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Southeastern Pennsylvania Transportation Authority  
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VIA NEXT DAY EXPRESS MAIL

February 9, 1998

Brian J. Cudahy, Esq. (TBP-10)  
U.S. Department of Transportation  
Federal Transit Administration  
Office of Budget and Policy  
400 Seventh Street, S.W.  
Washington, D.C. 20590

RE: SEPTA Comments to Draft EIS in  
STB Finance Docket No. 33388

Dear Mr. Cudahy:

Enclosed, as promised to Nancy Greene, are SEPTA's comments to the Draft Environmental Impact Statement of the Surface Transportation Board and to the Safety Integration Plans of CSX Transportation and Norfolk Southern.

Feel free to call me at (215) 580-7318 with any questions.

Very truly yours,

*Eugene N. Cipriani*

Eugene N. Cipriani  
Assistant Deputy Counsel

ENC/lr

Enclosure

cc: G. Roger Bowers, Esq. (w/o att.)  
C. Neil Petersen, Esq. ( " " )  
Bernard Cohen ( " " )  
Michael T. Burns ( " " )  
John J. Ehlinger, Esq. ( " " )  
Nancy Greene, Esq. ( " " )

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**STB FINANCE DOCKET NO. 33388**

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

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**COMMENTS OF THE SOUTHEASTERN PENNSYLVANIA  
TRANSPORTATION AUTHORITY TO THE DRAFT ENVIRONMENTAL  
IMPACT STATEMENT AND SAFETY INTEGRATION PLANS**

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*Counsel for Southeastern Pennsylvania  
Transportation Authority*

Dated: January 30, 1998

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**FINANCE DOCKET NO. 33388**

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**CSX CORPORATION AND CSX TRANSPORTATION, INC.,  
NORFOLK SOUTHERN CORPORATION AND  
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**COMMENTS OF THE SOUTHEASTERN PENNSYLVANIA  
TRANSPORTATION AUTHORITY TO THE DRAFT ENVIRONMENTAL  
IMPACT STATEMENT AND SAFETY INTEGRATION PLANS**

The Southeastern Pennsylvania Transportation Authority ("SEPTA") hereby submits the following comments to the Draft Environmental Impact Statement ("DEIS") prepared by the Surface Transportation Board Section of Environmental Analysis ("SEA") and the Safety Integration Plans ("SIPs") prepared by the Applicants, CSX Corporation ("CSX") and Norfolk Southern ("NS").

**I. INTRODUCTION**

SEPTA operates an extensive integrated mass transportation system, consisting of trolley, motorbus, subway, elevated and regional commuter rail routes throughout the Philadelphia metropolitan area. SEPTA is a body corporate and politic which exercises the public powers of the Commonwealth of Pennsylvania as an agency and instrumentality thereof. SEPTA's commuter system is conducted pursuant to the Pennsylvania Public Transportation Law, Act 26 of 1991, as amended by Act 4 of 1994, 74 Pa. C.S.A. §§ 1701 et seq. SEPTA operates one of the



oldest and most extensive commuter rail and transit systems in the country. It carries an average of 90,000 passenger trips per day on its Regional Rail Division alone, and provides a significant and essential component of the daily movement of the population of Southeastern Pennsylvania.

SEPTA operates, on a daily basis, over 500 commuter trains in the Philadelphia area and is charged with providing safe, efficient and reliable commuter service to its public transit passengers. SEPTA's regional rail system currently operates in close coordination with significant freight lines which are currently operated by Conrail in the densely populated Philadelphia area. A portion of SEPTA's regional rail system, involving two commuter lines, operates on track segments owned by Conrail, while Conrail's freight operations utilize all or portions of eleven SEPTA commuter lines. SEPTA's operations on lines shared with Conrail are a key component of SEPTA's passenger services.

Pursuant to their Primary Application and Joint Operating Plan, the Applicants propose to each acquire certain of Conrail's trackage rights to operate freight service on lines Conrail currently shares with SEPTA. The Applicants also propose to increase the volume and type of freight traffic on certain lines to be acquired from Conrail to the potential detriment of SEPTA's public transit service. SEPTA is particularly concerned with the impact the proposed Merger and Acquisition ("Acquisition") will have on its ability to provide safe and reliable commuter services and to expand those operations to meet the growing needs of the region. It is of utmost importance that the Applicants provide sufficient information with regard to its proposed post-Acquisition routing of freight traffic in and through Southeastern Pennsylvania to permit assessment of the environmental and safety risks and to allow for appropriate mitigation of any

detrimental safety, environmental or operational impacts. The following comments address factors identified in the DEIS and SIPs which concern SEPTA and pose a threat to SEPTA's current operations and ability to meet the public transit needs of Southeastern Pennsylvania.

## **II. ROUTING OF LOCAL FREIGHT TRAFFIC TO THE LANSDALE CLUSTER**

Of great concern to SEPTA, from both a safety and operational standpoint, is the route by which the Applicants plan to move local freight traffic to the Lansdale Cluster<sup>1</sup> post-Acquisition. According to the Joint Operating Plan, freight operations on SEPTA lines centered around Lansdale will be allocated to CSX. Today, Conrail serves that territory from Abrams Yard via the Stoney Creek Branch, yet the Applicants propose to split the allocation of the Stoney Creek Branch between NS and CSX, while Abrams yard, the local yard by which CSX could access the Lansdale Cluster, is to be allocated exclusively to NS. Therefore, the only logical route by which CSX's Lansdale Cluster could be connected to other lines assigned to CSX is through SEPTA's Main Line route via Wayne Junction, where all but two of SEPTA's rail routes and several hundred commuter trains operate on a daily basis. The use of SEPTA's Main Line to route local freight traffic to the Lansdale Cluster is absolutely unacceptable to SEPTA and would undoubtedly cause significant adverse operational, safety and environmental impacts to SEPTA's passenger transit service in the Southeastern Pennsylvania region.

Precisely for the purpose of removing local freight traffic from SEPTA's Main Line and avoiding the associated hazards, Conrail and PADOT extensively renovated the Stoney Creek

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<sup>1</sup> Consists of the SEPTA owned lines of the former Reading Railroad in the northern suburbs of Philadelphia.

Branch so that Conrail's local freight traffic could access the Lansdale Cluster via Abrams Yard in Norristown. By proposing to divide the Stoney Creek Branch between the Applicants, while allocating the Lansdale Cluster to CSX and Abrams Yard to NS, the Applicants would appear to revert to using a route which was long ago discontinued by Conrail and would disrupt the present freight and commuter operations in the Southeastern Pennsylvania region.

Despite the significant ramifications of routing freight traffic through SEPTA's heavily utilized Main Line, and altering the present freight operations in the region, the Applicants have completely failed to address this issue in either their operating plans or SIPs. Page 223 of CSX's SIP reads as follows:

Conrail operates over a one-mile SEPTA-owned segment on Norristown, PA. The trackage rights on that segment will be allocated to NS with CSXT also retaining limited overhead trackage rights for dimensional traffic. Conrail also operates local service over several other routes in the Philadelphia area owned by SEPTA, NJT or AMTRAK. These routes would become part of the South Jersey/Philadelphia Shared Assets Area, and thus the safety aspects of operations on those routes will be addressed in the Shared Assets SIP. (emphasis supplied).

This statement by CSX is simply incorrect. Most of the SEPTA-owned lines in the Lansdale Cluster are to be allocated to CSX, not to the Conrail Shared Assets Operations ("CSAO"). In fact, the CSAO SIP neither lists these lines nor addresses the safety or environmental effects of routing traffic to the Lansdale Cluster via SEPTA's Main Line. In addition, NS' SIP exhibits confusion as to SEPTA's concerns with regard to this issue. At page 200, NS states: "The Norristown concern involved SEPTA's perception that CSXT trains, in order to serve the Stoney Creek Branch, would have to execute a reverse movement over tracks shared with SEPTA trains in downtown Norristown." As discussed at Part III. *infra*, SEPTA is concerned that CSX will

route dimensional, doublestack freight traffic through Norristown using a "wye" movement, but this in no way concerns the issue of CSX's routing of local freight traffic to the Lansdale Cluster via SEPTA's Main Line.

Although it is not stated, it may in fact be the Applicants' intention to in fact route local freight traffic to the Lansdale Cluster from either West Falls or Woodbourne via Abrams Yard. This would require NS to grant CSX overhead trackage rights for local freight destined for the Lansdale Cluster, assuming that NS has any right to assign to CSX, on a non-exclusive basis, without SEPTA's consent, the rights to operate over SEPTA lines between Norris Interlocking and a portion of SEPTA's Stoney Creek Branch.<sup>2</sup> If CSX does not intend to use Abrams Yard, SEPTA asserts that the environmental and safety impacts of the alternative route through SEPTA's Main Line have not been addressed. A thorough analysis of this issue would yield the conclusion that routing freight traffic through SEPTA's Main Line is unworkable.

### **III. ROUTING OF DIMENSIONAL FREIGHT TRAFFIC THROUGH NORRISTOWN, PENNSYLVANIA**

According to NS' Operating Plan, NS proposes to grant CSX permanent overhead trackage rights to operate excess dimensional traffic (which it is assumed could mean doublestack freight trains, as well as multi-level and high-and-wide), including doublestack freight trains, over (1) the Norristown Connector (owned by SEPTA), (2) the track between CP

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<sup>2</sup> In fact, it is unclear whether the Applicants have the ability to assign Conrail's trackage rights over SEPTA owned lines to both parties simultaneously without SEPTA's consent. Conrail has maintained that its trackage rights under the 1979 sales agreement are exclusive. For NS and CSX each to retain those rights (or in one instance, potentially NS, CSX and CSAO) belies Conrail's long-standing argument that the trackage rights over SEPTA-owned lines are exclusive.

River (West Falls) and Abrams, Pennsylvania and (3) Conrail's Morrisville Line between CP-King and Woodburne (CP-Wood), Pennsylvania, plus run-around rights on a short portion of SEPTA's Norristown Line. See NS Operating Plan, volume 3B at page 108. The Applicants provide no information as to the volume and frequency of freight traffic CSX plans to operate pursuant to this grant of permanent trackage rights or the environmental and safety impacts to the Norristown area. At page 4-37 of the DEIS, it is stated that the proposed transaction would have no adverse effect on SEPTA's passenger service on the Norristown, Pennsylvania Connector due to NS' proposed increase of only 2.6 freight trains per day in that area. The DEIS nowhere addresses NS' proposed grant of permanent trackage rights to CSX, the environmental impact of increased doublestack freight traffic in the Norristown area or the potential threat CSX's dimensional freight traffic poses to SEPTA's maintenance of safe and reliable passenger service on its existing Route R6 Norristown Line.

Based on the description of the proposed grant, SEPTA anticipates that CSX dimensional freight traffic will execute a run-around or "wye" movement as it proceeds from West Falls to Abrams (Norris Interlocking) and through to Conrail's Morrisville Line. See SEPTA diagrams A and B. CSX's run-around move will interfere with SEPTA's Route R6 trains for lengthy periods of time, block heavily traveled grade crossings and require the raising of catenary not cleared for dimensional traffic. Moreover, the grant of "permanent" trackage rights to CSX could adversely affect SEPTA's ability to convert its own track and right of way on the Norristown Line to any mode not compatible with CSX's operations. Despite the significance of



this proposed grant to CSX, the Applicants have failed to address the adverse effects likely to flow from increased doublestack freight traffic through the Norristown area.

Operationally, it is anticipated that in order for a CSX doublestack freight train to execute the run-around movement from Abrams (Norris Interlocking), it would likely move slowly backwards through both the trailing point switch at Norris Interlocking and the facing point switch at Island Interlocking, until it reaches the trailing point switch at Bridge Interlocking. At Bridge Interlocking, the CSX train would intercept SEPTA's Route R6 Norristown Line on an electrified single track. On weekdays, SEPTA's Route R6 operates over 50 trains in this area from 5 A.M. to 12:20 P.M., and runs continuously during the peak periods (6:30 A.M. to 9:30 P.M.) and approximately every 30 to 60 minutes during off peak hours. The CSX doublestack train would continue backing from Bridge Interlocking onto the Stoney Creek Branch through Elm Interlocking. Between Bridge Interlocking and Elm Interlocking, there are two heavily used grade crossings at Main Street and Marshall Street and the Route R6 Main Street passenger station. Beyond Elm Interlocking on the Stoney Creek Branch, there are two more grade crossings at Elm Street and Sterigere Street.

Once the CSX doublestack train reaches the Stoney Creek Branch and receives a signal to reverse, it would retrace its path to Bridge Interlocking, once again intercepting SEPTA's Route R6, this time at Elm Interlocking. From Bridge Interlocking, the CSX doublestack train would proceed to Kalb Interlocking using a sharply curved electrified single track used by SEPTA's Route R6 trains. Presently, the catenary lines at Bridge Interlocking are not cleared for movement of doublestack freight traffic, making the track segment from Bridge Interlocking to

Kalb Interlocking inaccessible by doublestack trains. Next, proceeding against the flow of SEPTA's outbound Route R6 trains, the CSX doublestack train would continue through Kalb interlocking for approximately 0.5 miles until it reached Ford Interlocking. At Ford Interlocking, the CSX train would access the Conrail Morrisville Line on a single track connection to the main route to Morrisville. The overhead trackage rights granted to CSX by NS extend to Wood Interlocking on Conrail's Trenton Line, where such dimensional trains would interface with SEPTA's Route R3 West Trenton Line operations.

The movement of CSX doublestack trains from West Falls, through the highly congested Norristown area, to the Morrisville and Trenton Lines, adversely impacts SEPTA's operation of both its Route R6 Norristown and Route R3 West Trenton Lines. Freight traffic in Norristown is limited to a speed of 10 miles per hour. While the CSX doublestack trains make the cumbersome wye and reverse movement from Abrams (Norris Interlocking) to the Stoney Creek Branch, presumably at speeds below 10 miles per hour, they would block SEPTA's Route R6 commuter service. After completing the reverse movement, the CSX doublestack trains, as they make their way to Conrail's Morrisville Line, would again intercept SEPTA's Route R6 at speeds of 10 miles per hour or less, further hindering the safe and reliable service SEPTA currently provides on the Norristown Line.

In addition to the delays likely to result from the wye and reverse movement of long doublestack freight trains on the Norristown Line, SEPTA is fearful that CSX's undisclosed use of the trackage rights to be granted by NS will cause an increase in freight traffic not addressed by the DEIS. The DEIS considers NS' proposed 2.6 train per day increase in freight traffic to be



minimal. However, the proposed increase by NS in combination with CSX's utilization of the trackage rights to be granted by NS, threatens to worsen SEPTA's passenger service and the coordination of freight and transit operations in the already constrained and congested Norristown area. Even if and when NS completes its planned Pattenburg Tunnel Clearance Project, the uncertain impact of CSX's infusion of dimensional freight traffic could serve to diminish or even negate any benefit to be derived on the Norristown Line. Additionally, due to the present growth in passenger demand, SEPTA has plans to increase passenger service on the Norristown Line, and is studying the feasibility of conversion from commuter rail to a more cost effective rail mode. The grant of "permanent" trackage rights to CSX to operate doublestack freight traffic could preclude SEPTA from converting its track to meet the transit needs of the region.

NS' proposed grant of permanent doublestack freight trackage rights to CSX would likely have detrimental effects on SEPTA's Route R3 West Trenton Line as well. CSX's freight traffic which would be routed through Norristown, as discussed above, will meet SEPTA's Route R3 West Trenton Line between Wood Interlocking and Trent Interlocking, presenting a real possibility for delays and unreliable service. In addition, the Pennsylvania Department of Transportation ("PADOT") will renovate I-95 beginning in 2000, in areas currently served by SEPTA's Routes R3 and R7. As part of a mitigation plan, SEPTA's Routes R3 and R7 will serve as an alternate means of travel for drivers displaced by the PADOT renovations. Depending on the volume of freight traffic CSX plans to operate through Norristown and through the Wood and Trent Interlockings, SEPTA's Route R3 West Trenton Line will be faced with

increased freight traffic and possible delays and unreliable passenger service at a time when its ridership is likely to increase dramatically.

NS should be precluded from granting permanent trackage rights which would hinder SEPTA's ability to operate over its own lines in accordance with the needs of the Norristown area. In order to assess properly the environmental, safety and operational consequences of NS' grant of permanent trackage rights to CSX, the Applicants, and in particular CSX, must provide a detailed explanation of their planned freight operations in this region. It is clear that CSX must commit to operating its doublestack freight traffic via the Conrail line it has been assigned, from West Falls to Woodburne. Applicants have failed to determine the adverse impacts to SEPTA should CSX operate their dimensional traffic via Norristown. However, if it is concluded that the impacts to SEPTA are acceptable in the short term (and thus far that has not occurred), then as applicants have demonstrated elsewhere in their plans, a 3 year time period should be ample for CSX to clear its own route between Philadelphia and North Jersey.

