table 5-2N-9 (FCC)
Indiana
Highway/Rail At-Grade Crossing Vehicle Delay and Queues

Roadway Name	Number of Roadway Lanes	ADT	FCC Alternative Solution							Level of Service
			Trucks per day	Realized Train Length (mph)	Train Length (feet)	No. of Vn. Displaced per day	Max. No. of Vn. in Queue per day	Clearing Time per event (min/veh)	Avg. Delay per vehicle (s)	
TOLLESTON, IN TO CLARK ST. IN										
TAY ST	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
5TH AVE	4	13,300	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
CLARK ST	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
CLARK ST TO ALBUQUERQUE STATE LINE										
CLARK ST	2	7,800	36.1	30	6110.37	666	26	3.83	30.52	D
5TH ST	2	780	36.1	30	6110.37	666	26	3.83	30.52	D
CO. RAY	2	780	36.1	30	6110.37	666	26	3.83	30.52	D
MAIN LANE, IN TO OMBORNE, IN										
CLARK ST	2	3,000	0	28	8508	13	9	3.56	1.48	A
CLARK AVE	2	3,000	0	28	8508	13	9	2.93	1.42	A
CLARK AVE	2	3,000	0	28	8508	13	9	3.08	1.48	A
5th St	2	3,000	0	28	8508	13	9	2.82	1.42	A
PARISH ST	2	400	28	28	8508	2	1	2.82	1.42	A
ARIZONA AVE	2	2,000	0	28	8508	1	1	2.82	1.42	A
1680th ST	2	12,800	0	28	8508	91	18	3.21	1.58	A
1680th ST	2	12,800	0	28	8508	91	18	3.21	1.58	A
1680th ST	4	26,000	2	22.5	5008	115	40	3.91	2.07	A
OMBORNE, IN TO RICHMAN AVE. YARD, IN										
5th St	2	18,300	0	12.5	5008	26	27	5.76	5.11	B
1680th & 15th St	2	18,300	0	12.5	5008	27	18	5.57	4.84	A
16th St	2	1,200	0	12.5	5008	6	4	5.39	2.78	A
16th St	2	1,200	0	12.5	5008	6	4	5.39	2.78	A
16th St	2	18,300	0	12.5	5008	121	43	6.08	5.37	B
TOLLESTON, IN TO I-80 CONNECTION										
MOOREVELL ST	2	280	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
TAY ST	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
CLARK ST	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
CLARK ST	2	7,500	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
CLARK ST	2	7,500	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
CLARK ST	2	7,500	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
CLARK AVE	2	680	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used

Table 5-IN-9 (FCC)
Indiana
Highway/Rail At-Grade Crossing Vehicle Delay and Queue

			Pre Acquisition							
Roadway Name:	Number of Roadway Lanes	ACT	Travels per Day	Realized Peak Speed (mph)	Tran- Length (ft)	No. of Veh. with Chained up per day	Mis. No. of Veh. in Chain up per lane	Crossing Delay per Vehicle (min/veh)	Avg. Delay per Vehicle (s)	Level of Service
TOLLSTON, IN TO CLARK JCT, IN										
TOLL ST	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
17TH ST	2	13,200	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
CLARK RD	2	7,500	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
CLARK TO ELLSWORTH STATE LINE										
CLARK RD	2	7,500	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
BLAIR ST	2	750	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
COSWAY AVE	2	750	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
VAISH LOAN, IN TO OSBORNE, IN										
ELMER ST	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
OSBORNE AVE	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
17TH ST	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
WARRIOR ST	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
ANDREW ST	2	3,000	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
16TH ST	4	12,600	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
REDFORD AVE	4	26,500	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
OSBORNE IN TO MICHAEL AVE, YARD										
16TH ST	4	12,600	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
REDFORD & 15TH ST	2	1,300	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
15TH ST	2	1,300	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
14TH ST	2	800	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
CHICAGO AVE	2	18,300	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
TOLLSTON, IN TO BUS CONNECTION										
MOORESBY ST	2	300	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
TOLL ST	2	300	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
CHICAGO ST	2	300	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
CLARK ST	2	7,500	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
BLAIR ST	2	750	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used
COSWAY AVE	2	800	0	0	0	Not Used	Not Used	Not Used	Not Used	Not Used

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Vehicle History of Selling per 24 Hours at Night/Weekend 20%

Rank	Project	Top 5000 Projects			Difference
		Current	Previous	Change	
1	WALLOW CREEK IN TO MANASSE IN	41.48	43.46	84.31	-18.91
2	WALLOW CREEK IN TO PINE JCT. IN	23.24	53.58	30.40	23.19
3	PINE JCT. IN BARR YARD (LOCALITE)	486.23	61.56	486.52	407.67
4	WAY TO ELKINS STATE LINE	0.00	0.88	18.76	-18.76
5	GURNEY HILLSIDE TO TOLLESON IN	Not rated	45.52	Not rated	45.52
6	TOLLESON IN TO CLARKE JCT. IN	Not rated	0.71	Not rated	0.71
7	HOBART IN TO PINE JCT. IN	Not rated	Not rated	57.86	-57.86
8	VAR LAR IN TO OSBORNE IN	Not rated	Not rated	5.76	-5.76
9	OSBORNE IN TO MICHAEL AVE. YARD IN	Not rated	7.79	11.43	-3.64
10	TOLLESON IN to B&E CONNECTION	Not rated	1.74	Not rated	1.74

Tennis

Vehicle Hours of Delay per Year

11	Total Hours of Vehicle Delay per Year	354,387	355,396	714,048	148,821
12	Yearly Difference between Applicants and Current		109,009		
13	Yearly Difference between FCC and Current Totals			16,355	
14	Yearly Difference between Applicants and FCC Totals				148,821

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CENTRAL ADMINISTRATIVE UNIT
2/10/98
DOCUMENT # 2/10/98 11:17:00 AM

ENVIRONMENTAL DOCUMENT

INDIANA DEPARTMENT OF NATURAL RESOURCES

LARRY D. MACKLIN, DIRECTOR

Division of Historic Preservation
and Archaeology
402 W. Washington St., Room W214
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February 6, 1998

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

Dear Ms. Kaiser:

We have reviewed the proposed Finance Docket No. 33388-CSX and Norfolk Southern-Control and Acquisition-Conrail, Compliance with Section 106 of the NHPA (request for SHPO review of all acquisition activities in Indiana other than the construction at Willow Creek [CSX] and Alexandria [NSJ] County, Indiana. This review has been conducted pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f) and implementing regulations found at 36 C.F.R. Part 800.

In regards to the architectural aspects of the project, the North Liberty Combination Depot is considered to be eligible for inclusion in the National Register of Historic Places because of its architectural and historical significance. It is an outstanding example of a board and batten depot. It is also an important historical resource, because it illustrates the development of the railroad in St. Joseph County. Please refer to the enclosed map for your reference.

Because the North Liberty Combination Depot is within the area of potential effect, it is our responsibility to determine the effect of the proposed rail line abandonment project on the depot. However, we need more information to enable us to evaluate the effect. How will the abandonment affect the use of the depot? Will the depot continue to be used for storage? Will the depot be sold or abandoned? Please explain in detail the proposed future plans for the depot. Once the above requested information is received by our office, the review process will continue. If you have any further questions about the above material, please call Michelle M. Daleiden or Ralph S. Wilcox at (317) 232-1646.

In regards to the archaeological aspects of the project, as long as the South Bend to Dillon Junction rail line abandonment project remains within areas disturbed by previous construction, no known

"EQUAL OPPORTUNITY EMPLOYER"

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Elaine K. Kaiser
February 6, 1998
Page 2

archaeological sites listed in or eligible for inclusion in the National Register of Historic Places will be affected by this project. However, if any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that work must stop and that the discovery must be reported to the Division of Historic Preservation and Archaeology within two (2) business days. Additionally, in the event that artifacts or features are discovered during the implementation of the federally assisted project, activity, or program and a plan has not been developed, it is the federal agency's responsibility to contact the Advisory Council on Historic Preservation in accordance with 36 C.F.R. Section 800.11(b)(2).

We concur with the findings of the report for both the Butler and Tellerton projects. Given the results of the archaeological overviews (Wharton and Skinner, 10/24/97), neither project area is likely to contain significant archaeological resources. As such, no known archaeological sites listed in or eligible for inclusion in the National Register of Historic Places will be affected by this project.

If any archaeological artifacts or human remains are uncovered during construction, federal law and regulations (16 USC 470, et seq.; 36 CFR 800.11, et al.) and, additionally, state law (Indiana Code 14-21-1), require that work must stop and that the discovery must be reported to the Division of Historic Preservation and Archaeology within two (2) business days. If you have any questions about the archaeological aspects of the project, please call Jim Mohow or Dr. Rick Jones at (317) 232-1646. Thank you for your cooperation.

Very truly yours,

John T. Macklin
Larry D. Macklin
State Historic Preservation Officer

LDM:SLW/JAM:MDM:RSW:rsw

cc: Richard Starzak, Myra L. Frank & Associates, Inc.

2/10/98 11:17:00am-2

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/2/98
DOCUMENT # 2/2/98 3:34:55 PM



CITY OF HOPKINSVILLE
KENTUCKY
42241-0707

WILLIAM WALLACE BRYAN, JR.
Mayor

January 20, 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

RE: Draft Environmental Impact Statement - Recommended Mitigation for
Kentucky

Dear Ms. Kaiser:

This letter concerns the Draft Environmental Impact Statement (DEIS) issued by the Board's Section of Environmental Analysis on December 12, 1997, that directs CSX to consult with appropriate authorities in the Commonwealth of Kentucky regarding Acquisition-related impacts. Specifically, the DEIS directs CSX to consult with the City of Hopkinsville concerning a grade separation at East 9th Street, DOT #345-267 V.

The Kentucky Transportation Cabinet is the designated, lead agency overseeing these matters. The need for grade separations is determined by the Cabinet through a comprehensive statewide planning process and through input from local officials. This mitigation recommendation is best addressed through their existing procedures. The City's position is that mitigation is not warranted at this time.

Further, please note that the recommended grade separation is not appropriate for this site. East 9th Street is located within an established commercial and historic area and construction of a grade separation would have numerous adverse consequences.

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Elaine Kaiser
Surface Transportation Board
January 20, 1998
Page 2

While the City appreciates the Board's interest, we prefer not to disrupt our community by grade separating East 9th Street.

Respectfully,

W.W. Bryan, Jr.
W.W. Bryan, Jr.
Mayor

cc: Jay Westbrook, CSX

2/2/98 3:34:55pm-2

A-262

1/27/98 2:36:00pm-10

1/27/98 2:36:00pm-11

Dorothy Clay
Dorothy Davis Clay, 75, died Wednesday, March 18.
Mrs. Clay was born March 1, 1913, the daughter of J. B. and L.

Dorothy Davis Clay, 73, died Wednesday, March 18.
Mrs. Clay was born March 1, 1917, the daughter of J. B. and Laura

1/27/98 2:36:00pm-12

Holding KACo's administrators accountable for the organization's problems is something that needed to be done years ago.

while KACO has been involved in one controversy after another in recent years. Their nonchalant attitude changed radically when counties had to foot the bill to cover part of a \$9.4 million deficit in KACO's All Lines Fund, a self-insurance program that offered counties low rates for property and casualty protection. In this area, Boyd County has been asked to pay \$19,447, Greenup, \$17,866; Carter, \$11,246; and Kowan, \$27,314.

It is too bad that it took county officials so long to wake up to the serious problems at KACo. New leadership and increased oversight is the best way to restore credibility to KACo.

According to the

1/27/98 2:36:00pm-13

ENVIRONMENTAL DOCUMENT

James C. Codell, III
Secretary of Transportation

T. Kevin Flannery
Deputy Secretary

Office of the Secretary
Case Control Unit
STB Finance Docket No. 33388
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-6001

ATTENTION: Elaine K. Kaiser, Environmental Project Director, Environmental Filing

Dear Ms. Kaiser:

SUBJECT: Draft Environmental Impact Statement
Recommended Mitigation for Kentucky
Conrail Acquisition Proposal

Our Cabinet is reviewing the Draft Environmental Impact Statement (DEIS) issued by the Board's Section of Environmental Analysis on December 12, 1997, concerning the acquisition of Conrail by CSX and Norfolk Southern. One concern that required special consideration was the required coordination on the part of CSX for acquisition-related impacts in Kentucky. Specifically, the DEIS directs CSX to consult with the Kentucky Transportation Cabinet concerning upgrading the following grade crossings:

FRA ID	Crossing Name	City	Recommended Mitigation
345-246 C	Duffy Street	Hopkinsville	Upgrade to Flashing Lights
345-269 J	7th Street*	Hopkinsville	Upgrade to Flashing Lights
345-318 D	Moss Avenue	Earlington**	Upgrade to Flashing Lights
345-329 R***	West Center Street	Madisonville	Upgrade to Gates
345-331 S	West Noel Avenue	Madisonville	Grade Separation
345-362 R	West Dixon Street	Seabree	Upgrade to Gates
345-267 V	East 9th Street	Hopkinsville	Grade Separation

* Incorrectly shown as East 6th Street in the DEIS

** Incorrectly shown as Madisonville in the DEIS

*** Incorrectly shown as 155-465 N in the DEIS

KENTUCKY TRANSPORTATION CABINET
"PROMOTES A SAFE, EFFICIENT, ENVIRONMENTALLY SOUND, AND FINANCIALLY RESPONSIBLE TRANSPORTATION SYSTEM
WHICH PROMOTES ECONOMIC GROWTH AND ENHANCES THE QUALITY OF LIFE IN KENTUCKY"
"AN EQUAL OPPORTUNITY EMPLOYER ACT"

2/3/98 3:19:07pm-1

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DOCUMENT # 2/3/98 3:19:07pm



Commonwealth of Kentucky
Transportation Cabinet
Frankfort, Kentucky 40622

January 28, 1998



Elaine K. Kaiser
January 28, 1998
Page 2

We certainly understand the Board's interest and concern regarding the impacts of the seven at-grade locations for which safety-mitigated improvements are proposed.

Three of the locations have recently been upgraded or approved for additional work. These include the 7th Street crossing in Hopkinsville that has been upgraded to Cantilever Flashing Light Signals and Bell, the Moss Avenue crossing in Earlington that is proposed for upgrading from passive to Flashing Light Signals and Bell, and the West Center Street crossing in Madisonville that has been programmed for upgrading from Flashing Light Signals and Bell to Flashing Light Signals and Automatic Gates. The other locations on Duffy Street in Hopkinsville and West Dixon Street in Seabree will certainly be considered for upgrading in one of our future Crossing Warning Device Improvement Programs.

The proposed grade separations at East 9th Street in Hopkinsville and West Noel Avenue in Madisonville are located near the centralized business districts of those communities and near dense residential areas. The implementation of grade separation projects would have severe impacts on many businesses and residences. The economic impact to these communities, coupled with the impact on historic/cultural resources, makes the proposals unreasonable at this time. Therefore, the Cabinet cannot support or endorse the proposed mitigated separation at these locations.

Sincerely,

James C. Codell, III
James C. Codell, III
Secretary

JCC:JMY:CSR:LSB

c. Jay Westbrook, CSX

2/3/98 3:19:07pm-2

ENVIRONMENTAL DOCUMENT

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

Dear Ms. Kaiser:

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

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

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

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

CITY HALL - NEW ORLEANS, LA 70115
(504) 586-8400 - FAX (504) 586-8400
AN EQUAL OPPORTUNITY EMPLOYER

2/3/98 11:38:46am-1



CITY OF NEW ORLEANS
MARC H. MORIAL
MAYOR

January 21, 1998

CENTRAL ADMINISTRATIVE UNIT
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Page 2
Office of the Secretary
January 21, 1998

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

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

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

Sincerely,

Marc H. Morial
Marc H. Morial
Mayor

MHM/dp

c. Martin N. Gorman, Chief Administrative Officer
Jerald I. White, Director, Mayor's Office of Environmental Affairs

2/3/98 11:38:46am-2

DETAILED REVIEW AND COMMENT

Impact on Passenger Service (MARC, Amtrak)

We endorse the DEIS preliminary recommendation of a 15-minute clear time between passenger and freight trains on lines carrying a significant number of passenger trains (SEA designates as "superior trains"), including the CSX Metropolitan Branch through our County. This practice would significantly reduce safety risks inherent in mixing freight and passenger service, and it would enhance passenger train schedule reliability, which is essential to retaining and increasing ridership on MARC commuter rail and Amtrak service on this line.

At-Grade Road Crossings: Impact on Safety and Traffic Delays

Page 7-4 of the DEIS notes that "One of SEA's major concerns in this Draft EIS is the potential delay of vehicular traffic at highway-at-grade crossing." Despite this statement of concern, we believe there are serious gaps in the analysis that result in the problem of at-grade crossings not being given sufficient consideration, at least in the case of one crossing in our County. There are four at-grade crossings in the County where motor vehicle traffic exceeds 10,000 ADT, the most significant of which is Randolph Road.

Randolph Road, a County-maintained urban arterial, carries 41,000 ADT, by far the heaviest volume among 3000 at-grade CSX/Conrail crossings in 23 states listed in the DEIS. (The DEIS lists only nine grade crossings where traffic is in the 20,000-30,000 range, only one in the 30,000-35,000 range (at 32,000), and no others higher.) Weekday train traffic at the Randolph crossing currently includes 2 Amtrak and 18 MARC commuter trains, and 23 freights, with the number of freights projected to increase by seven per day as a result of the acquisition. Despite these heavy volumes, the DEIS concludes that this crossing will not be adversely impacted to the point of warranting mitigation. In contrast, at some crossings in other states (such as Newark, Delaware), where the increase in freight train volume may be only two or three per day and crossing volume is much lower than 30,000 ADT, SEA is mandating that CSX arrive at bidding agreements with localities to address implementation and funding allocations for mitigation that might include grade separations.

A shortcoming in the DEIS analysis methodology affects grade crossing safety and delays at the Randolph crossing, associated with assumed freight train speed and projected accident frequency. The DEIS assumes 50mph train speed at the Randolph crossing, an expectation that actual speed is 10mph lower than a posted limit of 60 in this segment. However, the actual limit in this segment is 55mph. Therefore the analysis should have assumed an operating speed of 45mph, which would result in longer vehicle delays. Further, as the report acknowledges, actual speeds in any segment can be lower than posted speeds due to curvature, gradient, train length, etc. For westbound trains, the Randolph Road crossing is within a 16-mile long up-grade of approximately one percent from Union Station to Rockville and Gaithersburg, which results in

-2-

2/6/98 4:02:24pm-2

actual speeds frequently below 35mph on long fully-load westbound freights. Therefore, the vehicle delays at Randolph crossing are significantly understated in the DEIS for current conditions, and will be more so under post-project projections. It will come as news to the 41,000 motorists waiting for a train to clear this crossing that a Level of Service "B" exists at this crossing (as indicated in the DEIS), and is projected to be maintained at that level even with a 20% increase in train movements.

Also of concern is the projected increase of tonnage, and how CSX can provide sufficient motive power, given the current prohibition on pusher engines in this segment (see Metrolink-CSX common corridor discussion later). Likely results of the DEIS forecasted increases in train volume (20%) and tonnage (48%) on this line are: 1) CSX trains will be longer than the 6200 feet cited in the DEIS; 2) CSX will operate far more but shorter trains; and/or 3) There will be substantially slower freight speeds in the westbound (up-grade) direction than is assumed in the DEIS. In either case, or in combination, there would be substantial additional delay time at the Randolph Road crossing, as well as at the crossings of Forest Glen Road, South Summit Avenue, and Chestnut Street over and above the impact described in the DEIS.

With regard to the issue of motor vehicle/train accidents, the State DOT-managed "MARS" reporting system (Maryland Automobile Accident Reporting System) shows that for the four immediately preceding record years (1994 - 1997), one such accident occurred at the Randolph Road crossing. Also, data from a December 1988 "Randolph Road/Montgomery Road Corridor Study Final Report" (page 55 excerpt attached) shows that two vehicle/train accidents occurred in 1986-87 and another three occurred during the period 1980-1983. Thus, in eleven out of the past 17 years for which data is readily available, there have been motor vehicle/train accidents at this crossing at the rate of one every two years. Assuming no accidents occurred in the other 6 years (1988-93), the accident rate was one every three years. For the future, the State Highway Administration predicts a vehicle/train accident rate of one every four years at this location, which is a significantly higher rate than the 19-year frequency projected in the DEIS for "Category A" crossings (DEIS Chapter 5, page MD-10).

Recent (January, 1998) contact with the Maryland State Highway Administration's railroad crossings traffic engineer elicited the information that Maryland does not maintain a formal "Top 50" list of high-risk railroad grade crossings, but if it did the Randolph Road crossing would be the top rated and the top candidate for grade separation.

In light of these data, the State of Maryland and Montgomery County have jointly conducted studies over several years to conceptually plan for a grade separated crossing of the CSX tracks. The County's adopted master plan shows such a separation, as does a Maryland State Highway Administration preliminary Final Environmental Impact Statement dated August 4, 1989 for the formerly proposed InterCounty Connector highway. A conceptual alignment and configuration (sketch attached) were produced as part of that environmental study, which shows how a grade separation could be designed to replace the at-grade crossing, with appropriate

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connections to nearby arterial streets. Existing State-owned right-of-way would be used for most of the road realignment associated with grade separation.

We believe that the congestion and accident risk factors at the Randolph Road crossing are sufficient to warrant a requirement that they be mitigated by CSX participation in the cost of providing a grade separation at this location.

WMATA Metrolink/CSX Common Corridor (Q/N Tower site to Gaithersburg)

Another serious shortcoming of the DEIS is the lack of acknowledgment of potential safety issues on CSX's double-track Metropolitan Branch where it operates side-by-side with Metrolink along two segments totaling 11.4 miles where they are in common corridor (7.4 miles in Montgomery County and 4 miles in the District of Columbia). The only separation between the CSX and Metrolink tracks are chain link intrusion detection fences and horizontal spacing of 20 to 30 feet (between track centers). Both the County and WMATA submitted preliminary comments on this situation in the summer of 1997, in response to STB's initial environmental report. The DEIS contains no acknowledgment or description of this operating environment and makes no reference to our concerns. As of the date of the DEIS, no site visits to the common corridor segments had been made in response to our or WMATA's comments on this issue.

There are two common corridor segments affecting CSX's Metropolitan Branch. In the Shady Grove to Twinbrook segment (5.4 miles), the corridor is used by 310 Metrolink trains per weekday on Metro's "A" route. In the Georgetown Junction-Q/N Tower segment (6 miles), there are 450 Metrolink trains per day on Metro's "B" route. Metrolink operates in revenue service from 5:30am-12:30am weekdays, and from 8:00am to 12:30am weekends. During the peak of weekday rush hours, Metrolink trains in the "B" route common typically carry 1000 persons/train, at 3-minute headway in each direction (1.5 minutes combined).

In 1987, there were two CSX freight train derailments which tore up several hundred feet of Metrolink "B" route track south of Takoma Park, and obstructed Metrolink service for several days. Fortunately, the derailments occurred during hours when Metrolink was not in revenue service. In response to these occurrences, CSX and WMATA jointly agreed in 1988 to a protocol which, although allowing continuation of CSX's 55MPH speed limit, mandated special precautions in freight operations in entire corridor. These included high/low-load and dragging detectors, improved intrusion detection fences, track inspection, and improved communication between CSX and WMATA operations control centers. Also, in consideration of the long eastbound downgrade on the CSX Metropolitan Branch in Montgomery County and D.C., NTSB recommended that CSX discontinue use of helper locomotives in "push" mode while operating in this corridor.

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2/6/98 4:02:24pm-4

STUDY



COMMON OPERATING CORRIDOR

for

CSX Transportation and Washington Metropolitan Area Transit Authority
Joint Operating and Safety Committee

study by
R. K. Pettison

supported by

Parsons Brinckerhoff Quade & Douglas
Spring Park Technology Center
Herndon, Virginia

March 1988

2/6/98 4:02:24pm-5

With CSX's projected increase in this common corridor of seven more CSX freight trains per day (a 20% increase), and a tonnage increase of 48%, the adequacy of the 1984 CSX protocol should be assessed anew as part of the DEIS, in order to assess the risk exposure that increased freight operations, especially longer and heavier trains, may have on the safety of adjacent transit service.

Of these two common-corridor segments in our County, the greater or acorn is the 6-mile CSX segment between former QN Tower and Georgetown Junction, where Metrorail's "B" route tracks are located between the eastbound and westbound CSX tracks. CSX would then the Metrorail tracks, increasing the probability that a CSX accident or derailment could impact one or both Metrorail tracks. Because of this configuration, and because of close track spacing (20 feet c-c) and the higher volume of Metro "B" route train movements and passengers, this CSX segment was cited in a 1989 Metro study (encl. attached) as having the very highest risk factor among six corridors where Metrorail and freight railroads exist side-by-side in the Washington D.C. region. It was in this segment that a stopped CSX westbound freight precipitated "reverse flow" operation of a westbound Amtrak passenger train on the eastbound CSX track, resulting in the February, 1996 multi-fatality Amtrak/MARC accident at Georgetown Junction (Silver Spring).

An increase of seven freight trains per day on this CSX Line warrants an up-to-date EIS evaluation of the 10-year old CSX/WMATA common corridor study, because of the recent-years occurrence of CSX train incidents (three major accidents over nine years involving freight operations) in this high-risk segment. Among other items to consider, we recommend that SEA mandate a CSX speed restriction through the common corridor segments that would limit freight operations to 40-45 MPH instead of the 55MPH speed now permitted.

Attachments

cc: Richard White, General Manager, WMATA
Kathryn Waters, Manager, MARC Rail
Kathleen Henning, Member, Tri-State Metrorail Safety Oversight Committee

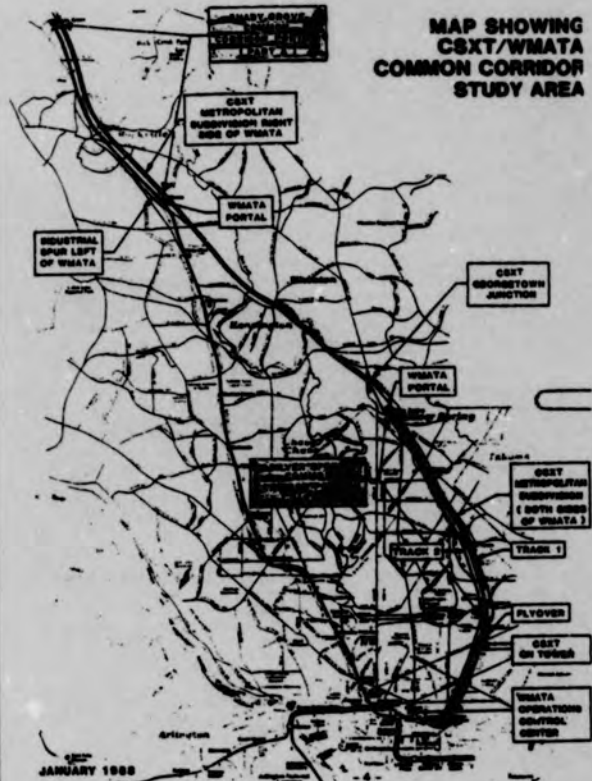
Prepared: Edward A. Daniel
Special Assistant to the Director
Montgomery County DPW&T
(301) 217-2976

CSX1.msm

-5-

2/6/98 4:02:24pm-6

MAP SHOWING CSXT/WMATA COMMON CORRIDOR STUDY AREA



2/6/98 4:02:24pm-7

WMATA COMMON CORRIDOR STUDY

FINAL REPORT

MAY 10, 1989

BOOZ • ALLEN & HAMILTON Inc.
in cooperation with
ABACUS TECHNOLOGY, Inc.

2/6/98 4:02:24pm-8

- Provided intrusion detection warning to CSXT's QN tower (connection between WMATA and railroad)
- Increased height of IDW fence (WMATA right of way)
- Integrated the IDW system with the automatic train protection speed control logic (WMATA system)
- Added IDW at Twinbrook (WMATA right of way)
- Added IDW at Hungerford Drive (WMATA right of way)

In addition, the opening of the Hagerstown connection between Norfolk-Southern and Conrail has rerouted a portion of eastern seaboard freight away from the Washington, D.C. metropolitan area. This has reduced the amount of exposure to potential common corridor incidents on the D, C, J and H routes. Added WMAC service has also displaced freight service from the A and B routes particularly during peak hours contributing to the overall risk reduction (shown in Exhibit 6.1.1).

EXHIBIT 6.1.1 Common Corridor Risk Levels and Reductions Due To WMATA and Railroad Initiatives

LINE/CORRIDOR	RELATIVE RISK LEVELS ¹		
	PRIOR ²	CURRENT ³	SAVINGS
RED - A	11.1	0.2	8.9
RED - B	59.4	59.5	59.5
YELLOW - C/J/H	2.7	1.0	2.1
ORANGE - D	12.0	2.0	9.9
ORANGE - E	1.0	0.0	0.0
ORANGE - K	12.1	12.1	0
	100.0	49.0	50.4

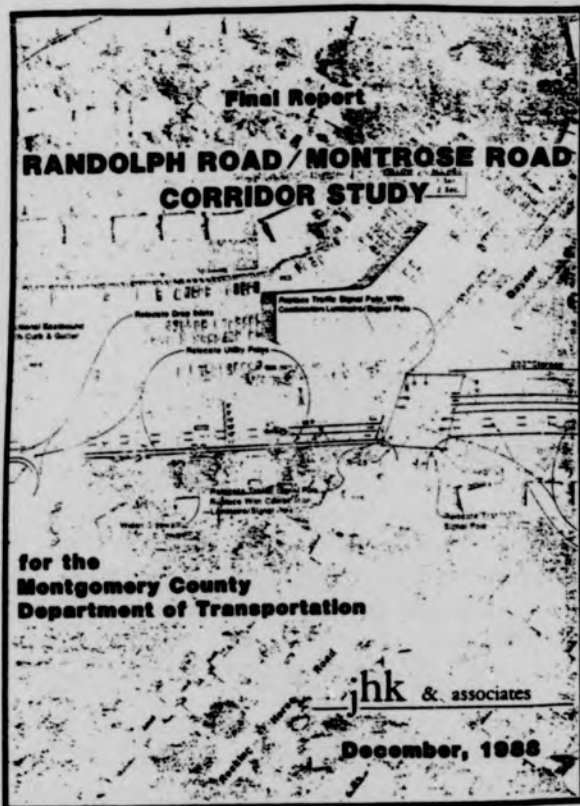
¹ Relative to total common corridor risk under original design in 1988 set at 100.