#### **IV. DISPATCHING ON LINES TO BE ALLOCATED TO CSX**

At page 48 of the CSAO SIP, the Applicants state that under the proposed Acquisition communication in the Shared Assets Area ("SAA") will be enhanced by the consolidation of the dispatching function into a single facility located in Mt. Laurel, New Jersey. Conrail currently dispatches its Philadelphia region rail lines from Mt. Laurel using a number of different dispatching assignments. While the Applicants' proposed change to the dispatching function appears beneficial on its face, it fails to account for the right CSX would have as a successor to

the 1990 Trackage Rights Agreement between Conrail and SEPTA to revoke, upon sixty days notice, the dispatching rights currently held by SEPTA for its Route R8 Fox Chase Line over a 3.5 mile section of the Conrail Trenton Line between Newtown Junction (NX) and Cheltenham Junction Interlockings. Should CSX exercise the right to revoke, the dispatching function would likely move to CSX's central dispatch location in Jacksonville, Florida. Instead of the relatively close dispatching point in Mt. Laurel, where Conrail currently controls the trackage adjacent to SEPTA dispatched territory owned by both SEPTA and Conrail, SEPTA's Route R8 commuter service could be conceivably placed at the mercy of a dispatcher located nearly 900 hundred miles away in the state of Florida.

SEPTA is faced with the same situation between Wood and Trent Interlockings where its Route R3 West Trenton Line, as discussed at Part II. above, interconnects with CSX doublestack traffic emanating from the Norristown area, as well as CSX manifest trains using the Trenton Line. SEPTA currently dispatches this territory, but CSX would have the right to revoke SEPTA's dispatching function and move it to Jacksonville, Florida to the detriment of SEPTA's ability to continue its provision of reliable commuter service. The problems associated with CSX's right to revoke and move the dispatching function are exacerbated by the PADOT's planned renovation of I-95 in areas where SEPTA's Routes R3 West Trenton and R7 Trenton Lines presently operate. As discussed above, SEPTA's Route R3 will become an alternate means of travel for drivers displaced by the PADOT renovations. Therefore, the ridership on SEPTA's Route R3 is expected to greatly increase over the next four years at the same time CSX would have the right to move the dispatching function out of the region. PADOT has committed

over \$57 million to improve facilities on these two lines to handle increased ridership. Specific to SEPTA's Route R3, signal improvements, overnight commuter car storage, station parking expansion and station improvements are funded.

It should be noted that SEPTA and Conrail separated passenger and freight operations along the Trenton Line between Neshaminy Falls and Woodburne. SEPTA believes that similar arrangements can be made between Woodburne and West Trenton, thereby alleviating the potential negative impacts associated with this dispatching function issue.

**V. CUMULATIVE EFFECT ANALYSIS OF THE PROPOSED  
ACQUISITION'S IMPACT ON SEPTA'S EXPANSION  
OVER THE MORRISVILLE AND HARRISBURG LINES**

As asserted in SEPTA's Comments and Request for Conditions, in order to properly meet the expanding transit service needs of its ridership in the Southeastern Pennsylvania region and beyond, SEPTA is currently studying the feasibility of utilizing a portion of Conrail's Harrisburg Main Line from Norristown to Reading and Conrail's Morrisville Line from Glen Loch to Morrisville. It is identified in the DEIS that a cumulative effects analysis is appropriate to determine whether SEPTA's planned expansion can be carried out in conjunction with the Applicants' increase in freight traffic in Montgomery County. At Table 5-PA-35, it is stated that "Freight traffic may limit potential for passenger service to expand." To mitigate this harm to expanded commuter rail service, it is stated in the DEIS that the SEA has encouraged the Applicants to meet with SEPTA "to ensure that the proposed Acquisition can be accomplished without adversely affecting commuter rail plans." It is respectfully submitted that SEPTA has

met with the Applicants regarding expanded passenger service on the Harrisburg and Morrisville Lines to no avail.

Prior to the proposed Acquisition, SEPTA was in a position to complete its studies of the Harrisburg and Morrisville Lines, obtain funding for the expansion of its commuter rail service and undertake the necessary steps to meet the public need for expanded passenger service to Reading and from Glen Loch to Morrisville. If there is a likelihood, as stated in the DEIS, that the proposed Acquisition will block SEPTA's efforts to expand over the Harrisburg and Morrisville Lines, SEPTA and the commuting public will be detrimentally effected by the proposed Acquisition and SEPTA will be unable to meet the expanding needs of the region. It is clear by the language of the DEIS that the SEA recognizes the need for expansion in the region and seeks to avoid activity by the Applicants that would thwart such expansion. Accordingly, SEPTA requests that the SEA further consider this issue and propose a mitigation measure that will protect SEPTA's ability to expand its commuter rail service over the Harrisburg and Morrisville Lines.

## **VI. CONRAIL TRAIN DENSITIES**

Figure D.6-1 of the DEIS indicates that train densities from Eastwick, Pennsylvania to Marcus Hook, Pennsylvania will undergo a daily increase from 3.0 freight trains to 7.8 freight trains. SEPTA was told verbally by the Applicants that this significant increase is incorrect, but no errata sheet correcting these figures has been provided. If the Applicants do not intend to correct these figures, they would be proposing an increase of over 260% on lines between these



two points. Such an increase is of great significance and has the potential of adversely impacting SEPTA's existing plans to increase the frequency of its Route R1 Airport Line service from 30 minute headways to 20 minute headways.

**VII. SIGNIFICANT INCREASES IN ANNUAL HAZARDOUS MATERIAL CAR LOADS ON SEPTA'S ROUTE R8 FOX CHASE LINE**

Table 5-PA-8 of the DEIS notes an estimated increase of 15,000 cars per year of hazardous material at Newtown Junction on SEPTA's Route R8 Fox Chase Line. This constitutes a 300% increase in hazardous material cars on SEPTA's Route R8. However, no mitigation measures regarding this potentially adverse impact have been proposed.

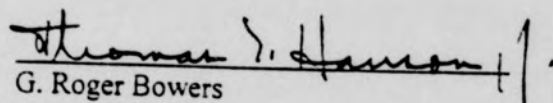
**VIII. SEPTA'S 1982 OPERATING AGREEMENT WITH AMTRAK**

The last sentence of the fourth paragraph on page PA-20 of the DEIS states: "SEPTA's 1987 operating agreement with AMTRAK expires in 2016." The operating agreement to which this sentence refers is actually SEPTA's 1982 agreement with AMTRAK which remains in effect unless either party provides 120 days notice of termination. The referenced 1987 agreement is the 47 station lease agreement between SEPTA and AMTRAK which expires December 31, 2016.

### IX. CONCLUSION

In summary, the conclusion reached at page 4-31 of the DEIS that commuter operations in the Philadelphia metropolitan area would be "unaffected by the proposed Acquisition" is false, due to the incomplete, unclear and unintentionally perhaps incorrect statements of the Applicants. The routing of local freight traffic to the Lansdale Cluster via SEPTA's Main Line, the proposed grant of permanent trackage rights for dimensional freight traffic through Norristown, the negative impacts of moving the dispatching on CSX lines to Jacksonville, Florida and the blocking of SEPTA's planned expansion along the Harrisburg and Morrisville Lines are all issues with significant implications for the future of the Philadelphia metropolitan area. Furthermore, the substantial increases in train densities from Eastwick to Marcus Hook and hazardous waste cars along SEPTA's Route R8 Fox Chase Line pose significant, unexplained threats to SEPTA's operations. Substantial adverse impacts to the Southeastern Pennsylvania region are likely to result from the proposed Acquisition should the Applicants fail to address the issues herein raised and thoroughly analyze and ameliorate their potential adverse effects.

Respectfully submitted.

  
G. Roger Bowers  
General Counsel  
Eugene N. Cipriani  
Assistant Deputy Counsel  
Southeastern Pennsylvania Transportation  
Authority  
1234 Market Street, Fifth Floor  
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SPTA-6

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*Counsel for Southeastern Pennsylvania  
Transportation Authority*

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SPTA-6

DIAGRAM "A"

Sterigere St.  
Elm St.

R6 Elm St. Station

CP - Elm

Marshall St.

Main St.

R6 Main St. Sta.

Bridge Int.

Kalb Int.

R6  
Norristown T.C.

Ford Int.

Island Int.

Abrams Yd.

Norris Int.

Cp King

Outbound Track

SEPTA R6 Norristown Line

CONRAIL Harrisburg Line

CONRAIL Morrisville Line

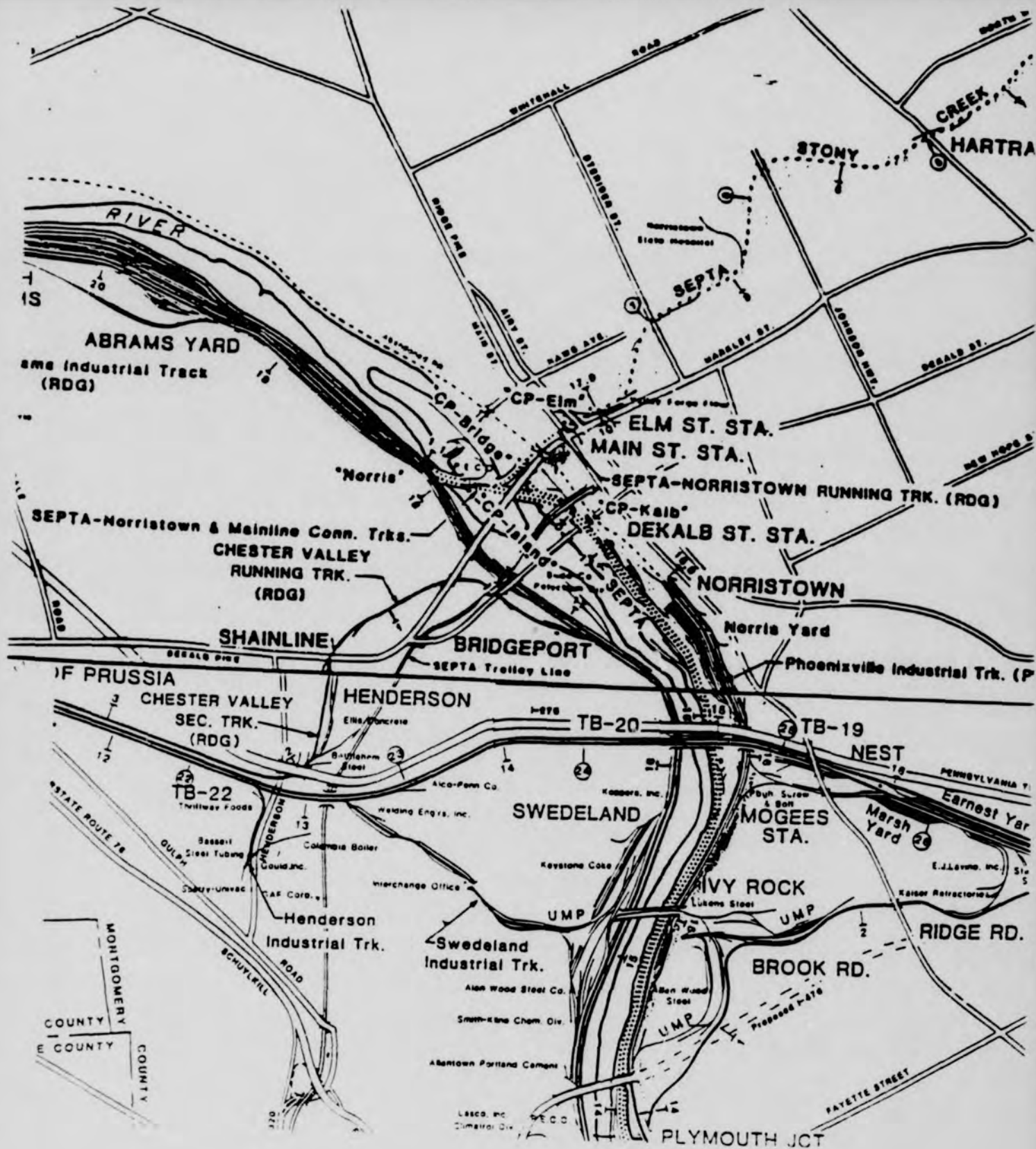
To West Falls



SPTA-6

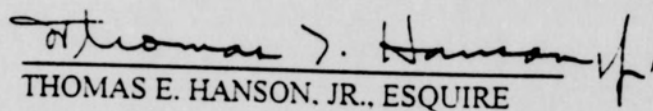
**DIAGRAM "B"**





CERTIFICATE OF SERVICE

I hereby certify that the foregoing Comments Of The Southeastern Pennsylvania Transportation Authority To The Draft Environmental Impact Statement And Safety Integration Plans was served upon those listed on the service list, via first-class mail, postage prepaid on the 30th day of January, 1998.

  
THOMAS E. HANSON, JR., ESQUIRE

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**CSX CORPORATION AND CSX TRANSPORTATION, INC.,  
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*Counsel for Southeastern Pennsylvania  
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Dated: February 2, 1998



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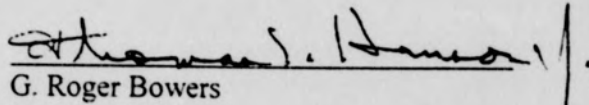
The Southeastern Pennsylvania Transportation Authority ("SEPTA") hereby submits Part  
X of its comments on the Draft Environmental Impact Statement ("DEIS") prepared by the  
Surface Transportation Board Section of Environmental Analysis ("SEA") and the Safety  
Integration Plans ("SIPs") prepared by the Applicants, CSX Corporation ("CSX") and Norfolk  
Southern ("NS").

**X. TIME SPACING BETWEEN FREIGHT AND PASSENGER TRAINS**

According to pages 4-12 and 4-13 of Volume 1 of the DEIS, the SEA has proposed  
greater time spacing between freight and passenger trains as a safety measure on nine rail line  
segments situated in the states of Georgia, Maryland, Michigan, New York, North Carolina,  
Indiana, Virginia and the District of Columbia. A more detailed description of the time spacing  
is provided at page 7-12 of Volume 4, where it is stated that "... trains moving in the same or  
opposite direction on the same track would be clear of the track at least 15 minutes before and 15

minutes after the expected arrival of a passenger train at any point." To propose time spacing on train segments or territories already protected by signals is totally contrary to accepted safety practices. The signals regulate the flow of rail traffic on signalized lines and properly maintain safety for passenger trains. SEPTA asserts that there is no need for the proposed time spacing, and objects to this mitigation measure to avoid the imposition of time spacing on SEPTA's current or future signalized lines or any lines over which SEPTA operates.

Respectfully submitted,



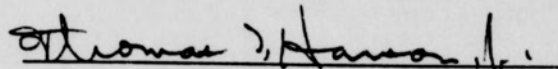
G. Roger Bowers  
General Counsel  
Eugene N. Cipriani  
Assistant Deputy Counsel  
Southeastern Pennsylvania Transportation  
Authority  
1234 Market Street, Fifth Floor  
Philadelphia, PA 19107-3780

John J. Ehlinger, Jr.  
Thomas E. Hanson, Jr.  
Obermayer Rebmann Maxwell & Hippel LLP  
One Penn Center, 19<sup>th</sup> Floor  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103

*Counsel for Southeastern Pennsylvania  
Transportation Authority*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Part X of Comments Of The Southeastern Pennsylvania Transportation Authority To The Draft Environmental Impact Statement And Safety Integration Plans was served upon those listed on the service list, via first-class mail, postage prepaid on the 2nd day of February, 1998.

  
THOMAS E. HANSON, JR., ESQUIRE

STB

FD

33388

2-2-98

K

GOV

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF PUBLIC WORKS  
2000 - 14TH STREET NW  
6TH FLOOR  
WASHINGTON, D.C. 20009



ENVIRONMENTAL  
DOCUMENT



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

FEB - 2 1998

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

Dear Ms. Kaiser:

The following comments are provided on the Draft  
Environmental Statement (DEIS) the for Proposed Conrail  
Acquisition:

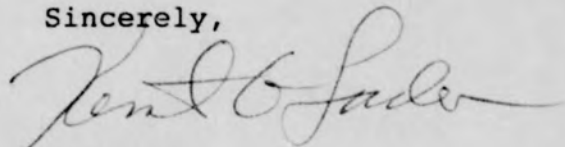
1. The DEIS does not address common corridor use with the Metrorail system of the Washington Metropolitan Area Transit Authority. No analysis is presented on potential accident risk as a result of increased freight train activity in the common corridors with Metrorail.
2. The DEIS identifies tunnel improvements to increase clearance at the Virginia Avenue Tunnel to accommodate increased freight traffic and to eliminate a current restriction that affects passenger rail operations as related to the proposed acquisition. However, the report does not state whether these proposed improvements would meet or exceed Surface Transportation Board thresholds for environmental analysis of

noise, safety, environmental justice or other potential impacts.

3. There is no analysis provided on ground-borne vibration. According to Federal Transit Administration guidance, ground-borne noise sounds louder than broadband noise. The guidance also suggests that shifting freight traffic to other routes can impact ground-borne vibration.
4. In Washington, DC, it is the region, including jurisdictions in Maryland and Virginia, that is in non-attainment. Although each state and the District of Columbia are ultimately responsible for reaching and maintaining attainment, they have adopted a coordinated strategy through the Washington Metropolitan Area Air Quality Committee (MWACQ). To our knowledge, the analysis of potential effects did not include consultation with this body which has established the emissions value for the area. We do not believe that a conclusion of no significant impact is appropriate without determining if there are impacts on the region's emissions reduction and maintenance plans.

Should you have any questions or require any additional information, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kenneth G. Laden".

Kenneth G. Laden,  
Acting Administrator

STB

FD

33388

2-2-98

K

PUBLIC



TO: Office of the Secretary  
Case Control Unit  
Finance Docket No. 33388  
Surface Transportation Board  
1925K Street, N.W.  
Washington, D.C. 20423-0001  
January 26, 1998

**ENVIRONMENTAL  
DOCUMENT**



Attn. Elaine K. Kaiser  
Chief, Section of  
Environmental Analysis  
Environmental Filling

From: Mr. and Mrs. Frank Eads  
511 W. Monroe St.  
Princeton, IN 47670

Dear Secretary;

I am opposed to the Conrail Acquisition by CSX and Norfolk Southern of the Vincennes, Indiana to Evansville, Indiana (22.3/30.81) (CSX) rail segment.

A Toyota Factory is being built south of Princeton. They will manufacture the T100 pick up truck. They are to be manufactured by late 1998 and will be shipped by railroad through our town. Both CSX and Norfolk Southern move through our town on tracks that run parallel to each other. The Norfolk Southern crosses the CSX tracks at the south end of Princeton and results in our town being completely blocked for long periods. People are desperate to get to work, home, etc. and take chances by driving in front of the trains. See enclosed list of some of these accidents and deaths.

The additional problem of NUCLEAR WASTE being carried as a cargo on these trains adds to the Environmental Impact of Princeton. At the present time there are an estimated 50 trains by CSX and 19 trains by Norfolk Southern going through Princeton. When the production and shipping of the Toyota T100 truck begins we will have the required numbers to make an Impact Analysis due to Air Quality, Noise Threshold and Vehicular Traffic. See enclosed newspaper articles.

Sincerely,

*Frankie R. Eads*  
*Frank R. Eads*

# DEATHS AT RAILROAD CROSSINGS

Name	Death Date	Where
Carrie Williams	April 23, 1993	W. Mulberry
James A. Mounts	Feb. 13, 1995	* Lyles Station
Joyce Knight Norrick	Feb. 18, 1995	* W. Mulberry
Unborn Baby	Feb. 18, 1995	* W. Mulberry
Larry A. Kissel	Oct. 11, 1995	* Lyles Station
Jason L. Geary	Nov. 5, 1995	* Ft. Branch, IN
Justin Cummins	Nov. 5, 1995	* Ft. Branch, IN
Yvette Eckert	Jan. 20, 1996	Spring St.
Millie Delgando	Jan. 20, 1996	Spring St.
George W. Hughes	Mar. 5, 1997	* Patoka, IN

\* CSX Railroad

## NO FATALITY WRECKS

Semi-Truck	Norfolk Southern
Oct 6, 1995	Haubstadt, IN
Gibson Co. Highway Truck	Norfolk Southern
Feb 16, 1966	Lyles Station, IN
Corey L. Cabell	CSX R.R.
Jan 31, 1997	Mulberry St.
Bryan Hill	CSX R.R.
Feb. 5, 1997	Mulberry St.
Robert Pinkston	CSX R.R.
Feb 27, 1996	Ft. Branch, IN

## Noise bothersome

To the officials of Princeton and to whom it may concern:

The problem: Train pollution, air and noise.

The south end of Princeton may be considered by some to be the slums of Princeton, but people are not garbage. We are real people with homes and families and try to take as good a care of our property as all other property owners in the city limits.

We are people who vote and pay taxes just like all other property owners. We have always had our needs ignored, but now with everything going to Toyota, it's even worse.

Up until two years ago there was never a problem with trains. I repeat, never. Now, sometimes as many as five or six engines are left idling together for days at a time directly across the street from our homes. There is the constant smell of diesel exhaust (sometimes very bad). Constant vibration, our windows constantly rattle. The noise is

always there. Our walls are cracking, our foundations are setting deeper and deeper and our property values are becoming less and less.

Some of us have been to the mayor several times. We have tried to contact the trainmaster, but he's never there or doesn't want to be bothered.

When they switch the empty cars, we just ask that they be a little more gentle when they let the cars go. Sometimes in the early hours of the morning (five or six o'clock) it sounds like something has exploded. It rattles everything for several blocks.

In all this we did not say "take the yards out" or "move them away," nor were we ever hateful or mean. All we ask is that the engines be shut off when not being used, or to move them to the east of the water tower. Also, if they would bump the cars a little more gently, we would be less affected.

You can say "move," but we don't want to move any more than the rest of you would want to move from your area. Some of us have lived in the area more than 30 years and more. Do these same officials want us to be a constant hassle to them while they are at work or home, the answer is of course no! They sure do want our votes and for us to pay our taxes, but they will contact the right officials.

Nor will they insure the correct measures are being taken to keep the problem from recurring.

We are ready going to have to consider the promises of our officials when we vote, as to whether or not they are working for the taxpayer voter or for their own personal gain.

Nancy E. Bailey  
Princeton

# Safety's not an issue — it's the only issue.

By SHIRLEY BLACKBURN

For The Daily Clarion

Safety isn't just **one** of the issues where rail crossing changes in Princeton are concerned. It's the **only** issue.

If the death of eight people, in less than a year, at county crossings without train-activated signaling is not enough motivation for further change, then one can only assume there will never be enough motivation for further change.

If the railroads, the appropriate governmental units, the city, the city's residents and all others involved in this issue do not work together to upgrade crossing safety, then the situation in this community will remain status quo--dangerous. And, if history is any guide, it will only be a matter of time before another motorist, who did not see the train and had no lights, gates or barricade to warn him of its pres-

## A news analysis

ence, collides with that train at one of Princeton's crossings.

Truth is, there may be close to 500 or more chances of that happening each and every single day here. There is presently no train-activated signaling at Clark, Monroe, Pinkney, Mulberry, Hart or Makemson Streets, all residential crossings just blocks apart on the south side of Princeton. Norfolk Southern confirms 19 scheduled and CSX estimates 50 scheduled trains daily through Princeton. This does not include "extras," which officials say could push the number of trains through this small community even higher than the almost 70 scheduled.

So, let's say 80 trains times six crossings without train-activated signaling. . . you do the math.

Yes, we fought for and have lights and gates coming for

the Mulberry Street crossing and the Lyles Station Road crossing just north of town, but they will not be in place for at least another year. Conditions have improved some at Lyles Station, with brush being removed and stop signs put in place.

Yes, we have had a rail corridor review performed by the Indiana Department of Transportation (INDOT) and two subsequent hearings. The first, heavily promoted by the newspaper, was chaired by INDOT officials and poorly attended by the public. The second, also heavily promoted by the newspaper, was chaired by the city and well attended by the public. Objections to the planning commission's proposal to close some crossings in exchange for signaling others ranged from 'only the railroads would benefit from any closures' to 'people killed at the crossings had their radios up and weren't paying attention' to 'what plans has the city made to handle traffic if closures are made.'

Continued on Page 4



# Another Gibson driver injured in train collision

## Number of trains in county up

By MARK WILSON  
Courier staff writer

PRINCETON, Ind. — A Princeton man injured at a train crossing Thursday became the latest of a growing number of car-train accident victims in Gibson County, despite safety efforts by police.

Police said Corey Cabell, 20, Princeton, apparently attempted to

beat a train across an unmarked crossing on Mulberry Street at 6:12 p.m.

He was kept overnight at Gibson General Hospital and released Friday, a hospital spokeswoman said. A passenger, Lamanda Peay, 18, of Newburgh, was taken to the hospital but not admitted, the spokeswoman said. No charges have been filed.

Gibson County Sheriff George Ballard attributes the accidents mostly to an increase in local train traffic, but also to human errors.

"We can make safer cars and safer highways, but guess what, accidents are still happening," he said. "There is a large number of crossings in Gibson County and a lot of drivers. Once in a while the two are going to meet."

Ballard said particularly bad spots in the county include the Fort Branch area and a crossing on Lyle

Station Road just north of Princeton where two people died in 1995.

While the Lyle Station crossing is marked with a sign, the Mulberry Street crossing is not. Ballard said the Indiana Department of Transportation planned to install crossing gates last year at the Lyle Station crossing, but the work has not been done.

"The volume of trains in the area has increased a lot in the last three to four years," Ballard said.

"Between Norfolk and Southern

**"We can make safer cars and safer highways, but guess what, accidents are still happening."**

— George Ballard  
Gibson County Sheriff

and CSX, I've heard there are about 50 trains going through Princeton in a 24-hour period now. Obviously, that number may increase as time goes by, what with Toyota and all."

Ballard said officers have dis-

tributed literature to drivers at crossing safety, and have rid trains to look for unsafe drivers

Many railroads are also stalling track-level lights on engines.

## Railroads looking for spur options

By ANDREA CULBRETH  
Clarion Managing Editor

Norfolk Southern Railroad needs over a mile of track to build some of the auto carrier trains which will service the Gibson County Toyota truck plant's east-west rail traffic.

And that could mean some long waits at the three-track crossing on County Road 100 East (Outer Ohio) says a representative of the company.

Cliff Delacroix, Resident Vice President Norfolk Southern's Indianapolis Public Affairs office, told Gibson County Commissioners he's exploring several avenues to provide service to the plant.

Norfolk Southern will supply the east-west transport needs of the truck plant, and CSX Railroad will make the north-south trips, Delacroix told commissioners Monday night.

Norfolk Southern currently serves Toyota's Camry/Avalon plant in Georgetown, Ky. "They're a great company to have in your community," he said.

"We're working with Toyota, trying to figure out where our spur will be," said Delacroix. "But from our existing yard in Princeton, we're going to need a lot of track to build those trains... We need about 1 1/2 miles of track without a crossing."

He suggested commissioners consider closing the Ohio Street crossing to prevent long waits. Norfolk Southern would pay for the guards and work with residents to assure traffic flow, he said.

"I'm not here to request closing County Road 100 East or any other road right now," he said.

"But once Toyota tells us what we need to know, then I hope we can work together."

Delacroix also suggested altering the route of possibly three county roads which intersect at odd angles with Ind. 64.

"I know that when you get into relocating roads it gets expensive, but perhaps there are some things that could be done," he said, to align the roads better with the highway.

"I'm just here to get the dialogue going," he told commissioners.

In other business discussed at Monday's regular meeting:

- The board approved a six-week medical leave for Gibson County Sheriff's Department Capt. Rick Bart, after his existing sick days are exhausted.

- Members delayed appointment of an ad-hoc committee to study possible zoning laws for the county.

STB

FD

33388

2-2-98

K

STATES





SENATE  
STATE OF DELAWARE  
LEGISLATIVE HALL  
DOVER, DELAWARE 19901



HARRIS B. McDOWELL, III  
MAJORITY WHIP  
2311 BAYNARD BOULEVARD  
WILMINGTON, DELAWARE 19802  
HOME: 302-656-2921  
SENATE OFFICES  
WILMINGTON: 302-571-3724  
DOVER: 302-736-4147

January 29, 1998

COMMITTEES  
ADMINISTRATIVE SERVICES/ENERGY, CHAIRMAN  
SUNSET, CHAIRMAN  
COMMUNITY AFFAIRS  
ETHICS  
HEALTH & SOCIAL SERVICES/AGING  
JUDICIARY  
SMALL BUSINESS

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

ENVIRONMENTAL  
DOCUMENT

Dear Ms. Kaiser

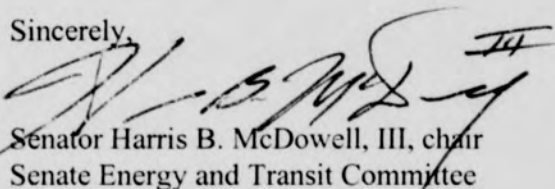
Attached is State of Delaware House Concurrent Resolution No. 59 and ten copies passed January 29, 1998, by the House of Representatives and Senate of the State of Delaware General Assembly.

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



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

JOANN M. HEDRICK  
CHIEF CLERK

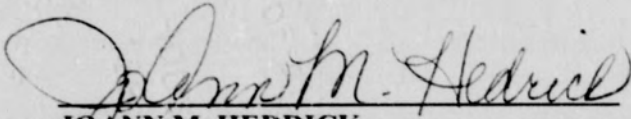


ROOM 107  
(302) 739-4087

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  
CHIEF CLERK



SPONSOR: Rep. D. Ennis & Sen.  
McDowell

HOUSE OF REPRESENTATIVES

139TH GENERAL ASSEMBLY

59

HOUSE CONCURRENT RESOLUTION NO. \_\_\_\_\_

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 believes that it is extremely important to the economy of this state to

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 this state for future passenger service.

STB

FD

33388

2-2-98

K

STATES

# Commonwealth of Kentucky

HOUSE

JAMES BRUCE  
STATE REPRESENTATIVE  
9TH LEGISLATIVE DISTRICT  
6750 FORT CAMPBELL BOULEVARD  
HOPKINSVILLE, KENTUCKY 42240



FRANKFORT, KENTUCKY 40601

COMMITTEES:  
CHAIRMAN  
BANKING & INSURANCE  
MEMBER  
STATE GOVERNMENT



January 15, 1998

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

**ENVIRONMENTAL  
DOCUMENT**

Attention: Elaine K. Kaiser  
Environmental Project Director

Dear Ms. Kaiser:

This letter is being written to voice my objection to possible environmental upgrading planned by the Surface Transportation Board to the East 6th Street and Dudley Street crossings, as well as the proposed grade separation to the East 9th Street crossing, all of which are located in Hopkinsville, Kentucky.

These are historic, scenic areas and, in my opinion, this would detract from --rather than enhance -- the current surroundings.

Your willingness to leave the area as it currently exists would be greatly appreciated.

Sincerely,

A handwritten signature in cursive script, reading "James E. Bruce".

James E. Bruce  
State Representative

JEB:sl



STB

FD

33388

2-2-98

K

BUSINESS

# ENVIRONMENTAL DOCUMENT



January 30, 1998

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



Attention: Elaine K. Kaiser  
Environmental Project Director  
Environmental Filing

Dear Ms. Kaiser:

We appreciate the opportunity to submit the following written comments on the Draft Environmental Impact Statement (DEIS), dated December 12, 1997, on the proposed acquisition of Conrail by Norfolk Southern Railroad and CSX Railroad (Applicants).

## Scope of the Environmental Impact Statement (EIS)

By the enclosed letter of August 6, 1997, we recommended that Surface Transportation Board (STB) expand the EIS scope to include an analysis of changes in level of operations on freight rail lines that are in common corridors with rapid rail systems. We expressed the concern that increased railroad traffic increases the probability and potential severity of catastrophic rail accidents and increases our risk exposure and the associated costs of liability insurance and indemnification. However, in spite of our comments, the DEIS still does not include the analysis of the common corridors of freight rail and rapid rail operations.

We believe that the cause for this omission may be a failure to differentiate between preexisting conditions and the anticipated new conditions of the proposed transaction, namely additional trains, increased train lengths and higher train speeds. STB states in its July 1, 1997 Notice of Intent that "the Board's practice consistently has been to mitigate only those environmental impacts that result directly from the transaction." It is our conviction that a critical result of the Conrail acquisition with more frequent and longer trains will be an increased likelihood of severe rail accidents in the common corridors, a result which was unaccounted for in the planning and development of those corridors and which, therefore, is a new condition.

Our concerns are reinforced by the findings of the Federal Railroad Administration's (FRA) Safety Assurance and Compliance Program Report

**Washington  
Metropolitan Area  
Transit Authority**

600 Fifth Street, NW  
Washington, D.C. 20001  
202/962-1234

*By Metrorail:  
Judiciary Square-Red Line  
Gallery Place-Chinatown  
Red, Green and  
Yellow Lines*

*A District of Columbia,  
Maryland and Virginia  
Transit Partnership*

for CSX Transportation, Inc., dated October 16, 1997. The fact that FRA found a general lack of consistency in maintaining a comprehensive CSX signal oversight program and defects on CSX main tracks is extremely pertinent to our stance that the EIS scope must address common corridor safety.

#### Conditions of Common Corridor Operations

We wish to make STB aware of the common corridor operations and history, which includes freight rail accidents that justify our position above on the EIS scope.

There are five distinct common corridor segments in our rapid rail system. These are within the STB line segments C-003, C-101, C-034, C-035, and N-315. Our system is in revenue operations from 5:30 AM to 12:00 midnight on weekdays and from 8:00 AM to 12:00 midnight on weekends. There are high numbers of both freight, passenger and rapid rail trains in the common corridors. For example, within STB line segment C-003 (Metro Wheaton Line), 24 freight trains, 20 passenger trains and 462 rapid rail trains currently share the corridor during a typical weekday. The distance between freight/passenger and rapid rail track centerlines is 20 feet.