² "Prior" refers to original design in 1988 operating environment.

³ "Current" refers to ongoing actions to improve protection and detection systems including modifications to plans and procedures as a result of the WMATA/CSXT Joint Force recommendations.

6-2

2/6/98 4:02:24pm-9



2/6/98 4:02:24pm-10

jhk & associates
52

which is lighted with mercury vapor luminaires (Parklawn Drive to Georgia Avenue), there are numerous links and intersections with a night to day accident ratio equal to or greater than 2.0. Signalized intersections along Randolph Road-Montrose Road with ratios greater than 1.5 are listed below.

- Rocking Horse Road/Cayner Road
- Vets Mill Road
- Connecticut Avenue
- Georgia Avenue

No similar patterns were observed in the sections of the corridor illuminated with 2-4 higher high pressure sodium luminaires.

One of the high accident locations was not discussed in the previous chapter - the intersection of Randolph Road and the B&O Railroad, just east of Nehal Street. This intersection has experienced two vehicle/train accidents during the study period, and an additional six vehicle accidents directly related to the operation of trains through the intersection. Another six vehicle accidents also may be related to the crossing. (This cannot be determined without reviewing the police accident reports.)

In addition to the two vehicle/train accidents occurring during 1986 and 1987, it was determined (from data provided from the State Highway Administration) that another three vehicle/train accidents occurred during the period from 1980 to 1985. This equates to an average accident rate of 0.71 accidents per year.

An accident rate less than one per year does not seem high compared to accidents occurring at highway intersections. The safety concern is rail-highway crossings, however, is the high potential for fatalities or serious injuries likely to occur at a crossing (e.g. on average, roughly one out of every 11 crossing accidents results in a fatality).

Fortunately, no fatalities have occurred at the rail-highway crossing on Randolph Road during the past ten years. However, the potential exists given the high roadway and train traffic volumes. Every effort should be made to make this crossing as safe as possible using the latest technologies in train detection and traffic control systems. Ideally, the crossing would be eliminated through grade separation. While expensive, this alternative would provide the greatest safety benefit as well as enhance traffic operations along the corridor. Federal Highway funds (Section 130) may be available through the State Highway Administration for improvements at this crossing.

2/6/98 4:02:24pm-11

January 21, 1988

PROPOSED CORRAIL ACQUISITION
DRAFT ENVIRONMENTAL IMPACT STATEMENT SUPPLEMENTAL ERRATA
Table 5-MB-2 (Revised)
Maryland
Highway/Rail At-Grade Crossing Vehicle Delay and Queues

For Acquisition		For Acquisition	
Location	Direction	Location	Direction
Rockville	North	Rockville	South
Washington Grove	North	Washington Grove	South
...	...	...	...

2/6/98 4:02:24pm-12



OFFICES OF THE COUNTY EXECUTIVE

Douglas M. Duncan
County Executive

Bruce Romer
Chief Administrative Officer

State of Maryland
Public Highway-Rail Crossings
Ranked by Predicted Accidents per Year

NOTE The Randolph Road crossing in Rockville, Montgomery County, Maryland ranks first in the State of Maryland in predicted accidents per year.

The Ridge Road crossing in Washington Grove, Montgomery County, Maryland ranks third in the State of Maryland in predicted accidents per year.

Planning Implementation Section

51 Monroe Street, Suite 1000 • Rockville, Maryland 20850 • 301/217-3400, FAX 301/217-3019

2/6/98 4:02:24pm-13

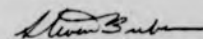
Ms. Elaine K. Kaiser
January 29, 1998
Page Two

computers, insulation and any other energy efficient equipment. Contact the U.S. EPA at (202) 233-9120 to learn more about the voluntary Green Lights Program which encourages businesses to install energy-efficient lighting systems.

4. The applicant should be advised that no cutback asphalt should be used during the months of June, July and August.
5. Lighting for security and parking needs to be shielded from nearby residences.
6. The EIS needs to include an air quality analysis for Harford County. Harford County has been designated by the U.S. EPA as a severe nonattainment area for ozone.
7. The EIS should cover impacts of the proposed merger on planning transit-oriented development-increasing night-time freight operations could make living near the rail stations less attractive from a noise standpoint.

Again, thank you for giving MDE the opportunity to review this project. If you have any questions, please feel free to call me at (410) 631-3656.

Sincerely,


Steven Bisber
Clearinghouse Coordinator

cc: Jane T. Nalide, Secretary, Maryland Department of the Environment
La Verne Gray, Maryland Office of Planning

2/4/98 5:02:57pm-2

Baltimore Metropolitan Council



601 North Howard Street
Baltimore, Maryland 21201-4567
Telephone: (410) 333-1780
Facsimile: (410) 680-1360

PAUL FARRINGTON
Executive Director

ENVIRONMENTAL DOCUMENT ENVIRONMENTAL DOCUMENT

Area Jurisdiction Councils

Baltimore City

Baltimore County

Prince George's County

St. Mary's County

Washington County

Wicomico County

Worcester County

CENTRAL ADMINISTRATIVE UNIT

REC'D: 2/3/98

DOCUMENT # 2/3/98 4:04:56PM

January 30, 1998



Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W., Room 700
Washington, D.C. 20423-0001

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. (Surface Transportation Board Finance Docket No. 33388)

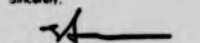
Dear Mr. Williams:

On behalf of the Transportation Steering Committee (TSC), the metropolitan planning organization (MPO) for the Baltimore region, I am responding to your request to review the Surface Transportation Board's Draft Environmental Impact Statement.

The following comment is submitted for your consideration. Volume 3A of the report includes a comprehensive section on the State of Maryland. Included in this section is an analysis of the proposed Norfolk Southern Triple Crown Service that will be constructed in Baltimore City. From our review, the report does not, however, mention the improved clearances for 20' 2" double stack service that Norfolk Southern has proposed via Amtrak's Northeast Corridor to Perryville or the impacts that construction would have on the Perryville community. The double stack clearances were mentioned in the Governor's October 2, 1997 letter to the STB, which is attached.

Thank you for the opportunity to comment on this important matter. If you have any questions, please contact me at 410/269-0064.

Sincerely,


Jon Arson, Chairman
Transportation Steering Committee

Attachment

cc: TSC members
Freight Movement Task Force

2/3/98 4:04:56pm-1

STATE OF MARYLAND OFFICE OF THE GOVERNOR

NDOT-2



October 2, 1997

PAUL H. GLASSBOROUGH
GOVERNOR
ANNAPOLIS OFFICE
STATE HOUSE
100 STATE HOUSE
ANNAPOLIS, MARYLAND 21403-0100
WASHINGTON OFFICE
SUITE 700
1925 K STREET, N.W.
WASHINGTON, D.C. 20006
TEL: (202) 261-3333

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
Mercury Building
Suite 700
1925 K Street, NW
Washington DC 20006

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 Mr. Williams:

Since last fall when the proposed merger of Conrail was first announced, the State of Maryland has been in continuous contact with both CSX and Norfolk Southern to ensure that any transaction that might result from a combination of railroads serving the State would protect the competitiveness of Maryland shippers and the interests of all Maryland citizens. At the outset, we established five major goals:

1. Preserve competition by having at least two Class I carriers serve the State.
2. Ensure the continuation of existing service and rail rates (for example, on the Eastern Shore of Maryland).
3. Maintain or increase rail employment in the State.
4. Secure commitments to specific infrastructure improvements necessary to achieve the purported benefits of the merger.
5. Preserve and enhance commuter rail service.

After months of negotiating with CSX and Norfolk Southern, we are pleased to say that the State has largely achieved these goals and has concluded letter agreements with both carriers that are attached hereto that ensure the following:

2/3/98 4:04:56pm-2

Honorable Vernon A. Williams
Page Three

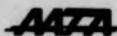
Harrisburg, Pennsylvania, 2) construct, reopen or convert an automobile distribution terminal in the Baltimore area, 3) expand or improve a conventional intermodal facility in Maryland, 4) construct a new Triple Crown Road/Railer® intermodal terminal in the Baltimore area, and 5) improve the track connection at Hagerstown, Maryland to facilitate the flow of traffic. CSX's Operating Plan includes investments benefiting the State of Maryland, including among others: 1) improvements on the former B&O line between the Port of Baltimore and Chicago, Illinois that will result in raising the track capacity west of Cumberland, Maryland to 50 trains per day and the operating speeds up to 70 miles per hour on most segments, and 2) improvements in the rail service to the auto distribution terminal in Jessup, Maryland (including, but not limited to increasing the clearance of the Virginia Avenue tunnel) to permit service by tri-level auto rack cars.

Commitment to Commuter Rail Service. Both CSX and Norfolk Southern have assured the State that each will work with the State of Maryland to maintain (and, with respect to CSX, to enhance) commuter rail service for Maryland's citizens and honor all operating agreements that they may now, or in the future, have with the Mass Transit Administration. Norfolk Southern has also agreed to participate in a Northeast Corridor Advisory Team which will include as members, among others, the MASS TRANSIT ADMINISTRATION Freight Manager and the MARC Service Director.

While the State has accomplished most of its goals with respect to rail competition, service, employment, infrastructure and commuter service, there are still some issues of concern. The State will continue to work with CSX and Norfolk Southern to address these issues, which include assurances that: 1) the Port of Baltimore and Maryland shippers and coal producers will not be put at a competitive disadvantage as a direct result of the transaction or related conditions or agreements, and 2) NEC improvements and proposed operations will adequately address congestion, as well as speed and weight concerns.

In addition, the State may have concerns with issues that arise in the course of this proceeding, thus, it reserves the right to file additional comments on these and other matters. The State appreciates comments from the representatives of both railroads assuring the smooth integration of Conrail into the two railroads and commitments to assure the rapid delivery of the full benefits of the transaction. It is our expectation and understanding that commitments made by the railroads in their Operating Plans, as approved by the STB, will be subject to future enforcement via the STB.

2/3/98 4:04:56pm-3



ENVIRONMENTAL DOCUMENT

MASS TRANSIT ADMINISTRATION

MARYLAND DEPARTMENT OF TRANSPORTATION

Parris N. Glendening, Governor • David L. Winstead, Secretary • Ronald L. Freeland, Administrator

CENTRAL ADMINISTRATIVE UNIT

REC'D: 2/2/98

DOCUMENT # 2/2/98 12:46:35 AM

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
Section of Environmental Analysis

Dear Ms. Kaiser:

This letter is being submitted as the comments of the Mass Transit Administration of the Maryland Department of Transportation on the Surface Transportation Board Draft Environmental Impact Statement of the Proposed Corral Acquisition (STB DEIS).

In Chapter 5 page MD-9 and Chapter 7 Section 7.2.2, the STB DEIS recommends a safety mitigation measure on several line segments including the Maryland line segment from Washington D.C. to Point of Rocks, Maryland (C-003). The safety mitigation measure is that CSX and NS establish passenger trains as "superior" trains and other trains would clear the tracks at least 15 minutes before and after the expected arrival of a passenger train at any point.

We support efforts that contribute to the safe operation of passenger and freight trains. There are a wide range of implications, however, to implementing this measure. Before a determination is made to proceed, it is proposed that several questions be addressed. Evaluating these concerns could be accomplished through an analysis, which could be carried out by the National Transportation Safety Board and the Federal Railroad Administration, with the participation of freight and commuter railroads. The analysis should answer such questions as past experience with this approach, potential safety benefits, routes where this might be beneficial, and impacts on present and future commuter and freight service operations and capacity expansion.

My phone number (410) _____ FAX number (410) _____ TTY (410) _____
William Donald Schaefer Tower • 6 Saint Paul Street • Baltimore, Maryland 21202-1614

2/2/98 10:35am-1

Ms. Elaine K. Kaiser
January 30, 1998
page 2

Thank you for the opportunity to comment on the DEIS. Please contact me at 410-767-3787 or Diane H. Ratcliff at 410-767-3771, if you have any further questions.

Sincerely,

Harvey L. Flechner

Harvey L. Flechner
Director
Office of Planning and Programming

cc: Ronald L. Freeland, MTA
David Chapin, MDT

2/2/98 10:46:35am-2



Maryland
Department of
Housing and
Community
Development

Division of Historical and
Cultural Programs

100 Community Place
Crownsville, Maryland 21032

410-514-7600
1-800-756-0119
Fax: 410-987-4071
Maryland Relay for the Deaf
1-800-735-2258

http://www.dhcd.state.md.us

Parris N. Glendening
Governor

Patricia J. Pomeroy
Secretary

Raymond A. Skinner
Deputy Secretary

CENTRAL ADMINISTRATIVE UNIT

REC'D: 2/5/98

DOCUMENT # 2/5/98 5:08:43 PM

February 2, 1998



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

Re: Draft EIS - Proposed Corral Acquisition
CSX Corporation and CSX Transportation, Inc.
Norfolk Southern Corporation and Norfolk Southern Railway Company
State Clearinghouse No. MD971222-1116

Dear Ms. Kaiser:

Thank you for providing us with a copy of the above-referenced DEIS, for review and comment. The Maryland Historical Trust has reviewed the proposed actions for Maryland to assess their effects on historic properties, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.

Maryland components of the undertaking include increased train operations on 17 rail line segments, construction of one rail line connection in Hagerstown, and construction of one intermodal facility in Baltimore. Based on the documentation presented in the DEIS, we concur that implementation of the Maryland actions will have no effect on historic properties, including historic structures and archaeological sites, eligible for inclusion in the National Register of Historic Places. Further consultation with the Trust for Section 106 purposes is not needed unless the project scope changes.

If you have questions or require further assistance, please call me at (410) 514-7631.

Sincerely,

Elizabeth J. Cole
Elizabeth J. Cole
Administrator, Archaeological Services

EJC/9800040

cc: Ms. La Verne Gray (MOP)
Mr. Paul McKinley (MBA)

2/5/98 5:08:43pm

ENVIRONMENTAL DOCUMENT

CENTRAL ADMINISTRATIVE UNIT

REC'D: 1/23/98

DOCUMENT # 1/23/98 12:46:35 AM

The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

January 13, 1998

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

RE: Proposed Corral Acquisition by CSX Corporation and Norfolk Southern (NS) Railroads,
Statewide, MA. Financial Docket No. 33388 (MHC# 19523)

Dear Ms. Kaiser:

Thank you for submitting the Draft Environmental Impact Statement (DEIS) (dated December 12, 1997) concerning the proposed Corral acquisition which was received by the Massachusetts Historical Commission on December 19, 1997. It is understood that the proposed acquisition will involve the operation of various Corral lines, properties, rail yards and other intermodal facilities. It is also understood that the acquisition will likely result in operating changes including increased freight traffic over rail lines, construction of new rail lines, and abandonment of rail lines.

MHC staff have reviewed the submitted DEIS. At this time the MHC concurs with the preliminary recommendations of the DEIS which established that to date there are no significant impacts identified in the state of Massachusetts. The MHC will expect that as the acquisition project evolves there may be additional changes which will require our continued involvement.

These comments are provided to assist in compliance with Section 106 of the National Historic Preservation Act (16 CFR 800).

If you have questions, please contact Paul Holts at this office. Thank you for your cooperation.

Sincerely,

Julia B. McDonough

Julia B. McDonough
Executive Director
Massachusetts Historical Commission
State Historic Preservation Office

220 Morrissey Boulevard, Boston, Massachusetts 02125 • (617) 727-8470
Fax: (617) 727-5128 TDD: 1-800-392-6090
Website: www.mahc.state.ma.us/sec/mhc

1/26/98 12:06:17pm

CENTRAL ADMINISTRATIVE UNIT
RECD: 01/27/98
DOCUMENT # 01282-5550517
BERKSHIRE REGIONAL PLANNING COMMISSION
 33 DUNHAM MALL, PITTSFIELD, MA 01201-4207
 TELEPHONE (413) 442-1521 • FAX (413) 442-1522

THOMAS D. McCANN, Chairman
 LOIS A. LENEHAN, Vice-Chairman
 FRED A. BENNETT, Clerk
 JOYCE B. SCHEFFEY, Treasurer
 ROBERT W. BIRCH, Member-At-Large
 GAIL GARRETT, Member-At-Large

**ENVIRONMENTAL
DOCUMENT**

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

January 27, 1998

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

Attention: Elaine K. Kaiser
 Environmental Project Director
 Environmental Filing

Re: CSX ACQUISITION OF CONRAIL - DEIR

Dear Ms. Kaiser:

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

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

2/2/98 5:55:05pm-1

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

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

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

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

Yours truly,

Nathaniel W. Karns
 Nathaniel W. Karns, AICP
 Executive Director

Encl.

2/2/98 5:55:05pm-2

BERKSHIRE COUNTY REGIONAL PLANNING COMMISSION
 33 DUNHAM MALL, PITTSFIELD, MASSACHUSETTS 01201-4207
 TELEPHONE (413) 442-1521 • FAX (413) 442-1522

ROBERT W. BIRCH, Chairman
 THOMAS D. McCANN, Vice-Chairman
 DAVID A. BARCLOCK, Clerk
 LOIS A. LENEHAN, Treasurer
 JOYCE B. SCHEFFEY, Member-At-Large

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

January 30, 1997

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

Re: ACQUISITION OF CONRAIL (Docket # 33296)

Dear Mr. Hernandez:

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

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

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

Yours truly,

Charles W. Cook
 Charles W. Cook
 Transportation Planner

cc: Berkshire County Commissioners

2/2/98 5:55:05pm-3

BERKSHIRE REGIONAL PLANNING COMMISSION
 33 DUNHAM MALL, PITTSFIELD, MA 01201-4207
 TELEPHONE (413) 442-1521 • FAX (413) 442-1522

THOMAS D. McCANN, Chairman
 LOIS A. LENEHAN, Vice-Chairman
 FRED A. BENNETT, Clerk
 JOYCE B. SCHEFFEY, Treasurer
 ROBERT W. BIRCH, Member-At-Large

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

August 5, 1997

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

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

Re: CSX Acquisition of Conrail - Draft Scope for EIS

Dear STB:

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

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

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

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

2/2/98 5:55:05pm-4

2/2/98 5:55:05pm-5

2/3/98 2:53:05pm-1

1/21/98 9:31:18am-1

1/21/98 9:31:18am-2



ENVIRONMENTAL DOCUMENT

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

CENTRAL ADMINISTRATIVE UNIT
REC'D 2/3/98
DOCUMENT # 2/3/98 11 32 18 AM



January 27, 1998

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

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

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

Dear Ms. Kaiser:

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

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

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

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

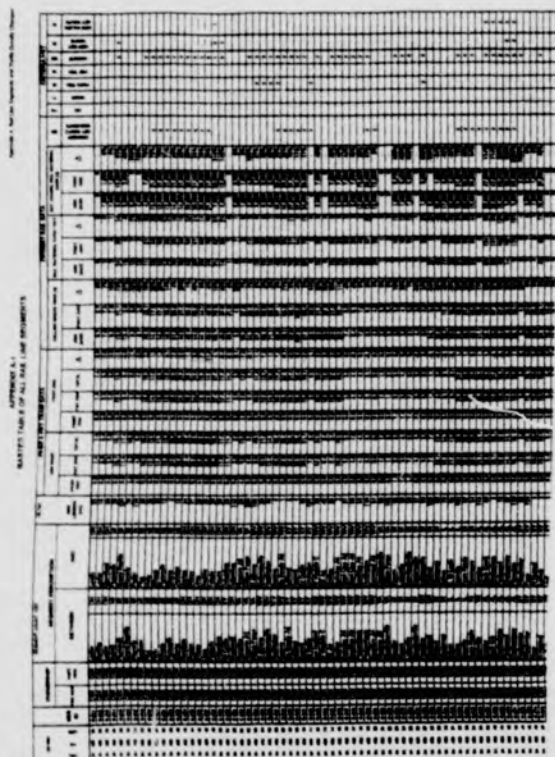
Sincerely,

Gary Werd
Gary Werd
City Manager

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

2/3/98 12:12:54pm-1

2/3/98 12:12:54pm-2



2/3/98 12:12:54pm-3

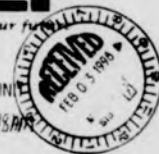
ENVIRONMENTAL DOCUMENT HOLLY

Proud of our past. Confident in our future.

January 27, 1998

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

CENTRAL ADMINISTRATIVE UNIT
REC'D 2/3/98
DOCUMENT # 2/3/98 11 32 18 AM



RE: CONRAIL ACQUISITION INVOLVING CSX

Dear Ms. Kaiser:

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

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

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

Sincerely,

Mark Abeles-Allison
Mark Abeles-Allison
Village Manager

2/3/98 11:32:18am



ENVIRONMENTAL DOCUMENT CHARTER TOWNSHIP OF HIGHLAND

200 North John Street • P.O. Box 340 • Highland, Michigan 48037-0340 • (248) 887-3791

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/24/98
DOCUMENT # 2/24/98 5:18:54 PM

January 28, 1998

Ms. Elaine K. Kaiser
1925 K Street, N.W.
Washington D.C. 20423-0001

Dear Ms. Kaiser:

I have been informed that Highland Township will be affected by a recent joint acquisition of Conrail Incorporated by CSX Corporation and Norfolk Southern Railway. It is my understanding the merger will result in a 20% increase in tonnage shipped per day requiring longer trains and an average of 1.2 additional trains daily.

These increases are a source of concern and I think it's reasonable to expect assurances that all safety issues associated with this increased rail traffic will be addressed by CSX prior to its implementation. A letter to that effect would be appreciated. I look forward to hearing from you.

Sincerely,

John P. Stakoe
John P. Stakoe
Highland Township Supervisor

SUPERVISOR: John P. Stakoe • CLERK: William E. Brian • TREASURER: Patricia L. Woods
TRUSTEES: Richard Graber, Ronald A. Colasanti, Nancy E. Sharp, Kenneth G. Hume

2/2/98 5:14:59pm



CITY OF MONROE

ENVIRONMENTAL DOCUMENT

Office of City Manager

January 30, 1998

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/2/98
DOCUMENT # 2/2/98 5:18:54 PM

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

RE: DRAFT ENVIRONMENTAL IMPACT STATEMENT
ON THE PROPOSED ACQUISITION OF CONRAIL
BY NORFOLK SOUTHERN RAILROAD AND
CSX RAILROAD

Dear Ms. Kaiser:

The City of Monroe wishes to express two concerns regarding the environmental impact of the acquisition of Conrail by Norfolk Southern Railroad and the CSX Railroad.

Due to the City of Monroe's proximity to Detroit much of the freight traffic generated by the greater Detroit Area travels through the City of Monroe bound for the rest of the country. The rail portion of this freight utilizes five main line tracks, two Conrail tracks, two CSX tracks and a Canadian National (Grand Trunk Western) track. The southbound Conrail track traverses a residential area in the east-central part of Monroe, and closely abuts a City street, Kentucky Avenue. In this area, some of the rail track lies less than thirty feet (30') from residences. The track prevents vehicle access to homes by eliminating the possibility of driveways and parking, and lies within a few feet of pedestrian sidewalks with no barrier protection. Besides the potential safety concerns, noise and vibration generated by daily rail operations (thru and yard movements) negatively impact local residents and a nearby school and playground. Residential property values in this area are adversely affected and all manner of daily living activities are worsened by the close proximity of this rail line.

The Norfolk Southern Railroad has expressed strong support for the Monroe Area Rail Consolidation project which would lead to the elimination of the southbound Conrail line. We believe that their strong commitment to safety will lead to the eventual abandonment of this track either by the full implementation of the Monroe Area Rail Consolidation or by their use of northbound Conrail as a bi-directional line through the Monroe area.

120 EAST FIRST STREET, MONROE, MICHIGAN 48161-9986 / (313) 243-0700 FAX: 243-6683

2/2/98 5:43:55pm-1

Ms. Elaine K. Kaiser
Environmental Project Director
Page Two
January 30, 1998

The City of Monroe requests that the Surface Transportation Board support the need to eliminate the southbound Conrail track thru the Monroe Area and encourage the Federal Highway Administration to fully fund the Monroe Area Rail Consolidation plan as approved June 2, 1987 by the FHWA.

The second concern involves the reports indication of increased train movements, including hazardous materials, on the existing CSX tracks in the western part of the City of Monroe. Table 8-88-6 of the Draft Environmental Impact Statement indicates an increase in trains per day of 11.2 on this line and Table 8-88-6 indicates an increase in annual hazardous material car loads from 14,000/year to 31,000/year as a result of the acquisition of certain Conrail lines by CSX.

The existing high level of train movements on the CSX track already causes the residents and motoring public much aggravation. The residential properties abutting these tracks will be negatively impacted by the increased traffic and the property owners have a right to be concerned by the significant increase in hazardous cargo being transported. The City Council was concerned enough by the blockages caused by the existing train movements along CSX tracks to commission a feasibility study for a grade separation on a selected street (see attached report). With an anticipated increase of train movements of approximately fifty percent (50%), the problem will be even more acute.

The City of Monroe requests that every effort to divert unnecessary "hazardous material" freight around the Monroe Urban Area be made and adequate measures to safeguard the public be taken. We also ask the CSX Railroad be directed to grade separate Elm Avenue in the City of Monroe.

Sincerely,

Robert A. Hamilton
Robert A. Hamilton
City Manager

CC: C.D. Cappuccilli, Mayor
D. Link, City Engineer

2/2/98 5:43:55pm-2

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/2/98
DOCUMENT # 2/2/98 5:43:55 PM

January 30, 1998

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

Re: Finance Docket #3338-8 CSX and Norfolk Southern Control and Acquisition-
Conrail Draft Environmental Impact Statement

The comments to the Draft EIS are submitted from the City of Wixom, Michigan. We are commenting on safety issues concerning site-specific highway/rail at-grade crossings and hazardous materials along key routes C-220 (Holly to Wixom, MI) and C-221 (Wixom to Plymouth, MI).

Wixom is located in the western part of Oakland County. The county has had about a 10% increase in population over the last ten years. Wixom had a 34% population increase between 1990 and 1995. Population estimates from the Southeast Michigan Council of Governments projects that Wixom's population growth from 1990 - 2000 will be 57%.

In addition to the population, businesses in Wixom increased by 62 (13.25%). We expect a growth of 18.5% this year for a total of 628 businesses in the community.

In an analysis of federal railroad safety records, the Detroit News reported in their issue of December 29, 1996 that Wixom, MI had the 92nd and 213th riskiest crossings among the 163,000 public railroad crossings in the nation. We believe that most accidents are the fault of motorists and have attempted to lower the possibility of accidents through law enforcement, education and working with the local CSX representatives. We will have concerns that the consolidation of rail lines will increase rail traffic and these are not addressed in the Draft EIS.

1. The first comment concerns highway/rail at-grade crossings in Wixom, MI

- a. A Detroit News article, dated December 16, 1997, shows that the last traffic analysis of this intersection was done on January 7, 1985. The source is the Federal Railroad Administration whose database shows a daily total of 17 trains and a traffic volume of 14,700 automobiles. Traffic surveys used in a 1994 Environmental Assessment of possible changes to this intersection show a traffic count of 24,700 from data collected in 1992. The P.M. peak hour results show a total delay of 37,175 minutes with probable costs of \$2,738,225. The Level of Service (LOS) was rated as F.

48045 PONTIAC TRAIL • WIXOM, MI 48398-0887

2/2/98 5:02:11pm-1

- b. The Draft EIS indicates there are 12 trains per day and that there would be a negligible increase in that number but an increase in tonnage of about 20%. (Draft EIS, Attachment ES-B, page 1 of 13). There may be several reasons for the different count. One could be that the crossings are positioned close to a Bulk Intermodal Distribution Services (BIDS) yard. During switching operations, the trains either activate the road crossing signals to enter the intersection and then reverse and reenter the yard. While this may not trigger a count as a "through train," the effect of these movements is to increase the delay time and the risk of accidents.

- c. An analysis of the crossings and a consideration of site-specific mitigation should be part of the final EIS.

2. The second area of comment is the increase of hazardous material along the two routes.

- a. Our concern is to ensure that the municipalities along the route in Oakland County are prepared to assist in and properly react to any emergency involving the hazardous materials.

- b. In response to an accident several years ago, there was a decrease in the amount of hazardous waste shipped along the routes. We have been informally notified by local CSX officials to expect an increase in the number of trains. The estimates were for a 50% increase. This is a strong indicator that traffic is being diverted to a more northerly route to relieve congestion.

The City of Wixom acknowledges that a measurable factor of the City's growth and prosperity is due to the proximity of the railroad for our businesses, such as Ford Motor Company. We wish to continue to work with CSX to ensure that effects of the consolidation do not damage the other contributing factors to the City's prosperity.

The point of contact for the City of Wixom is Frank Sheridan, Assistant City Manager, phone is (248) 624-0894, fax is (248) 624-0863.

Sincerely,

J. Michael Dorman
City Manager

JMD:jp
Cc: Oakland County
SEMCOG

2

2/2/98 5:02:11pm-2



MONROE COUNTY
PLANNING DEPARTMENT & COMMISSION

1225 East Second Street • Monroe, Michigan 47156-2197
Telephone: (734) 243-7093 • Fax: (734) 243-7872
Robert R. Manning, AICP
Director

ENVIRONMENTAL
DOCUMENT

January 30, 1998

Office of the Secretary
Case Control Unit
Finance Docket No. 33388
Surface Transportation Board
1925 K Street NW, Room 500
Washington DC 20423-0001

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

CENTRAL ADMINISTRATIVE UNIT

REC'D: #588
DOCUMENT# 2/2/98 5:41:50pm

We would like to list issues of concern pertaining to the Environmental Impacts of the proposed acquisition of Conrail by CSX Transportation and Norfolk Southern Railroad. These concerns were expressed at a public information meeting held at Monroe County Community College on January 21, 1998.