Since start of rapid rail operations in 1976, there have been two freight rail accidents in the common corridor which caused physical damage and service disruption to the rapid rail system. For the 32 miles total of common corridor, the accident frequency per route mile is then once every 16 years, greatly more than the 100 years for freight train accidents.

#### Analyses of the Environmental Impacts in Common Corridors

We recognize that STB may need to develop a segment-specific method to evaluate the potential net effect of the proposed acquisition on rapid rail safety since the methods for freight and passenger rail operation safety effects do not apply to common corridor safety. We are ready to provide STB with base data and to assist in the development of the methodology, which should incorporate the additional number of freight trains, increased train lengths, greater tonnage and higher train speeds as factors.

#### Potential Mitigation Strategies for Rapid Rail Safety in Common Corridors

On page 3-7 of the DEIS, STB has identified mitigation strategies that can reduce significant safety risk impacts. These include enhanced rail-safety programs, increased frequency of track inspections and replacement of old rails. Other possible mitigation measures to mitigate the increased risk in the common corridors include, but are not necessarily limited to, the following:

Elaine K. Kaiser  
Surface Transportation Board  
Page 3

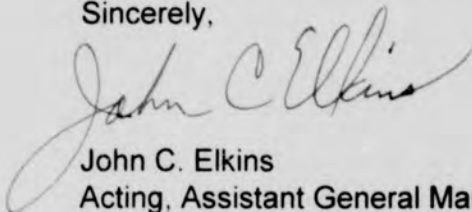
1. Publication and distribution of the integration of the best practices of Conrail and the Applicants' safety processes, per DEIS Volume 2, Safety Integration Plans.
2. Speed restrictions of freight trains as recommended in 1988 by the CSX and WMATA Joint Operating Safety Committee.
3. A Hot Box Detection System installed on each freight track.
4. A High-and-Wide Load detection system installed on each freight track.
5. A Dragging Equipment detection system installed on each freight track.

The systems identified in items 3, 4 and 5 above are to be connected to the Applicants' central control systems. Hot Line connections should be provided and maintained between the Applicants' and our control centers. The Applicants should annually conduct an inventory of the safety devices and monitors within the common corridors and should regularly ensure that all devices and monitors are in proper working order. The Applicants should be required to obtain our approval for any addition, deletion or modification of the safety devices and monitors.

The increased freight traffic will increase our liability and present an added financial burden for higher insurance and indemnification costs. We feel strongly that the Applicants should reimburse us for the additional incremental costs of liability insurance and indemnification of the common corridor due to the increased risk.

We look forward to receiving constructive responses to our concerns from the Surface Transportation Board as part of the EIS process. If you have any questions regarding our comments, please feel free to contact Mr. Richard Bochner, Acting Manager of Project Development. Mr. Bochner may be reached at (202) 962-1252.

Sincerely,



John C. Elkins  
Acting, Assistant General Manager  
for Transit System Development

Enclosure

STB

FD

33388

2-2-98

K

BUSINESS

# **RUTGERS ENVIRONMENTAL LAW CLINIC**

15 Washington Street, Room 304  
Newark, New Jersey 07102-3192  
(973) 353-5695  
(973) 353-1249 (FAX)

Rutgers, The State University of New Jersey  
School of Law-Newark

## **ENVIRONMENTAL DOCUMENT**

February 1, 1998

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



Dear Madam or Sir:

The following comments on the Draft Environmental Impact Statement (DEIS) for the acquisition of Conrail by CSX and Norfolk Southern are submitted on behalf of the Tri-State Transportation Campaign (Tri-State), a consortium of thirteen environmental, transportation and planning groups working together to promote an economically and environmentally sound transportation system in a thirty-three county area in metropolitan New York. Tri-State seeks to reduce reliance on cars and trucks throughout the region in order to reduce congestion and pollution and support rational land use planning. One hundred citizens' groups and local officials have joined as affiliate members.

In these comments, Tri-State is submitting its concerns regarding the DEIS that has been prepared for the proposed Conrail acquisition. We believe that additional action on the part of the Surface Transportation Board (Board) in developing a complete picture of the economic and environmental impact of the applicants' plan is required pursuant to NEPA and the Board's guidelines related to rail consolidations and mergers.

As has been noted in our previous submissions, Congress has sought to encourage competitive rail service and infrastructure improvement through its regulation of the railroad industry. Congress has indicated its concern that the management of these transportation assets take into consideration all factors that are related to the "public health and safety." See 49 U.S.C. §§ 10101(8) and (14).

In order to better protect that health and safety, the Board has the authority to impose conditions upon proposed railroad consolidation transactions. See 49 U.S.C. § 11324 (c). Such conditions must be imposed when the merger may result in effects that are harmful to the public. See 49 U.S.C. § 11324(d); Union Pacific - Control - Missouri Pacific, Western Pacific, 366 I.C.C. 462, 562-65 (1982). The applicants' plan details changes in traffic and business patterns as a result of the consolidation that will increase both rail and truck usage in an already congested region, bringing profound environmental impacts.

These environmental impacts are not adequately addressed in the DEIS. The Railroad Consolidation Procedures require that the applicants detail any impact that changes in service may



have on the public welfare. See 49 C.F.R. § 1180.8 (a)(2). This requirement has been interpreted as ensuring that the Board will have all facts that may be required in order for the Board to be able to make an informed decision on the merits of the consolidation proposal and to comply with its statutorily required duties. See Union Pacific, Missouri Pacific.- Control - Chicago and North Western, 9 I.C.C. 2d 939, 950 (1993). The DEIS fails to address both the negative environmental impact of some of the results of the merger as outlined in the applicants' proposal and the impacts, positive or negative, of some alternatives to the applicants' proposal. We believe in particular that a Supplemental EIS is required in this case to evaluate the beneficial impacts that the proposed conditions submitted by Tri-State and others would have, especially in terms of the thresholds for air quality and how they are affected by changes in rail and intermodal activity. See 49 C.F.R. 1105.7(e)(5).

**I. The Board failed to analyze certain significant and reasonable alternatives to the proposed action in the DEIS.**

As part of the DEIS for the proposed action, the Board is required to consider any reasonable alternative to the proposed action and to provide an adequate discussion of the alternatives it considers. In particular, CEQ requires federal agencies to compare the environmental impacts of the proposed action to the impacts of the alternatives. According to CEQ, this alternatives analysis is the "heart" of the EIS.

In preparing the DEIS for the Conrail acquisition, the Board failed to consider many reasonable and highly significant alternatives to the proposed action. The Board evaluated three alternatives: the No-Action alternative, the proposed acquisition and the proposed acquisition with conditions. The conditions "could include ... modifications that other parties have requested in Inconsistent and Responsive Applications to the Board." DEIS at ES-3. The potential impacts of the proposals included in the fifteen "inconsistent and responsive applications" received by the Board are reviewed in the DEIS. Unfortunately, the eighty-eight remaining commentors did not receive such consideration in the DEIS and are very nearly ignored. Yet while the classification of comments as "inconsistent and responsive applications," on the one hand, or as "comments and requests for conditions," on the other, may be relevant to the Conrail acquisition proceedings, it is of no significance for the NEPA process, which is distinct. Moreover, this classification of comments does not reflect on the importance or the magnitude of the potential environmental impacts of the conditions contained in the comments, so should not be regarded as a sound basis for determining which conditions should be evaluated as part of the alternative "proposed acquisition with conditions." Indeed, the table in Appendix U of the DEIS states that many of the conditions that were included among "comments and requests for conditions" had potential impacts that are either "unknown" or "could increase rail operation above thresholds on affected segments." No further analysis was provided, however. Such further analysis must be included in the EIS.

By not conducting an adequate assessment of alternatives, the Board denies itself the opportunity to make a fair and informed independent decision on the environmental impacts of this transaction, which by law must precede its decision on the acquisition.

## **II. The conditions requested by Tri-State would have significant impacts.**

Tri-State submitted comments on the scope of the EIS on August 6, 1997 requesting that the scope be modified to include a detailed assessment of alternatives of the type "proposed action with conditions." On October 20, 1997, Tri-State submitted comments to the Board requesting five conditions be included in the Board's decision to permit NS and CSX to acquire Conrail. On November 22, 1997, in response to the applicants' circulation of a supplemental operating plan for the North Jersey Shared Assets Area, Tri-State submitted comments to the Board reaffirming its original conditions and requesting that the Board require four additional conditions for the acquisition. These conditions would have assured two carrier competition for the 12.5 million persons residing in the East of Hudson portion of the Tri-State Region, the nation's largest metropolitan area and would have established important environmental protection mechanisms for the two carriers serving the West of Hudson portion of the region. Tri-State, on January 12, 1998, submitted a rebuttal to arguments raised by the applicants in their response to Tri-State's two requests for conditions. The nine conditions in these two requests would have significant effects in the four Impact Categories that we cited in our scoping submission, namely: 2. Transportation Systems, 3 Land Use, 5 Air Quality and 10. Environmental Justice.

Tri-State's conditions would have comparable effects to those requested in the comments filed on October 20, 1997 by Congressman Jerry Nadler and twenty-three members of the Congressional delegations of New York and Connecticut. Their position has since been endorsed by the City of New York and the State of New York. To regard the conditions requested by Tri-State and by the Congresspeople, on which the Board has made no decision to date, as insufficiently significant to warrant a thorough evaluation in the EIS is unreasonable.

### **A. Considerable potential for rail freight traffic exists East of the Hudson**

In its various submissions to the Board, Tri-State identified studies conducted by Mercer Management Consulting, Inc. of the commercial opportunities for enhanced carload and intermodal freight to the East of Hudson sector of the Tri-State region. The applicants themselves used this firm to advance their arguments for the acquisition. The first of these studies, the New York Downstate Rail Freight Study, was completed in May 1995. That study found that as much as 22.9 million tons of freight destined for the downstate region was potentially divertable to rail, based on its survey of shippers in that region. The downstate region includes New York City, Long Island and Putnam and Westchester Counties, a very large portion of the East of Hudson sector of the Tri-State region. Rail freight could increase from 3% to about 25% of total freight market demand. At an average load of 17 tons per truck used by the applicants, this would amount to over 1.35 million truckloads per year diverted to rail for the downstate NY area. This is more than the 1.03 million truckloads the applicants expect to divert to rail for the entire eastern portion of the U.S.,<sup>1</sup> trumpeted as the major environmental benefit of their proposed action. These

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<sup>1</sup> It should be noted that the Board's DEIS raises concerns about the validity of the applicants' estimate, suggesting that this environmental benefit is exaggerated through double counting. The Board did not estimate the amount of this exaggeration, nor explain the basis for its concern.

estimates are imprecise, but clearly if the potential truck-to-rail diversion resulting from the applicants' proposal is significant, then the diversion resulting from the conditions proposed by Tri-State is significant as well.

The Mercer study also suggests that 10.1 million tons would use an improved cross-harbor car float route. Car float improvements are one of Tri-State's key conditions for the acquisition. The Mercer study identified three critical factors for gaining this increased rail freight activity in the Downstate NY Region: (1) lower costs and improved service, (2) credibility in the marketplace, and (3) ability to raise capital. One of Tri-State's proposed acquisition conditions, extending NS service across the harbor to provide competitive rail service to points East of the Hudson, would allow great improvement with respect to all three of these factors.

In a second study, "Intermodal Goods Movement Study: NYC Rail Freight Access," completed in January 1997, Mercer Management found, using a somewhat different set of assumptions, that an improved cross-harbor car float link would attract 6 million tons of freight, mostly in rail carloads. This study detailed the economic and environmental consequences of a shift of this magnitude from truck to rail, so that information is readily available to the Board. This study also found that a roadrailer-type operation through Penn Station was physically practical, could be initiated with very little investment and could be in operation in a very short time frame. Tri-State requested that NS be allocated rights to operate this service as a condition for the acquisition.

A third study prepared by Transmode Consultants, Inc., "The Oak Point Link Market Development Initiative" was completed in May 1994. This study estimated the market potential for three intermodal terminals located East of the Hudson at 245,000 to 430,000 trailers, or 4.2 to 7.3 million tons, per year. Transmode claimed that these market levels would bring cost per train to competitive levels. Tri-State proposed conditions that would result in competitive intermodal rail access East of Hudson, for CSX using conventional piggyback service at the Harlem River Yard and for NS using double-stack service at 65th St. yard. Beneficial use of these facilities, developed at considerable public expense, would reduce truck movements across seriously congested Trans-Hudson highway crossings. They would also help to accommodate increased intermodal traffic projected by the applicants, reducing their investment in, and potential negative environmental consequences of, yard expansion in North Jersey.

#### **B. Retaining West of Hudson carload freight is important**

The applicants estimate that 797,376 truckloads of freight will be diverted to intermodal rail service as a result of the acquisition. Another 186,947 truckloads will be diverted to carload rail freight. Although the applicants claim that carload freight is the "lifeblood" of their industry, 81% of the truck traffic expected to shift to rail as a result of the action before the Board would be to intermodal. As important as intermodal traffic is, this

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emphasis on intermodal was the basis for Tri-State's expressed concern and proposed condition that the applicants make a special effort to retain carload freight in North Jersey, and not shift existing carload traffic to intermodal. While restored competitive rail service in the West of the Hudson sector would produce substantial environmental benefits, these effects are not evaluated in the DEIS. The Board cannot make an adequate determination of the environmental consequences of Tri-State's proposed condition based on the information contained in the DEIS.

Tri-State also raised concerns about the relocation of freight away from the North Jersey Shared Assets Area to more remote locations. This would increase truck miles in the region. The DEIS does not provide information to evaluate Tri-State's proposed condition to avoid this environmental negative, namely that NS and CSX must monitor the cost of operating the shared asset lines and provide assurance to the Board that costs are below levels that would encourage shippers from relocating to more remote points in western NJ and eastern PA.

**C. Protracted disagreement over proposed rail passenger service improvements could deny the region the benefits of these improvements.**

In the past, expansion of commuter rail service or intercity rail passenger service has led to protracted arguments among service providers about how track can be shared and about the extent of new rail investment that must be made to accommodate the expansion. Tri-State suggested in its comments of November 22, 1997 that, as a condition for approval of the acquisition, the Board establish, in cooperation with USDOT, arbitration procedures that will assure prompt resolution of disputes. The DEIS offers no specific evidence that disputes will be resolved and makes no attempt to assess the environmental consequences of the long delays that have characterized service expansion proposals in recent years.

Amtrak at present has operating agreements with Conrail, NS and CSX that expire in 2006, 2000 and 2002 respectively. The DEIS makes no mention of the consequences of not extending these agreements in a timely fashion. Furthermore, the DEIS deals only with maintenance of existing levels of service over existing routes. Accommodating increased levels of service, higher speed or new routes will almost certainly lead to disputes that, if not quickly resolved, could deny the public the benefits of these new rail services and lead to air quality consequences that are negative with respect to the "no action" alternative. While higher levels of public support will be needed to continue and expand Amtrak service in the future, the arbitration mechanism that Tri-State proposed for commuter rail service proposals could be extended to Amtrak intercity service improvements.

**D. The conditions requested by Tri-State would have significant effects in several Impact Categories.**

The Board's failure to quantify the impacts of Tri-State's proposed conditions leaves the agency unable to suitably assess key environmental impacts in four key areas:

## **1. Transportation Systems**

The Tri-State region's arterial highway system is among the most congested in the nation. Car, bus and truck traffic experiences extraordinary delays, especially at the Hudson River crossings. Heavy truck traffic also contributes a great deal to the deterioration of pavements and structures. Trucks routinely use local and collector streets to avoid delays on major highways, resulting in vibration that damages buildings and producing noise in residential neighborhoods. Truck crashes are more severe than car crashes and take a heavy toll in deaths and injuries. Crashes and breakdowns add greatly to congestion, especially where off-loading of goods is required.

By failing to describe the potential changes in truck use that would occur if Tri-State's proposed conditions were added to the transaction, the DEIS fails to provide the Board with important information that might affect its decision on whether to include these conditions in its decision.

## **2. Land Use**

In NYC, the Department of City Planning has specified zoning to preserve manufacturing locations that are adjacent to rail lines. Tri-State's conditions would result in better rail service to these locations, reinforcing the city's land use and zoning plan. The applicants' plan will result in continuing single-carrier non-competitive freight rail service, perpetuating the existing deteriorating rail service East of the Hudson and diminishing the value of these unique rail-accessible sites. NYC's land use plan has reserved space for intermodal facilities at Harlem River Yard and 65th St. Yard. The applicants' plan is silent on the provision of NS or CSX service to these terminals.

Land use plans in Westchester County and in Connecticut also reserve space zoned for manufacturing and distribution along Conrail-operated lines. Tri-State's proposed conditions for two carrier service from Oak Point Yard in the Bronx to New Haven, CT would make this land use activity more valuable.

The Board should assess the consistency of the applicants' plan and the plan with the conditions recommended by Tri-State with municipal land use plans for communities East of the Hudson. This assessment should be part of a Supplemental EIS.

The New Jersey State Plan for Development and Redevelopment calls for concentrating development in older, denser cities and along transportation corridors. NJ Governor Christie Whitman reaffirmed her support for these state policies in her address at the beginning of her second term as Governor in January 1998, in which she proposed to preserve 300,000 acres over the next four years. Existing carload freight shippers in the North Jersey Shared Assets Area are generally located in

areas in which development or redevelopment is consistent with the State Plan. Union County, for example, is seeking to bolster business on the Staten Island Railroad and Rahway Valley Lines by reinstating rail freight service. The Tri-State condition calling for Board intervention to monitor and preserve carload freight in this area will add an extra measure to preserve the consistency between the applicants' plan and land use plans in New Jersey. Were CSX and NS to encourage shippers to relocate outside the shared assets area, new development would occur in areas that the State Plan seeks to preserve as open land.

### **3. Air Quality**

Most of the Tri-State Region is a severe non-attainment area for ozone, and one county is in non-attainment for particulates. Due to New Jersey's failure to produce an adequate attainment plan for ozone, the State will be under a "conformity freeze" beginning on April 10, 1998 during which no new transportation programs and plans can be adopted. EPA's recent revision of the health-based air quality standards confirm that the region's problem is even more serious than previously acknowledged. Most of the air quality benefits that are expected to result from the Conrail acquisition, due to shifting freight from truck to rail, will lie outside of the Tri-State Region, or the Ozone Transport Region in the northeast. The Tri-State conditions would increase the air quality benefits within the region as well. The Board cannot make an informed decision on this benefit without a detailed assessment of air quality impacts of the Tri-State conditions.

### **4. Environmental Justice**

In the Tri-State region, persons of color and other minorities are more likely to live in New York City and in other older cities in the region. Shifting freight from truck to rail has the potential to benefit residents of these communities, many of whom suffer from respiratory ailments exacerbated by air pollution. Shifting freight activity from truck to carload freight and reducing the drayage mileage for intermodal freight would yield substantial benefits to these communities. Tri-State's proposed conditions will achieve these results to greater effect than the applicants' plan without conditions. The Board will not have this information available if it does not perform a comprehensive assessment of the impacts of the Tri-State conditions. Dismissing these conditions without this assessment is not consistent with NEPA, the Civil Rights Act or Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994, 59 F.R. 7629(1994)). Additional investigation of the alternatives suggested by Tri-State and others is supported by the DOT's own order for compliance with Executive Order 12898, which governs Federal actions to address Environmental Justice in minority and low-income populations. 60 FR 33899 (1995). Compliance with the Executive Order is a stated key element in DOT's Environmental Justice strategy. *Id.* at 33900. The Board is required to take



into account any mitigation measures that may be developed during the comment period. Id at 33902.

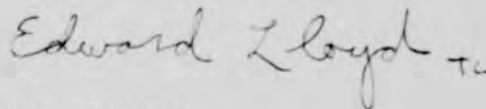
The Board is left to make its decision on the railroads' application with regard to the conditions proposed by Tri-State on the basis of only the information submitted by the applicants. The applicants, meeting behind closed doors, decided to deny two-carrier competition for the East of Hudson sector. They chose not to take similar action elsewhere; they did not assign all of Conrail's properties and operating rights to a single carrier for service in the states of Ohio or Pennsylvania.

**III. The Board should prepare a supplemental EIS containing an analysis of additional alternatives.**

The DEIS' omissions can only be corrected by the Board's preparation and circulation of a Supplemental EIS. Much of the information needed for such a Supplemental EIS is readily available in the studies identified above. Tri-State requests that the Board conduct a thorough investigation of the environmental impacts of the conditions proposed by Tri-State and submit a Supplemental Environmental Impact Statement for consideration by all parties. Tri-State's request for a Supplemental Environmental Impact Statement is reasonable and customary in situations such as the proposed merger. The DOT procedures for the application of environmental laws clearly provide for supplemental reports when additional relevant environmental information is discovered during the public comment process. These supplemental reports are needed in order "to address substantial changes in the proposed action or significant new and relevant circumstances or information". 49 C.F.R. § 1105.10 (a)(5). Clearly the conditions proposed by Tri-State and other interested parties during the comment period have provided significant information that needs to be considered. The DOT procedures for the implementation of environmental laws also call for the Section of Energy and Environment to independently analyze related materials during the comment period in order to provide information to the Board that can be considered in its final decision. A Supplemental EIS may be required to further assist the Board in its deliberations. 49 C.F.R. § 1105.10 (a)(5)(b).

The conditions requested by Tri-State and others offer a substantial opportunity for a positive environmental impact on the New York metropolitan area without detriment to the economic interests of the parties involved in the merger. To fail to consider these alternatives completely would benefit none of the parties involved and would clearly not serve the public interest.

Respectfully submitted,

A handwritten signature in cursive script that reads "Edward Lloyd" followed by a small mark.

Edward Lloyd

STB

FD

33388

2-2-98

K

BUSINESS



**Conservation Law Foundation**

January 30, 1998



**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

**ENVIRONMENTAL  
DOCUMENT**

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

Re: STB Finance Docket No. 33388  
Draft Environmental Impact Statement, "Proposed Conrail Acquisition"

Dear Ms. Kaiser:

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 is New England's oldest environmental organization, with offices in Massachusetts, Vermont, New Hampshire and Maine. CLF's mission is to solve the environmental problems that threaten the people, natural resources, and communities of New England, using law, economics and science to design and implement strategies that conserve natural resources, protect public health, and promote vital communities in our region. CLF has long supported rail as an environmentally and economically sensible alternative to endless highway expansion and resulting urban sprawl and air pollution.

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:

1. CSX must cooperate with the Massachusetts Bay Transportation Authority ("MBTA") and Amtrak in the provision of improved, faster passenger rail service and increased access between Boston, Massachusetts and Albany, New York;

## 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.

Passenger service between Boston and Albany is hampered by the low speed limits imposed by Conrail. Although the track is Class Five and could accommodate speeds of 90 miles per hour, Conrail has mandated that no train exceeds 60 m.p.h. In order to attract passengers away from their cars -- where they can travel on Interstate 90, a highway with a speed limit of 65 m.p.h. -- passenger trains must be able to take advantage of the full speed capacity of the track infrastructure. CSX should make every effort to facilitate such improved service.

Currently, freight cargo that comes into the port in South Boston is transferred by truck for several miles to Conrail's rail yard. This extra step is clearly highly inefficient. The City of Boston is currently engaged in major planning, design and reconstruction with respect to several interstate highways and the entire South Boston seaport district. Now is an excellent opportunity for Conrail and CSX 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.

Similarly, CSX should expand its provision of freight service between New York and New England to reduce the dependence on highway trucking--currently, Interstate 95 in Connecticut is heavily stressed by truck traffic, a situation that is inefficient, unsafe and uneconomic. The STB should accordingly extend two-carrier rail competition to destinations east of the Hudson River, to end Conrail's monopoly there rather than merely transferring it to CSX. This can be achieved if the STB requires CSX and NS to modify their acquisition and operating plans, with the key being for NS to extend its operations into the sector east of the Hudson River.

Specifically, NS should be required to purchase and operate cross-harbor car float facilities from New Jersey to Brooklyn, to restore this system to 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 truck 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.

## Conservation Law Foundation

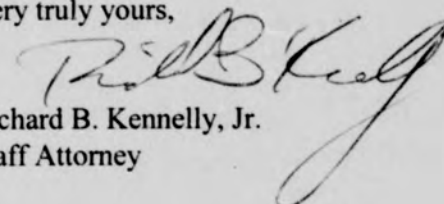
Some of the important economic and environmental benefits of trains include:

- **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

STB

FD

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2-2-98

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BUSINESS



# Center for Neighborhood Technology

2125 West North Avenue  
Chicago, IL 60647  
(773) 278-4800  
FAX (773) 278-3840

ENVIRONMENTAL  
DOCUMENT



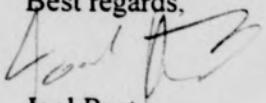
Ms. Elaine K. Kaiser  
Office of the Secretary  
Case Control Unit  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423-0001

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

Dear Ms. Kaiser:

Enclosed please find an original and ten copies of the Center for Neighborhood Technology's written comments responding to the Section of Environmental Analysis' Draft Environmental Impact Statement.

Best regards,

  
Joel Rast  
enclosures



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# ENVIRONMENTAL DOCUMENT

BEFORE THE  
SURFACE TRANSPORTATION BOARD

**CSX AND NORFOLK SOUTHERN, CONTROL AND ACQUISITION**  
**Finance Docket No. 33388**



## COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

### CENTER FOR NEIGHBORHOOD TECHNOLOGY

2125 West North Avenue  
Chicago, IL 60647  
(773) 278-4800

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 and Chicago affiliate of the Surface Transportation Policy Project, and co-convenor of the Chicagoland Transportation and Air Quality Commission, a 130-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 Conrail 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.

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 petitioners' 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 congestion 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.<sup>1</sup>

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)

How 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

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<sup>1</sup>See Illinois International Port District, Request for Conditions to the Approval of Application, Verified Statement of Anthony G. Ianello.

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.<sup>2</sup>

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<sub>x</sub>) at least 15 percent by the year 2007. The EPA's "Mobil5a" Mobile Source Emission Model shows that every million truck miles generate over 2.7 tons of VOC and 15.7 tons of NO<sub>x</sub>.

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.<sup>3</sup> 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).

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<sup>2</sup>Source: "A Guide to Southeast Chicago's Major Polluting Industries," Citizens for a Better Environment, 1994.

<sup>3</sup>Source: E.H. Pechan & Associates, "National PM Study: OPPE Particulate Programs Implementation Evaluation System, Final Report to EPA," Sept. 1994; E.H. Pechan & Associates, "Updates to Fugitive Emission Components of the National Particulate Inventory, Jan. 29, 1996.



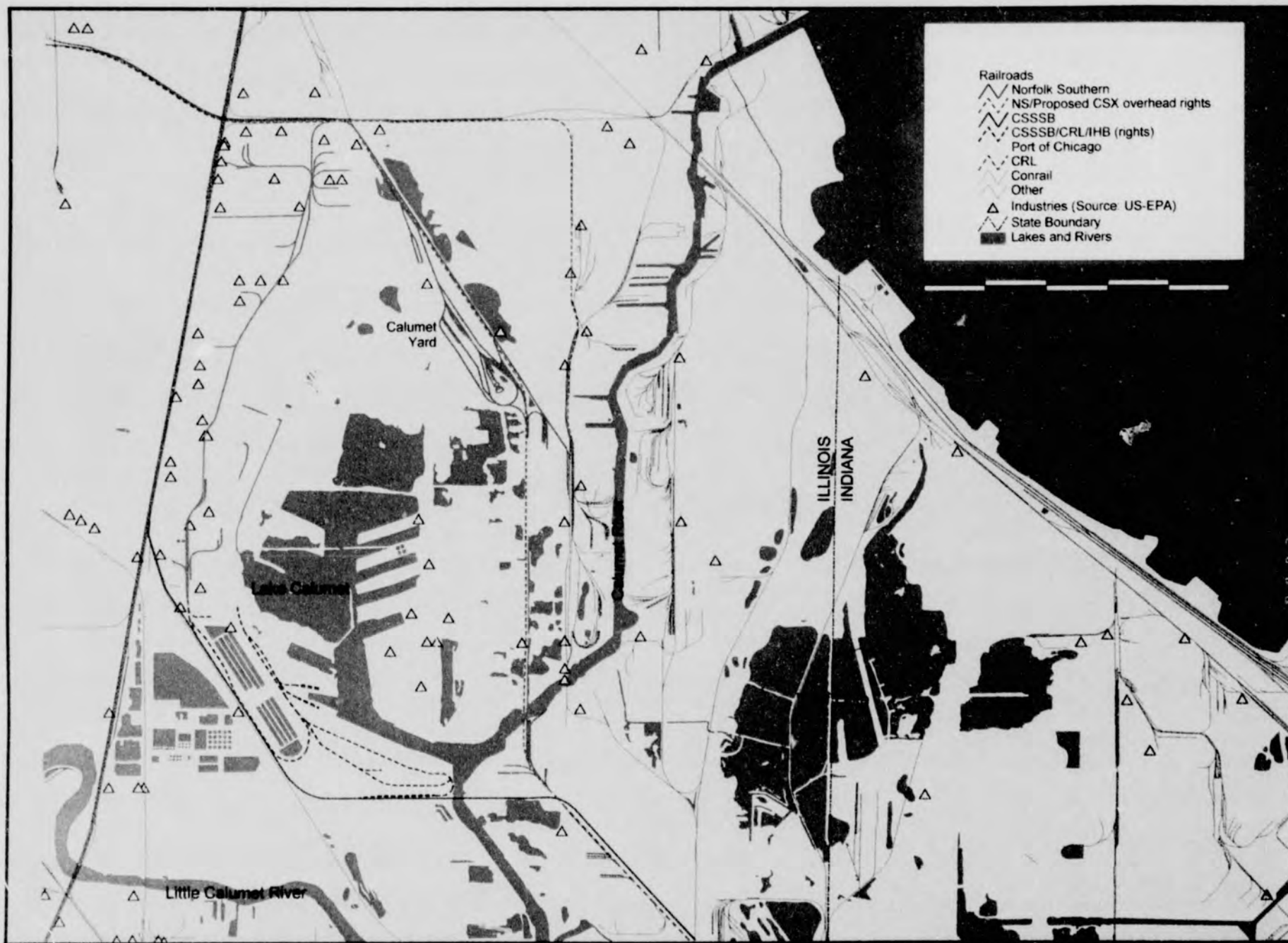
The Center for Neighborhood Technology supports the Port of Chicago's Request for Conditions. As a result of a 1959 Interstate Commerce Commission decision, *Illinois Central Railroad Company, et al. Construction and Trackage Rights, Lake Calumet Harbor, Cook County, Ill.*, 307 ICC 493 (October 5, 1959), 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 1180.6(a)(2)(i)). 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 (CCCALMB), 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 CCCALMB'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)



Rail Access Around Lake Calumet

Center for Neighborhood Technology  
January 26, 1998



STB

FD

33388

2-2-98

K

BUSINESS



**LAFAYETTE  
RAILROAD  
RELOCATION**

Reifers Center, Suite No. 2  
839 Main Street  
Lafayette, Indiana  
47901-1461  
765-476-8438 • 765-742-8438  
Fax: 765-742-8798

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

**ENVIRONMENTAL  
DOCUMENT**



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 and 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, Mayor  
City of Lafayette, Indiana

Attachments



*Continued*

*page 2*

*To: Surface Transportation Board*

*From: Mayor Dave Heath, Lafayette, Indiana, 1/30/98*

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



Old Big Four Depot

Photo Courtesy of Tippecanoe Co. Historical Assoc.



LAFAYETTE  
RAILROAD  
RELOCATION

## The Lafayette Railroad Relocation Project...

### Vitally Necessary to Growth and Development

Studies determined that 30-40 trains delay approximately 13,000 vehicles per day including ambulances, police, fire and 10 of 16 community bus routes. Tracks tri-sect the city and run for 1 + blocks down the center of a major downtown street.

### All 42 Crossings Eliminated

The project will consolidate 4.2 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. Carefully studied alternatives were found to be ineffective or harmful to the area's transportation network. Do-nothing costs are high and perpetual.

### Highway Trust Fund Provides Most of the Federal Share.

Gasoline tax money makes deficit impact minimal.



...will prevent crossing accidents.

Lafayette Railroad  
Relocation Office  
Railers Center #2  
839 Main Street  
Lafayette, IN 47901-1461  
765-476-8438  
765-742-8438

Dave Heath, Mayor

Elizabeth A. Solberg  
Project Manager

John P. Moisan-Thomas  
Assistant Project Manager

Ramona M. Lawson  
Assistant Project Manager

Glenda M. Vanaman  
Contracts Coordinator

Patricia F. Payne  
Accounts Supervisor

Katherine D. McMillin  
Special Projects Coordinator



State Road 26 Bridges (Completed 1992)

### National Design Award

Lafayette received one of only 17 awards of design excellence selected from 250 entries in the 1981 National Transportation Design Awards Program, co-sponsored by the U.S. Dept. of Transportation and the National Endowment for the Arts. Lafayette was the only railroad relocation project recognized.

### Railroad Cooperation

From Norfolk Southern, CSX, and Amtrack



...will remove trains from 14 blocks of 5th St.