1. **Hazardous Materials:**

- An increase is expected in traffic from 14,000 carloads annually to 31,000 carloads annually on CSX line between Carleton, MI and Toledo, OH. This will result in increased loads of hazardous materials traveling through the County, along with the potential for accidents resulting from these materials, thus endangering public safety.
- With increased potential for an accident, the Monroe County Emergency Management Division will have to provide planning, training, and exercises to respond to these types of occurrences. In addressing this emergency response plan, the following is necessary:
 - Training for emergency responders (police, fire, Emergency Management, etc.)
 - Specialized equipment for this type of response
 - Exercise evaluators

- Specialized emergency planning support, with expertise/guidance, if needed
- Assistance and support with public information and education
- Additional public warning capabilities (sirens, alert monitors, etc.)
- Support for exercises and drills that must take place. Monroe County is presently mandated by the federal government to participate in a very costly series of full-scale exercises for the Enrico Fermi II Nuclear Power Plant, on a biannual basis (large expense in personnel, resources and supplies). At this time, our estimated start-up costs would be between \$12,000 and \$15,000, and ongoing expenses would be \$8,000 annually.
- According to the Section on Environmental Analysis (SEA), railroads are encouraged to develop a hazardous materials response plan and carry out biannual exercises according to this plan, in cooperation with local governments. What level of commitment will be made by CSX to communities affected by the increased hazard? Monroe County would request reimbursement for initial and ongoing costs for emergency preparations. We would be willing to work with CSX to negotiate a plan for this.

- Impact on Nuclear Plant Emergency Evacuation:** Increased rail traffic on NS and CSX, and faulty crossing warning systems could cause delays in evacuating the area around the Enrico Fermi II Nuclear Power plant in the event of an emergency. We do not find statements in the EIS regarding impacts on evacuation routes.
- Nuclear Waste:** The federal government will be assuming responsibility for all high-level radioactive wastes in the United States. They will be providing a central storage/disposal repository for these materials. As many of these materials will be transported by both truck and rail, what is the increased likelihood of an accident involving these items?
- Monroe Rail Consolidation Project:** Railroad support of Monroe's ongoing project to consolidate east side rail lines (Conrail/NS and CNA) is essential to its success. This project has been in the planning stages for more than fourteen years, and preliminary engineering studies are being completed. Partial funding from the federal government has been secured, and phase one of the project, an underpass at the Conrail/North Dixie Highway grade

crossing is scheduled to get underway this spring. As additional funding is secured, ongoing phases will include the relocation of Conrail Warner Yard in Monroe, the needed crossovers to consolidate the Conrail lines with Grand Trunk CNA lines through the City of Monroe, and Frenchtown and Monroe Townships, and construct the needed crossovers in order to abandon the redundant Conrail lines. Many years of planning for the project are just now beginning to result in implementation. Continued support from Conrail's successor is necessary for this project to be successful.

- Traffic Safety:** Significant increase in traffic on CSX line between Carleton, MI and Toledo, OH, and minor increase in traffic on Conrail (NS) line between Detroit and Toledo would mean more blocked grade crossings, causing delay of emergency vehicles, more potential train/car accidents, and general inconvenience to motorists. The Monroe County Road Commission needs railroad contact numbers to report problems on grade crossings. Problems observed at crossings along Telegraph Road and elsewhere need to be addressed.
- Economic Development Opportunities:** Cooperation of the railroads is essential to our local economic development efforts.
- Noise Mitigation:** With 11.2 more trains per day projected on the CSX line, railroads must continue efforts to mitigate noise impacts on local communities, especially residential areas. While this issue was addressed with regard to the line from Ecorse to Carleton, we feel it needs to be evaluated along the line running from Carleton to Toledo as well, including the City of Monroe.

We would like to thank SEMCOG for their assistance during the Environmental Review period.

Sincerely,

Mary K. Webb
Mary K. Webb, Chairman
Monroe County Planning Commission

cc: Honorable Carl Levin, United States Senator
Honorable Senator Spencer Abraham, United States Senator
Honorable John D. Dingell, 16th District U. S. Congressman

2/2/98 5:41:50pm-3



**MONROE COUNTY
EMERGENCY MANAGEMENT
DIVISION**

Michael V. Tuma, Jr., Director
Monroe County Emergency Management Division
125 E. Second St.
Monroe, MI 48161

January 30, 1998

JAN 30 1998

Mr. Royce Manko, Director
Monroe County Planning Department
125 E. Second St.
Monroe, MI 48161

Dear Mr. Manko:

I would like to offer some feedback from the members of the department in reference to the proposed acquisition of Conrail by CSX Transportation and Norfolk Southern Railroad. Pursuant to recent public information, we have some concerns reference the environmental impact and emergency preparedness issues.

1. Current transportation loads are approximately 14,000 cars annually. With the proposed acquisition, the load will increase to approximately 31,000 annually. As many of these rail cars transport hazardous materials, this will increase the potential for an accident involving these materials and ultimately, the safety of the public.
2. With the increased potential for accident, emergency management will have to provide planning, training and exercising to respond to these types of occurrences. In addressing the emergency response plan, the following is necessary:
 - a. Training for emergency responders (police, fire, emergency management, etc.)
 - b. Specialized equipment for this type of response
 - c. Exercise evaluators
 - d. Specialized emergency planning support, with expertise/guidance, if needed
 - e. Assistance and support with public information and education
 - f. Additional public warning capabilities (sirens, alert monitors, etc.)
 - g. Support for exercises and drills that must take place. Because Monroe County is mandated by the federal government to participate in a very costly series of full-scale exercises on a biannual basis (large expense in personnel, resources and supplies). Additional full-scale exercises would be extremely difficult to accomplish without support.

In reading the section of Environmental Analysis (SEA), we notice that railroads are encouraged to develop a hazardous materials response plan and exercise the plan biannually with local governments. In respect to the statement volunteer, what level of commitment will be made by CSX to communities affected by the increased hazard.

Thank you for considering our concerns.

Very truly yours,

Michael V. Tuma, Jr.
Michael V. Tuma, Jr., P.E.M.
Emergency Management Director

MVT/pt

945 South Main Road, Monroe, Michigan 48161-9700

Monroe (313) 241-6800 • Fax (313) 241-7136 • Conrail (313) 243-2008

2/2/98 5:41:50pm-4

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Southeast Michigan Council of Governments • 1900 Plaza Drive • Suite 1000 • Detroit, Michigan 48226 • (313) 261-4200 • Fax: (313) 261-4100



CENTRAL REPRESENTATIVE UNIT

REC'D: 2/3/98
DOC# 212/98 4:11:30PM

January 30, 1998

Elaine K. Kaiser, Chief
Section of Environmental Analysis
Surface Transportation Board
U.S. Department of Transportation
1925 K Street, NW
Washington, D.C. 20423-0001

**ENVIRONMENTAL
DOCUMENT**

RE: Draft Environmental Impact Statement (Finance Docket No. 33388) -
Proposed CONRAIL Acquisition U.S. Department of Transportation/Surface
Transportation Board Regional Clearinghouse Code: TR 970391

Dear Ms. Kaiser:

SEMOG, the Southeast Michigan Council of Governments, has processed a review for the above Draft Environmental Impact Statement according to intergovernmental review procedures established in Presidential Executive Order 12372 and as the federal and state designated Metropolitan Planning Organization for U.S. Department of Transportation programs for Southeast Michigan.

We notified the following local government agencies of your project during our review and requested their comments:

Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw & Wayne County Planning Offices

Detroit Planning & Development Department
Cities of Melvindale & River Rouge
Areawide Water Quality Board
Suburban Mobility Authority for Regional Transportation
Ann Arbor Transportation Authority

As of this date, the Livingston County Planning Department, Macomb County Planning & Economic Development Department, St. Clair County Metropolitan Planning Commission, Monroe County Planning Department and Commission, Monroe County Emergency Management Division and the Areawide Water Quality Board have submitted written comments, which are attached. We will forward additional comments, if any, for your information and attention.

Mr. Tuma	Mr. Tuma	Mr. Tuma	Mr. Tuma	Mr. Tuma	Mr. Tuma	Mr. Tuma	Mr. Tuma
Mr. Tuma	Mr. Tuma	Mr. Tuma	Mr. Tuma	Mr. Tuma	Mr. Tuma	Mr. Tuma	Mr. Tuma
Mr. Tuma	Mr. Tuma	Mr. Tuma	Mr. Tuma	Mr. Tuma	Mr. Tuma	Mr. Tuma	Mr. Tuma

2/2/98 4:11:59pm-1

DEIS: Page 2

SEMOG's staff has reviewed the Draft Environmental Impact Statement (DEIS) which you distributed. Our comments are included in total in the attached staff memo. These comments include input from two public information meetings held in Southeast Michigan.

An overriding comment is that the proposed acquisition will provide a more efficient and competitive rail system. Along with these overall comments in support of the project were some specific concerns that need to be addressed. Some of the comments we feel should be emphasized as they have potential significant impact on communities in Southeast Michigan include:

- The DEIS does not always clarify as to why or how SEA's process eliminates certain activities from impact consideration. The final EIS should clearly describe SEA's progressive elimination of potential concerns in the various analyses.
- There appears to be a discrepancy between the data used in the DEIS for Environmental Justice analysis. This discrepancy either needs to be explained or corrected and the potential for impacts reassessed.
- Concerns over the transport of hazardous materials were expressed from several counties and communities. Major issues related to the overall increase in volume on certain lines (particularly in Monroe County), consideration of impacts from the future transport of radioactive material from Detroit Edison's Enrico Fermi Nuclear Plant and costs associated with development and maintenance of emergency response plans.
- The need for continued support by the acquiring rail companies for the Monroe County Rail Consolidator Project. This project is the result of 14 years of planning and has just begun implementation processes. The support of Conrail's successor for this project is vital for its success.
- We understand that the DEIS cannot address existing concerns about the rail system. However, the final EIS should describe how the analysis considered the potential of exacerbating these problems via the acquisition. Specific concerns relate primarily to at-grade crossing safety and potential delay of emergency vehicles.

2/2/98 4:11:59pm-2

DEIS: Page 3

A final comment relates to our January 13, 1998 letter to Elaine K. Kaiser requesting a 15 day extension on the review and comment period. As of this date we have not received a response. The additional 15 days would have provided time for a more thorough analysis and would have allowed staff the time to answer at least some of the concerns in this memorandum.

Sincerely,

John M. Amberger
John M. Amberger
Executive Director

JMA/bar

cc: Livingston County Planning Department
Macomb County Planning & Economic Development Department
St. Clair County Metropolitan Planning Commission
Monroe County Planning Department and Commission
Monroe County Emergency Management Division
Areawide Water Quality Board

2/2/98 4:11:59pm-3

MEMO

Southeast Michigan Council of Governments
3601 Plaza Drive, Suite 1900
Detroit, MI 48226
(313) 961-4266
Fax (313) 961-4869
http://www.seacog.org

January 30, 1998

TO: Richard Platt

FROM: Alex Bourgeois, Kevin Johnson, Tom Bruff and Matt Tepper

SUBJECT: Draft Environmental Impact Statement (Finance Docket No. 33388) -
Proposed CONRAIL Acquisition/U.S. Department of Transportation/
Surface Transportation Board

We have reviewed the Draft Environmental Impact Statement for the Proposed CONRAIL Acquisition (DEIS) submitted by the Surface Transportation Board's Section of Environmental Analysis (SEA). The DEIS was analyzed for its consistency with the adopted 2020 Southeast Michigan Regional Transportation Plan Goals and Objectives. In our review process we worked with representatives from the Michigan Department of Transportation, individual counties and communities, interest groups, CSX Corporation and Norfolk Southern.

In addition to staff review, input was gathered from Southeast Michigan community representatives, shippers and other stakeholders in the region's rail system via two public information meetings held January 21 and 28, 1998. SEMCOG worked with both CSX Corporation and Norfolk Southern in conducting these meetings on the proposed acquisition and its effect on Southeast Michigan. Written questions and comments from meeting participants are attached.

We agree that the proposed acquisition would result in greater rail system efficiencies and increase competition. Although this project will have positive impact on economic development in Southeast Michigan, a number of concerns and questions have been identified which require additional clarification from the SEA. These clarifications primarily pertain to three DEIS subject areas: Michigan Safety, Michigan Traffic and Transportation and Michigan Environmental Justice. Our comments follow under the appropriate subject heading.

2/2/98 4:11:59pm-4

Finance Docket No. 33388

January 30, 1998

Page 2

Michigan Safety

Freight Rail Operations

Table 5-MI-1 on page 5-MI-3 of the DEIS identifies six rail line segments which meet or exceed board environmental thresholds. Subsequently, Table 5-MI-5 identifies three segments having met or exceeded these thresholds. This discrepancy needs to be clarified or corrected in the final EIS.

DEIS analysis of these three rail line segments determined that since the duration in predicted accident rates did not shorten to one every 100 years or less per mile, none of these segments were considered significant. Therefore SEA did not recommend mitigation.

Our concern lies in the fact that these three segment's accident duration rates did decrease by factors ranging from 1.6 to 5.5. Since SEA could not accurately predict either frequency or severity of actual accidents, we question whether the area may need to be investigated further. Further clarification or analysis by SEA is necessary in the final EIS.

Passenger Rail Operations

SEA analyzed four shared passenger/freight segments in Michigan that will experience an increase of one or more freight trains per day from the proposed acquisition. Because of the limited number of passenger rail accidents and the inability to accurately predict the accidents, SEA used increased freight activity on rail line segments to estimate the changes in passenger train accident risk.

Of the four segments in Michigan, three exceeded SEA's criteria of significance. One of these is owned and dispatched by Amtrak and SEA encourages Amtrak to address this issue. As for the remaining two segments, SEA's preliminary recommendation is that all freight trains, both opposing and moving in the same direction as passenger trains, be clear of the track at least 15 minutes prior to the estimated arrival of the passenger train.

First, SEA needs to clarify whether the recommended 15 minute freight train track clearing is an improvement on the current practice or just reinforcement of it.

Second, just as with the freight rail operations section above, the inability to accurately predict actual accidents along with the reduction in the duration of accident intervals (by factors ranging from 1.1 to 10) indicates this analysis may require further investigation. Further clarification or analysis by SEA is necessary in the final EIS.

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January 30, 1998

Page 3

Highway/Rail At-grade Crossing

We understand that the SEA does not have authority to require mitigation of pre-existing environmental impacts. However, the relationship between existing at-grade crossing problems and the proposed acquisition should be considered in this analysis. It has been brought to our attention (Detroit News Metro Section, Tuesday December 16, 1997) that there are numerous crossings in the Metro Detroit area that have experienced many accidents (five to nine) over a 10 year period. As many as one in five of these locations have not been inspected in the past 11 years. While the DEIS only addresses segments and crossings that are affected by the acquisition, the combined effect of these existing problems with the proposed acquisition needs to be addressed. In addition, for those crossings with serious concerns, efforts to correct the situation should not be delayed by approval of the acquisition.

The final EIS should provide additional analysis and clarification of this issue.

Rail Transport of Hazardous Materials

The major concern related to transport of hazardous materials (Haz Mat) by rail is a spill or accidental release resulting from a train accident. With an increase in hazardous freight materials, there are also concerns specifically related to training of emergency personnel and other related costs. Southeast Michigan communities are concerned with the matters that follow.

First of all, an increase in the amount of hazardous materials traveling through Monroe County is anticipated with the expected increase in traffic from 14,000 carsloads annually to 31,000 carsloads annually on the CSX line between Carleton, MI and Toledo, OH. With this increase in traffic, the potential for accidents with hazardous freight will also escalate, potentially endangering public safety.

With increased potential for an accident, the Monroe County Emergency Management Division will have to provide planning, training, and exercises to respond to these types of occurrences. The following necessary elements will need to be satisfactorily addressed as part of the emergency response plan:

- Training for emergency responders (police, fire, Emergency Management, etc.)
- Specialized equipment for this type of response
- Exercise evaluators
- Specialized emergency planning support, with expertise/guidance, if needed
- Assistance and support with public information and education
- Additional public warning capabilities (sirens, alert monitors, etc.)

2/2/98 4:11:59pm-6

Finance Docket No. 33388

January 30, 1998

Page 4

- Support for exercises and drills that must take place. Monroe County is presently mandated by the federal government to participate in a very costly series of full-scale exercises for the Enrico Fermi II Nuclear Power Plant, on a biannual basis. At this time, the County estimates start-up costs at between \$12,000 and \$15,000, with ongoing expenses at \$8,000 annually.

Increased rail traffic on NS and CSX, and faulty crossing warning systems could cause delays in evacuating the area around the Enrico Fermi II Nuclear Power plant in the event of an emergency. There does not appear to be any statements in the DEIS regarding impacts on evacuation routes.

Secondly, Southeast Michigan communities would like to know the level of commitment that will be made by CSX to communities affected by the increased hazard. Would CSX be in a position to provide reimbursement for both initial and ongoing costs for emergency preparations? Are they willing to take responsibility in providing funds for public education programs? And are they willing to provide additional training for specialized equipment necessary to protect those who respond to a hazardous material accident at railroad?

Southeast Michigan communities would also like to further ascertain the impact on listed communities regarding Haz Mat Rail Service, as well as the number of shipments, schedules, training opportunities for their Haz Mat Team. This merger could provide the impetus for communication related to emergency Haz Mat Response.

In the estimated increase in annual hazardous material car load rate on page MI-13, does the post acquisition estimate include future disposal of high grade radioactive waste from Fermi and other nuclear plants within the system once the super dump in Nevada is functioning? How much of this projected increase is low level and how much is high level radioactivity? If this statistic does not include the high radioactive waste will anyone have any information on this in the future? Finally, how much biological waste is currently there?

Michigan Traffic and Transportation

Highway/rail crossing delay

Southeast Michigan communities have expressed concern with existing delays at highway/rail crossings. They are specifically concerned that an increase in freight traffic will further exacerbate already problematic situations. Furthermore, highway/rail crossing delays can also prove to be a hindrance in public safety matters. Finally, communities have asked for further explanation concerning the large percentage increases of freight traffic traversing their communities with no corresponding mitigation proposed. Some specific matters follow.

2/2/98 4:11:59pm-7

Plymouth Township and the City of Plymouth have multiple highway/rail crossings. The township provides fire service for both communities. There is only one route from the Township into the City that is completely free of rail crossings. Their concern is that the larger blocks of cars to be used in shipping will exacerbate an already serious safety problem. The community reports that emergency vehicles are unable to reach an emergency in a timely manner because of having to stop at a rail crossing for up to 20 minutes. They are also greatly concerned about extended blockage of the streets.

Another concern that SEMCOG staff addressed in a issue last year pertained to Canadian National Railway Company and Grand Trunk Western Railroad incorporated's construction and operation of connecting tracks at Trenton, MI. The community indicated that they have an existing problem of vehicular congestion on Lathrop Street as a result of rail traffic. We could not identify from the information provided in the DEIS whether this existing situation would be further exacerbated.

Monroe County expressed their concern that significant increase in traffic on the CSX line between Carleton, MI and Toledo, OH, and minor increase in traffic on Conrail (NS) line between Detroit and Toledo would mean more blocked grade crossings, causing delay of emergency vehicles, more potential train/car accidents, and general inconvenience to motorists. The Monroe County Road Commission needs railroad contact numbers to report problems on grade crossings. Problems observed at crossings along Telegraph Road and elsewhere need to be addressed.

The final EIS should address these locations, identify the criteria used and indicate why these additional locations were not identified as problem issues.

Michigan Environmental Justice

Comparison of DEIS data on the low-income population with data supplied by the U.S. Department of Housing and Urban Development (HUD) revealed significant discrepancies. Of the three areas presented as meeting the threshold requirements significant for environmental justice impacts, all given values appear to underestimate the low-income populations.

For example, in Table 5-MI-20 the low-income population is reported as 38.79% of the total population. HUD data indicates that this new construction project is located in a block group that is 63.8 percent low-income. Even when all block groups within 1400 feet of the proposed construction site are included in a best-case scenario, the HUD data indicates that there is a low-income population of 53.7 percent.

2/2/98 4:11:59pm-8

Since the DEIS did not provide a detailed explanation of the method used to determine both the boundary definition and the percent of low-income people in the affected areas, it is not possible to identify the potential cause of this variation.

We have two primary concerns related to this section. First, if the data is not correct there may be additional rail segments that do meet or exceed thresholds and should be subjected to further analysis. Second, it is not clear how the Ecorse Junction construction (HX-08), Rougeville rail yard (CY-03) activity, and W. Detroit-Dearby rail segment were determined not to have any environmental justice impact. Absent any explanation, we question their elimination to the extent the HUD and DEIS data discrepancies were used in the determination.

The final EIS needs to either clarify these discrepancies by providing a better description of process and data used. Or the final EIS needs to re-evaluate this issue using corrected data.

Finally, regarding the need for noise mitigation in the Detroit-N. Yard segment, the final EIS should include a complete list of all communities and groups involved in the process and a full description of the process used and basis for its conclusions.

A final comment relates to our January 13, 1998 letter to Elaine K. Kaiser requesting a 11-day extension on the review and comment period. As of this date we have not received a response. The additional 15 days would have provided time for a more thorough analysis and would have allowed staff the time to answer at least some of the concerns in this memorandum.

2/2/98 4:11:59pm-9

Proposed Conrail Acquisition by CSX and Norfolk Southern January 21, 1998 Questions

Name: Tom Daku Phone: 734-782-2692
Representing: Monroe County Planning Commission
Address: 4880 Deuncy, Flat Rock, MI 48134

Question/Comment:

In the estimated increase in annual hazardous material car load rate on page MI-13: does the post acquisition estimate include disposal in future of high grade radioactive waste from Fermi and other nuclear plants within the system once the super dump in Nevada is functioning? How much of this projected increase is low level and how much high level radioactivity? If this statistic does not include the high radioactive waste has anyone any information on this in the future. I didn't ask the table to comment - but how much biological waste is there?

Name: Hedwig Kaufman (Mrs.) Phone: 734-289-3541
Representing:
Address: 1515 E. Hurd Rd., Monroe, MI 48162

Question/Comment:

1. Does the EIS consider the issues concerning increased traffic, crossing blockages, etc. as they affect the Enbridge/Fermi Emergency Response Plan?
2. Is NS aware of the need for improving crossing signals/gates: much of the existing equipment malfunctions frequently, depending on local citizens notifying authorities who in turn notify Conrail.

2/2/98 4:11:59pm-10

Proposed Conrail Acquisition by CSX and Norfolk Southern January 21, 1998 Questions

Name: Arthur Shuffelbarger Phone: 248-684-1515
Representing: Village of Milford
Address: 1100 Atlantic St., Milford, MI 483811

Question/Comment:

Will the CSX policy of maintenance within communities be reviewed and a greater commitment made? Currently, railroad ties are disposed of along embankment of rail line, brush and junk trees are allowed to grow, overpasses are unpainted, pedestrian only crossing is required to be served by full automatic signal, track grades are raised creating crossing an ever increasing "hump". These exist in a fully developed community not open rural area.

Name: David Wagner Phone: 734-483-1082
Representing: Western Wayne County Haz Mat Team
Address: 222 S. Ford Blvd., Ypsilanti, MI 48198-6057

Question/Comment:

1. I would like to further discuss the impact on listed communities regarding Haz Mat Rail Service, number of shipments, schedules, training opportunities for their Haz Mat Team. This merger appears to give us a better potential for communication relating to emergency Haz Mat Response.
2. Specific information on Conrail line thru Ypsilanti/Wilbur Run. The Western Wayne County Fire Department Mutual Aid Association provides emergency Haz Mat response with it Hazardous Incident Response team (HIRT) to the following communities: Ypsilanti Township, Van Buren Township, Redford Township, Plymouth Township, Superior Township, Canton Township, Northville Township and the Cities of Wayne, Romulus, Inkster, Livonia, Plymouth, Garden City, Dearborn Heights, Taylor, Westland, Northville, Dearborn, Metro Airport, Novi and Farmington Hills.

2/2/98 4:11:59pm-11

Proposed Conrail Acquisition by CSX and Norfolk Southern
January 21, 1998 Questions

Name: Peter M. Locke Phone: 313-943-2016
Representing: City of Dearborn Office of Emergency Management
Address: 3750 Greenfield, Dearborn, MI 48128

Question/Comment:

Will there be a change in the 24-hour emergency number for derailments/leak notification. What is the present number?

Name: Dave Dysard Phone: 419-241-9155 x118
Representing: Monroe County Planning Commission
Address: 4880 Dauncy, Flat Rock, MI 48134

Question/Comment:

What specific mitigation measures will be completed in the noise abatement area? Please list some examples of measures (preferably nearby Toledo vicinity) implemented previously. What is being done to address Ann Arbor Railroad's loss of traffic with Norfolk Southern? And keeping it a viable railroad for communities it serves?

Are railroad's prepared to subsidize local communities for additional safety training and equipment (especially HAZMAT) that will be required because of the transaction?

2/2/98 4:11:59pm-12

Proposed Conrail Acquisition by CSX and Norfolk Southern
January 21, 1998 Questions

Name: Glenda White Phone: 313-241-8400
Representing: Monroe County Emergency Management Division
Address: 965 S. Ransomville Rd., Monroe, MI 48161

Question/Comment:

Hazardous Material Plan Development and exercising every other year. With local government that volunteers to do so (Pg MI-13) What commitment is CSX going to make to communities being affected by the increase of hazardous material shipments? Are they willing to take responsibility in providing funds for public education programs, additional training plan writing specialized equipment necessary to protect our first responders and all those that would respond to a Hazmat accident at railroad.

Are railroad's prepared to subsidize local communities for additional safety training and equipment (especially HAZMAT) that will be required because of the transaction?

Name: Ed Clements Phone: 313-284-8000
Representing: Southern Wayne County Chamber of Commerce
Address: 220600 Eureka Rd., Suite 315, Taylor, MI 48180

Question/Comment:

A list of endorsers of both Norfolk Southern and CSX.

Example of endorsement letter

Rationale for needing the endorsement if it is still of use.

2/2/98 4:11:59pm-13

Informational Meeting
Proposed Conrail Acquisition by CSX and Norfolk Southern
January 28, 1998 Questions

Name: Kathleen Keen McCarthy Phone: 734-453-3840
Representing: Supervisor, Plymouth Township
Address: 42350 Ann Arbor Rd.

Question/Comment:

Plymouth Township and the City of Plymouth have multiple sites of rail crossings. The township provides fire service for both communities. There is only one route from the Township into the city that is completely free of rail crossings. Our concern is that the larger blocks of cars to be used in shipping will exacerbate an already serious safety problem. I have personally witnessed emergency vehicles being stopped for 20 minutes at a rail crossing, flashers going, unable to reach the emergency in a timely manner. Fortunately, we were able to call for other assistance in the life threatening situation, but as providers of emergency services, we are concerned about extended blockage of the streets.

Name: M. J. Newbourn Phone: 313-849-2910
Representing: Intermodal Associates/All Points Transport/MTA
Address: P.O. Box 1938, Dearborn, MI 48126

Question/Comment:

1. What will the service level be from New York area Intermodal Terminals (Dockside, Kearney) to Detroit?
2. What will the service level be from Baltimore area Intermodal Terminals to Detroit?

For MS - Mr. Higgenbotham

Would you provide any details possible on Intermodal to/from Detroit.

2/2/98 4:11:59pm-14

Informational Meeting
Proposed Conrail Acquisition by CSX and Norfolk Southern
January 28, 1998 Questions

Name: Monica Schmit Phone: 313-838-3190
Representing: M.O.S.E.S.
Address: 8520 Mettetal, Detroit, MI 48227

Question/Comment:

1. Concern about increased freight traffic especially in poor and minority communities. We want statistics regarding the percentage increase throughout Michigan.
2. Concern about increased toxic material transport through communities. We want statistics regarding the percentage increase throughout Michigan.
3. Concern about impact on wildlife in Michigan. We want information about this.
4. We are concerned about the negative impacts on the Cleveland Ohio community as a result of this acquisition. (Increased toxic material and freight traffic)

2/2/98 4:11:59pm-15



Livingston County Department of Planning

Divisions of
PLANNING & MANAGEMENT • GIS MANAGEMENT • EMERGENCY MANAGEMENT

January 12, 1998

Richard W. Pfaff, Jr.
SEMICOG
660 Plaza Drive, Suite 1900
Detroit MI 48226

Re: TR 970391 Review of Draft Environmental Impact Statement -
Proposed Conrail Acquisition

Dear Mr. Pfaff:

The Draft Environmental Impact Statement (EIS) pertains to the proposed acquisition of Conrail by Norfolk Southern Railroad (NS) and CSX Railroad and contains preliminary analyses and recommendations for mitigating the possible environmental effects of the proposed Conrail Acquisition. The Surface Transportation Board (Board) of the U. S. Department of Transportation is responsible for acting upon this acquisition request.

According to CSX and NS, the purpose of the proposed Conrail Acquisition is to provide a more efficient rail transportation system in the eastern United States and to increase rail competition in the Northeast. They maintain that a well-managed rail network, configured in response to market forces, would increase competitive options for shippers, and yield substantial efficiencies and corresponding benefits to the shipping public. Further, the Applicants claim that there is a benefit to the public when railroads spread their fixed costs over a broader traffic base because the per-unit costs of shipping freight decline. The proposed Conrail Acquisition would also have environmental benefits, such as system-wide reductions in fuel consumption and air pollutant emissions.

The proposed Conrail Acquisition would result in some rerouting of rail traffic, increasing traffic for some rail line segments and rail yards, while decreasing traffic for others. It would also result in a decrease in long-haul truck traffic, although there could be increased local truck traffic and around new and existing intermodal facilities.

Only 514 miles of track would remain in the Conrail system. If the proposed Conrail Acquisition is approved and implemented, and would be operated as Shared Assets Areas located in northern New Jersey, southern New Jersey/Philadelphia, and Detroit, Michigan.

Administration Building • 304 East Grand River Avenue • Hazel, Michigan 48841-2122 • (313) 546-7555 • FAX (313) 546-7384
William D. Wagener, AICP, PEH
Director

City of Wayne: Kathleen J. Kline-Holbert, Assistant Director; Aaron S. Burk, Planning Manager; Deborah A. Hillman, AICP, Planner; Richard L. Winant, PEH, Emergency Program Manager; Bert J. Duffley, Planning Secretary

2/2/98 4:11:59pm-16



Richard W. Pfaff, Jr.
January 12, 1998
Page 2

The Section of Environmental Analysis (SEA) has determined that three projects (two rail yard expansions and a bridge renovation) could potentially result in environmental impacts beyond the existing railroad right-of-way. The remaining projects - minor actions with the potential for only small and temporary impacts - do not require further analysis.