### Strong Public Support

No opposition and many positive comments were expressed at the well attended Design Public Hearing. Thousands of individual and group contacts insured citizen input and responsive plan development in each of these phases:

1969—Initial Studies

1979—Environmental Impact Approval

1981—Design Approval

1984—Final Design

1986—Construction Begins

1987—Segment #1 Completed  
(Wabash Avenue Underpass)

1992—Segment #2 Completed  
(State Road 26 Replacement Bridge)

1992—Segment #4 Primary Contract Construction Begins  
(CFX Relocation)

1993—Segment #3 Completed  
(Ninth Street Underpass)

1994—Segment #4 Second Contract Construction Begins  
(Depot Plaza)

1994—Segment #4 Third Contract Construction Begins  
(Fifth St. Reconstruction)

1995—Segment #5 Construction Begins  
(projected)  
(Norfolk Southern Relocation)

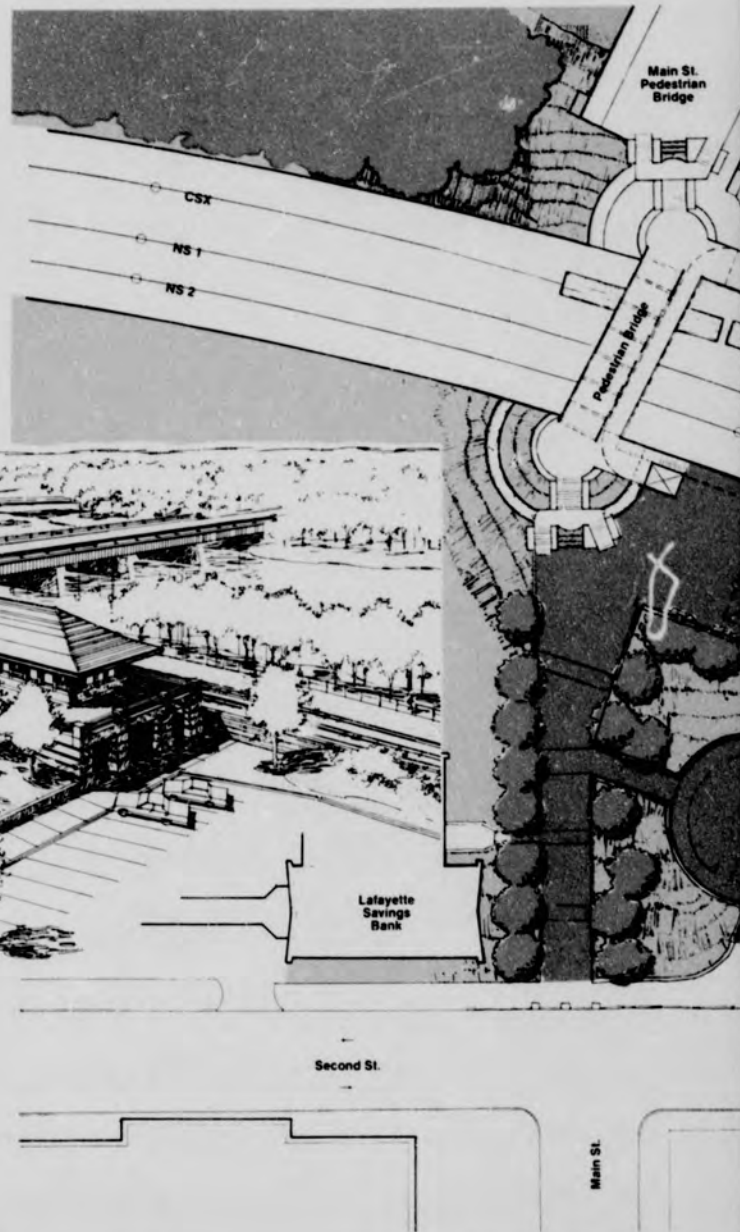
1998—Total Project Completion  
(projected)



...will eliminate congestion and delays.

**COMPLETED**

## Proposed Depot Plaza

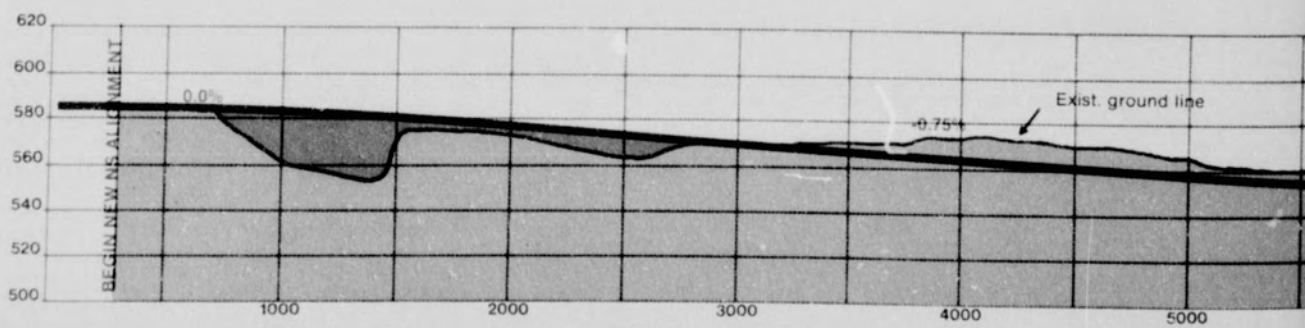
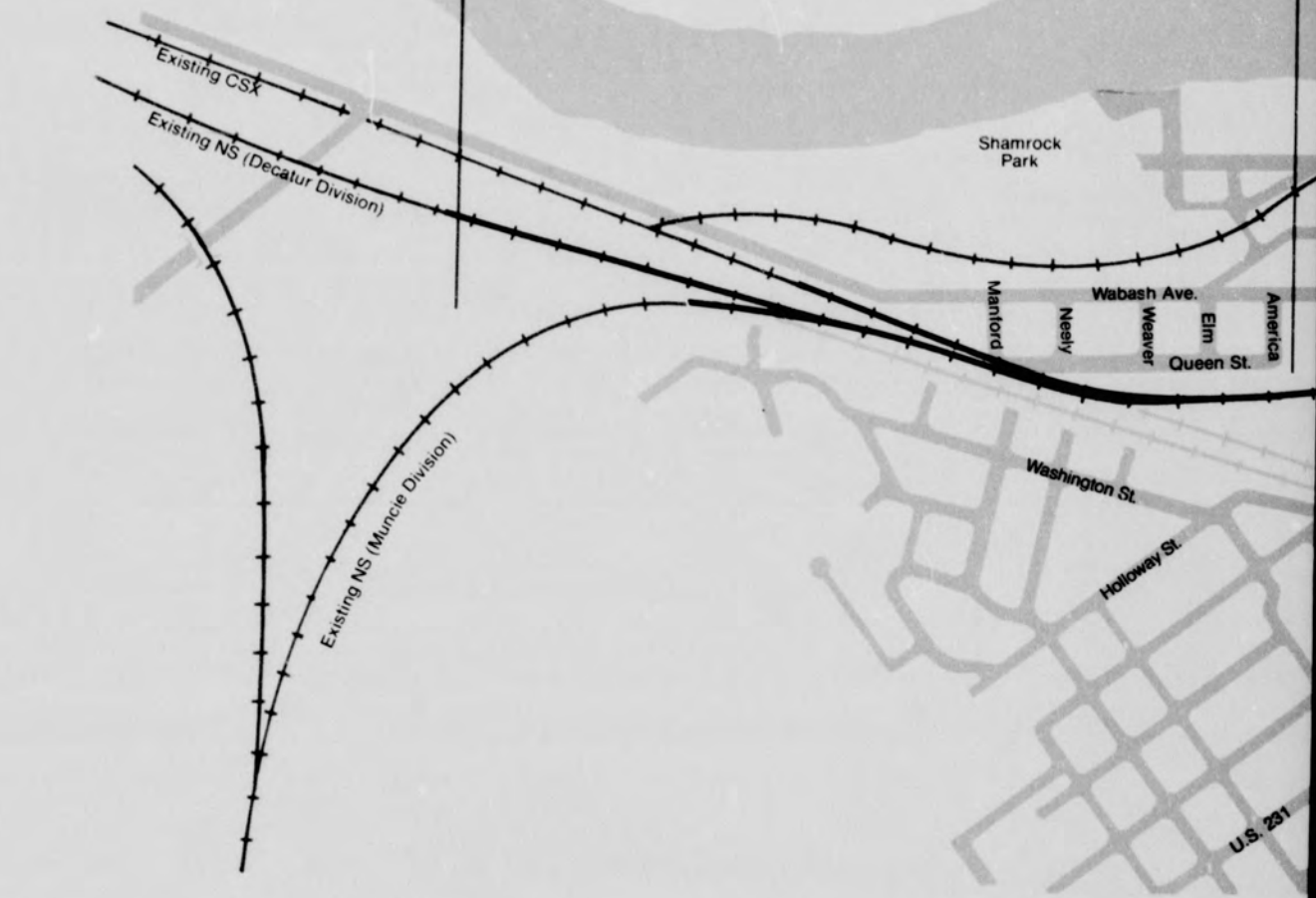


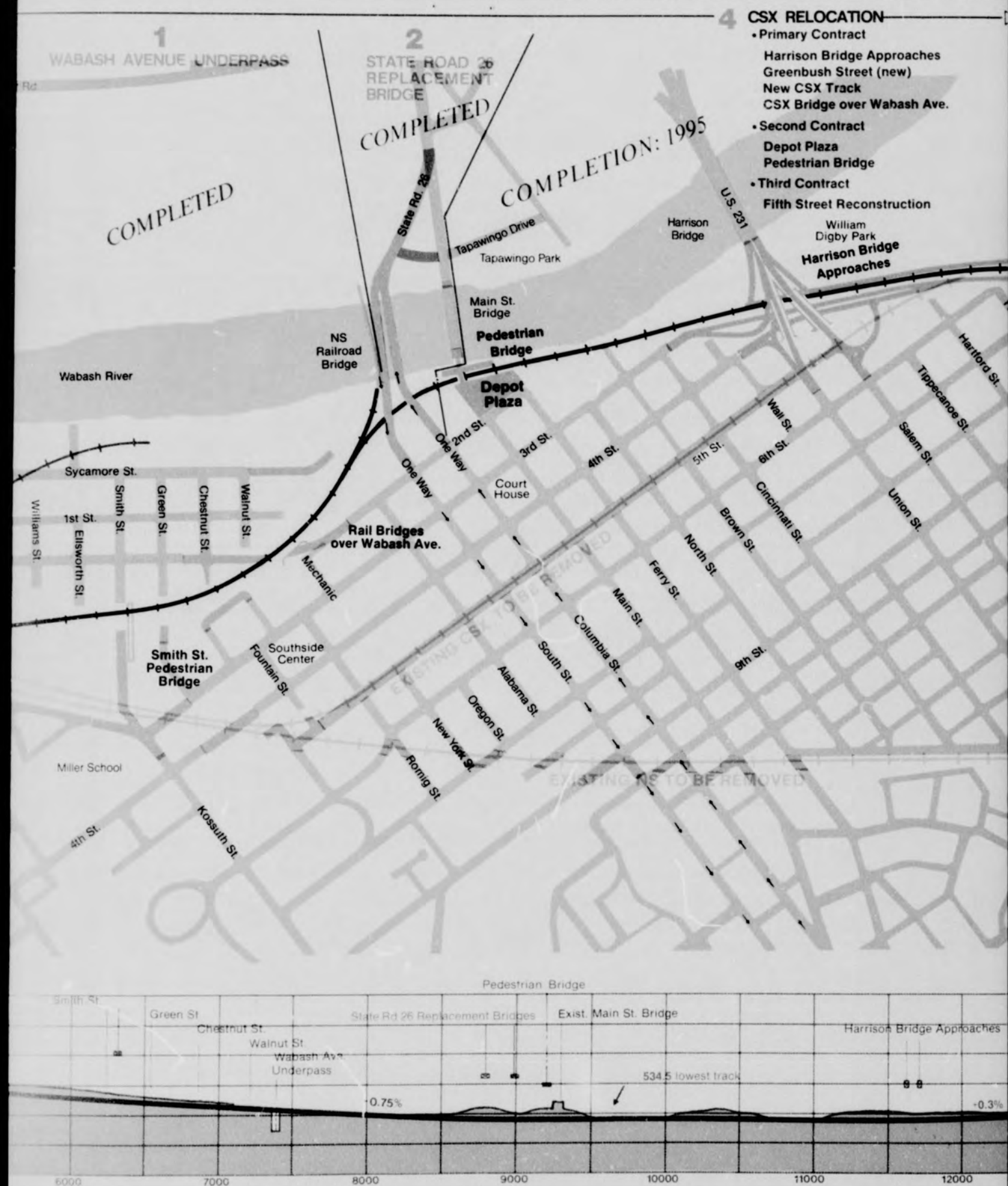
The Depot Plaza is being developed as part of Segment #4 of the Lafayette Railroad Relocation Project to resolve many issues raised by relocating the tracks to the Downtown Business District.

The Big Four Depot will be moved to Second Street at Main and will provide mixed-use occupancy for Amtrak, Lafayette Public Transportation Corporation, and other possible future tenants. Amtrak trains will run on the most westerly railroad track in the new rail corridor.



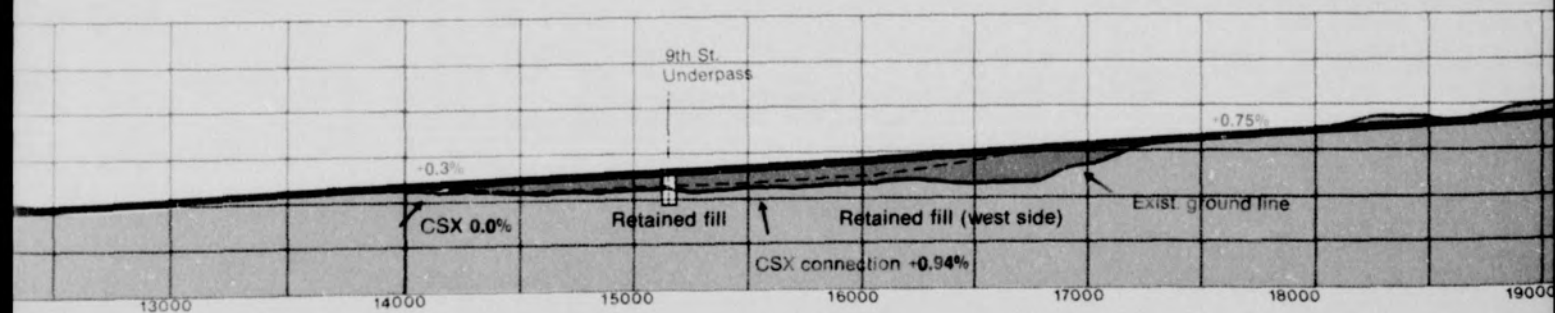
# Lafayette Railroad Relocation Construction Segments