Both CSX and NS plan to undertake extensive activities in Michigan as part of the proposed Conrail Acquisition. The related activities that would meet or exceed the Board's thresholds for environmental analysis include increased train operations on a total of six rail line segments, construction of one rail line connection, increased activity at one intermodal facility in Detroit, and increased number of rail cars handled at one rail yard in Detroit. There are no proposed abandonments. No Michigan rail line segments which meet or exceed Board environmental thresholds are located in Livingston County.

SEA conducted an analysis to evaluate the potential change in safety on all rail line segments where the proposed acquisition would result in eight or more additional freight trains per day. 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. In Michigan, SEA found that no rail line segments met its criteria of significance and does not recommend mitigation.

SEA determined a potential impact to be significant if the projected annual increase in accidents between freight trains and passenger trains was greater than 25 percent and the frequency was less than one accident in 150 years. SEA determined that the increased risk for passenger train accidents for three rail line segments exceed its criteria for significance. However, none pass through Livingston County.

For all Category A highway/rail at-grade crossings, SEA considered the accident frequency rate increase of one accident every 100 years to be significant. For all Category B highway/rail at-grade crossings, SEA considered the accident frequency rate increase of one accident every 20 years to be significant. SEA determined that the proposed acquisition would significantly increase the predicted accident risk at one highway/rail at-grade crossing in Wayne County.

SEA analyzed all rail line segments where the number of car loads containing hazardous materials would increase as a result of the proposed acquisition. SEA determined that two rail line segments in Michigan carrying increased amounts of hazardous material are of potential concern. These are the rail line segment between Carlson and Toledo and that between Detroit and Plymouth, neither of which traverse Livingston County.

Because there is no existing commuter rail service in Michigan, SEA has determined there will be no adverse effects and no mitigation is required.

2/2/98 4:11:59pm-17



Richard W. Pfaff, Jr.
January 12, 1998
Page 3

Six counties (excluding Livingston County) have highway/rail at-grade crossings for which SEA performed vehicle delay calculations. The proposed acquisition would have no significant effect on vehicle delay at highway/rail at-grade crossings in Michigan, and SEA does not propose mitigation.

Because there are no highway/rail at-grade crossings within the limits of construction, it is SEA's preliminary conclusion that there would be no effect on highway traffic from the proposed Ecorse Junction Connection in Wayne County.

The analysis of the intermodal operations in Detroit-Metvindale shows that the total daily increase in truck traffic will be less than two percent of the average daily traffic for all the study area roadways. Therefore, it is SEA's preliminary conclusion that these increases in truck traffic would have insignificant effects on the area roadways.

Two NS, one CSX, and three Shared Area rail line segments, one NS intermodal facility, and one CSX rail yard in Michigan exceeded the Board's threshold for air quality analysis. While there are localized increases in emission to some of the six counties in Michigan (excluding Livingston County) which include these rail facilities, SEA has determined that air quality will not be significantly affected and no mitigation is necessary.

To analyze the potential noise impacts of the proposed acquisition, SEA evaluated five rail line segments and one intermodal facility that would meet or exceed the Board's thresholds for environmental analysis of noise. None are located within Livingston County.

Since SEA determined there would be no adverse impacts to cultural resources, SEA did not recommend mitigation.

In analyzing the effects on hazardous waste sites for the proposed acquisition, the primary issue addressed was whether proposed construction and abandonment activities would disturb contaminated areas. The only Michigan site investigated for potential hazardous materials or waste impacts is the Ecorse Junction Connection in Wayne County. SEA identified three hazardous waste sites or other related concerns within 500 feet of the proposed connection. In addition, the locations of four sites are unknown and could not be mapped. Because existing regulatory requirements of other agencies and standard construction practices of the railroad adequately address potential disturbance of contaminated areas, it is SEA's preliminary determination that no additional mitigation is necessary.

SEA determined that the potential for impacts to natural resources would most likely be associated with site-specific projects related to the proposed abandonment of rail lines and construction of new connector lines, rail yards, and intermodal facilities. SEA determined that potential impacts to natural

2/2/98 4:11:59pm-18



Richard W. Pfaff, Jr.
January 12, 1998
Page 4

resources could occur at Ecorse Junction in Wayne County. Due to Best Management Practices used in the railroad's construction specifications and regulatory programs governing effects on wetlands, water resources, and protected species, it is SEA's preliminary determination that no mitigation is necessary. However, as a condition of approval, SEA would require NS to conform to its standard natural resources specifications during construction.

It is SEA's preliminary determination that there would be no significant impacts to land use associated with the proposed acquisition at the Ecorse Junction site. Because there are no significant impacts, SEA does not recommend mitigation.

In Michigan, intermodal facilities and associated truck routes with proposed changes in activity levels did not meet either the minority or low-income population thresholds for further environmental justice analysis. The only rail line segment meeting either the minority or low-income population thresholds is located within the City of Detroit. If an environmental justice effect exists, SEA will determine if mitigation would be practicable.

Summary: The only rail line segment passing through Livingston County does not require environmental analysis (see attached map).

Sincerely,

William D. Wagener
William D. Wagener, AICP
Director

WDW/hd
88-1-98

2/2/98 4:11:59pm-19



2/2/98 4:11:59pm-20

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**DEPARTMENT OF
PLANNING AND ECONOMIC DEVELOPMENT
MACOMB COUNTY**
113 S. Grandville Highway, Mount Pleasant, Michigan 48854
(517) 465-5300 FAX (517) 465-4787

PLANNING COMMISSION
Marked Present
Checked
Group Added
New Changes
Checked P. Submittal
Summary
Reviewed & Cited
Not of Date
State & Date
Noted Issues
Joseph J. Smith

DIRECTOR
Robert S. Chapperson, AEP/PCD
Executive Director
Richard C. Smith, State
Planning & Economic Director
James W. Thompson, State
Community Development Director
David L. Thompson, State
Business Development Director

January 15, 1998

Mr. John M. Ambarger, Executive Director
Southern Michigan Council of Governments
460 Plaza Drive, Suite 1500
Detroit, MI 48226

Re: Draft Environmental Impact Statement - TR 970991
Surface Transportation Board, U.S. Department of
Transportation, SEA
Draft Environmental Impact Statement (Draft No. 33388)
Proposed Corridor Acquisition
Section of Environmental Analysis/U.S. Department of Transportation

Dear Mr. Ambarger:

In accordance with Presidential Order 12372 provisions, we have approved the Section of Environmental Analysis/U.S. Department of Transportation Draft Environmental Impact Statement to the Surface Transportation Board, U.S. Department of Transportation.

The Macomb County Department of Planning and Economic Development staff has reviewed the EIS and is in good agreement with the findings and conclusions of the U.S. Department of Transportation.

If there are any questions regarding these comments, please contact our office.

Sincerely,
B. Chapperson
Robert S. Chapperson
Executive Director

RSO:cb

MACOMB COUNTY BOARD OF COMMISSIONERS
Ralph A. Adams - District 1
Joseph A. Adams - District 2
Lynn A. Adams - District 3
Ann S. Adams - District 4
Ann P. Adams - District 5
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Donna A. Adams - District 7
Donna Adams - District 8
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Lynn Adams - District 100

A STATE OF MICHIGAN "COMMUNITY OF ECONOMIC EXCELLENCE"

2/2/98 4:11:59pm-21

Richard Pfafe
313-961-5867

**METROPOLITAN PLANNING COMMISSION
County of St. Clair, Michigan**
100 MANORIAN BLVD., PORT HURON, MICHIGAN 48050-4000
(810) 867-4884
GORDON RUTAN, DIRECTOR

January 23, 1998

Mr. Richard W. Pfafe, Jr.
Regional Review Office Coordinator
SEMCOG
460 Plaza Drive, Suite 1500
Detroit, Michigan 48226

RE: TR970991 - Draft Environmental Impact Statement (Planner's Draft No. 33388) Proposed Corridor Acquisition

Dear Mr. Pfafe:

At their meeting of January 21, 1998, the St. Clair County Metropolitan Planning Commission considered the above referenced grant request. Following review and consideration of the enclosed staff report and discussion of the facts and issues, the Commission voted to support the staff recommendation that SEMCOG be notified that the proposed acquisition appears to have no impact on St. Clair County and therefore does not conflict with any adopted plans of the County.

Should you have any questions, please do not hesitate to give us a call.

Sincerely,
Gordon Rutan
Gordon Rutan
Planning Director

QR:ew
Enclosure

A GOVERNMENT OF SERVICE

2/2/98 4:11:59pm-22

**METROPOLITAN PLANNING COMMISSION
County of St. Clair, Michigan**
STAFF REPORT

FOR: County Planning Commission
BY: Bill Kaufman, Senior Planner

MEETING DATE: January 21, 1998
ITEM NUMBER: 17

SUBJECT: Chippewa River SEMCOG: TR 970991 PROJECT TITLE: Draft Environmental Impact Statement (Planner's Draft No. 33388) - Proposed Corridor Acquisition. The Federal Surface Transportation Board in Washington, D.C., has prepared a draft Environmental Impact Statement (EIS) on the proposed, joint acquisition of Corridor by Metrolink Southern Railroad and CSX Railroad. The preliminary analysis and recommendations for mitigating possible environmental effects of the proposed acquisition are contained in the document. It has been submitted to the public for review and comment during the review period which ends on February 2, 1998. The County has received a copy of the full EIS. We have been asked, through the clearance review process, to comment on the proposed and draft document in relationship to any County plans or programs.

In preparing this report, staff has limited their review to the executive summary and the chapter which deals with potential impacts at the State of Michigan.

BACKGROUND: In June 1997, the three railroads involved applied to the Surface Transportation Board (STBD) for authority for CSX and Norfolk and Southern (NS) to acquire Corridor. Corridor assets would be divided between CSX and NS. However, some portions of Corridor would be acquired jointly. The acquisition of Corridor is intended to provide a more efficient rail transportation system to the eastern United States and to increase rail competition in the northeast. Such a move is believed to increase competitive options for shippers.

The STBD reviews proposed railroad mergers and acquisitions, taking into account economic, transportation, and environmental considerations. The STBD also approves the request with no conditions, approve with conditions to reduce potential impacts, or disapprove the merger.

Corridor operates 720 miles of track in Michigan (14% of the State's total rail miles). CSX operates 800 miles (21%), and NS operates 158 miles or 2% of the State's total rail miles. St. Clair County is served by these three railroads and CSX operates a rail-related service in Port Huron.

DRAFT EIS FINDINGS: Based on the opening plans submitted by the applicants, the STBD evaluated the impacts of individual segments of the proposed acquisition which contained throughout the environmental analysis. Proposed impacts which would affect these findings include the rail line acquisition, construction of one rail line connection, increased capacity at one intermodal facility in Detroit, and an increase number of rail cars loaded at one rail yard in Detroit. There are no proposed dislocations. None of the proposed changes are located in St. Clair County, and there appears to be no impact on rail services or traffic in St. Clair County.

COMMENTS BY OTHER AGENCIES: Staff has not received comments from any other agency as there is no proposed impact on St. Clair County.

STAFF RECOMMENDATION: Staff recommends that SEMCOG be notified that the proposed acquisition appears to have no impact on St. Clair County and therefore does not conflict with any adopted plans of the County.

REVIEW CHECKLIST:
Submitted required EIS/COG: Dec. 24, 1997
Comments due to SEMCOG: Jan. 21, 1998
Staff report sent to SEMCOG: Jan. 21, 1998
Planning Commission meeting: Jan. 21, 1998

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2/2/98 4:11:59pm-23



MONROE COUNTY PLANNING DEPARTMENT & COMMISSION

128 East James Street - Monroe, Michigan 48161-2197
Telephone: (734) 243-7293 - Fax: (734) 243-7972
Robert E. Manno, AICP
Chairman

January 30, 1998

Mr. Richard W. Pfaff, Jr.
Regional Review Office Coordinator
Southeast Michigan Council of Governments
600 Plaza Drive, Suite 1900
Detroit, MI 48226

Dear Mr. Pfaff:

We would like to list issues of concern pertaining to the Environmental impacts of the proposed acquisition of Conrail by CSX Transportation and Norfolk Southern Railroad. These concerns were expressed at a public information meeting held at Monroe County Community College on January 21, 1998.

1. Hazardous Materials:

- An increase is expected in traffic from 14,000 carsloads annually to 31,000 carsloads annually on CSX line between Carleton, MI and Toledo, OH. This will result in increased loads of hazardous materials traveling through the County, along with the potential for accidents resulting from these materials, thus endangering public safety.
- With increased potential for an accident, the Monroe County Emergency Management Division will have to provide planning, training, and exercises to respond to these types of occurrences. In addressing this emergency response plan, the following is necessary:
 - Training for emergency responders (police, fire, Emergency Management, etc.)
 - Specialized equipment for this type of response
 - Exercise evaluators
 - Specialized emergency planning support, with expertise/guidance, if needed
 - Assistance and support with public information and education

2/2/98 4:11:59pm-24

- Additional public warning capabilities (sirens, alert monitors, etc.)
- Support for exercises and drills that must take place. Monroe County is presently mandated by the federal government to participate in a very costly series of full-scale exercises for the Enrico Fermi II Nuclear Power Plant, on a biannual basis (large expense in personnel, resources and supplies). At this time, our estimated start-up costs would be between \$12,000 and \$15,000, and ongoing expenses would be \$6,000 annually.
- According to the Section on Environmental Analysis (SEA), railroads are encouraged to develop a hazardous materials response plan and carry out biannual exercises according to this plan, in cooperation with local governments. What level of commitment will be made by CSX to communities affected by the increased hazard? Monroe County would request reimbursement for initial and ongoing costs for emergency preparations. We would be willing to work with CSX to negotiate a plan for this.
- Impact on Nuclear Plant Emergency Preparedness: Increased rail traffic on NS and CSX, and faulty crossing warning systems could cause delays in evacuating the area around the Enrico Fermi II Nuclear Power plant in the event of an emergency. We do not find statements in the SEA regarding impacts on evacuation routes.
- Nuclear Wastes: The federal government will be assuming responsibility for all high-level radioactive wastes in the United States. They will be providing a central storage/disposal repository for these materials. As many of these materials will be transported by both truck and rail, what is the increased likelihood of an accident involving these wastes?
- Monroe Rail Consolidation Projects: Railroad support of Monroe's ongoing project to consolidate east side rail lines (Conrail/NS and CNRA) is essential to its success. This project has been in the planning stages for more than fifteen years, and preliminary engineering studies are being completed. Partial funding from the federal government has been received, and phase one of the project, an underpass at the Centre 1/ North Dixie Highway grade crossing is scheduled to get underway this spring. As additional funding is secured, ongoing phases will include the relocation of Conrail Warner Yard in Monroe, the needed crossovers to consolidate the Conrail lines with Grand Trunk CNRA lines.

2/2/98 4:11:59pm-25

through the City of Monroe, and Frenchtown and Monroe Townships, and construct the needed crossovers in order to abandon the redundant Conrail lines. Many years of planning for the project are just now beginning to result in implementation. Continued support from Conrail's successor is necessary for this project to be successful.

- Traffic Safety:** Significant increase in traffic on CSX line between Carleton, MI and Toledo, OH, and minor increase in traffic on Conrail (NS) line between Detroit and Toledo would mean more blocked grade crossings, causing delay of emergency vehicles, more potential train/car accidents, and general inconvenience to motorists. The Monroe County Road Commission needs railroad contact numbers to report problems on grade crossings. Problems observed at crossings along Telegraph Road and elsewhere need to be addressed.
- Economic Development Opportunities:** Cooperation of the railroads is essential to our local economic development efforts.
- Noise Mitigation:** With 11.2 more trains per day projected on the CSX line, railroads must continue efforts to mitigate noise impacts on local communities, especially residential areas. While this issue was addressed with regard to the line from Monroe to Carleton, we feel it needs to be evaluated along the line running from Carleton to Toledo as well, including the City of Monroe.

We would like to thank SEMCOG for their assistance during the Environmental Review period.

Sincerely,

Mary K. Webb

Mary K. Webb, Chairman
Monroe County Planning Commission

cc: Honorable Carl Levin, United States Senator
Honorable Senator Spencer Abraham, United States Senator
Honorable John D. Dingell, 14th District U. S. Congressman

2/2/98 4:11:59pm-26



MONROE COUNTY EMERGENCY MANAGEMENT DIVISION

Monroe County, Michigan
128 E. Second St.
Monroe, MI 48161

January 30, 1998

JAN 30 1998

Mr. Wayne Manno, Director
Monroe County Planning Department
128 E. Second St.
Monroe, MI 48161

Dear Mr. Manno:

I would like to offer some feedback from the members of this department in reference to the proposed acquisition of Conrail by CSX Transportation and Norfolk Southern Railroad. Purpose is to report public information, we have some concerns reference the environmental impact and emergency preparedness issues:

- Current transportation loads are approximately 14,000 cars annually. With the proposed acquisition, the load will increase to approximately 31,000 annually. As many of these are hazardous materials, this will increase the potential for an accident involving these materials and ultimately, the safety of the public.
- With the increased potential for accident, emergency management will have to provide planning, training and exercising to respond to these types of occurrences. In addressing the emergency response plan, the following is necessary:
 - Training for emergency responders (police, fire, emergency management, etc.)
 - Specialized equipment for this type of response
 - Exercise evaluators
 - Specialized emergency planning support, with expertise/guidance, if needed
 - Assistance and support with public information and education
 - Additional public warning capabilities (sirens, alert monitors, etc.)
 - Support for exercises and drills that must take place. Because Monroe County is mandated by the federal government to participate in a very costly series of full-scale exercises on a biannual basis (large expense in personnel, resources and supplies). Additional full-scale exercises would be extremely difficult to accomplish without support.

In reading a section of Environmental Analysis (SEA), we notice that railroads are encouraged to develop a hazardous materials response plan and exercise this plan biannually with local governments in regard to the statement reference, what level of commitment will be made by CSX to communities affected by the increased hazard?

Thank you for facilitating our concerns.

Very truly yours,

Michael V. Webb, Jr.
Michael V. Webb, Jr., P.E.
Emergency Management Director

MYT/mf

965 South Main Street, Monroe, Michigan 48161-9700
Telephone: (313) 241-4400 • Fax: (313) 241-7150 • TDD: (313) 245-2888

2/2/98 4:11:59pm-27



Areawide Water Quality Board
1800 Edison Plaza
560 Plaza Drive
Detroit, Michigan 48226
(313) 961-4296

January 28, 1998

TO: Rich Pfaff, Jr.

FROM: Bill Parkus

SUBJECT: Draft EIS (Finance Docket #33388) Proposed Conrail Acquisition
Regional Clearinghouse Code: TR 970391
Surface Transportation Board

Rail Transport of Hazardous Materials

The draft Environmental Impact Statement (EIS) has identified two railroad segments in Southeast Michigan which have exceeded threshold requirements for transport of hazardous waste and are a concern. One extends from Detroit to Plymouth and is designated as a Key Route: greater than 10,000 car loads per year. CSX is therefore required to bring the segment into compliance with the American Association of Railroad Key Route standards and practices -- 50 miles an hour maximum on class 2 rails. AWQOB staff recommends coordinating all spill response planning activities with Wayne County's Local Emergency Planning Committee (LEPC), the State Police and the Michigan Department of Environmental Quality (MDEQ).

The other route extends from Carleton to Toledo and has been designated a Major Key Route: traffic volume doubles to 20,000 car loads per year. In this case CSX is required to prepare a Hazardous Material Emergency Response Plan and conduct simulation exercises every two years with involvement of local and county emergency response personnel. We concur, the need for coordination with the Monroe County Local Emergency Planning Committee is very important.

AWQOB staff recommends the identification of all significant waterways and wetlands along both of the railroad segments with scenarios for protecting the sites in case of a spill.

Hazardous Waste Sites

The Section of Environmental Analysis (SEA) of the Surface Transportation Board has identified three hazardous waste sites within 500 feet of the proposed rail connection at the proposed Ecorse Junction rail connection. In addition, the SEA has reports of four additional hazardous waste sites in the area, the locations of which are unknown.

2/2/98 4:11:59pm-28

The Rouge River is located about 1,000 feet from the Ecorse Junction. The Rouge River is a Great Lakes Area of Concern. Planning and implementation is underway to clean up and maintain the river. The river and the City's sewer system should be protected to the fullest extent possible from any construction activities that will disturb these hazardous waste sites and contribute contaminants from runoff. The draft Environmental Impact Statement notes that Norfolk Southern will conduct appropriate surveys to more precisely locate these sites in order to avoid them during construction or remediate them. AWQOB staff recommends coordinating site surveys with the MDEQ and Wayne County Departments of Environment and Health.

2/2/98 4:11:59pm-29

MEMBER
CHRISTOPHER SMITH
PRESIDENT PRO TEM
CLAY JANSSON

VILLAGE OF MILFORD

CONCILIARY MEMBERS
JERRY ALBRY
LESLIE PATTERSON
JAMES KOVACH
THOMAS NADER
NANCY WRENK

ENVIRONMENTAL DOCUMENT



January 30, 1998

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/3/98
DOCUMENT # 2248 307 6779

Attn: Elaine K. Kaiser
Environmental Project Director
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, NW
Washington D.C. 20423-0001

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

I am writing in response to the request for comments regarding the EIS of CSX acquisition of Conrail lines within Michigan.

As a community currently served by CSX we have concerns regarding the policy of maintenance and service CSX will afford those communities now on the Conrail system that will shortly be served by CSX. Issues we feel should be addressed include:

1. Replaced wooden ties are disposed of by simply throwing them down on the embankment forming the right-of-way for the track. We believe that a developed urban area should be given more consideration especially given the prominent and visible location of the rail lines as it passes in a community.
2. Cutting and trimming of brush and junk trees is not regularly done. We believe that a developed urban area should be given more consideration, especially given the prominent and visible location of the rail lines as it passes through town.
3. The deterioration of overpasses, both for safety concerns which are probably more the accepted topic of the railroad, and the general upkeep of rusty unpainted overpasses as they clearly occupy a prominent role to the community.
4. The location of pedestrian crossings (for pedestrians only) in a downtown setting, currently requires the installation of a fully automatic roadway-style signalization totally installed at the municipality expense.

2/3/98 3:09:07pm-1

January 30, 1998

Page 2

5. The continued maintenance of the track base is accomplished by raising the tracks by 4 - 5 inches every 2 to 3 years. At street crossings the roadways are gradually starting to "peak", making the approach increasingly dangerous. The approaches to the crossings must be corrected.

Thank you for the opportunity to air our concerns. Please call if I maybe of any assistance.

Sincerely,

VILLAGE OF MILFORD

Arthur Shuffelbarger
Arthur Shuffelbarger, Manager

cc: L. Brooks Patterson, Oakland County Executive
Dennis Powers, County Commissioner
Nancy Casais, State Representative
Bill Bullard, State Senator

2/3/98 3:09:07pm-2

GREGORY E. PITONIAK
Mayor

DOROTHY E. WEST
City Clerk

BACK HAYDON
Treasurer

City of Taylor

2355 GODDARD ROAD
TAYLOR, MICHIGAN 48180

PHONE: (734) 287-4550 (Home) FAX: (734) 374-1343

CENTRAL ADMINISTRATIVE UNIT

REC'D: 2/3/98

DOCUMENT # 23498 4:29 PM

February 1, 1998

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

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

Dear Ms. Kaiser:

The City of Taylor upon review of Chapter 5 of the Environmental
Impact Statement (EIS) for the acquisition of Conrail by Norfolk
Southern Railroad and CSX Railroad would like to address the
following concerns.

The average daily traffic (ADT) counts utilized in the
December, 1997 EIS, do not match the information the City of
Taylor has obtained from Wayne County Department of Public
Service (WCOPS). The (WCOPS) "24 Hour Traffic Volume Counts",
dated December 1, 1996, shows significantly higher traffic
counts than those shown in the EIS. A change in traffic
counts will affect the analysis of highway/rail at grade
crossings and the analysis of highway/rail crossing delays.
We request that the correct traffic counts be considered.

We are also concerned that the additional train traffic
through the City of Taylor proposed in the EIS may affect the
emergency response activities of police, fire and rescue.
Obviously anything that could reduce response time will impede
and threaten the health, safety and welfare of our citizens.

ENVIRONMENTAL
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2/3/98 4:29:00pm-1

Ms. Elaine K. Kaiser
February 1, 1998
Page 2

The summary of potential effects of rail transport of
hazardous materials was vague. The estimated carloads of
hazardous materials between Carleton, MI and Toledo, OH
doubles according to the EIS, but there is no reference to any
increase between Carleton, MI and Ecorse, MI. Are all
hazardous materials off-loaded in Carleton?

The increase in train traffic, according to the EIS, will
increase noise. The EIS suggests various methods to mitigate
the impact of noise. The EIS also recommends the railroads
meet with the communities to decide how best to accomplish
mitigation. To date, we have not had any contact with the
railroads.

We have many concerns relating to the proposed acquisition.
Foremost, is the lack of information the City of Taylor has
received from the Section of Environmental Analysis of the
Surface Transportation Board. Secondly, the City has serious
concerns relating to traffic delay problems and the associated
level of service of our roads due to the increased train
traffic.

Please feel free to call me at (734) 374-2733 to further discuss
these issues.

Very truly yours,

Timothy Keyes

Timothy Keyes,
Special Projects Manager

cc: Mayor Gregory E. Pitoniak
Frank Bacha, Executive Director, DPW
Tom Bonner, Police Chief
Ted Swope, Fire Chief
Gerald Couch, Executive Director, O.D.S.

2/3/98 4:29:00pm-2

WEEKLY LOG

Page #150

STATE CLEARINGHOUSE FOR FEDERAL PROGRAMS

DATE 12/19/97

12/29/97

MS APPLICANT NO.: MS971219-004

IMPACT AREA(S):

CONTACT: MICHAEL J. DALTON

PHONE: (585) 545-1957

FEDERAL AGENCY: DEPT. OF TRANSPORTATION

FUNDING: FEDERAL
LOCAL
TOTAL

APPLICANT
OTHER

STATE
PROGRAM

DESCRIPTION: DRAFT ENVIRONMENTAL IMPACT STATEMENT - FINANCE DOCKET
NO. 33388. "PROPOSED CONRAIL ACQUISITION" USE CORPORATION
AND CBI TRANSPORTATION, INC., NORFOLK SOUTHERN CORPORATION
AND NORFOLK SOUTHERN RAILWAY COMPANY, CONTROL & OPERATING
LEASES/AGREEMENTS CONRAIL INC. & CONSOLIDATED RAIL CORP.
CATALOG OF FEDERAL DOMESTIC ASSISTANCE STUDIES

303 WALTER STILERS BLDG. - JACKSON, MS 39201 (601) 359-6762

ENVIRONMENTAL
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- THIS IS AN ACKNOWLEDGEMENT ONLY -

CENTRAL ADMINISTRATIVE UNIT
REC'D: 1/6/98
DOCUMENT # 23498 12:40 PM

STATE AGENCIES MUST REVIEW CERTAIN PROPOSALS PRIOR TO
RECEIVING MISSISSIPPI INTERGOVERNMENTAL REVIEW PROCESS CLEARANCE.
THE MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY REVIEWING ANY
PROPOSALS INVOLVING CONSTRUCTION, SUCH AS A SIGNAGE OR AN
APARTMENT COMPLEX FOR COMPLIANCE WITH CULTURAL RESOURCES AND
HISTORIC PRESERVATION. MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL
QUALITY, OFFICE OF POLLUTION CONTROL, REVIEWING APPLICATIONS IN
ACCORDANCE WITH THE FEDERAL WATER POLLUTION CONTROL ACT. THE
MISSISSIPPI DEPARTMENT OF NATURAL RESOURCES REVIEWING APPLICATIONS
FOR CONSISTENCY WITH THE COASTAL PROGRAM.

IF APPLICATIONS ARE FOR PROJECTS OF LOCAL IMPACT, THEY
SHOULD BE SENT TO THE APPROPRIATE PLANNING AND DEVELOPMENT
DISTRICT AT THE SAME TIME. PLEASE NOTE THAT ONE OF OUR
REQUIREMENTS IS THE USE OF STANDARD FORM 424. THE DEPARTMENT
OF FINANCE AND ADMINISTRATION PREPARES AND DISTRIBUTES A WEEKLY
LOG LISTING PERTINENT INFORMATION CONTAINED ON THIS FORM. OUR
ADDRESS IS 303 WALTER STILERS BLDG. 39201 AND OUR PHONE NUMBER IS
(601) 359-6762.

1/7/98 12:04:40pm

Mal Camahan
Governor

Richard A. Hannon
Comptroller

ENVIRONMENTAL
DOCUMENT

State of Missouri
OFFICE OF ADMINISTRATION
Post Office Box 809
Jefferson City
65102

January 20, 1998

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

Attention: Elaine K. Kaiser

Dear Ms. Kaiser:

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

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

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

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

Sincerely,

Lisa Pohl

Lisa Pohl, Coordinator
Missouri Clearinghouse

LP:cm

2/3/98 11:41:50am



MIDDLESEX COUNTY FIRE ACADEMY

1001 Fire Academy Drive • Sayreville, NJ 08872
Phone: (908) 727-0088 FAX: (908) 727-4038



CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/3/98
JAN 29 11:52:57 AM

January 27, 1998

ENVIRONMENTAL DOCUMENT



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

Attn: Chief, Section of Environmental Analysis

Dear Sir or Madam,

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

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

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

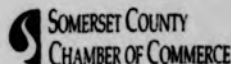
Sincerely,

Rory R. Zach
Rory R. Zach
Acting Director

RRZ/

PROVIDING FIRE SAFETY THROUGH EDUCATION AND TRAINING

2/3/98 11:52:57am



CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/3/98
DOCUMENT # 2/3/98 3:57:36 PM

ENVIRONMENTAL DOCUMENT

January 28, 1998

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

SUBJECT: NORFOLK SOUTHERN AND CSX FREIGHT MERGER

Gentlemen

The Somerset County Chamber of Commerce has been a strong proponent in reactivating the West Trenton Passenger Rail service. I personally testified before the Congressional Transportation Committee, along with Mayor Kenneth Scherer of Hillsborough and Congressman Bob Franks. Currently we are working with NJ Transit on the West Trenton study funded by the Surface Transportation appropriations. We have been proponents of national rail infrastructure improvements.