3  
9TH ST. UNDERPASS

COMPLETION: 1993



# 5 NORFOLK SOUTHERN RELOCATION

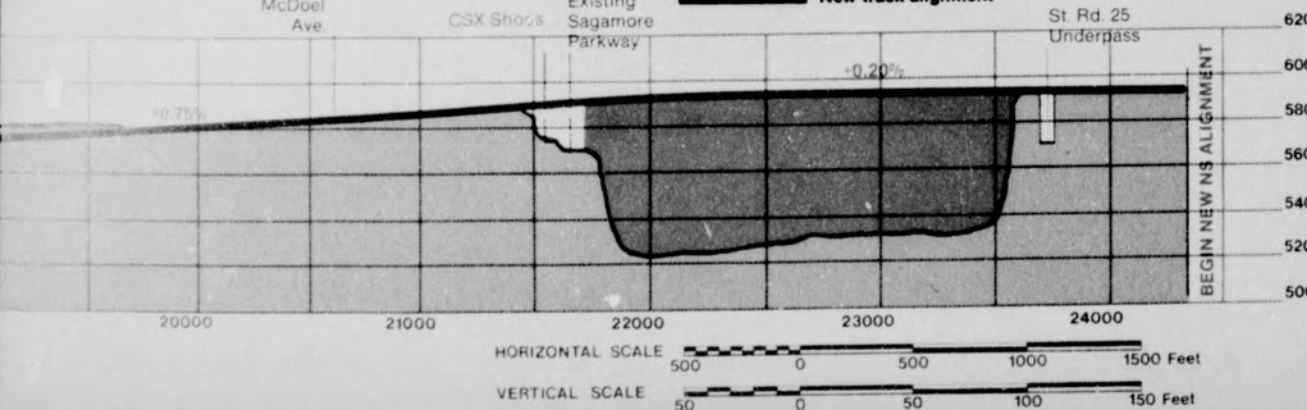
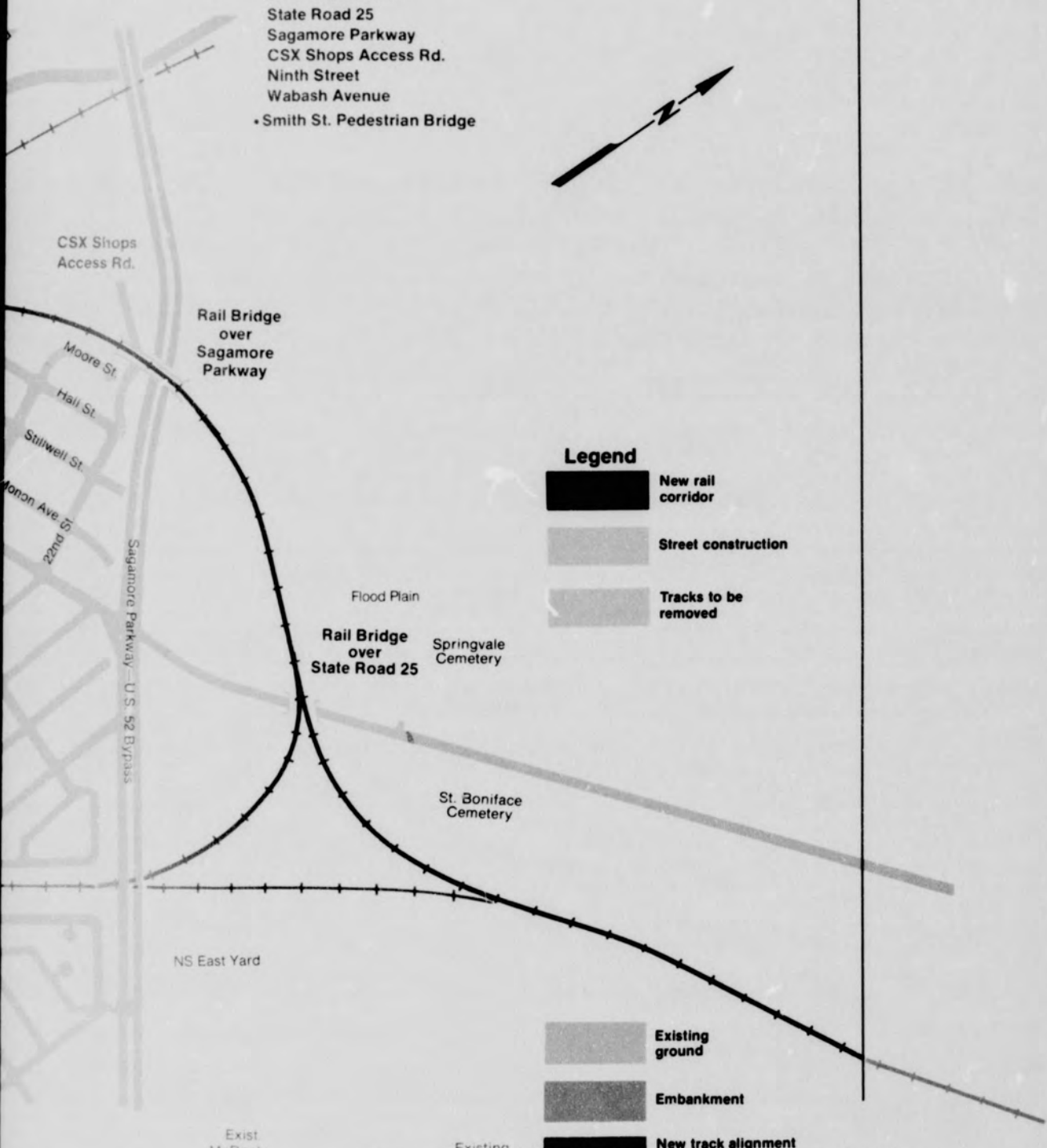
- Track Work
- Rail Bridges Over:
  - State Road 25
  - Sagamore Parkway
  - CSX Shops Access Rd.
  - Ninth Street
  - Wabash Avenue
- Smith St. Pedestrian Bridge



## Legend

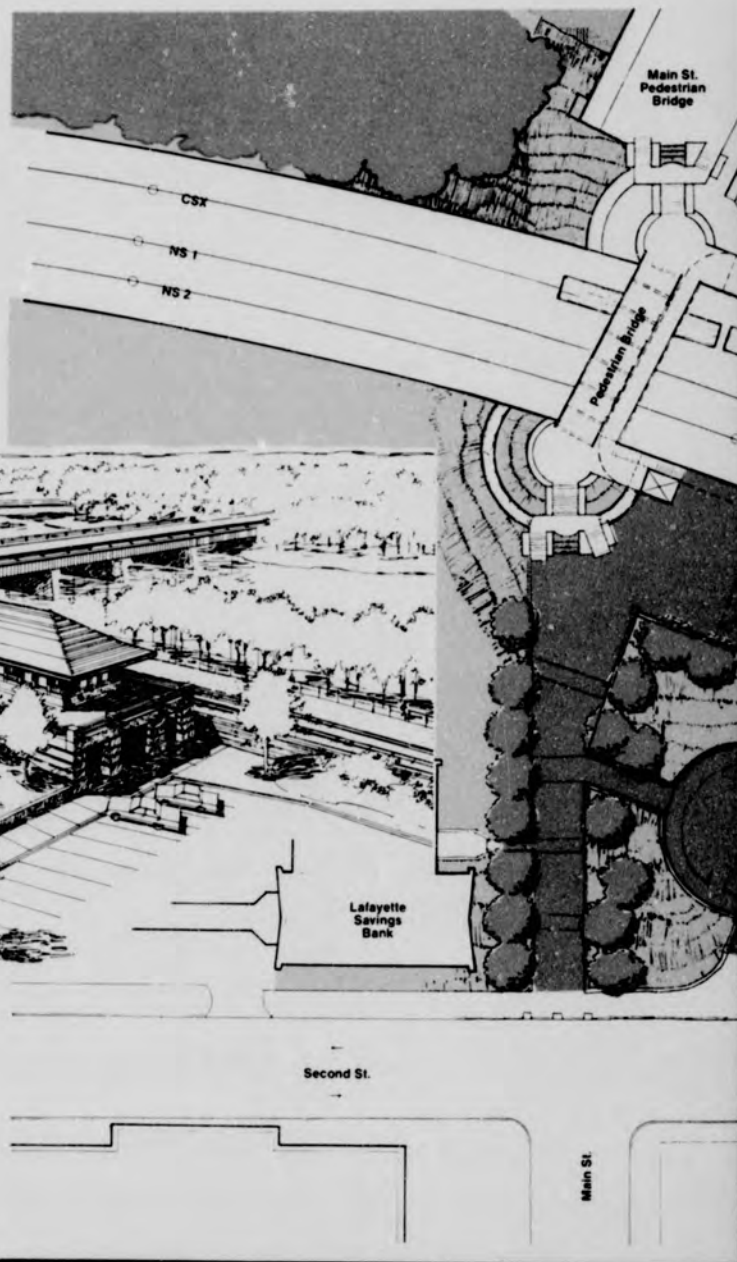
- New rail corridor
- Street construction
- Tracks to be removed

- Existing ground
- Embankment
- New track alignment



COMPLETED

**Proposed Depot Plaza**



The Depot Plaza is being developed as part of Segment #4 of the Lafayette Railroad Relocation Project to resolve many issues raised by relocating the tracks to the Downtown Business District.

The Big Four Depot will be moved to Second Street at Main and will provide mixed-use occupancy for Amtrak, Lafayette Public Transportation Corporation, and other possible future users. Amtrak trains will run on the most westerly railroad track in the new rail corridor.





LAFAYETTE  
RAILROAD  
RELOCATION

## LAFAYETTE RAILROAD RELOCATION

Reifers Center, Suite No. 2  
839 Main Street  
Lafayette, Indiana  
47901-1461  
765-476-8438 • 765-742-8438  
Fax: 765-742-8798

....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

*Printed on Recycled Paper*



STB

FD

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2-2-98

K CITIES



Celebrating 30 Years  
Of Communities In  
Partnership - Working  
Together For A Better  
Southeast Michigan

**ENVIRONMENTAL  
DOCUMENT**

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



**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:

SEMCOG, 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.

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.

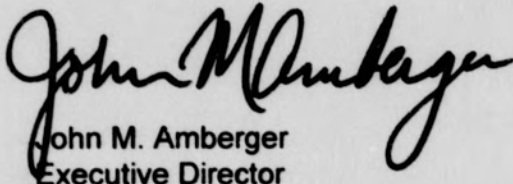
An overriding comment is that the proposed acquisition will provide a more efficient and competitive rail system. Along with these overall comments in support of the project were some specific concerns that need to be addressed. Some of the comments we feel should be emphasized as they have potential 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 Consolidation 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.

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  
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



**SEMCOG**

# MEMO

Southeast Michigan Council of Governments  
660 Plaza Drive, Suite 1900  
Detroit, MI 48226  
(313) 961-4266  
Fax (313) 961-4869  
<http://www.semcog.org/>

January 30, 1998

**TO:** Richard Pfaff

**FROM:** Alex Bourgeau, 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 garnered 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.

## **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.

#### 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 carloads annually to 31,000 carloads 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.)

- 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.



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.



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 (NX-08), Rougemere rail yard (CY-03) activity, and W. Detroit-Delray 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 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.

**Proposed Conrail Acquisition by CSX and Norfolk Southern  
January 21, 1998 Questions**

**Name:** Tom Deku **Phone:** 734-782-2692  
**Representing:** Monroe County Planning Commission  
**Address:** 4880 Dauncy, 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 Enrico 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.
-

**Proposed Conrail Acquisition by CSX and Norfolk Southern  
January 21, 1998 Questions**

**Name:** Arthur Shufflebarger **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, replaced 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 making crossing an ever increasing "hump". These exist in a fully developed community not open rural area.

---

**Name:** Phil Wagner **Phone:** 734-483-1092  
after February 1st

**Representing:** Western Wayne County Haz Mat Team  
**Address:** 222 S. Ford Blvd., Ypsilanti, MI 48198-6067

**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/Willow 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.
-

**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?

---

**Proposed Conrail Acquisition by CSX and Norfolk Southern  
January 21, 1998 Questions**

**Name:** Glenda White **Phone:** 313-241-6400  
**Representing:** Monroe County Emergency Management Division  
**Address:** 965 S. Raisinville 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 Clemente **Phone:** 313-284-6000  
**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.

---



**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. Newbourne **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 NS - Mr. Higgenbotham**

Would you provide any details possible on Intermodal to/from Detroit.

**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 Metttetal, 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)
-



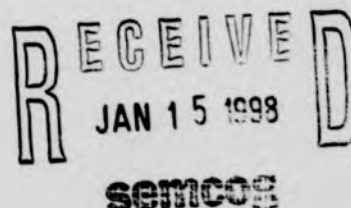
# Livingston County Department of Planning

Divisions of

PLANNING & MANAGEMENT • GIS MANAGEMENT • EMERGENCY MANAGEMENT

January 12, 1998

Richard W. Pfaff, Jr.  
SEMCOG  
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 shipper, 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 • Howell, Michigan 48843-2323 • (517) 546-7555 • FAX (517) 546-7266

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Assistant Director

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Aaron E. Burk  
Planner

Deborah A. Millhouse, AICP  
Planner

Richard L. Winsett, PEM  
Emergency Program Manager

Beti J. Dudley  
Planning Secretary





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 Carleton 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.





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-Melvindale 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 in 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





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. Wagoner, AICP  
Director

WDW/bd  
RR-1-98



Detail of Detroit Area

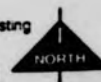
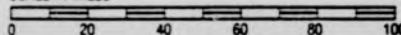
# LEGEND

CSX	NS	SHARED	
			RAIL LINE SEGMENTS
NONE		NONE	NEW CONNECTIONS
NONE		NONE	INTERMODAL OR TCS FACILITY
	NONE	NONE	RAIL YARD
NONE	NONE	NONE	ABANDONMENTS
.....	---	---	RAIL LINE SEGMENTS NOT REQUIRING ENVIRONMENTAL ANALYSIS
AIR QUALITY			
			NON-ATTAINMENT
			MAINTENANCE
			ATTAINMENT



See Detail of Detroit Area \* See Appendix A for master listing

SCALE IN MILES



Proposed Conrail Acquisition

Draft Environmental Impact Statement

FIGURE 5-MI-1

RAIL LINE SEGMENTS, NEW CONNECTIONS, INTERMODAL FACILITIES, RAIL YARDS AND ABANDONMENTS  
REQUIRING ENVIRONMENTAL ANALYSIS  
MICHIGAN - CSX, NORFOLK SOUTHERN, SHARED

# DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT MACOMB COUNTY

115 S. Groesbeck Highway, Mount Clemens, Michigan 48043  
(810) 469-5285 • FAX (810) 469-6787

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January 15, 1998

Mr. John M. Amberger, Executive Director  
Southeast Michigan Council of Governments  
660 Plaza Drive, Suite 1900  
Detroit, MI 48226

Re: Draft Environmental Impact Statement - TR 970391  
Surface Transportation Board, U.S. Department of  
Transportation, SEA  
Draft Environment Impact Statement (Docket No. 33388)  
Proposed Conrail Acquisition  
Section of Environmental Analysis/U.S. Department of Transportation

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Executive Director

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Economic Development Division

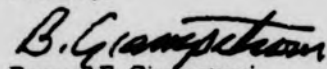
Dear Mr. Amberger:

In accordance with Presidential Order 12372 procedures, we have reviewed 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 not aware of any conflicts with any plans currently in our office. On this basis, we would recommend favorable consideration by the U.S. Department of Transportation.

If there are any questions regarding these comments, please contact our office.

Sincerely,



Bernard E. Giampetroni  
Executive Director

BEG:cb

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**A STATE OF MICHIGAN "COMMUNITY OF ECONOMIC EXCELLENCE"**

Richard Pfaff

313-961-5867



METROPOLITAN PLANNING COMMISSION

**County of St. Clair, Michigan**

108 McMORRAN BLVD., PORT HURON, MICHIGAN 48060-4062

(810) 987-4884

GORDON RUTTAN, DIRECTOR

January 23, 1998

Mr. Richard W. Pfaff, Jr.  
Regional Review Office Coordinator  
SEMCOG  
660 Plaza Drive, Suite 1900  
Detroit, Michigan 48226

**RE: TR970391 - Draft Environmental Impact Statement (Finance Docket No 33388) Proposed Conrall Acquisition**

Dear Mr. Pfaff:

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 acted 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,

A handwritten signature in cursive script, appearing to read "Gordon Ruttan", with a horizontal line extending to the right.

Gordon Ruttan  
Planning Director

GR:dw  
Enclosure

*A Government of Service*



## METROPOLITAN PLANNING COMMISSION

County of St. Clair, Michigan

## STAFF REPORT

FOR: County Planning Commission

MEETING DATE:

January 21, 1998

BY: Bill Kauffman, Senior Planner

ITEM NUMBER:

12 A

**SUBJECT:** Clearinghouse Review SEMCOG #: TR 970391 **PROJECT TITLE:** Draft Environmental Impact Statement (Finance Docket No. 33388) - Proposed Conrail Acquisition. The Federal Surface Transportation Board in Washington, D.C., has prepared a draft Environmental Impact Statement (EIS) on the proposed joint acquisition of Conrail by Norfolk Southern Railroad and CSX Railroad. The preliminary analyses and recommendations for mitigating possible environmental effects of the proposed acquisition are contained in this document. It has been released 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 clearinghouse review process, to comment on the proposal 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 in 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 Conrail. Conrail assets would be divided between CSX and NS. However, some portions of Conrail would be operated jointly. The acquisition of Conrail 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, competitive, and environmental considerations. The STBD can approve the request with no conditions, approve with conditions to reduce potential impacts, or disapprove the merger.

Conrail operates 520 miles of track in Michigan (14% of the State's total rail miles), CSX operates 809 miles (21%), and NS operates 126 miles or 3% 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 operating plans submitted by the applicants, the STBD evaluated the impacts of individual aspects of the proposed acquisition which exceeded thresholds for environmental analysis. Proposed impacts which exceed those thresholds include six rail line segments, construction of one rail line connection, increased activity at one intermodal facility in Detroit, and an increase number of rail cars handled at one rail yard in Detroit. There are no proposed abandonments. None of the proposed changes are located in St. Clair County, and there appears to be no impact on rail service or traffic in St. Clair County.