The Norfolk Southern and CSX freight merger plan has been of great interest to the Somerset County Chamber of Commerce. Our local economy relies on an efficient rail infrastructure system, both passenger and freight.

We are requesting that the Surface Transportation Board make as a condition of approval on the merger that the West Trenton Line accommodate dual use of both freight and future rail passenger service and that existing passenger rail service serving Somerset County not be adversely impacted at the expense of expanded freight service.

The Chamber organized a successful West Trenton Coalition of supporters reaching from Bucks County, Pennsylvania to Union County, NJ. More recently we are active supporters of the Raritan Valley Line Coalition.

P.O. Box 833 • Somerville, New Jersey 08876-0833 • (908) 725-1552 • Fax (908) 722-7823
Website: <http://www.somersetcounty.commerce.org>

2/2/98 3:57:36pm-1

Congressman Franks has been a strong advocate of rail infrastructure enhancements and an effective community leader.

Cordially

Barbara C. Roos
Barbara C. Roos
President

Cc: Congressman Bob Franks
Somerset County Planning Board
Commissioner Haley, Transportation NJ
North Jersey Transportation Planning Authority

2/2/98 3:57:36pm-2

ENVIRONMENTAL DOCUMENT



State of New Jersey
Department of Environmental Protection

Christine Todd Whitman
Governor

Division of Parks and Forestry
Historic Preservation Office
PO Box 604

Trenton, N.J. 08646-0604
TEL: (609)292-3023
FAX: (609)964-0578

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/4/98
JAN 29 5:00:39 PM



COPY

January 29, 1998
HPO-A98-137

Ms. Elaine K. Kaiser, Chief
Environmental Analysis Section
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

RE: Finance Docket No. 33388
Draft Environmental Impact Statement
CSX and Norfolk Southern
Control and Acquisition of Conrail
National Historic Preservation Act Consultation

Dear Ms. Kaiser:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic properties, as published in the Federal Register on September 2, 1986 (51 FR 31115-31125), I am providing consultation comments for the above referenced Draft Environmental Impact Statement.

SUMMARY: The initial activities proposed by Norfolk Southern Railroad and CSX Railroad as part of the proposed acquisition of Conrail will not have an effect on historic properties. Proposed projects at Elizabeth (Union County) and Flemington Junction (Hampden County) may have an effect upon historic resources listed in or eligible for listing in the National Register of Historic Places (NRHP). Additional information regarding the scope of these two proposed projects is needed before an assessment of effect can be completed. Abandonment of right of way and modification or replacement of railroad structures, such as bridge tunnels, stations, signal and interlocking towers, are the types of activities that have, in the past, effected historic railroad properties in New Jersey and have been the subject of Section 106 consultation.

These comments are in response to your initial letter of October 23, 1997 to Mr. Robert Shinn, Commissioner, Department of Environmental Protection, and the Draft Environmental

How many is an Equal Opportunity Employer
Recycled Paper

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Ms. Elaine K. Kaiser
HPO-A98-137
January 29, 1998
Page 2 of 3

Impact Statement (DEIS), Finance Docket No. 33388, Proposed Conrail Acquisition, dated December 12, 1997.

Based upon the information in your letter and the DEIS, I concur that, with the possible exception of projects at Elizabeth (Union County) and Flemington Junction (Huntern County), the proposed Conrail acquisition will not have an effect on historic properties. My concurrence with this assessment of no effect is based upon the DEIS conclusion that no abandonment of railroad right of way is proposed for within New Jersey and that construction activities associated with changes to existing Conrail New Jersey operations are currently limited to construction of track connections in Ridgefield and Little Ferry (Bergen County).

The Historic Preservation Office is pleased to know that the Environmental Analysis Section has requested additional information regarding the proposed projects at Elizabeth and Flemington Junction and looks forward to participating in further consultation in accordance with Section 106 requirements. Although the shops of the former Central Railroad of New Jersey (CRNJ) in Elizabeth (Union County) have been demolished, the right of way, yard tracks, and shop site are part of the NRHP eligible CRRNJ Main Line Historic District.

Although the proposed Conrail acquisition, with the two potential exceptions noted above, will not effect historic resources, the historic significance and NRHP eligibility of numerous resources being acquired from Conrail should be acknowledged. Over the past few years the Historic Preservation Office has participated in Section 106 consultation that has identified railroad rights of way eligible for listing in the National Register of Historic Places as linear historic districts. Although not all NRHP eligible or potentially eligible railroad rights of way have been identified, a number of the rights of way evaluated by the SHPO as eligible for the NRHP are among the assets to be transferred from Conrail to Norfolk Southern and CSX. The former Central Railroad of New Jersey right of way from Elizabeth (Union County) to Phillipsburg (Warren County) cited above received a Determination of Eligibility (DOE) from the Keeper of the NRHP on November 30, 1995. Consequently, future activities resulting in substantial alteration or abandonment, either partial or complete, of these rights of way would have an effect on historic properties.

Additionally, as part of survey and planning activity, Section 106 consultation, and the processing of National Register of Historic Places nominations, numerous railroad and related resources have received SHPO opinions of NRHP eligibility or have been listed in the National Register of Historic Places. These historic resources include bridges (overhead and undergrade), stations (passenger and freight), and other structures associated with railroad operations (signal and interlocking towers, tunnels, and civil engineering features such as cuts and fills). Although many of these historic resources are owned by New Jersey Transit or other public agencies, NRHP eligible bridges and other structures are among the assets being acquired

2/4/98 5:00:39pm-2

Ms. Elaine K. Kaiser
HPO-A98-137
January 29, 1998
Page 3 of 3

from Conrail. Here also, future activities, such as the substantial alteration or demolition of these bridges, structures or buildings, would have an effect on historic properties.

The Historic Preservation Office hopes that, after recognizing the historic significance and NRHP eligibility of particular railroad resources, continued use and operation will ensure appropriate preservation.

The Historic Preservation Office appreciates having an opportunity to offer these comments on the Draft Environmental Impact Statement as part of the Section 106 consultation process. If you have any questions regarding these comments or the identification and evaluation of railroad related historic resources, please contact HPO staff Charles Scott at (609) 633-2396.

Sincerely,

Dorothy P. Guzzo

Dorothy P. Guzzo
Deputy State Historic
Preservation Officer

DG/CS
Log #98-394 - A98-137
C: NJDEP, Office of Program Coordination

2/4/98 5:00:39pm-3



COUNTY OF BERGEN

Administration Building • Court Plaza South • 21 Main St. • Room 300E • Hackensack, NJ 07601-7000
(201) 846-3630

William P. Schuler
County Executive

January 30, 1998

Office of the Secretary
Case Control Unit
Surface Transportation Board
1925 K Street NW
Washington, DC 20423-0001

Attn.: Ms. Elaine K. Kaiser, Environmental Project Director

Re: Finance Docket No. 33388

Dear Ms. Kaiser:

According to the National Ambient Air Quality Standards (NAAQS) set by the Clean Air Act Amendments (CAAA), Bergen County, NJ is designated as a severe non-attainment for both Ozone and CO. A major objective of the County is to achieve healthful levels of air quality to both improve the quality of life for Bergen County residents and advance the important goals of the CAAA. The County has recently reviewed the Draft Environmental Impact Statement (DEIS) for the "Proposed Conrail Acquisition." We are taking this opportunity to comment on two issues.

After reviewing the New Jersey section of Volume 3b: State Settings, Impacts and Proposed Mitigation we concluded that section 5-NJ9 New Jersey Air Quality could be violating the General Conformity Rule. The General Conformity Rule was established in response to Section 176 of the CAAA. The General Conformity Rule includes emissions thresholds. If these thresholds are exceeded by any Federal action, the General Conformity Rule is triggered. For Bergen County, a severe non-attainment area, any action that emits more than 25 tons of NO_x annually triggers the General Conformity rule. For Bergen County an increase in 200 tons of NO_x annually will occur as a result of the Conrail acquisition.

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Ms. Elaine K. Kaiser
January 30, 1998
Page 2

For Bergen County with a population of 848,000 and a private sector workforce of 420,000, any increase in harmful pollutants - such as NO_x, will be felt by our residents and workers.

After reviewing the New Jersey section of Volume 3b: State Settings, Impacts and Proposed Mitigation we concluded that section 5-NJ9 New Jersey Air Quality could be violating the General Conformity Rule. The General Conformity Rule was established in response to Section 176 of the CAAA. The General Conformity Rule includes emissions thresholds. If these thresholds are exceeded by any Federal action, the General Conformity Rule is triggered. For Bergen County, a severe non-attainment area, any action that emits more than 25 tons of NO_x annually triggers the General Conformity rule. For Bergen County an increase in 200 tons of NO_x annually will occur as a result of the Conrail acquisition.

Additionally, the rule indicates that an emissions off-set must occur within the same non-attainment area that the increase occurred. The way the analysis is presented in the DEIS, it looks like they used the entire 26 state acquisition area to calculate the emissions off-set. This seems to be in direct violation of the General Conformity Rule.

Issue 2: the Economy

One second major area of concern relates to Bergen County's transportation capacity to move people and goods, by road and rail, both within our highly congested landscape and between it and the region surrounding us at all compass points.

As described in detail in the enclosed Planning Essay, our six-year analysis of our economy and its transportation assets has produced the following conclusions. All are discussed in detail in our Planning Essay, enclosed.

Bergen County is New Jersey's economic engine. Inside our boundaries on but 3% of the state's land mass are found the state's highest and densest concentrations of population, people in the work force, number of businesses, number of jobs - all generating the states highest total value of real estate, its highest total of state income tax dollars, and total of retail sales tax dollars.

Further, the great preponderance of this economic power is squeezed into 40% of our county's land mass. Shown on Figure 2b of the Planning Essay, that core is also the place where the county's highest levels of congestion are

2/2/98 6:42:12pm-2

concentrated. This congestion relates not only to the concentration of economic assets just described, but to the fact that the predominant volumes of regional traffic we experience also travel the regional roads that cross that core. Figure 26 shows that the number of trips taken within the county's economic core each day is three times larger than the number in the balance of the county.

Our research also reveals the near impossibility of expanding existing road and bus capacity to sustain the core's present economic strength into the future. Therefore new rail transit capacity has become absolutely essential. Three critical rail lines cross that core -- the Susquehanna and Western, the West Shore and the Northern Branch. All three were examined in detail in the Planning Essay, and all three offer important rail transit opportunities. We are concerned that the large increases in freight traffic contemplated in the Impact Assessment will also generate the capacity to undercut our direly needed rail transit relief.

Of these three corridors, however, one -- the Susquehanna and Western carrying Light Rail eastward from the I-80's junction with the Garden State Parkway -- best addresses the following critical economic conditions. Of the three rail corridors, the Susquehanna and Western contains:

- o 48% of the population found in all three;
- o 61% of the employment found in all three;
- o 51% of all the households found in all three;
- o 45% of the real estate value found in all three;
- o 64% of the office space found in all three;
- o 51% of all work trips taken each day in all three.

As well, the work trips taken inside the Susquehanna corridor are 51% higher in number than those taken in the other two corridors combined.

In sum, then, both areas of our concern -- air quality and economic -- are important to our county's capacity to continue to serve the key roles it plays in our metropolitan region and state.

We stand ready to discuss any of these issues with you.

Ms. Elaine K. Kaiser
January 30, 1998
Page 4

Sincerely yours,

William "Pat" Schuber
William "Pat" Schuber
Bergen County Executive

/cm
enclosure: Planning Essay

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2/2/98 6:42:12pm-4

Bergen County Department of Planning and Economic Development 1997 State Development and Redevelopment Plan Cross Acceptance Planning Essay

Back in 1988, Bergen County and its 70 municipalities conducted a "Cross Acceptance" process as one substantial input to the new State Development and Redevelopment Plan as drafted for our region. Over a 14 month period, we held 210 meetings with you, and several other joint sessions among municipal and business leaders. To help guide our deliberations, we also shared a "straw poll" with each other that took the temperature of our planning sentiments, preferences and needs.

In the heat of what would turn out to be an unprecedented burst of growth in our county's and state's history, we heeded, together, a capacity based approach to planning -- the first attempted in our state. It was designed to anticipate future growth in Bergen County by measuring, together, how much open land remained to be developed according to the zoning in place in each municipality.

With each municipal delegation, we also took a crack at a "20 year capital plan" -- another first -- in which we estimated together, using cost criteria culled from conversations with municipal engineers and public works managers, such municipal items as fire engines, back hoes, ambulances, street maintenance, replacing roofs on public buildings and the like.

We also made lists, together, of what we called "environmental treasures" that our sentiments told us to try to protect, if only ways to do this could be mustered as our landscapes were crowding while filling in and closing in. We could see redevelopment already taking hold, popping up lot by lot, often in the form of large houses rebuilt in place next to small ones. We knew it would take new zoning and planning tools to keep the best pockets remaining in our natural landscapes, to find ways to capture the redevelopment phase instead of being captured and that it would be expensive to buy land in the path of development driving up acquisition costs.

These data became a supplement to the already prodigious body of information describing each of our county's six planning "subregions" over time in our traditional and detailed, yearly Bergen County Data Books.

From that effort, Figures 1 and 2, on the following pages and sampled from Volume II of our 1989 Cross Acceptance Report, show Hackensack's land capacity for population and employment growth as estimated then, along with the total of such samplings for all 14 municipalities in its Central Bergen subregion. These would become known as the "pink charts."

This is a Planning Essay, similar in form to the one we wrote back in 1988 at the beginning of that Cross Acceptance effort. From our discussion, it became part of the introduction to the Report we wrote back then. Its purpose here is to show how and where we have sustained and expanded this capacity based approach to planning since then. So this chance to revisit and update the New Jersey State Development and Redevelopment Plan provides an excellent

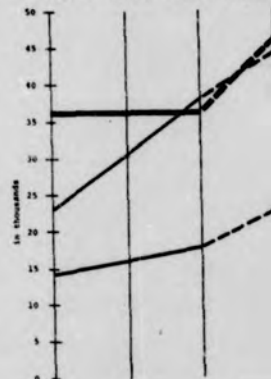
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Figure 1.

Hackensack GROWTH CAPACITY

	1970	1980	1987	2010	GROWTH 1987-2010
POPULATION	36,008	36,039	36,954	46,125	10,171
HOUSING UNITS	13,915	16,304	17,678	22,500	4,822
EMPLOYMENT	23,008	30,211	36,198	45,000	8,802

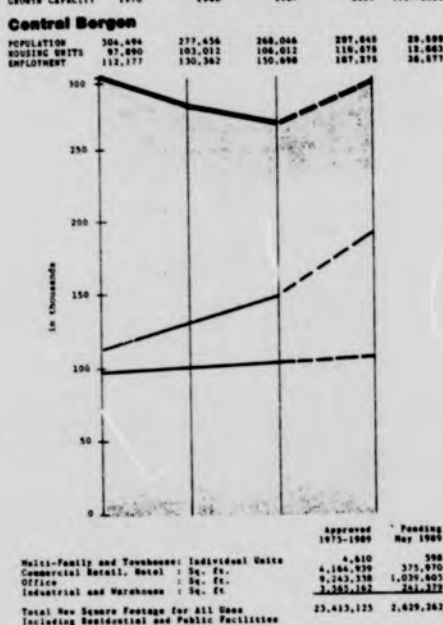


Development Applications in Bergen County	Approved 1975-1989	Pending May 1989
MULTI-FAMILY & TOWNHOUSE: Individual Dwellings	3,821	334
COMMERCIAL, RETAIL, HOTELS: Sq. Ft.	978,386	94,348
OFFICE: Sq. Ft.	1,617,021	146,749
INDUSTRIAL & WAREHOUSING: Sq. Ft.	541,617	23,824
TOTAL NEW SQUARE FOOTAGE FOR ALL USES, including residential & public facilities	3,064,866	731,020

POPULATION
HOUSING UNITS
EMPLOYMENT

2/2/98 6:42:12pm-6

Figure 2.



2/2/98 6:42:12pm-7

Figure 3.



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opportunity for us to revisit these topics over the next few months.

This 1997 essay opens with many of the insights from our County's first Cross Acceptance Report to the State in 1989. It outlined the emergence of suburban counties in major metropolitan areas as the major locus of the US economy. Coming at the end of the "go-go-1980s" Bergen County's response was dominated by a concern with the "consequences" of this growth on our scarce infrastructural and environmental capacity. So, in a straw poll conducted with our mayors and planning board members in each one of our 70 municipalities we identified major concerns with:

- Environmental Planning and loss of open space (71%);
- Traffic congestion (59%), especially the potential impact of opening I-287 on northwest Bergen; and
- Fiscal capacity to pay for growth (52%) as the supply of vacant developable land began to dry up.

Yet, alas and while we were working, New Jersey entered a period that turned out to be the most profound economic recession since the Great Depression of the 1930s. Many of the service sector jobs created during the 1980s were lost, compounding the effects of a shrinking manufacturing base. Although New Jersey is still in a long economic expansion and has regained the same number of jobs back, they are different in nature. So, today, we face the challenges of sustaining economic performance in New Jersey's single largest economy while creating the land use and infrastructure foundation for the 21st Century economy.

This draft essay also expands the framework established in Cross Acceptance-1988 to take into account the new economic, land use and transportation investment context that has emerged more clearly since then, and particularly how this new context is reflected in several new transportation initiatives we have taken since then in response.

Planning Context 1997. Some of it is the same. And some has changed. The Future isn't What It Used To Be.

Forty years ago, little more than a generation, Bergen County and our geographic counterparts in metropolitan areas across the nation were predominantly low-density suburban, cradled in pleasant natural settings, and growing energetically. The nation's economy was expanding on a strong industrial base, its big cities were places of manufacture and trade, freight moved predominantly by rail, open land was referred to as "undeveloped," and an airplane trip was a big adventure.

Most all commuting occurred between suburbs and cities and within cities, families were "headed" by a father who worked and nurtured by a mother who stayed home, and big stores, called "department stores," were a relatively quick trip to the city away (the mall had not yet been invented). The big Interstate Highways were under construction but not yet in use. "Someday," people said, "when all this construction is over with, we'll be able to drive all the way from Boston to San Francisco without hitting one traffic light." Imagine.

2

2/2/98 6:42:12pm-9

And oh yes, back then "country" air was "fresh," drinking water was clean and plentiful, abundant land was over the next ridge, poles by, treated with caliche latex, was what you got while playing in vacant lots and nearby woods, and Norman Rockwell was immortalizing all these vignettes in the *Saturday Evening Post*.

Can this snapshot of an economic past be only a generation removed from the place we now set out to make? Yes it can. For momentous changes over the intervening 40 years have made the future for today's parents something it didn't need to be for theirs. Put most simply, and still surprising to many in the enormity of its dimensions, the nation's economic geography — where we place our buildings and the roads, rails, pipes and wires to support them — has changed steadily into something remarkably different from what it used to be. So have our lives.

Looking back, and animated mightily by a trove of new information, we can now see post-World War II New Jersey in new retrospect. We were, indeed, growing rapidly into a collection of "bedroom" suburbs and small cities just a short drive to the two large cities just beyond our borders. (People still reported Ben Franklin's quip that New Jersey was a "hog topped at both ends.") The same land patterns characterized many other such places across the nation. Sprayed by returning soldiers starting families, and by federally supported home mortgages, then by sewers, and then by revenue sharing dollars to local governments, our state's economy bounded ever more exuberantly into the countryside. Bergen County grew more and it grew faster than any county in New Jersey, and among the fastest in the nation.

A powerful new idea started to take hold — that this kind of growth opportunity would have tremendous staying power, and even that its capacity to create new wealth to divide up was becoming a "side to hill all basin." It might even bloom generations yet to come with higher standards of living than their parents had had. The words "A New American Century" crept into the language. "If we can go to the moon," people said more frequently, "why can't we ... (you fill in the blank).

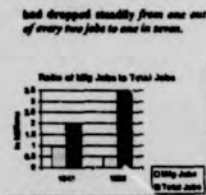
Across the country in places like ours, population and employment forecasts were nearly impossible to make. Schools were built and filled in waves. As all these new families grew, the many segments of the economy grew to meet, absorb and incorporate them into it. Somewhere along the line, the kids would come to be called Baby Boomers. Baby Boomer. Woodstock. Emulation. Life Insurance. With the first of the Boomers having reached age 50 on January 1, 1994, pensions and social security are out.

3

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The first round of "Cross Acceptance" in 1988 occurred against the backdrop of major structural shifts in the US economy. There were the outcome of three national trends, each with its own momentum but with their collective effects economic in combination, that came to dominate a rapidly changing economic landscape. Over those last 46 years:

- The nation's job base has been shifting increasingly from manufacturing to services. In 1943, New Jersey's manufacturing jobs numbered 961,208, or high water mark, and constituted 56.4% of the state's employment base. By 1976, two huge shifts had occurred. Total manufacturing jobs statewide had decreased by almost half (to 508,086), and service jobs had grown so rapidly that manufacturing's share of the state's employment base, once 56.4%, had dropped steadily from one out of every two jobs to one in seven.
-
- | Year | Ratio of 1976 Jobs to Total Jobs |
|------|----------------------------------|
| 1943 | 1.0 |
| 1976 | 0.14 |
- Legend: White bar = 1943, Black bar = 1976



- * As the national economy grew to absorb the Baby Boom's unprecedented numbers, both jobs and population were moving to and growing side by side within suburbs in such increasing numbers that a land use and nationwide economic revolution has become the cumulative effect. The Interstate Highway system did not go to San Francisco from Boston, but its second phase of "Vigns," built outside the cities within the nation's metropolitan areas (Rte. 495 outside Boston, Rtes. 287 and 295 around Tucson, etc.), opened up funding the suburban land use revolution.

Our New Jersey Turnpike and Garden State Parkway run pretty much north-south, but, today, the majority of their daily users are not traveling from New York to Philadelphia. They carry north-south and east-west regional and local travelers who jump on and off to get to hundreds and hundreds of disparate destinations. To illustrate these changed patterns, Bergen County gathers 250,000 of its daily work force of 550,000 from 350 municipalities outside Bergen but in four states. The San Francisco suburbs also along the way to this metropolitan change.

- * And American as apple pie, the car would become how 85% of our most larger work force now commutes - now mostly between suburban homes and suburban jobs rather than between suburbs and cities or within cities. While the total number of Americans who take transit to work has grown hardly at all over this entire, 37 year period, the number who now work has more than quintupled.



The consequence of three trends merged to create a massive new land form called the "metropolitan area"—offering yet another new word for planners to use. They also became the basis for new formulas for the Federal Government to use in distributing and redistributing the nation's wealth. In great surges and migrations of population and employment, the largest of these metropolitan areas formed and grew outward from the country's rims — on our East and West coasts, and along the shores of the Great Lakes and the Gulf of Mexico.

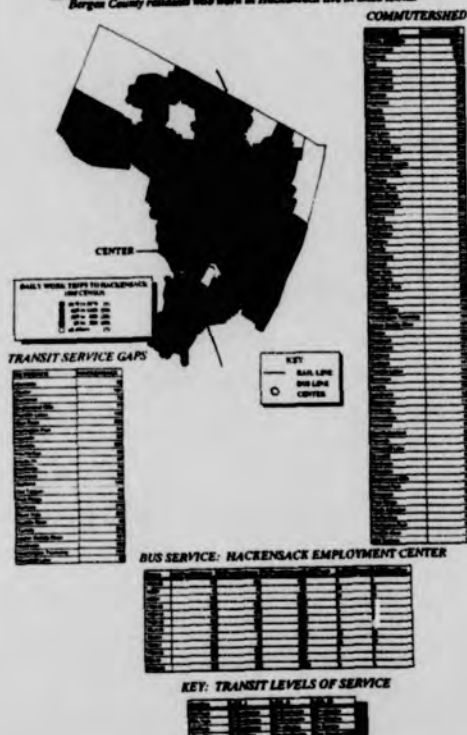
Back in the 1960s, the Interstate Highways were popping up all over the country. But their consequences for land development had not yet taken hold. The economy and its transportation support systems, and the fast-growing suburbs, were the dominant forces in the development of the nation. The cities were being forced predominantly at the region's center. All that was being contained. The farther one traveled from the center, the lower the population density and the more rural the landscape became. Transportation, with its economic and central destinations, could pursue economies of scale with considerable efficiency and ease of choice.

But note these statistics: While New Jersey was losing 806,000 acres of farmland between 1950 and 1990, the entire state was gaining 2.7 million in population, and 1.7 million in jobs. And Newark, our largest city, was experiencing a population loss of 163,655 (from 438,776 to 275,121); and a job loss of 63,915 (from 181,067 to 117,152). Newark's 1990 total was 14.9% of all jobs in New Jersey; by 1990, it represented 38.9%. Our state's remaining five largest cities (Jersey City, Camden, Paterson, Trenton and Elizabeth) saw their combined employment drop by 178,120, from 274,509 in 1950 to 186,389 in 1990.

The biggest surprise has been that, of the two reciprocally pushing expansions of population and of jobs, the relocation of where business is conducted has had much the more telling effects on the new suburban behavior we were inventing back then in the 1960s and 1960s with such gusto. Companies to which employees had traveled to enter cities were deciding not to stay put. In a growing swarm, they were chasing, instead, as pick up and move to where the immediate numbers of their customers were changing its face. (See Figure 4 on the next page.)

Entrepreneurs from the retail sector became the first of many to respond to this rising suburban market. Alexander's was the first free-standing mall built in the United States, landing in 1957 as it dropped by helicopter onto Paramus' smooth tarmac, largely local Route 417 interchange. The new store had a big parking lot easy to get to. *Who would have pictured* had the nation's mightiest retail concentration 20 years later? And its multi-purpose,

HACKENSACK COMMUTERSHED'S TRANSIT OPTIONS
Hudson County residents who work in Hackensack live in these towns.



multi-directional, all day, regional traffic jams.

Just outside Boston, a ruble back then in 1957's Massachusetts was someone who still thought Jordan Marsh was a swamp. Becoming famous in suburbia took the nation over were the new subdivisions named for the ecosystems they were displacing. Hickory Area.

As the full dimensions of this population and real estate explosion become visible - 76 million - older business owners pinned up and below the horizon, the numbers in over more expensive ways. The study says that the number of people who are starting to leave the country is over one million. They all are this rising tide of new residents is not only continuing a new and rapidly expanding customer base. It would become their new work force, as well. And as the baby boomers have grown up and entered the work force, most have chosen to live, work, and then to start families in the suburbs or their parents' bad times. Their children are now doing the same.

Meanwhile, the suburban schools built to accommodate all these new families became magnets for more homeowners, helping to drive upward the new spirals of real estate development. The people who were building the new stores and homes in farm and wood lots would become known as "real estate developers." Those that inhabited them would become the commuters.

To accommodate these surges, zoning was re-invented by municipal leaders, in ever more ingenious ways, to "attract" the "best" mix of burgeoning opportunities that each town decided it wanted to assemble. Jeffersonian democracy in action. Some got their way - particularly in places where the booming markets were strongest. Others didn't. Rural towns continued to be the very same exercise, but fewer things came their way - to start with.

The Federal Government, urging such municipalities to furnish its own means of residential and commercial "centers," maintained the advice by sending money to each town to do its own "Master Plan" to shape its own destiny. To read the town master plans today is to discover that they all looked and sounded good—much alike. They are probably part of the origin of the term "model town." As the money grew and new markets developed, each town could always adjust the nature of residential land to capture the best of the expanding markets. An apt comparison is this corporation expanding their financial assets to pursue of their economic goals municipalities "invest" their land.

And as the need for new and expanding municipal services grew — police, road repair, libraries, schools, parks, hospitals — the Mount Pleasant was adjusted to attract businesses with high tax potential. As this became more common, it became known as "fiscal magnetism." As well, State governments grew, supported by national tax and back to the states from Washington, to provide "regional" services — sewage treatment, reservoirs, colleges, flood capacity regional roads, regional parks and nature preserves. In time, these and other regional facilities would compete with one another for sources (and more expensive) than more overbuilt localities. The state competition arose inside the changing nature plans of the coastal communities.

As these powerful changes developed momentum, single municipalities evolved into clusters of municipalities who came to share similar fates and fortunes. An example of the former is Edison, whose employment growth symbolizes the enormous economic shift across New Jersey and many metropolitan areas like our own. By 1990, the township of Edison's employment (62,935) had outgrown the job bases of four of the state's six largest cities, approached that of Jersey City's (63,412), was more than half again that of Elizabeth (39,117), was nearly double that of Paterson (24,668), was more than double that of Camden (28,626), and nearly triple that of Trenton (22,225). In higher density suburban and metropolitan landscapes like these, transportation planners and investors have new clusters of customers to serve, and more difficult decisions to make.

As jobs and population dispersed into some 25 large, metropolitan areas, travel patterns shifted away from the traditional suburb to city flow, towards the more familiar – and more perplexing – overlapping rivulets and streams of traffic, many of which do not lead to major cities. So a great many more trips are now being taken across our metropolitan transportation networks and in hundreds of different directions in each one of them than was the case in 1960.

Yet, our investments have not kept up with the great surge of growth between 1950 and 1990. In 1960, investment in public infrastructure was 2.5% of Gross National Product. By 1990, after a period of national growth unprecedented in our history, that number had dropped to 1%. So, we are challenged to find transportation solutions to the unprecedented growth in demand on a network designed for a different economic geography and with rising costs for maintenance and rehabilitation in a difficult investment climate. As the current debates about reauthorization of ISTEA clearly show, the stakes are high and the competition deadly.

In sum, over the past forty years we have seen a number of dramatic shifts in:

- what our economy now produces;
- who now produces it and where;
- who purchases the goods and services we produce;
- where and at what densities we now live and work;
- how we travel about the landscape of our work residence and recreation; and
- what we import and what we need to export.

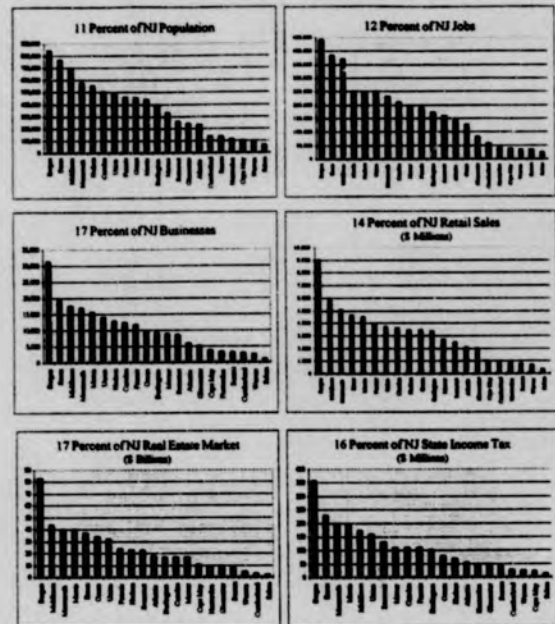
We discover ourselves inhabiting a transformed economy on a transformed landscape and in need of a transformed transportation system. Bergen County has been an active participant in the creation of this new economy and as the next section shows is developing an investment agenda to protect the economic power we have in place while preparing for the new rounds of growth and re-use that lie ahead. (See Figures 5, 6, 7 and 8 following.)

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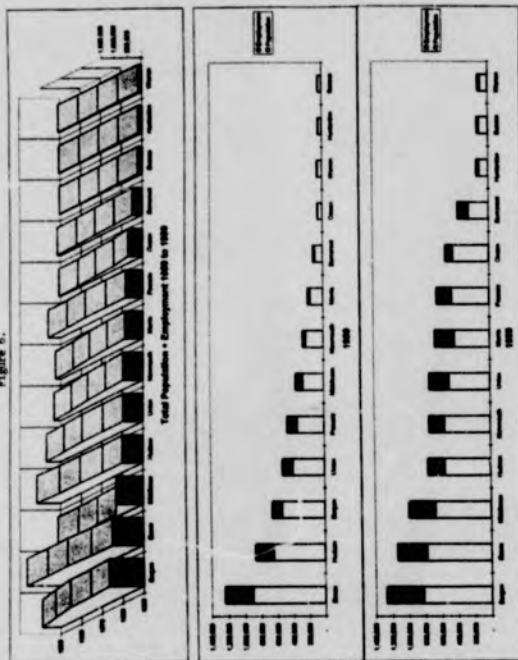
Figure 5.

Bergen County is New Jersey's Economic Engine:



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Figure 6.



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Figure 7.

STATE OF NEW JERSEY

POPULATION AND
EMPLOYMENT
DENSITY PER SQUARE
MILE BY CENSUS
BLOCK GROUP



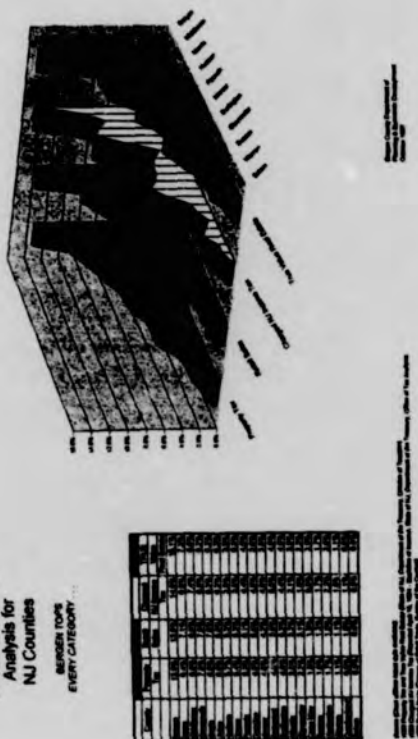
Population Plus Employment
Per Square Mile by Census Block Group

- Greater than 10,000 - High frequency, high speed transit possible, but not widely available.
- 2,500 to 10,000 - Heavily used bus, plus commuter rail to Manhattan.
- Less than 2,500 - Any local transit is rare. Some with lower frequency bus, via park-ride.

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Figure 8.

Comparative Tax Analysis for NJ Counties across 100s EVERY CATEGORY

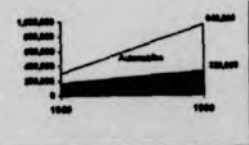


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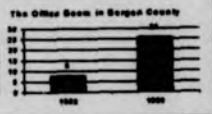
The New Service/Information Economy: Bergen County's All Day Economic Landscape

As our nation's life was unfolding like this, so was our state's. By 1990, New Jersey, the nation's fifth smallest state, had become the eighth largest economy among the 50 states. Were we a nation, our economy would constitute the world's 16th largest. But among these eight, New Jersey possesses the most compact economy of them all. And within New Jersey, among the 21 counties, Bergen County continues to constitute the state's largest single economic concentration, and on but 3% of the state's land mass.

Bergen County's economic geography was transformed in much the same way as was the nation's, but with greater intensity and speed. Between 1950 and 1994 our population increased by more than half to 343,000 while our housing stock doubled to 324,000, and while total employment and vehicle miles driven within our borders more than quadrupled to 555,000, and 5.8 billion, respectively.



No other county in the State of New Jersey contains economic concentrations this large, or endures more miles driven in and through it. (See Figure 9 on the next page.) And we are still growing. The 1994 Census estimates put Bergen's population up by 41,000 since the 225,000 recorded in the 1990 Census.



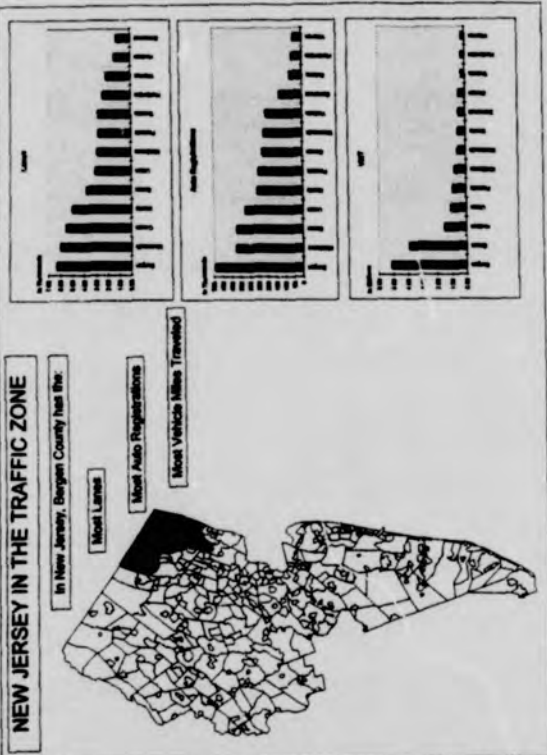
The office boom in Bergen County that occurred between 1962 and 1989 came at the tail end of this

30-year economic revolution and concentrated its dynamics. One that short, unprecedented spur. Bergen County's stock of retail office space increased by 100% from 8 million square feet to 26 million square feet, also the highest in the state. This yield is a strong economic base, but it is the land use that generates the most traffic all day long.

This burst, representing the embedding of the service/information economy into our already crowded landscape, would repeat and come close to overloading the present transportation network's non-limited capacity to handle the new traffic flow. During the most rapid interval of this transformation, between 1970 and 1995, the number of trips per day inside our county shot upward from 2.8 million to 3.2 million. In highway terms, this increase would have required us to build 24th new lane miles of road to keep up with the

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Figure 9.



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enough -- enough to add a lane stretching from Hackensack to Atlantic City and back. We did not.

This is the radically changed metropolitan landscape, designed specifically for the automobile but now being overwhelmed by it, for which nearly countless forms of transit are needed. In metropolitan regions like ours the nation over, this has become a matter of substantial economic urgency. As we come to grips with these changes, and with the service economy now generating heavy, mixed traffic all day long, we discover that different balances of different mixes of transit services are necessary in different landscapes -- urban, suburban, and rural.

From Growth Management to Sustained Economic Performance: Crisis Acceptance 1997.

Back in 1980, during our first Crisis Acceptance marathon, we knew we were in an unusual economic expansion. But we didn't know how it would turn out. Now we do. The results would be eye-opening. This article describes these changes and shows the way in which key themes of transportation, economic performance and stretched transportation capacity come together in Bergen County's economic eve. The critical role of transportation in sustaining the economic heart of New Jersey's largest county economy is identified as a prelude to the new array of intermodal transportation investments identified below.

New Jersey's 1980-1992 recession, our worst and most painful in the 60 years since the Great Depression, would stop dead in its tracks the assembling, six year employment boom that had just provided it and that had crystallized our planning during Crisis Acceptance One. The longest and longest since World II, our extraordinary 1980's boom had contributed 621,000 new jobs to the state's economy at an unprecedented rate of 90,000 new jobs per year. This contrasts with the annual average rate of job growth, across eight business cycles since 1950, of 50,000 new jobs per year.

Then, and at a comparatively dizzying pace, the recession saw the state sharply lose 242,000 jobs over the next 3 years -- more than 4 of every 10 added during the boom. Having added jobs at 90,000 per year over 7 years, we then lost jobs at 50,000 per year over 3 years. The ones we lost would not all come from the huge increase we had added, however. The others, were timeless economic forms described here were still at work.

Finally, in September of 1997, the state would finally have gained back the number of jobs -- 242,000 -- lost between 1989 and 1992 -- making this five-plus year recovery cycle our longest on record, as well, since the Great Depression. Again, these would not all be the same jobs we lost -- powerful forces still at work and expected to remain at work. This is to say that, beyond those who were in the business cycle, the clear impact of the major economic events since 1990 remains in place. The '80s opened them up, and the '90s slowed them down.

Now we're back on the job creation track. And the congestion of the late '80s is back and growing. It contributes to the thinking we must do about expanded roles for transit. The future isn't what it used to be.

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Bergen County's Targeted Response to Crisis Acceptance in 1988

Open Space Initiatives

In 1990, after a period of intense analysis of land development and growth capacity launched with our 70 municipalities during State Plan Crisis Acceptance in 1988, and in response to state calls we took of this entire delegation, Bergen County launched a 5,000-acre open space crusade. Over these nine years, we are closing in on doubling all the acreage we had assembled in county parks and natural areas in all the years prior to 1988.

Capital Planning Capacity

As an extension of the land and zoning capacity calculations we performed with all 70 municipalities during Crisis Acceptance in 1988, we then developed a series of computer-based models to help us anticipate traffic growth lurking in land available to be zoned, and traffic to anticipate with the upcoming (1992) completion of Interstate 287, a "missing link" and its interchanges in Bergen County in Oakland (at Route 208) and in Mahwah (at Route 17) and Interstate 84 in New York State.

We also launched an associated analysis of our transportation network's present and future conditions and needs. We began by determining the central relationships between our economic assets and the capacities of the regional and local roadways and transit systems to sustain them into the future. Our investigation incorporated a careful look at the economy of the county and its economic distribution — the density of its key land uses for defining transit opportunities. We discovered that we had, and have, new and growing transportation needs to address for our transformed landscape.

Bergen County's Five Major Transportation Investment Initiatives Since Crisis Acceptance in 1988

All of the changes discussed here — economic, geographic, spatial and demographic — have contributed mightily to the massive changes in the make-up of our transportation needs — for moving people and goods — by rail and road, by car, truck and bus, and by train, plane and ship. Most of these facilities, local and regional, do not match up very well today, with the major elements now in place having been built in a different era for a different economy in a different competitive atmosphere.

In Bergen County, cars, buses and trucks compete for limited space on roads. One of our recent studies showed us that Bergen County draws 40% of its own daily work force from 330 municipalities outside of Bergen County in 4 states. In 1990, trucks now handle some part of their trip to market for 90% of what we manufacture, import, grow and sell. They are everywhere. Just as competitively, rail freight, commuter rail and Light Rail competes for limited track and terminal capacity. Close by in our region, air freight competes for ground and runway space with air passenger space, shipping competes for landside space with new urban waterfront-oriented homes and jobs, and all of these compete with each

other and with natural ecosystems for precious waterfront space. Intermodal planning as compared with intramodal planning is urgent stuff.

Every one of these competitors is supported by major interest groups pursuing economic strength, and each has a competing vision for what the "balance" should be. Those who plan in order to forge a compatible mix of all of these have their hands more than full. That includes us. We have thought hard about all of these in the preparation of the five major transportation initiatives described here.

Improving the Efficiency of the Existing Highway Network

On the highway side, depicted in Figure 10, we saw the vital importance of expanding the Routes 4/17 Interchange — both in its future capacity to absorb larger traffic flows from the surrounding region, and of greater importance, to help attack East-West congestion by expanding the ease and speed with which all of its users can change direction, to gain access to more destinations. We began our work to design its future for the mix of local and regional travelers whose thousands of separate paths converge here daily. At county scale, nearly all of Bergen County's 37,000 private sector businesses — the largest concentration in the state — find some members of their work force dependent on this congealing interchange in their journey to and from work. To expand and re-align it, then, is also a decision to strengthen the business climate in our county.

Pretty much the same number of people pass through this interchange daily — the number hovers around 250,000 — as cross the Hudson River from all of New Jersey every morning by bridge, train, tunnel and PATH. Its present loop system was built with pride in 1954, but for Model A's put-putt putting through a landscape of homes amidst celery farms. We formed a partnership of multi-owners, municipal officials, county engineers and NJ Department of Transportation engineers, rolled up our sleeves and turned on the Computer Aided Design software. The preliminary design was complete and acceptable to all parties in 1 1/2 months and is funded in the Transportation Improvement Program. See Figure 11.

Enhancing the Capacity of the Existing Commuter Rail Transit System

On the transit side, we discovered first that while buses now carry the majority of our transit users today, their ability to sustain our economic and transportation future is seriously limited by the Lincoln Tunnel, its crowded Exclusive Bus Lane on Routes 1 and 495, and by the congested roadways leading to both. In short, buses traveling our 124 routes are trapped in the traffic they seek to displace, including the large, long distance complements of them that pass through Bergen County with "closed doors."

This led to our concentration on advocating for the Secaucus Transfer and its ability to induce more rail riders as parking can be assembled at upwards of 100 New Jersey stations along all of its connecting lines. Three — the Main, Bergen and Passaic Valley lines — currently carry commuter rail traffic southward across Bergen County to Hoboken. Rail freight grows steadily on two of them.

To best prepare ourselves for the benefits this magnificent new rail facility will deliver to

Figure 10. Regional Highway Network



Bergen County and our entire region, we joined NJ Transit's ambitious effort to double the parking spaces along the Bergen, Main and Pascack Valley lines - from 4,000 to 8,000 - in time for its opening. The Secaucus Transfer/Allied Junction project, a public/private partnership with enormous potential for helping induce transit friendly land use, will also increase substantially the number of destinations our rail riders can reach along these three lines. Put simply, the greater the number of riders, the better and more frequent, and thus the more attractive the service can be.

The Bergen, Main and Pascack lines could potentially be joined at the Secaucus Transfer by a fourth and or fifth - the West Shore and/or the Northern Branch - as future projects, not yet tested, from another, ongoing Bergen County/NJ Transit partnership. In this partnership formed in September of 1996, Bergen County and New Jersey Transit are conducting, together, a Major Investment Study of the comparative mobility strengths offered by various combinations of three potentially new rail transit services in Eastern and central Bergen County - along all or portions of the West Shore, the Northern Branch, and of what we call the "Cross County Line" from central Bergen to Weehawken on half of the existing Right of Way of the Secaucus and Western lines. (See Figure 12, following.)

Both the Routes 4/17 interchange and the Secaucus Transfer have been funded, with the Secaucus Transfer under construction and scheduled to open in 2002. The Routes 4/17 interchange, along with other nearby components adjusted to fit its design, is scheduled for construction in 1998, 1999 and 2000.

The Hudson Bergen Light Rail Two: it line: It can be Bergen County's residents, work force and economy to Hudson County, in Weehawken, Weehawken's New York Waterway Ferry, Hoboken (to downtown Manhattan via Ferry and PATH); Jersey City's Journal Square and Newark by PATH from Hoboken, Newport and Exchange Place; Liberty State Park, and Bayonne.

Since Cross Acceptance in 1998, a third major regional transportation initiative has also entered our planning landscape - the Hudson Bergen Light Rail Transit line. As was the case with the Routes 4 and 17 projects which we initiated, and the Secaucus Transfer which we advocated strongly for, the Hudson Bergen Light Rail immediately became another major investment opportunity for us to study, to influence in its configuration, and join in its funding advocacy. Figure 13 shows the route that was chosen, in 1995, from eight alternatives studied and evaluated over its seven year gestation period.

This major new Light Rail project, whose first funded segment was chosen for construction between Bayonne and Hoboken, named the Vince Lombardi Park-Ride in Weehawken as its final and northernmost destination, and Bergen County's only stop on the 33-stop line. Its arrival date was estimated, by NJ Transit, for the year 2010. As was the case with the 4/17 interchange, we have worked strenuously in many forums over the last four years to bring its final design, funding and construction much closer to the present.

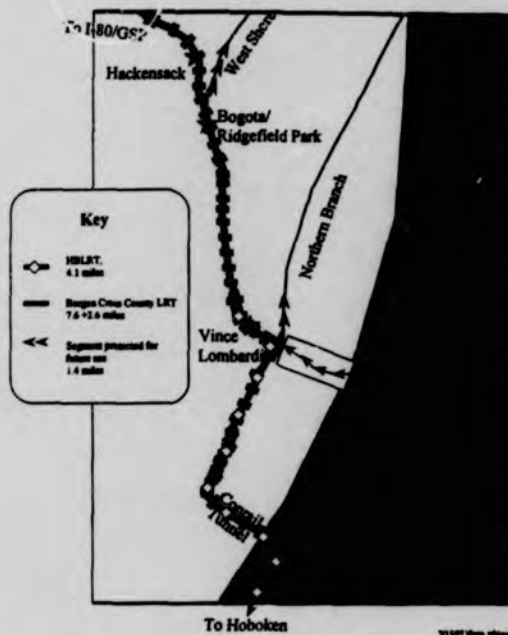
This choice for its northern terminus was not a good place for us. People coming in on its trolleys from Hoboken and Weehawken to the north will now all have to Park-Ride in Weehawken between two parts of the NJ Turnpike. So they will have no way to get to our offices, homes, hospitals, colleges and all the other auto-attractive destinations listed in Bergen's

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Figure 12.

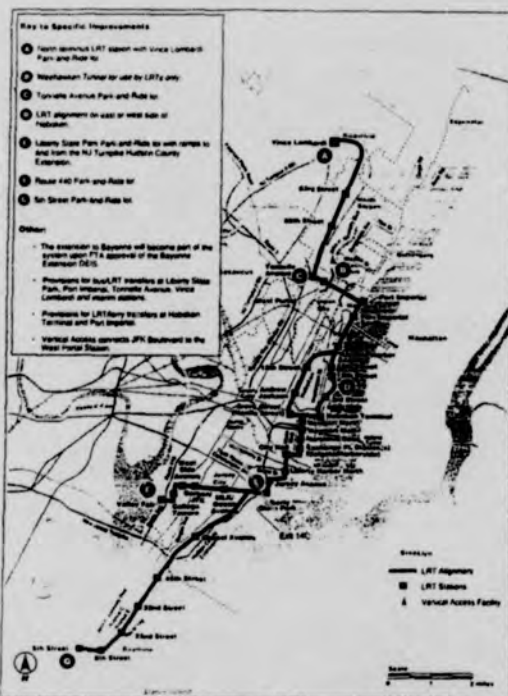
The Bergen Cross County Light Rail Adds Two Extensions to The Hudson Bergen Light Rail



W1507 (HBLRT, HBLRT)

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Figure 13.



Waterfront Corridor Preferred Alternative

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Yellow Pages. As configured, then, it effectively carries passengers in only one direction - southbound - and from a point hard to reach for our 540,000 residents.

So while this station helps the rest of the line with ridership derived via Park-Ride from Interstate 95 drivers - a positive feature - the whole system's ridership is not increased in its strength by rail riders from the south, including even commuters from New York City. So an additional consequence is financial. Without much "reverse commuting" capacity, it loses customers whose fares could help support its operating costs if only northbound users could be accommodated, and southbound passengers could be substantially increased in their numbers. Further, the loss of Light Rail access to Edgewater and to the Hudson River Waterfront connected in Weehawken, now bounded along a two lane (Level of Service F) road was a substantial one.

To correct these deficiencies without disturbing its standing in the Urban Core as a completed FEIS project with a full funding agreement for its first, Bayonne to Hoboken stage, we have devised and tested the engineering and environmental feasibility of the project we call the Cross County Line. More on that below.

Missing Mobility Options: New Transit Investments and Economic Performance.

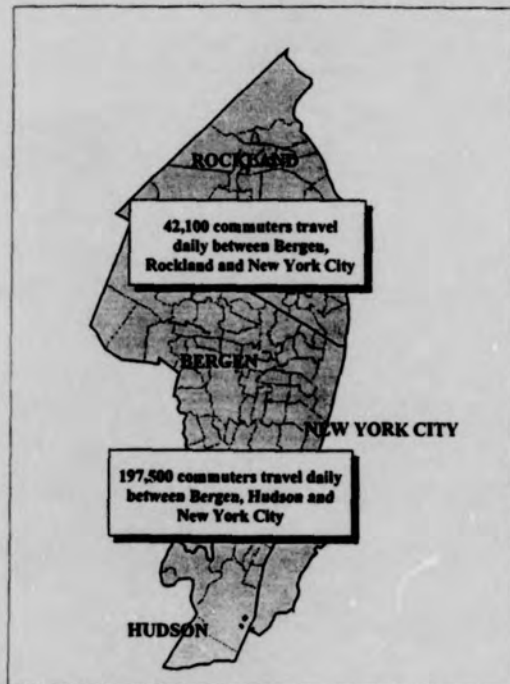
There has always been a close connection between transportation capacity and land use and economic development in Bergen County. The transit corridors along our commuter rail roads and bus network have linked Bergen County's residential values to Manhattan's high-wage jobs sustaining local tax bases and schools. The highway connections to the nation have been the pathways along which the explosive growth in jobs outlasted earlier care growth. Yet, as growth has matured, and regional investment lagged the explosive growth in regional commuters headed to - and through - Bergen County four new investment principles have emerged.

1. Our transportation investments must be targeted to areas where the entire for economic performance are making. Here we must always balance the need to protect the results of past growth and the need to liberate the possibilities for the new high value service necessary emerging in our midst. We must consider:
 - where our needs and our opportunities most strongly merge in the rail choices available to us;
 - who our most productive economic partners in the region are; and
 - which rail transit linkages offer us the best opportunities to link together our most important, shared assets. For example, our strongest linkages are to Hudson County and Manhattan, and not to Rockland County (See Figures 14 and 15 on the next page).
2. We need to think in terms of a single, integrated, multi-modal transportation network that can accommodate the competing needs of its many customers that have different needs at different times of the day. Although investment has lagged behind demand in Bergen County, the in-place investment in roads and rail has a replacement value in excess of \$25 billion - more than the entire projected federal funding for north Jersey over the next 20 years. So looking for places where we can increase the productivity of the existing system by connecting its disparate pieces, filling service gaps, or providing for easy changes

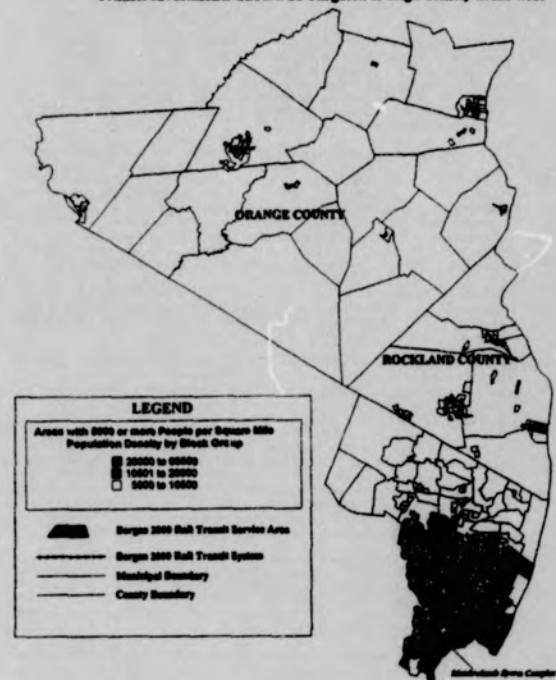
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Figure 14.



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Figure 15.
Transit Investments Should be Targeted to High density areas first

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between modes (rail to bus, bus to Light rail, auto to light rail) will not only provide new capacity but increase the returns on investments already made. We can no longer afford to make investments without regard to their implications for the efficiency of the overall network both in terms of existing facilities and services and other investments they may induce.

3. We need to tailor solutions, both in terms of their scale and timing, to the available funding sources. Despite the laudable efforts of ISTEA to reverse the decline in spending identified above, it is likely that the flow of federal and state funds to transit and other transportation projects in northern New Jersey will lag behind the rising needs for system maintenance and capacity expansion. So in developing transportation investments we must think not only in terms of the "ultimate" or "perfect" solution, but also in terms of a "phased approach". In some cases it might be possible to advance the goals of a specific transportation investment by beginning with a "critical component" or by a more limited service configuration, or lower cost technology that can be expanded as the market grows and/or funding becomes available. Even when this might increase the overall cost of the project these costs must be weighed against the benefits that are delivered earlier. There is nothing more futile than developing the perfect solution for which funding is not available.

In doing this we must consider new sources and partnerships. What private sector assistance can be enlisted? Bergen County has already established a record of success in integrating our own planning and investments with the planning and investment of others - very much at the heart of the State Development and Redevelopment Plan's major goals. Examples are Route 417, the Edgewater Waterfront, the Hackensack Medical Center, our Essex Street initiative, which includes the redesign of the Essex Street interchange with Route 17, and others.

4. Investment choices must be supported by our municipal partners who are best to take advantage of the economic benefits of transit investments through matched land use and transportation investments. For a transit system to be truly successful, the design process must encourage active participation from those who will help determine its outcome.

These themes come together in Bergen County's economic and transportation core, described in the next section.

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Investing in Economic Performance in Bergen County's Economic & Transportation Core.

Our investigation of the key relationships between the patterns of economic development, land use and transportation county-wide led us early to the identification and detailed description of Bergen County's economic and transportation core. In a 96 square mile, centrally located core - several illustrations follow - are concentrated, first, our county's highest concentration of population per square mile and employment per square acre occurring in combination with each other (Figure 16).

Figures 17 and 18, following, show how a much broader and related series also occur continuously here. For example, this economic core is also the county's financial core, including its capacity to generate our highest concentrations of assessed value, office, income earned and taxes - sales, property, and income - generated. As Bergen County is the State's economic engine, this is the county's.

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Figure 16.

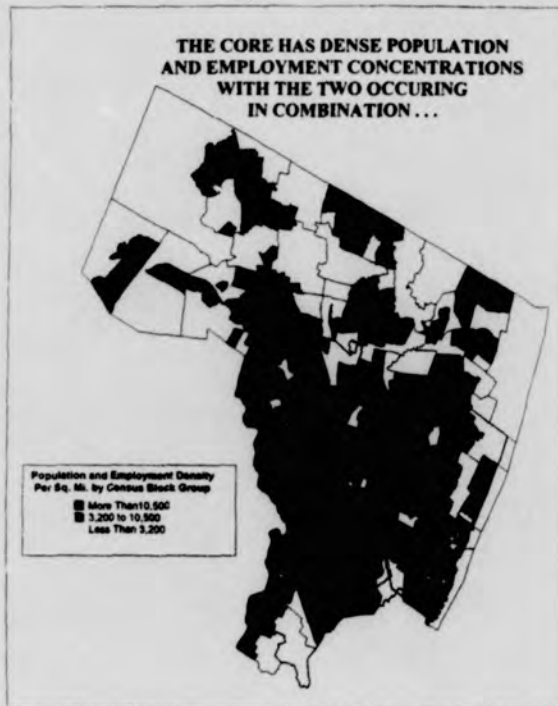
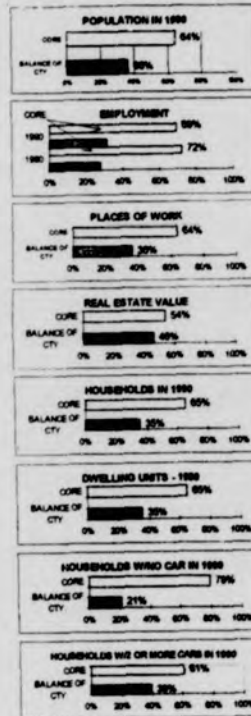


FIG. 16.WOR

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Figure 17.



FEATURES OF BERGEN COUNTY'S ECONOMIC CORE

Category	1990
Population in Core	526,368
Population in Balance of County	299,011
Employment in Core	300,216
Employment in Balance of County	136,484
Places of Work in Core	24,126
Places of Work in Balance of County	13,728
Real Estate Value in Core	\$44,108,677,891
Real Estate Value in Balance of County	\$27,164,578,768
Households in Core	202,823
Households in Balance of County	106,857
Dwelling Units in Core	212,344
Dwelling Units in Balance of County	112,473
Households who Car in Core	21,573
Households who Car in Balance of County	5,786
Households w/2 or more Cars in Core	72,123
Households w/2 or more Cars in Balance of County	46,700

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Figure 18 - Features of Bergen County's Economic Core:

CATEGORY	Core	Core as a % of the County Total	Balance of County
POPULATION IN 1990		64%	
COVERED EMPLOYMENT IN 1990		72%	
COVERED EMPLOYMENT IN 1990		69%	
RESIDENT COMMUTERS IN 1990		64%	
DAYTIME POPULATION IN 1990		66%	
CHANGE IN DAYTIME POPULATION		99%	
NIGHT TIME POPULATION		64%	
SQUARE MILES		68%	
POPULATION DENSITY IN SQ. MILES		73%	
HOUSEHOLDS 1970		68%	
HOUSEHOLDS 1990		65%	
DWELLING UNITS 1970		68%	
DWELLING UNITS 1990		65%	
RESIDENTS COMMUTING 25 TO 29 MIN		62%	
RESIDENTS COMMUTING 30 TO 34 MIN		65%	
RESIDENTS COMMUTING 45 TO 59 MIN		68%	
HOUSEHOLDS WITH NO CARS IN 1990		79%	
HOUSEHOLDS WITH ONE CAR IN 1990		72%	
HOUSEHOLDS WITH 2 CARS IN 1990		81%	
HOUSEHOLDS WITH 3 CARS IN 1990		55%	
TOTAL FLOOR AREA IN 1991		66%	
WHITE		64%	
BLACK		92%	
ASIAN		57%	
HISPANIC		83%	
UNEMPLOYED		72%	
COMMUTERS		64%	
PLACES OF WORK		64%	

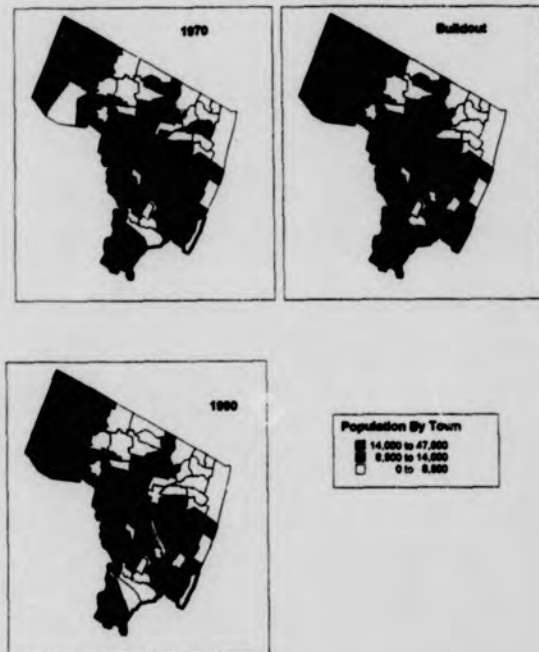
Other of the Core's features - showing its sustained role in these categories - are also displayed (Figures 19 - 24). Also depicted are such relationships as:

- Population Distribution by Municipality, past, present and future;
- Population Density by Municipality, past, present and future;
- Employment Distribution by Municipality, past, present and future; and
- Transit Density (Population Plus Employment per Square Mile) by Municipality, past, present and future.

Displayed, as well, here, is the mismatch between rail commuter ridership within this core as contrasted in contrast with the remainder of the county (Figure 35).

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Figure 19.
Population has and will concentrate in our Core

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Figure 20.
Population Density has and will concentrate in our Core



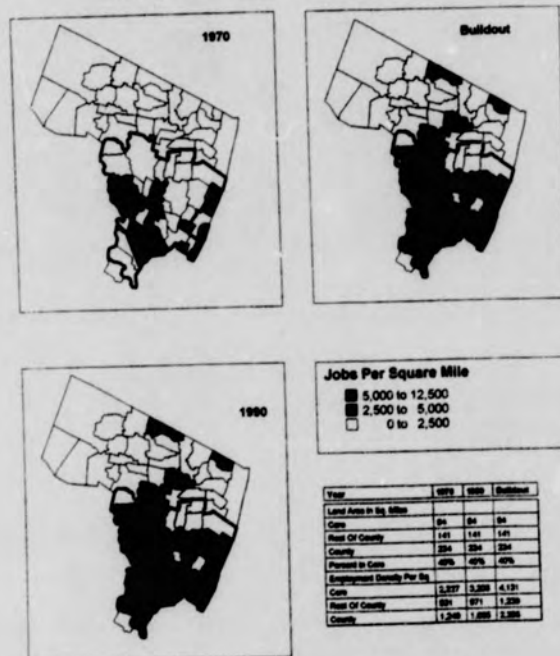
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Figure 21.
Employment has and will concentrate in our Core



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Figure 22.
Employment Density has and will concentrate in our Core



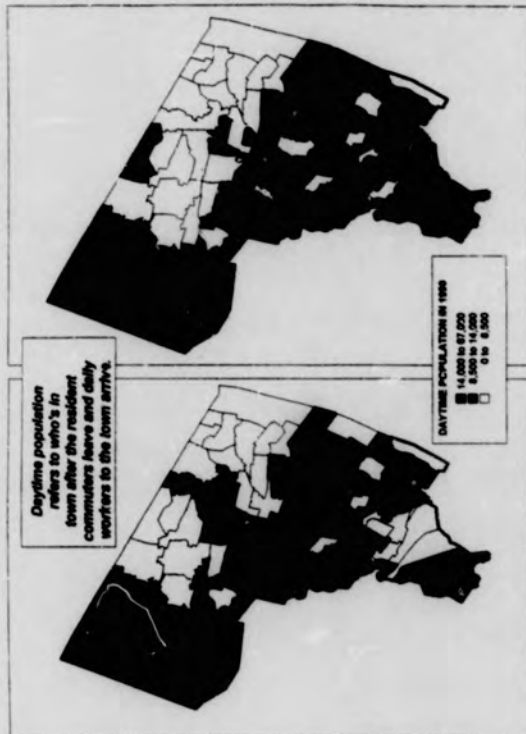
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Figure 23.
Transit Density has and will concentrate in our Core



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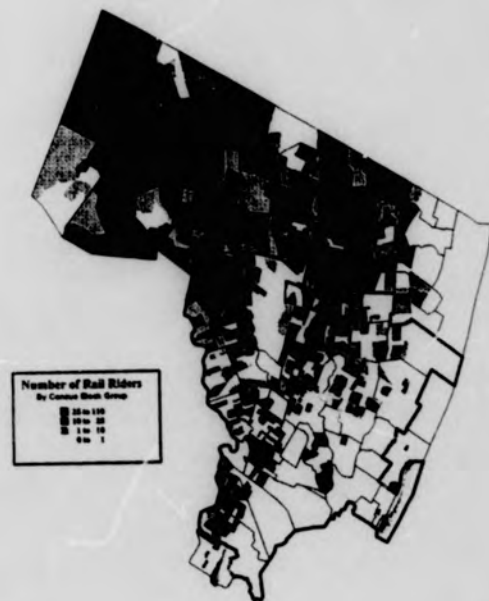
Figure 24.



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Figure 25.

Number of Rail Commuters in Bergen County, 1990



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Unrelieved Congestion as Consequence.

In our search to find where and how these land uses in the Core best reinforce one another in the transit opportunities they are capable of spawning, we have also discovered and cataloged the following:

- three times the car trips per square mile in the core than we find within the remaining 60% of the county (Figure 26);
- the core contains the most highly congested portions of the county, because here is where the worst traffic entanglements in the county occur all day long between regional travelers streaming into the county from without to work, shop or pass through to more distant destinations, and the local voyages of our residents to places of work and other destinations inside the county and beyond (Figure 27). As noted, this traffic, an earlier signal of economic success, has now become a suffocating force. A series of graphics illustrates these points;
- the preponderant growth capacity of the core, measured in land available as zoned, and in terms of transportation capacity unavailable to support that growth;
- the relatively small share of in-core commuting that commuter rail transit carries today from the core to the region beyond and the negligible share from the region into the core. Only 2% of Bergen's 420,000 residents who leave for work each morning take the commuter rail service offered at today's 28 stations on the Main, Bergen and Pascack Valley lines;
- the near impossibility of expanding existing road and bus capacity to sustain the core's present economic strength into the future; the long standing absence of east-west roadway AND transit capacity in the core, within the county at large, and within the region whose transportation facilities extend as the possibilities that are ours to use, influence, and to adapt to in the transit-friendly development and redevelopment planning we are capable of putting into place; and of great significance; and,
- realizable rail capacity within the core that can fill key transportation voids to highly positive results using existing rail rights-of-way. Our findings about this last characteristic are described below.

Three Rail Transit Options Under Study for Eastern Bergen County

As summarized above, the County's Core was identified and evaluated in the context of its key features with the remaining 60% of the County's land mass.

At this point, the inquiry becomes finer grained. The following maps, charts and graphics (Figures 28-33) summarize this evaluative process as applied to each of the three rail lines under the Joint Major Investment Study being conducted by New Jersey Transit and Bergen County:

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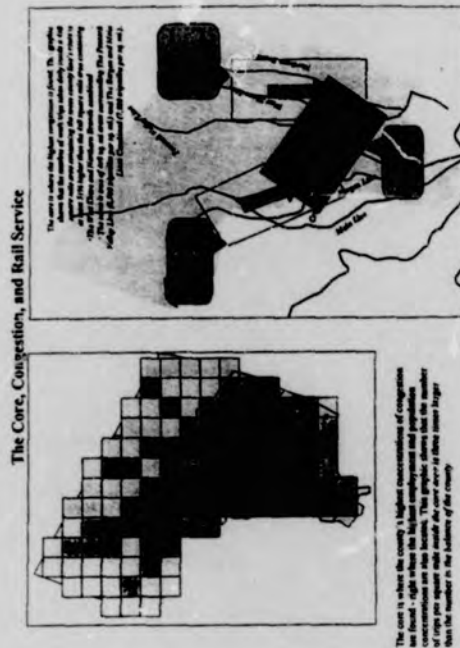
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- all or part of the West Shore Line;
- all or part of the Northern Branch Line; and
- a portion of the New York Susquehanna line from I-96/Garden State Parkway to the Vince Lombardi Park Ride in Ridgewood, with an additional leg northward from the Weehawken Light Rail Terminal/NY Waterways Ferry on the Hudson Bergen Light Rail Transit line. Its name is the Cross County Line.

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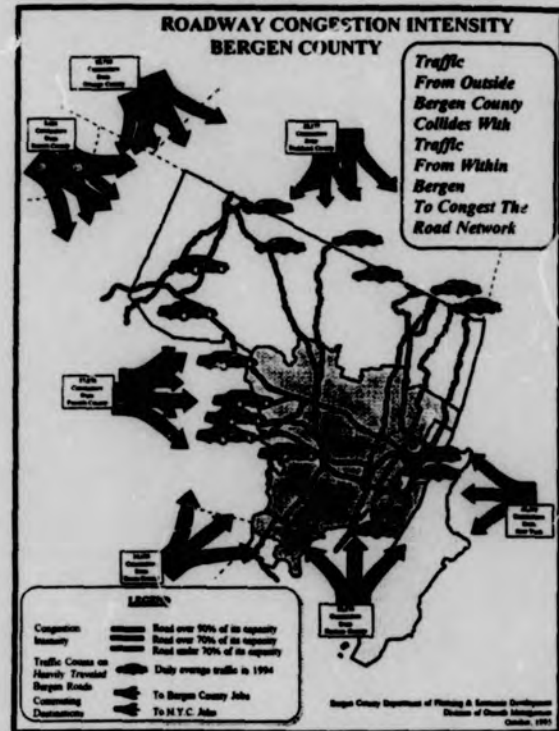
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Figure 26.

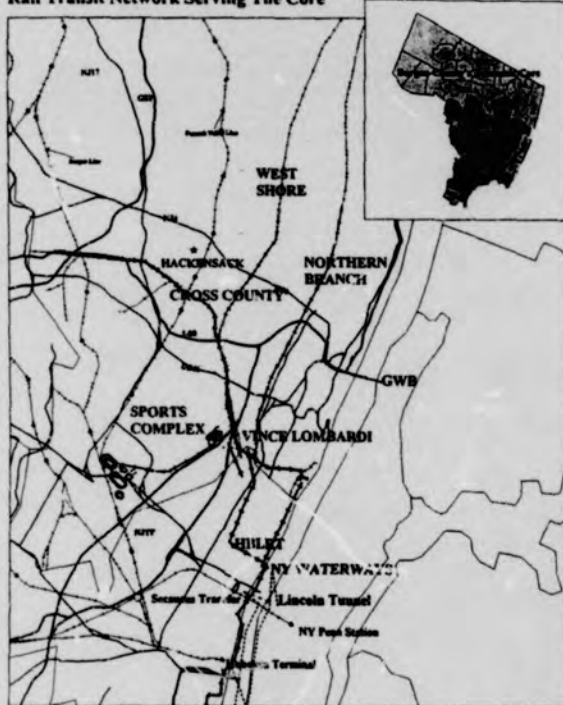


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Figure 27.

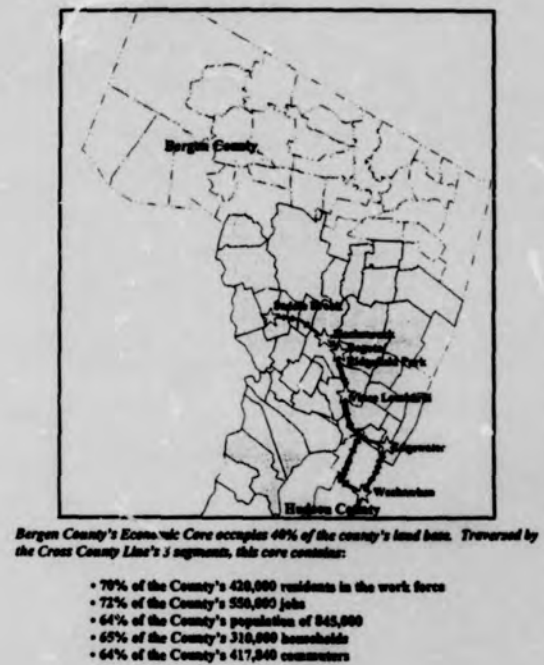


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Figure 28.
Rail Transit Network Serving The Core

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Figure 29.



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Figure 30.

FEATURES OF BERGEN COUNTY'S RAIL CORRIDORS:
CROSS-COUNTY, NORTHERN BRANCH & WEST SHORE

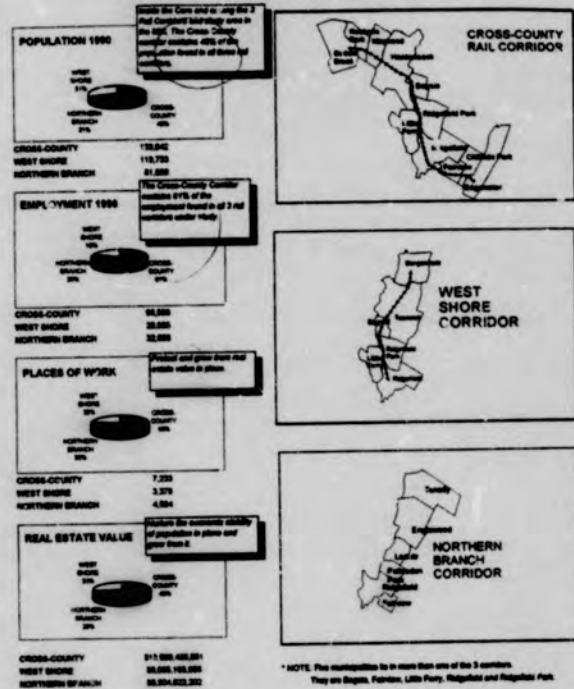
CATEGORY	AS % OF COUNTY TOTAL	NORTHERN BRANCH CORRIDOR	AS % OF COUNTY TOTAL
Population in 1990	14.51	81,208	8.91
Covered Employment in 1990	7.27	32,886	8.22
Covered Employment in 1980	7.60	32,886	8.95
Resident Commuters in 1990	15.35	30,721	10.49
Daytime Population in 1990	12.29	88,521	10.49
Square Footage Density in Sq. Miles	7.50	149.85	6.81
Households in 1970	188.80	5,181	1.49
Households in 1980	15.25	25,141	10.80
Dwelling Units in 1970	14.15	24,209	6.87
Dwelling Units in 1980	13.08	26,575	10.68
Residents Commuting 25 to 29 min.	13.08	22,967	10.97
Residents Commuting 30 to 34 min.	13.08	22,967	11.02
Residents Commuting 35 to 39 min.	15.74	19,331	12.00
Households w/o Car in 1980	15.10	17,711	10.89
Households w/1 Car in 1980	15.26	33,886	14.37
Households w/2 Cars in 1980	14.44	20,589	11.34
Households w/3 Cars in 1980	14.28	20,371	8.62
No. of Places of Work in 1980*	7.16	18,800	3,880
No. of Employees in 1980*	6.07	17,371	3,591
Tax Contribution	6.4	15,721	33,501
	9.82	15,721	68,501,022,200

* Based on 1980 Equities
Source: Planners' Data Bank for Bergen County - Vol. 1, 1987, 1995
3/11/97

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Figure 31.

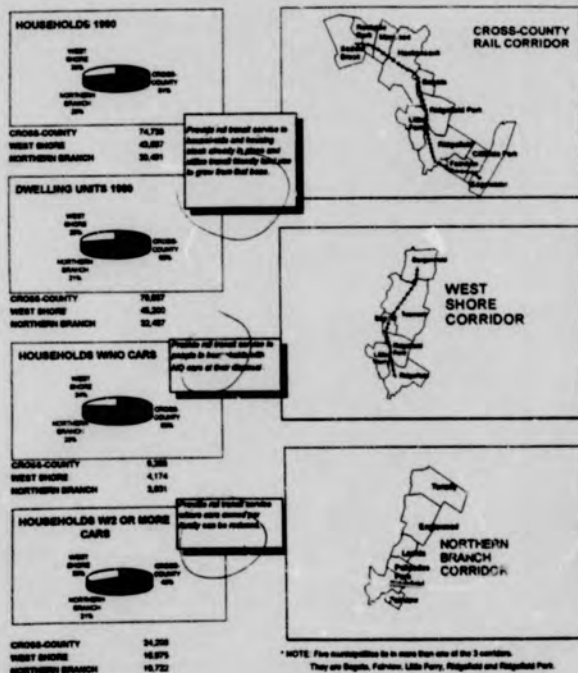
THE THREE RAIL CORRIDORS



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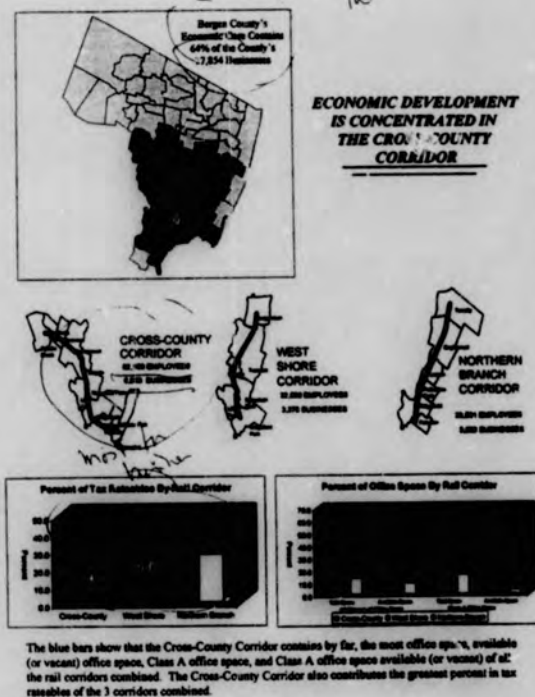
Figure 32.

THE THREE RAIL CORRIDORS



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Figure 33.



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Intelligent Transit Systems Link Roads to Rails

A **00h** initiative, one which some of you have seen (Lodi, Hackensack, Rochelle Park, Maywood, Teeterboro, South Hackensack, Bogota, Transect, Paramus, River Edge and Saddle Brook in some exploratory public outreach), is something we call the Community Commuter.

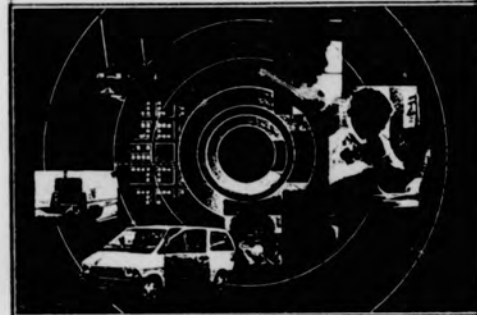
Designed as an integral part of this multi-faceted transit solution, Bergen County's concept for a demand-responsive, 16 hour per day, customer generated van service has now been fleshed out as part of a simultaneous research effort funded by the North Jersey Transportation Planning Authority, the Metropolitan Planning Organization for our 15-county region. Because expanded transit carries with it an appropriately scaled set of parking opportunities for its new customers, and because we present this idea as a way to provide access to the Light Rail all day long as a way to minimize the need for new parking, we see the benefit of advancing the two companion projects together in integrated fashion for simultaneous implementation. The on-demand van system uses state-of-the-art Global Positioning technology, on-board computer access, and adaptive routing software already developed for rail freight dispatching and fuel package delivery systems like those utilized by UPS. We are currently seeking funding for the first phase.

We see this kind of service as a superb complement to the Light Rail transit opportunities advanced here, and for greater commuter rail access without having to rely completely on expanded parking lots at or near the center of town. As narrated in our study (see Figures 14 to 16 beginning on the next page), this on-demand van system, utilizing small loops or a large network we picture as overlaying much of the County's core, has dozens of other applications as well.

Figure 14

THE COMMUNITY COMMUTER TRANSIT FOR SUBURBAN AMERICA

BERGEN COUNTY TRANSIT ENHANCEMENT STUDY
F-2015
EXECUTIVE SUMMARY



Prepared for
Bergen County Department of Planning and Economic Development
by

A. Nelesen Associates, Inc.
in association with
SG Associates, Inc.
HNTB, Inc.
October 1996

Figure 15



Figure 16

Service Area

Hackensack was selected as the center of the study area because of its high ratio of jobs to housing. From this 30 square mile area, the service area was selected by driving fifteen minutes from the county courthouse in all directions during weekdays and weekend peak hours, as well as the mid-morning, midday and evening hours. The map below indicates the extent of the area.

In order to further define the scope of this experiment and the costs for start-up service, the initial study area was further reduced to a first phase service area shown below.

- Eleven (11) towns are included in the first phase service area. Of these eleven towns, eight are totally within the service area and three are partially within the service area. The first phase service area consists of:
 - 40.18 square mile area
 - 123,945 residents
 - over 62,787 jobs
 - 28,904 AM work trips made by people who live and work in first phase service area
 - 57,808 total work trips
 - 271,835 total trips (assuming that work trips are approximately 16% of total trips)



Executive Summary

Economic Performance Influences the Choice of Technology

In selecting a rail transit technology which provides the best match to the new all-day economy?

Which investment choices, considered in combination, offer us the best opportunity to connect productively together, for the first time, the now separate and distinct elements of our present transportation system -- our highways and Interstates?

Which rail transit alternative is the best choice in this arena as the first buildable stage of a larger network of choices not foreclosed but advanced in their possibilities by such a choice?

Summary and Conclusions

There are two "Since" themes in this planning essay:

I. *Since 1958*, when they need the parts of the today's transportation system that were available then, but for different purposes and to travel to different destinations than we travel to today. So it was a narrow band then. The lineworkers, safety, and interior linemen functioned as a unit.

Back then, the Interstate Highways were popping up all over the country. But their consequences for land development had not yet taken hold. The economy and its transportation support systems, and the land settlement patterns that are the consequences of both in combination, were focused predominantly at the region's center. All three were centralized. The further one traveled from the center, the lower the population densities and the more rural the landscapes became.

Transportation, with common and central destinations, could pursue economies of scale with considerable efficiency and ease of choice.

No longer.

Between 1958 and 1990, our economy and its geography have changed enormously, covering yesterday's network into a series of places that do not work well today for most of the trips most of us now take across most of the day. These prodigious changes were taking place over a 40 year period during which, save for the Interstates, investment in public infrastructure, including in transportation, was dropping from 2.5% of GNP in 1950 to 1.0% in 1990 during a period of unprecedented population and employment growth in the nation and in our state.

The automobile, with which we are said to have fallen irrationally in love, solved these economic and transportation mismatches for awhile. And it has also helped create the other mismatches we face today. But along with the buses and trucks that have helped

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major elements into an Urban Core that brought the Secaucus Transfer and the Hudson Bergen Light Rail Transit line to the forefront of Northern New Jersey's and Bergen County's intermodal opportunities.

Planning is first about something -- in this case about our economy, our environment, our landscape patterns, and about the much too disparate transportation elements that cross our county from our region without connecting very well to any of our determinants of economic success. With transportation the most prominent public investment we ever make in our economy, the opportunities and obligations are large here.

Second, planning becomes for something. Springing from the research recounted in this Planning Essay, what recommendations for action surface? Here are ours:

FIRST: From the extensive research discussed above, we come first to the conclusion that, among the few modes remaining at our disposal for moving people across our economy's landscape, *Light Rail is the logical technology of intermodal choice*. It rises and bends, jump starts and quick-stops, glides and slides more silently and less interruptedly through our settled landscape than any of the other modes. Moreover, it can knit together our present array of passenger carrying roads and rails such that the people who use both can travel much more productively on each of them and on both of them in various combinations. Better than any other mode at our disposal, it can make a network (again) out of a disconnected entanglement.

Who knows better than those who live here that Bergen County is the place where scores of transportation investments have been made at different times and which, for today's needs, do not connect together well. Picture how Routes 4, 46, 17, 9, the Turnpike, the Parkway and our commuter rail lines appear on a map like they actually meet here to serve one another's purposes. But try making the connections on the ground to actually accomplish such miracles. In spite of this, the state's greatest economic concentration has been assembled here in Bergen County on but 3% of the state's land mass.

So hit or miss will no longer suffice. The growing preponderance of our transportation analysis and investment energy since 1988 has focused on the mismatches recited throughout this Planning Essay. As pointed out above, another such mismatch is between the sheer size of the 1950's commuter rail network that passes through Bergen County and the small number of people who find productive ways to utilize the service available on it in 1997. Two percent of Bergen's residents who get up on Monday morning to go to work take the train from one of our 28 commuter rail stations. Saddle Brook is a prime example of a centrally located place, in the heart of Bergen County's economic core and at the junction of several transportation lifelines -- none of them intermodal -- and that has not been able to benefit precisely because of the many disconnects. Rather, Saddle Brook and the towns adjacent endure the traffic that is led to and through this place. We have formed a multi-party partnership to tackle these issues. The goal is to add economic strength while reducing congestion.

As the technology of choice:

- Light Rail, more nimble and with much greater flexibility than commuter rail, can respond to economic change and opportunity. That is, the economy is not

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Bergen County (and places like it across the nation) adapt our needs to the highway portions of our transportation system, our cars are overworking the road network and threatening to suffocate the economy they started out serving. The Routes 4/17 interchange and the Modal A were perfect technology companions in 1935.

II. *Since 1988* is the second "Since" theme, when Cross Acceptance One arrived on our doorstep with some remarkable opportunities we saw and seized together, but with others more visible to us today because we can now see the outcome of that incredible 1988's boom.

Here is a third. *Since Cross Acceptance* began in 1988, yet another transportation initiative landed in our laps -- the 1991 Intermodal Surface Transportation Efficiency Act of 1991, many of whose purposes for the nation's Metropolitan Areas matched those that New Jersey's State Development and Redevelopment Plan held for our own Metropolitan landscapes -- part urban, part suburban, and part rural. ISTEA.

ISTEA and Cross Acceptance II

Because the traffic we were experiencing tied so directly to the new landscape of our economy, ISTEA said, we had to rethink transportation, as well. The new transportation system we could build inside the one we already have (it's much too expensive to dismantle) would have to be intermodal. Then it could turn the separate pieces of our system back into a network again, each of whose parts could help and serve the others.

So while the State Plan was focusing on our landscapes that were being over-run, ISTEA focused on the transportation system's inadequacies for serving these same landscapes. ISTEA went a giant step further than had other transportation bills before it, however. It instructed us to find ways to focus on land use while we focused on transportation. Cross Acceptance Two gives us excellent chances to revisit and strengthen the capacity based planning perspective we invented and applied eight years ago, starting with the capacity of the land to contain the buildings that our collective housing assigns to it.

In ISTEA, the word *intermodal* means among the modes, and the "modes" include roads -- state, local, county and Interstates, and the cars, buses and trucks that converge on them; rails -- for rail transit and rail freight of the various types; airports -- for air passenger and air freight of many new types; harbors -- and their transoceanic and global freight shipping opportunities (and impediments), along with their places where freight is exchanged to other freight modes; and the whole new infrastructure of information transmission. We work in this last vineyard, as well.

ISTEA also focused on the word *efficiency* -- among the modes, across the economy, and within the new land use settings described in the beginning of this Planning Essay. The two in combination, *intermodal* and *efficiency*, liberate terrific possibilities for setting up an intermodal network approach to integrated transportation investment in Bergen County.

Among other things, this Intermodal Surface Transportation Efficiency Act also seized upon extensive Circle of Mobility planning already in place in our state, and embodied its

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forced to adapt to IT:

- Light Rail's station sites have strong economic development and redevelopment capacity, offering excellent opportunities to the private sector and to municipalities which need to strengthen and sustain their changing economic base;
- With its service/information economic base already in place, Light Rail offers more powerful connective support than any other mode for businesses and residents alike;
- Light Rail permits small stations to be added without large parking lots;
- The Light Rail system is easily expandable. It can start with one-car trains and expand to two and three car trains as the market grows;
- Light Rail's quick starts and stops do not create congestion at the center of the towns it passes through;
- Through feeder bus or feeder van loops, known to be effective with Light Rail, ridership can be increased and service areas expanded;
- An eventual interconnection with the West Shore at the Vince Lombardi Park-Ride would offer excellent potential access from the north to the Hackensack Meadowslands, the Sports Complex, and the Secaucus Transfer/Allied Junction site; and,
- Light Rail, with its 12 minute service frequencies all day long, is capable of competing with the automobile in convenience and speed. It will also provide greater reliability of travel times, for our businesses and residents, than do our cars so often trapped in traffic with no escape.

SECOND: Our greatest transportation needs, for both roads and rails, are far much improved EAST-WEST capabilities that tap into, protect and sustain the prodigious economic asset here in the County's Core.

The Bergen Cross County Light Rail line, running parallel to Routes 46, 4 and 46, can both rescue the core of Bergen County's economy -- the county's largest concentration in the state's largest economic stronghold -- and stimulate greater economic strength, staying power and redevelopment opportunities keyed to transit friendly land use choices. The days when we can reach onto the shelf for congestion-generating, zero dependent uses in such crowded landscapes are numbered and counterproductive.

Neither of the two lines under consideration for selection as the first operable segment in the Major Investment study being jointly conducted by New Jersey Transit and Bergen County can accomplish this. They both run north-south; neither connects the sheer volume

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of economic assets so vital to the entire county's economic future; and neither makes contact with so many of the county's and the region's transportation lifelines. Both, however, are and will be needed in the intermodal transportation network of transportation network of our economic future, and both can connect into the intermodal spine that the Cross County Light Rail line would provide. This is to say that Bergen County has largely lived off of the transportation investment it made in the 1950s, as has our region with its huge increases in regional travelers who are and depend on these same lifelines.

THIRD: This Planning Essay also shows how the Core of Bergen's economy — the state's most concentrated such place — is also where the worst of our congestion can be found. It is also the place, however, where our best transportation opportunities reside, because here is where our transportation links to our region also converge with the best opportunities for interlinkage. The Hudson Bergen Light Rail streams northward to us from Hudson County, with a key intermodal link in Weehawken from and to New York City. It will carry regional and local travelers to and from economic destinations very attractive to us, and that make us very attractive to them. Bergen and Hudson hold 700,000 jobs between them; this represents one fifth of all the jobs in New Jersey.

FOURTH: The Bergen Cross County Rail line, better and sooner than can either of the two other lines under study, "pulls together" the major strands of the transportation network strategy we have been pursuing for eight years since Cross Acceptance One. As described above, these include the Hudson 6/17 interchange, designed to permit much faster capacities for drivers to change directions, the Secaucus Transfer with its potential to connect to 100 commuter rail stations in our region as parking and reverse commuting capabilities are established, and the Hudson Bergen Light Rail Transit line with its enormous inter-regional and intermodal opportunities. Without the Cross County, however, the Vince Lombardi is only a place from which to take a cab, after being dropped off by the Hudson Bergen, to one of Bergen's 550,000 job opportunities.

FIFTH: Better than can either of the other two lines under examination in the Major Investment Study, the Bergen Cross County Light Rail line makes possible the delivery of thousands of new passengers/customers from Bergen County's 545,000 population base, the state's largest, to the New York Waterway Ferry at Port Imperial in Weehawken. Used "in reverse" — we need to call this "cross commuting" before travel in the service/information economy becomes so multi-directional — the Cross County also enables the delivery, via the Hudson Bergen Light Rail line, of thousands of additional Hudson Bergen riders to Bergen's 550,000 job base from work force strongholds in Hudson County, Manhattan, and Newark. Today's congestion on major and "minor" highways, including the narrow, two mile, two lane street called River Road on north Hudson's waterfront, make this impossible to accomplish.

Through well chosen interconnections, we can strengthen our roads by strengthening our transit services. Intermodal Surface Transportation Efficiency Act. As well, this Planning Essay shows how the Core of our economy is also where our best transportation opportunities reside, because here is where the strongest transportation links to our region also converge with the best opportunities for interlinkage.

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- The Vince Lombardi bus could also offer the West Shore line a commuter rail link southward to the Hackensack Meadowlands, the Sports Complex, the Secaucus Transfer/Alfred Junction station, and Hoboken;
- There may also be opportunity, not yet examined in detail, for a commuter rail link southward to the Hackensack Meadowlands, the Sports Complex, the Secaucus Transfer/Alfred Junction station, and Hoboken;
- It would be possible as well, for both the West Shore and the Northern Branch to start up Light Rail service at their southern ends where job opportunities, residential concentrations and congestion levels are highest, with stations added northward as passenger market conditions and transit friendly land use beckoned; and,
- Were commuter rail to emerge as the rail technology of choice for either the West Shore or the Northern Branch, the information available in the Major Investment Study to date suggests that this service would likely have to originate in Rockland County.

Several regional maps are incorporated into this document which show where and how all of these interconnections are located and can function in integrated fashion. And all of these travel opportunities will grow more valuable and will gain higher and higher use as our highway network, formerly the key to this portion of our region's economic success but now largely muted in its possibilities, grows more congested as the outer region around this inner region grows and expands. So these strategies are focused jointly on protecting and sustaining the region's center.

As the many costs of operating densely settled landscapes rise, attacking congestion involves more than modeling, inventorying and counting the traffic. We have certainly done that here as prelude. It also involves understanding the new congestion's new economic, demographic and land settlement determinants. They, too, have been investigated on the way to making the recommendations you see here.

The twin ideas that new roads generate more traffic and that new roads pay the costs of dealing with it are too dismaying on their face for the hard thinking we have ahead of us. Women didn't enter the work force in droves in the 1950s because roads were built. Transit, too, provides new opportunities for its new users. So do new restaurants, new jobs and day care centers. Are we to avoid all of these in the name of avoiding the symptoms of the transportation pickle we are in? The pickle we're in covers 60 years of growing in new ways and at unprecedented speed without giving enough thought to the transportation consequences.

In Bergen County, where location, location, and location have earned us a traffic jam, it's clear that Light Rail transit carefully chosen and carefully captured its opportunities is now the prime remedy of choice. It doesn't end there, however. ISTEA and the State Development and REDEVELOPMENT Plan are a couple of pretty good dance partners for

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The results from our nine years of research since 1988, including the most recent of our rail analyses conducted by investing \$1.5 million in county dollars into Fetal Flow engineering and environmental analysis, show us the Cross County Line's unmatched integrative capacity to bring the three major investments described above together such that a network is re-established here.

SIXTH: Once we saw this potential for the Cross County line, we invested \$1.5 million in county dollars to put its possibilities to a series of feasibility tests. What bridges could block our way? Did existing freight travel close out our Light Rail possibilities on the portion of the Secaucus and Weehawken from which this service could be extracted? Did we have to go into the Vince Lombardi Park Ride — with its daunting wetland problems and high structure costs — in order to get started? Were there other environmental problems that could turn this into a typical, multi-year marathon? Would Light Rail have to travel on local streets? Could it occupy a right of way that would not tie up traffic in the center of towns along its path? Could it curve and bend over and around other major obstacles in its path (existing rail yards, for example)? Would it require new bridges with their typical delays and perplexing permit tangles? Could it merge seamlessly with the Hudson Bergen without disrupting in any way the impressive results of its Final Environmental Impact Statement already in hand?

Wherever any potential impediments were encountered in our engineering analyses, each and every one was solved.

SEVENTH: Using completely integrated, high speed, 12 minute frequency service all day long, the Bergen Cross County Light Rail line, in combination with the Hudson Bergen Light Rail, will also link all of these economic assets to Hoboken with its intermodal exchanges to PATH east to downtown Manhattan and west to Journal Square and Newark, and to the southern Jersey City waterfront with the same intermodal choices east and west bound, and as well, to Bayonne. All of these destinations are multi-directional and reverse linked as well. The West Shore and the Northern Branch lines can contribute in these ways, but not to the extent that the Cross County can.

So in its county-wide anti-congestion, economic strengthening, and inter-regional and intermodal connecting capacities, the Bergen Cross County Light Rail line's east-west linkage to the Hudson Bergen Light Rail Line offers the greatest mobility and benefit mix among the three lines under study in the NJ Transit/Bergen County Major Investment Study partnership. Its role as an integrative spine, however, offers strong opportunities, as well, for the West Shore and the Northern Branch as north-south connectors to the entire regional transit network now coming our way. As the work already completed to date shows, a solid variety of connecting possibilities is coming into focus. For some examples:

- As Light Rail, the Northern Branch could slip easily and seamlessly into the Hudson Bergen Light Rail line;
- The same is possible for the West Shore via an achievable link to the Cross County line in Ridgefield Park where, literally, one station could serve both lines and, for whoever needed them, offer transfers between them;

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the Cross Acceptance work ahead of us. Transit friendly land use can be pursued very profitably in this setting. Matching the two to other infrastructure needs, like sewers and water supply, is a pretty good idea, too. At the heart of these questions is one we asked each other in 1988: What does the making of available land and redevelopable land portend for the infrastructure systems that help deliver us as easy as a quality of life?

The "re-words" will also come into play in the planning that we are all called upon to consider doing next — words like redevelopment, re-use, rethinking, recruiting, and remembering. Redevelopment, for example, need not only be about bigger or better buildings on land cleared of their former structures. It can also be about reusing open spaces, at those wonderful smaller scales as we also know how to work, and that also get overlooked in the tight business cycles we experienced since World War II. Redevelopment this time around can and ought to be about how we can link together the land use friendly transit on our near horizon with transit friendly land use ideas. The way land is developed next will be central to how well these new transportation network improvements, should we be fortunate and passionate enough to get them funded, can last and can serve us.

We will be suggesting some approaches to redevelopment in these contexts at the Cross Acceptance regional meetings coming up.

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2/2/98 6:42:12pm-67

SOMERSET COUNTY PLANNING BOARD

CENTRAL ADMINISTRATIVE UNIT

REC'D: 2/2/98
DOCUMENT # 2/2/98 2:35:30pm

20 Grove Street
P.O. Box 3000
Somerville, NJ 08876-1262
201-702-1101 Fax (609) 705-1749 TDD (609) 231-7148

MEMBERS:

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January 30, 1998

ENVIRONMENTAL DOCUMENT

Attn: Elaine K. Kaiser
Environmental Project Director
Office of the Secretary
Case Control Unit
Finance Docket No. 33388
Surface Transportation Board
125 K Street, N.W.
Washington, DC 20423-0001

Gentlemen:

Somerset County would like to offer testimony regarding the above merger as it relates to the West Trenton Line and Raritan Valley Line. The West Trenton Line is currently owned by Conrail and provides service through southern Somerset County and northern Mercer County connecting with the existing West Trenton station in Ewing Township and the Raritan Valley Line in Bound Brook. It also connects at West Trenton with existing passenger service provided by SEPTA into Pennsylvania. The West Trenton Line passes through the following municipalities: Bound Brook, Bridgewater, Manville, Hillsborough and Montgomery Township in Somerset County and Hopewell, Hopewell Borough, Pennington and Ewing in Mercer County.

This line is currently used by Conrail for freight service and consists of updated rail infrastructure. These same communities traversing this line are also some of the fastest growing suburban municipalities in the region, and have supported together with the County and the regional Chambers of Commerce, a reactivation of the line for both dual freight and passenger service. Congressman Bob Franks has been a strong supporter of this effort and helped secure needed federal funds to develop an environmental impact report and operating plan for reactivating passenger service along the West Trenton Line.

Somerset County is asking that the Surface Transportation Board in considering the Conrail/Morfolk Southern/CSX Merger to condition its approval on the West Trenton Line accommodating both freight and rail passenger service and allowing New Jersey Transit to negotiate future passenger rights with CSX and other freight lines operating on the West Trenton Line.

Somerset County is An Equal Opportunity Employer

2/2/98 2:35:30pm-1

Elaine K. Kaiser
Page 2

In addition, the County is requesting that the Surface Transportation Board not approve of any merger and freight operating plan that adversely affects existing rail passenger service on the Raritan Valley Line which ties into Port Station in Newark, New Jersey. Passenger service on this line has shown marked increases and is vital from a regional mobility and economic standpoint.

We appreciate the Surface Transportation Board taking these comments into consideration as well as those of the State of New Jersey when rendering its final decision. Thank you.

Sincerely,

Robert Brisk

Robert Brisk, AICP/P.P.
Director of Planning

cc: Congressman Bob Franks
Commissioner John Haley, New Jersey DOT
Somerset County Board of Chosen Freeholders
Somerset County Planning Board
Somerset County Chamber of Commerce
North Jersey Transportation Planning Authority

2/2/98 2:35:30pm-2



Township of Woodbridge

Department of Administration and Planning
Office of the Business Administrator

ENVIRONMENTAL DOCUMENT

JAMES E. McGRIVET, MAYOR
One Main Street
Woodbridge, New Jersey 07095
(609) 654-4000
Fax: (609) 654-4000

CENTRAL ADMINISTRATIVE UNIT

REC'D: 2/2/98
DOCUMENT # 2/2/98 4:55:05pm

January 30, 1998

Office of the Secretary
Case Control Unit
Finance Docket No. 33388
125 K Street, N.W.
Washington, DC 20423-0001

Attn: Elaine K. Kaiser, Environmental Project Director
Environmental Filing

Re: Surface Transportation Board Finance Docket No. 33388
CSX Corporation and CSX Transportation, Inc., Norfolk
Southern Corporation and Norfolk Southern Railway
Company, Conrail, Inc. and Consolidated Rail Corporation;
Comments on Draft Environmental Impact Statement
Our File No. 16142

Dear Ms. Kaiser:

Kindly accept the following responses to the Draft Environmental Impact Statement (DEIS) from the Township of Woodbridge, New Jersey (hereinafter referred to as "Woodbridge"), with respect to the above-referenced matter. Woodbridge desires to respond to the DEIS regarding this merger as it impacts upon the citizens of Woodbridge with respect to safety, noises and air quality. Woodbridge's concerns with respect to these categories are as follows:

- Safety.** Since 1981 there have been nine (9) documented hazardous material leaks from train cars requiring responses from the County of Middlesex, New Jersey, as well as Woodbridge emergency response personnel. Additionally, Woodbridge receives complaints from local residents on a regular basis regarding the storage of hazardous material train tank cars on the stretches of track which run along residential neighborhoods, particularly in the Port Reading and Severn sections of Woodbridge. In many areas, these hazardous material storage train cars are less than fifty (50) feet from residential property lines.

Volume 3B, Pages 5-29, NJ-10 indicates that the route between Trenton, New Jersey and the Port Reading section of Woodbridge will become a "Major Key Route" as well as a "New

Woodbridge

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Ms. Elaine K. Kaiser
January 30, 1998
Page Two

Key Route*. This will increase the number of hazardous material carloads between Trenton and Port Reading from 7,000 to 20,000 annually. Needless to say, this is a significant increase in hazardous carload traffic which will further exacerbate the problems that Woodbridge has been experiencing with respect to this very serious safety issue.

- 2) **Noise.** This is the leading type of complaint that Woodbridge has received from area residents who live near or along the tracks, particularly in the Port Reading and Seward sections. Woodbridge has found noise readings as high as eighty-nine (89) decibels at residential property lines. Woodbridge's local noise code prohibits noise levels above fifty-five (55) decibels at night and sixty-five (65) decibels during the day. We do recognize that due to federal preemption in this area, however, surface carriers need not comply with State and local noise codes and are only regulated by the more liberal decibel allowances and related conditions of the Federal Railroad Administration (F.R.A.). Unfortunately, with train noise allowances of over ninety (90) decibels and a minimum noise measurement distance of one hundred (100) feet, the F.R.A. regulations clearly do not address the legitimate public health concerns and special circumstances of Woodbridge residents who live as close as fifty (50) feet to the train tracks.

Additionally, the Port Reading section of Woodbridge has not been mentioned at all in the DEIS analysis regarding noise impacts of the planned merger (NJ-26). Woodbridge hereby requests that the Port Reading section be analyzed prior to the final environmental impact statement being prepared. We are confident that if this section of Woodbridge is properly analyzed, the Surface Transportation Board's Section of Environmental Analysis will discover that the noise levels are significant and need to be addressed.

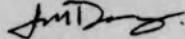
- 3) **Air Quality.** A significant complaint that Woodbridge receives from residents is the excessive idling of train engines directly behind their residences. The train engine emissions while idling are an added cause of complaint and concern, particularly during the spring and summer seasons. It has been necessary for the Middlesex County Air Pollution division to respond to three (3) incidents during 1997 with respect to air quality associated with idling train engines.

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Ms. Elaine K. Kaiser
January 30, 1998
Page Three

Woodbridge recognizes that many of the issues raised above may technically not have to be addressed during your review of this merger due to extensive federal preemption in this area of regulation. I assure you, however, that Woodbridge's concerns with respect to these issues are very legitimate and a source of significant public outcry from our citizens. Most importantly, Woodbridge has, in the past, had very strained relations with existing Conrail management with respect to these issues. It is our hope that your department's review of the merger will take into account some of Woodbridge's concerns and adequately address them. At the very least, we hope that with your department's input, Woodbridge may be able to open lines of communication with the new Conrail management in order to explore resolution of these issues.

Sincerely,



James M. Davy
Business Administrator

JMD/gmm

cc: Mayor James E. McGreevey
Philip Bujalek - Chief Health Inspector
Brian K. Hak, Esq.

2/4/98 4:55:05pm-3

ENVIRONMENTAL DOCUMENT

BEFORE THE
SURFACE TRANSPORTATION BOARD

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/2/98
DOCUMENT # 2/2/98 2:51:42 PM

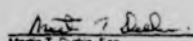
Finance Docket No. 33388

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

COMMENT OF THE VILLAGE OF RIDGEFIELD PARK, NEW JERSEY TO THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

TO: Office of the Secretary
Case Control Unit
Finance Docket No. 33388
Surface Transportation Board
1825 K Street
Washington, DC 20423-0001

Please be advised that the Village of Ridgefield Park, New Jersey (the "Village") provides the following comments to the Draft Environmental Impact Statement ("DEIS") prepared and issued by the Surface Transportation Board Section of Environmental Analysis in the referenced matter.


Martin T. Durkin, Esq.
Durkin & Boyce, Esq.
Center Hill House
71 Mt. Vernon Street
P.O. Box 378
Ridgefield Park, New Jersey 07660

January 30, 1998

2/2/98 2:51:42pm-1

COMMENT

The Village is troubled that its previously-voiced concerns regarding the construction of cross-tracks within its corporate boundaries remain largely unaddressed. Specifically, DEIS

notes as follows regarding the construction of the two rail connections within the Village:

Because there are no highway/rail at-grade crossings within the limits of construction, SEA concluded that there would be no effect on highway traffic from this proposed rail line connection. There would be no short term vehicular delays and detours during construction of the rail connection. The construction would be performed in accordance with applicable Federal, state and local regulations for construction projects.¹ Construction traffic would use the Bergen Turnpike to travel to and from the construction.

(DEIS, Vol. 3B at p. NJ-12-13.) The Glossary contained within the same volume defines "highway/rail at-grade crossing" as "[t]he location where a local street or highway crosses railroad tracks at the same level or elevation."

In fact, there are two such highway/rail at-grade crossings within the Village which should be evaluated. These are Mt. Vernon Street and the Bergen Turnpike. As noted in the Village's Comment to the application in the referenced matter, these major thoroughfares are already subject to prolonged blockage (as much as one hour at a time) caused by the so-called refueling and light maintenance facility operated by the New York Susquehanna & Western Railway ("NYS&W") in the Village and the operation of NYS&W in making up its freight trains.

Commencing in the evening or during the day on week-ends, NYS&W proceeds to make up its freight trains by moving cars from its freight siding just north of Mt. Vernon Street to its main track both north and south of Mt. Vernon Street. This operation, which takes forty five

¹ Actually, there appears to be some discrepancy contained within DEIS as to the actual location of the proposed cross-tracks. At Vol. 3B, p. NJ-6, it states that the two connections are to be constructed in the Village. Alternatives to the proposed location outside of the Village are addressed and rejected. However, reference is made to a map, designated as Figure 5-NJ-6, which shows the construction sites as outside of the Village. Obviously, this uncertainty needs to be resolved.

² As to the performance of construction in accordance with local regulations, the Village notes that, to date, it has not been contacted by anyone from the interested railroads with respect to the proposed construction.

2/2/98 2:51:42pm-2

minutes to one hour, coupled with the proposed switching operations in the Village and the expansion of the CSX yard (see *infra*) will further exacerbate the severe traffic congestion and blockage at the Mt. Vernon Street and Bergen Turnpike crossings. Also, lengthy freight trains consisting of as many as 150 cars, operated by Conrail and NYS&W, enter the Little Ferry Yard in Ridgewood³ at speeds of approximately 5-10 miles per hour, causing even more delay.

The prolonged blocking of Mt. Vernon Street and the Bergen Turnpike by various railroad activities effectively splits the Village into two sectors, eastern and western, for extended periods of time. Numerous businesses located on the western side and area residents are negatively affected. Of even greater concern is the possibility that emergency vehicles located in the Department of Public Works yard located on the western side of the railroad tracks will be unable to timely respond to fires or other emergencies which may occur when the tracks are blocked. The Village does not believe that the DEIS has given this very serious issue adequate consideration, and requests that a comprehensive analysis be conducted, including vehicle delay and queues.

In addition to the foregoing, the Village is very concerned regarding plans by CSX to expand its Little Ferry facility.⁴ Under the circumstances, i.e., the evident aggressiveness with which CSX and Norfolk Southern intend to compete for business, the Village believes it is reasonable to conclude that an expansion of the Little Ferry facility will create a significant volume of additional rail traffic. The immediate proximity of the facility to the Village can only worsen its existing traffic problems. Moreover, the Village is additionally concerned because, as a result of the recent management buyout of NYS&W's parent company, the Delaware Otsego

³ It should be noted that the Borough of Ridgewood is a separate corporate entity from the Village of Ridgewood Park, moreover, the "Little Ferry Yard" is located in the Borough of Ridgewood and not in the Borough of Little Ferry.

⁴ According to an article in the March 1996 issue of *Trains Magazine* (a copy of which is annexed hereto as Exhibit A), CSX and Norfolk Southern will be spending a total of \$300,000,000 over the next several years to build and expand intermodal terminals. Of this amount, CSX will be spending some \$85,000,000 several of its facilities, including Little Ferry.

2/2/98 2:51:42pm-3

Corporation, by Norfolk Southern, CSX and Walter Rich, Delaware Otsego's CEO, both CSX and Norfolk Southern have a presence within the Village—that is, the NYS&W's existing and light maintenance facility—that is separate and apart from any proposed cross-tracks. The Village is concerned that this light maintenance facility, too, will be subject of the railroad's plans for expansion. As it is, there are at times as many as twelve or thirteen engines idling for extended periods of time at the facility which contribute large amounts of air pollutants within the Village. The Village is fearful that this pollution will dramatically increase with the addition of increasing numbers of slow-moving engines to the tracks.

The Village strongly urges the Surface Transportation to consider both the immediate and long-term impacts of the railroad's activities both in and around the Village. Immediate acts taken by the railroads will facilitate more expensive and intrusive acts in the future.

2/2/98 2:51:42pm-4

NEWS spotlight

Will Eastern intermodal match the hype?

By BILL STEPHENS

WHEN FEDERAL REGULATORS fire the starting gun on the split of Conrail and its coveted intermodal franchise, the name of the game for CSX and Norfolk Southern will be competition. Competition in one of the nation's largest intermodal lanes, New York-Chicago. Competition over new routes between the Northeast and Southeast. And, the railroads hope, more effective competition with the real semis—trucks. CSX and NS plan to spend nearly \$300 million between them to build and expand intermodal terminals. They're banking on getting big results—the diversion of 797,200 truckloads from road to rail annually, with 475,700 going to NS and 321,500 to CSX. "We may be a little bullish on Year 1, but by the third year we should be at that number or above it," says Cindy Lee, a general manager for CSX Intermodal. In 1997, NS earned almost 1.87 million containers and trailers, CSX more than 700,000, and Conrail 1.22 million.

What will be the largest post-merger or intermodal change? "That's like asking what's the difference between Earth and Jupiter," says Thomas Finkbeiner, NS vice president, intermodal. "Different worlds, different program... People are missing that fact. The intermodal world is going to be 100 percent different."

Difference No. 1: For the first time in three decades, intermodal shippers will have a choice of how to get their trailers or containers between Chicago and New York. Thus it's unclear



NS wants to build over 100 new intermodal terminals in the Northeast and Southeast.

exactly how Conrail's vast New York-Chicago intermodal pie will be split. It is clear, however, that service will be more frequent, as CSX and NS propose a combined 29 trains to even: usually link the Windy City and North Jersey, up from CR's daily average of 17. And service will be faster. Ask any railroader why today's hot trains can't match—or sometimes even touch—the schedules of trains of 30 years ago, and you'll get an answer: "A. Trains are longer, hence slower. Yesterday's three- and four-track main lines are now two-track, while the old double-track routes are now single. A greater emphasis on safety, from adhering to the speed limit to more thorough train inspection procedures, slows things down. And speed, they'll say, isn't as important as consistency."

NS wants to build over 100 new intermodal terminals in the Northeast and Southeast. CSX also has plans to turn back the clock by building new New York-Chicago service—similar to those offered by the New York Central and Pennsylvania lines decades ago—in order to be truck-competitive. On top of a handful of 24-hour intermodal, echoing the days of 24-hour Central Pennsylvania and Pennsy Trunklines.

Conrail's New Jersey-Chicago intermodal schedule averages 30 to 32 hours. "A very old beast is the magic number in terms of being truck-competitive," Finkbeiner says. It shows the railroads can offer late-night departures with early-morning arrivals. How will CSX and NS slash some intermodal schedules when CR could not? By balancing route density, raising speeds, and improving terminals. • Double change—Conrail fan-

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TRAINS

Exhibit A

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1994

- 1998 - New York City 1998 Celebration - "America Begins" in New York
 Home of the Statue of Liberty and Democracy in the United States
 1997 - All - America City awarded in The Times
 1997 - "Fountain of Knowledge" placed in the "Nation's Best Values"
 1997 - "Herald Little League" with Baseball (news for New York State)
 1996 - The Bronx - New York's 13th City - World's Busiest
 World's Largest - Bronx Zoo and World Life Habitat
 World's Largest - Bronx Botanical Garden
 "Six Most Remarkable Foreign Bridges in the World"
 Span the Hudson River to join the Island of Manhattan to the Bronx
 World Famous - New York City Marathon runs these bridges
 At the Major Highway of "NYC Tunnel" under the Atlantic Ocean
 1994 - Federal Landmark Zone awarded Port Authority
 1988 - National Historic Landmark - "Landmark" Office Building, atop historic Riverside Drive, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92nd, 93rd, 94th, 95th, 96th, 97th, 98th, 99th, 100th, 101st, 102nd, 103rd, 104th, 105th, 106th, 107th, 108th, 109th, 110th, 111th, 112th, 113th, 114th, 115th, 116th, 117th, 118th, 119th, 120th, 121st, 122nd, 123rd, 124th, 125th, 126th, 127th, 128th, 129th, 130th, 131st, 132nd, 133rd, 134th, 135th, 136th, 137th, 138th, 139th, 140th, 141st, 142nd, 143rd, 144th, 145th, 146th, 147th, 148th, 149th, 150th, 151st, 152nd, 153rd, 154th, 155th, 156th, 157th, 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purpose of the agency and other materials in the surface, only due to engineering. Secondary studies under the banner of the secondary studies, a fairly limited study. Secondary studies, usually called the secondary studies, and recent findings from other studies, suggest that (1) the most significant risk factors in dust control are primarily associated with long-term changes in dust exposure to high concentrations of dust emissions, and (2) a high quality secondary study, the secondary studies identified only the most significant risk factors. It is further suggested in this report that this is quite significant as it indicates that it is important to control the dust control measures and not just the negative material effect on the surface of the dust.

Size Distribution of Typical Particles



Particle emissions are more than just a matter of magnitude, but a few responses to the secondary studies. Considerable secondary studies, such as dust control measures, from engineering, and in some cases, can be as small as 0.1 µm and as large as 1 µm. Particles emitted in the atmosphere are generally smaller than 1 µm. Particles emitted by road construction range from 0.1 to 1 µm. Particles emitted by road construction range from 0.1 to 1 µm. Particles emitted by road construction range from 0.1 to 1 µm.

dust, particles, dust, particles, and dust control measures are generally smaller than 1 µm.

Secondary studies of the size distribution of secondary particles under U.S. Engineering Protection Agency conditions that dust control measures are in place under 0.1 µm. As a result, dust control measures are in place under 0.1 µm. As a result, dust control measures are in place under 0.1 µm. As a result, dust control measures are in place under 0.1 µm.

This size distribution is in the range of 0.1 to 1 µm. It is in the range of 0.1 to 1 µm. It is in the range of 0.1 to 1 µm. It is in the range of 0.1 to 1 µm. It is in the range of 0.1 to 1 µm.

As noted in the report, dust control measures are in place under 0.1 µm. As a result, dust control measures are in place under 0.1 µm. As a result, dust control measures are in place under 0.1 µm.

*The secondary studies of dust control measures are in place under 0.1 µm. As a result, dust control measures are in place under 0.1 µm. As a result, dust control measures are in place under 0.1 µm.

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in dust the more they have dust control measures (from between 2.5 and 10 meters) to control dust emissions in the secondary studies. Secondary studies of dust control measures of the dust control measures, usually called the secondary studies, and recent findings from other studies, suggest that (1) the most significant risk factors in dust control are primarily associated with long-term changes in dust exposure to high concentrations of dust emissions, and (2) a high quality secondary study, the secondary studies identified only the most significant risk factors. It is further suggested in this report that this is quite significant as it indicates that it is important to control the dust control measures and not just the negative material effect on the surface of the dust.

As a result, dust control measures are in place under 0.1 µm. As a result, dust control measures are in place under 0.1 µm. As a result, dust control measures are in place under 0.1 µm. As a result, dust control measures are in place under 0.1 µm. As a result, dust control measures are in place under 0.1 µm.

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*The secondary studies of dust control measures are in place under 0.1 µm. As a result, dust control measures are in place under 0.1 µm. As a result, dust control measures are in place under 0.1 µm.

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in dust the more they have dust control measures (from between 2.5 and 10 meters) to control dust emissions in the secondary studies. Secondary studies of dust control measures of the dust control measures, usually called the secondary studies, and recent findings from other studies, suggest that (1) the most significant risk factors in dust control are primarily associated with long-term changes in dust exposure to high concentrations of dust emissions, and (2) a high quality secondary study, the secondary studies identified only the most significant risk factors. It is further suggested in this report that this is quite significant as it indicates that it is important to control the dust control measures and not just the negative material effect on the surface of the dust.

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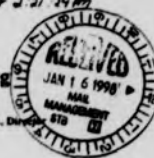
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Henry F. Zwick, County Executive Robert L. Pasmella, Jr., Director



January 13, 1998

Ms. Elaine K. Kaiser
Office of the Secretary
Case Control Unit
Finance Department No. 33388
Surface Transportation Board
1925 K St. NW
Washington, DC 20423-0001

Re: Proposed Corral Acquisition

Dear Ms. Kaiser:

After review of the Draft EIS of the proposed acquisition of Corral by Norfolk Southern Railroad and CSX Railroad, it appears that a small piece of track running between the city of Rensselaer and the city of Troy in New York State is not listed in the Master Table of All Rail Line Segments. This track, presently owned by Corral, is approximately 4 miles long and serves several businesses in South Troy.

As owner of the South Troy Industrial Park, the Rensselaer County Industrial Development Agency is interested in seeing this track maintained and continued. The South Troy Industrial Park is located along the track and openly seeks firms which require rail to fill the park. A loss of this rail line would mean the loss of possible businesses as well as a loss of necessary service to many of the businesses surrounding the South Troy Industrial Park.

We assume that, since CSX Railroad will acquire the tracks leading to this portion of track, that this portion of track would also be taken over by CSX Railroad. If not, please inform me of the intentions for this portion of track.

Sincerely,

Robert L. Pasmella, Jr.
Director

1/19/98 2:21:24pm

1/16/98 2:36:39pm-12