**COMMENTS BY OTHER AGENCIES:** Staff has not solicited 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:**

Submittal received SEMCOG: Dec. 26, 1997  
Comments due to SEMCOG: Jan. 23, 1998

Staff report sent to SEMCOG: Jan. , 1998  
Planning Commission meeting: Jan. 21, 1998

JAN-23-1998 10:00 AM





**MONROE COUNTY  
PLANNING DEPARTMENT & COMMISSION**

125 EAST SECOND STREET • MONROE, MICHIGAN 48161-2197  
TELEPHONE: (734) 243-7093 • FAX: (734) 243-7572

ROYCE R. MANIKO, AICP  
DIRECTOR

January 30, 1998

Mr. Richard W. Pfaff, Jr.  
Regional Review Office Coordinator  
Southeast Michigan Council of Governments  
660 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:**

- a) 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.
- b) 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:
  - i) Training for emergency responders (police, fire, Emergency Management, etc.)
  - ii) Specialized equipment for this type of response
  - iii) Exercise evaluators
  - iv) Specialized emergency planning support, with expertise/guidance, if needed
  - v) Assistance and support with public information and education

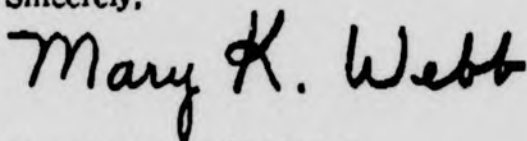
- vi) Additional public warning capabilities (sirens, alert monitors, etc.
  - vii) Support for exercises and drills that must take place. Monroe County is presently mandated by the federal government to participate in a very costly series of full-scale exercises for the Enrico Fermi II Nuclear Power 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.
  - c) 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.
2. **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.
  3. **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?
  4. **Monroe Rail Consolidation Project:** Railroad support of Monroe's ongoing project to consolidate east side rail lines (Conrail/NS and CNNA) 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 CNNA 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.

5. **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.
6. **Economic Development Opportunities:** Cooperation of the railroads is essential to our local economic development efforts.
7. **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, Chairman  
Monroe County Planning Commission

cc: Honorable Carl Levin, United States Senator  
Honorable Senator Spencer Abraham, United States Senator  
Honorable John D. Dingell, 16<sup>th</sup> District U. S. Congressman



**MONROE COUNTY  
EMERGENCY MANAGEMENT  
DIVISION**

MITCHELL V. YUDASZ, JR., DIRECTOR  
MICHAEL M. KATALINICH, ASSISTANT DIRECTOR  
QUENOA S. WHITE, EMERGENCY RESPONSE PLANNER

JAN 30 1998

January 30, 1998

Mr. Royce Maniko, Director  
Monroe County Planning Department  
125 E. Second St.  
Monroe, MI 48161

Dear Mr. Maniko:

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. 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 this 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 this 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,

Mitchell Yudasz, Jr., P.E.M.  
Emergency Management Director

MVY/pal

965 SOUTH RAISINVILLE ROAD • MONROE, MICHIGAN 48161-9700

TELEPHONE: (313) 241-6400 • FAX: (313) 241-7136 • CENTRICK: (313) 243-7068



Areawide Water Quality Board  
1900 Edison Plaza  
660 Plaza Drive  
Detroit, Michigan 48226  
(313) 961-4266

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. AWQB 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.

AWQB 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.



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. AWQB staff recommends coordinating site survey's with the MDEQ and Wayne County Departments of Environment and Health.

STB

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33388

2-2-98

K

CITIES



# CAPITAL DISTRICT TRANSPORTATION COMMITTEE

5 Computer Drive West, Albany NY 12205-1606  
(518) 458-2161

Fax: (518) 459-2155

ENVIRONMENTAL  
DOCUMENT

January 30, 1998



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Attn.: Elaine K. Kaiser  
Environmental Project Director  
Office of the Secretary  
Surface Transportation Board - Case Control Unit  
1925 K Street, NW  
Washington, DC 20423-0001

SUBJECT: STB Finance Docket No. 33388

The Capital District Transportation Committee (CDTC), the metropolitan planning organization for the Albany, NY area, has reviewed the Draft Environmental Impact Statement (DEIS) for the Conrail acquisition.

CDTC has ongoing concerns with the effective implementation of the safety integration plan, the accommodation of passenger trains over the long term (on-time performance, high-speed initiatives in NYS), negotiated competitive access to New England via Albany, and competitive freight access on the east side of the Hudson River to NYC. We will continue to monitor the private negotiations on these matters and STB proposed actions. However, the DEIS does not provide an environmental basis for the imposition of conditions in these matters. Based on the findings in the DEIS, the CDTC does not see the need to impose conditions on the acquisition specific to our region at this time.

CDTC will be an ongoing participant in this proceeding. Policy matters, such as an extended STB oversight period, will be addressed in subsequent submittals.

Thank you for this opportunity to comment.

Sincerely,

John P. Poorman  
Staff Director

cc. CDTC Freight Task Force

STB

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33388

2-2-98

K. CITES

**ENVIRONMENTAL  
DOCUMENT**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**Finance Docket No. 33388**

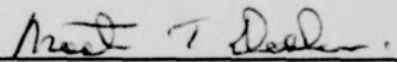


CSX Corporation and CSX Transportation, Inc., Norfolk  
Southern Corporation and Norfolk Southern Railway Company  
-- Control and Operating Leases/Agreements --  
Conrail Inc. and Consolidated Rail Corporation

**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  
1925 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 & Boggia, Esq.  
Centennial House  
71 Mt. Vernon Street  
P.O. Box 378  
Ridgefield Park, New Jersey 07660

January 30, 1998



## COMMENT

The Village is troubled that its previously-voiced concerns regarding the construction of cross-tracks within its corporate boundaries remain largely unaddressed.<sup>1</sup> 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 this rail connection. The construction would be performed in accordance with applicable Federal, state and local regulations for construction projects.<sup>2</sup> 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

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<sup>1</sup> 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-5, which shows the construction sites as outside of the Village. Obviously, this uncertainty needs to be resolved.

<sup>2</sup> 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.

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 Ridgefield<sup>3</sup> 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.<sup>4</sup> 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

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<sup>3</sup> It should be noted that the Borough of Ridgefield is a separate corporate entity from the Village of Ridgefield Park; moreover, the "Little Ferry Yard" is located in the Borough of Ridgefield and not in the Borough of Little Ferry.

<sup>4</sup> According to an article in the March 1998 issue of Trains Magazine (a copy of which is annexed hereto as Exhibit A), CSX and Norfolk Southern will be spending a total of \$303,000,000 over the next several years to build and expand intermodal terminals. Of this amount, CSX will be spending some \$83,000,000 several of its facilities, including Little Ferry.

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 refueling 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 railroads' 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 railroads' activities both in and around the Village. Immediate acts taken by the railroads will facilitate more expansive and intrusive acts in the future.





*spotlight*

# Will Eastern intermodal match the hype?

By Bill Stephens

**W**HEN 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 nemesis—trucks.

CSX and NS plan to spend nearly \$303 million between them to build and expand intermodal terminals. They're banking on getting big results—the diversion of 797,300 truckloads from road to rail annually, with 475,700 going to NS and 321,600 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 carried almost 1.07 million containers and trailers, CSX more than 700,000, and Conrail 1.22 million.

What will be the largest post-merger intermodal change? "That's like asking what's the difference between Earth and Jupiter," says Thomas Finkbinder, 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



Bill Stephens

TV7 meets TV12 near Buffalo on what will become CSX's portion of Conrail's Water Level Route.

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 eventually 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 earful. 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.

Nonetheless, CSX and NS plan to turn back the clock by slashing New York-Chicago times—nearly to those offered by the New York Central and Pennsylvania three decades ago—in order to be truck-competitive. On tap: a handful of 26-hour schedules, echoing the days of 24-hour Central Flexi-Vans and Pennsy TrucTrains.

Conrail's New Jersey-Chicago intermodal schedules average 30 to 32 hours. "Twenty-six hours is the magic number in terms of being truck-competitive," Finkbinder says. It means 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.

• Density changes—Conrail fun-



nels traffic from its busy former NYC and PRR mains onto the ex-NYC Water Level Route west of Cleveland, making it the most-densely trafficked section of CR's system. While this maximizes use of the line, it can create congestion. After breakup, there will be two fast, high-density Cleveland-Chicago routes: CSX's Northeast Gateway (NYC-B&O via Greenwich, Ohio) and NS's Penn (Water Level). While the hotshots use those double-track speedways, slower unit and merchandise trains generally will run via two single-track routes, CSX and NS over what will be CSX's Alternative Chicago Gateway (an upgraded and re-signaled PRR, Crestline-Fort Wayne-Chicago); NS also will have its former Nickel Plate. East of Cleveland, NS plans to make the NKP and Conrail's Southern Tier (ex-Erie, Buffalo-Binghamton-North Jersey) into a major intermodal corridor free of most other traffic. West of Cleveland, these trains will use the Penn Route.

- **Raising track speeds**—CSX's Northeast Gateway will be a 70-mph racetrack between Chicago and Selkirk (Albany), N.Y., up from the current 60. CSX also will extend three sidings on Conrail's single-track River Line (Selkirk-North Jersey, former West Shore). On the Southern Tier, NS will boost track speed from 50 mph to 60, and eliminate slow orders.

- **Improved terminals**—CSX and NS have ambitious plans for new and expanded terminals [chart, page 26] that will be more efficient, have more capacity, and have new mainline connections for increased flexibility.

CSXT Executive Vice President John Anderson touted the new service during a November Railway Supply Group meeting in Chicago. The Northeast Gateway Route, he said, will be a "world-class intermodal link between Chicago and New York that will be reliable, and offer transit times that are 2½ hours faster than the fastest Conrail train." Four of CSX's 12 planned Chicago-North Jersey trains will run on 26½- to 28-hour schedules. Lower priority and stack train schedules show across-the-board improvements over Conrail. But Anderson may have been a bit overenthusiastic. At least two CR trains—TVLA and the once-a-week TV80—currently run on 26½-hour schedules, albeit at off-peak times.

Initially, NS plans to maintain Conrail's 30- to 32-hour New Jersey-

Chicago van schedules over the Penn Route (former Lehigh Valley-Reading-PRR-NYC). Four of its proposed 17 Chicago trains, however, will compete with CSX on 26- to 28-hour schedules via the Southern Tier.

This move has surprised some observers since Conrail has long ignored the Tier, a line it never wanted but didn't want anyone else to have, either. The result has been benign neglect. Conrail has intermittently run intermodals on the Tier, on schedules 3 hours slower than the Water Level Route between North Jersey and Buffalo. NS and CSX, meanwhile, have teamed up with regional carrier Susquehanna to run North Jersey-Chicago in 35 hours. But NS will make the Tier a real main line again—something it was in the 1960's when Erie Lackawanna used much of it for premium United Parcel Service piggybackers. "I can run schedules over the Tier within 30 minutes of the New York Central way," Finkbinder says. That's because the stacks will have the line virtually to themselves, and will be able to highball in and out of North Jersey's Croxton Yard.

Ultimately, NS would like to use the Penn Route—at 921 miles the shortest post-merger New Jersey-Chicago lane—for expedited New Jersey-Chicago intermodals. But Finkbinder says improving Penn schedules will depend largely on how much of the line's carload freight is diverted to CSX's Northeast Gateway Route, freeing up capacity for more intermodals. NS plans to run about 50 daily trains over the former Pennsy across the Keystone State.

**Difference No. 2:** Not only do CSX and NS plan to run faster New York-Chicago schedules, but they plan to increase business by serving short- and medium-haul markets in which Conrail showed little interest. NS expects to gain 220,500 loads a year simply by offering service in "local markets" such as New Jersey-Toledo, while CSX will card Philadelphia-Detroit service. New intermodal hubs and higher traffic densities should enable CSX and NS to offer the shorter hauls by allowing consolidation of blocks for common destinations.

Cleveland will become a major intermodal hub for CSX. Trains from Memphis, St. Louis, Chicago, and the Northeast will converge on an expanded Collinwood Yard. NS, which has a big Atlanta hub, will build simi-

## The Fab Four

New faster intermodal schedules

Conrail intermodal trains average 30 to 32 hours between Chicago and New Jersey, although two trains—TVLA and the Thursday-only TV80—run on 26½-hour schedules. CSX and NS each plan to offer four trains on truck-competitive schedules reminiscent of those offered by the New York Central and the Pennsylvania in the 1960's.

### CSX

Northeast Gateway Route (former B&O and NYC via Greenwich, Ohio, and Syracuse, N.Y.)

Symbol	Origin/Destination	Transit Time
Q164	Chicago, 59th St./Little Ferry	28 hours
Q167	North Bergen/Bedford Park	26.5 hours
Q168	Bedford Park/North Bergen	27.5 hours
Q169	North Bergen/Bedford Park	26.5 hours

### Norfolk Southern

Southern Tier Route (ex-NYC, NKP, Erie via Buffalo) or Penn Route (ex-NYC, PRR, RDG, LV via Harrisburg)

Symbol	Origin/Destination	Transit Time
DSCGXC-1	Chicago, 47th St./Croxton	26 hours
DSCGXC-2	Chicago, Global 1/Croxton	26 hours
DSCXCG-1	Kearny-APL/Chicago, Global 1	28 hours
DSCXCG-2	Croxton/Chicago, 47th St.	27 hours

\*NS has not yet determined a post-merger symbol system. In this case, DS=double stack, CG=Chicago, CX=Croxton, N.J.

Source: CSX and Norfolk Southern.

lar centers at Harrisburg and Toledo. Harrisburg will serve terminals in New Jersey, Philadelphia, Baltimore, and New England, plus Kansas City and Chicago. Toledo will handle Chicago, K.C., and St. Louis trains, plus Buffalo, Philly, and Jacksonville.

**Difference No. 3:** Although the merger's new north-south intermodal lanes are small when compared to New York-Chicago, they represent new opportunities to battle truckers. Railroading's version of the Mason-Dixon line—the dividing points between CR and the Southern lines at Philadelphia and Hagerstown—has long stymied effective intermodal service between Northeast and Southeast. With its short hauls, CR has had little incentive to build north-south intermodal business. Interchange, meanwhile, often equals delay.

As a result, Eastern rail intermodal has 22 percent of potential traffic that moves at least 500 miles, but only 9 percent of the market in north-south lanes, leaving 91 percent on the roads. This poor showing comes in the nation's most densely populated



J.J. Young Jr.

Trains NE-98 and PB-1 of intermodal-rich Erie Lackawanna met at Binghamton, N.Y., central point of today's Southern Tier route of Conrail, which NS plans to restore to virtually all-intermodal.

## How to spend \$303 million

### CSX—\$83 million

#### 321,600 trucks diverted annually

Cleveland, Collinwood Yard	Expand
South Philadelphia	New, at CR Greenwich Yard site
Chicago, 59th Street	New, at former PRR yard
Chicago, Bedford Park	Expand
Chicago, Forest Hill	Expand
Little Ferry, N.J.	Expand
Possible new or expanded facilities: Memphis, Detroit, New England, Elizabethport, N.J.	

### Norfolk Southern—\$220 million (incl. Triple Crown)

#### 475,700 trucks diverted annually

Allentown, Pa.	Expand
Baltimore	Expand
Harrisburg, Rutherford	New, at old Reading yard
Croton, N.J.	Expand, improve
Elizabeth, N.J., E-rail	Expand, improve
Morrisville, Pa.	Expand
Pittsburgh, Pitcairn	Expand
Charlotte, N.C.	Expand
Knoxville, Tenn.	Expand
Memphis, Tenn.	Expand
Chicago, 47th Street	Expand, improve
Cincinnati, Gest Street	Expand
Columbus, Watkins/Discovery Park	Expand
St. Louis, Luther	Expand
Toledo, Airline Jct.	New, intermodal hub

### Triple Crown

Baltimore	New
Charlotte, N.C.	New
Bellevue, Ohio	Relocate from Crestline, Ohio
Philadelphia	New at Mornsville
St. Louis	Expand
Newark, N.J.	Expand Portside Terminal

Source: CSX and NS operating plans.

area. "If we just introduce good competition and get back to the average share nationwide, we double the business," Finkbiner says.

NS doesn't propose faster schedules over Hagerstown. "We're proposing more consistency. We're not as consistent as we'd like to be in those lanes," Finkbiner says, noting that it's only 75 miles from Hagerstown to Conrail's intermodal hub at Harrisburg. "What's the incentive to do wonderful stuff with that train? I'm not sure I'd do much different."

Unlike NS's experience with Conrail, Lee gives high marks to the four premium-service trains CSX and Conrail jointly run between New Jersey and Florida. The consistent service, Lee says, "is driven by a large mutual customer that rides the train." That customer is UPS.

Nonetheless, erasing the Mason-Dixon Line will bring down an intermodal barrier. "We see a lot of opportunity from Memphis to the Northeast, where you don't have intermodal service today," Lee says.

New direct services will include:

- New Jersey-Memphis—CSX, Little Ferry-Memphis, 33 hours westbound, 58 hours eastbound, both via Cleveland; NS to serve Memphis off Harrisburg-New Orleans trains.

- New Jersey-Jacksonville—CSX, 28 hours, improving current 31½-hour joint service with Conrail; NS to provide connections via Atlanta.

- Boston-Atlanta—CSX, 51-hour service; connections to Florida from New Jersey, to Mobile and New Or-

leans from Atlanta. NS will reach New England by Harrisburg-Albany haulage rights on Delaware & Hudson and a connection with Guilford.

- New Jersey-Atlanta—NS, two pairs of 32-hour trains.

- Harrisburg-Kansas City—NS, 45 hours via Toledo. CSX, 36 hours, New Jersey-St. Louis (its end-of-line).

- Northeast-New Orleans—NS, 46 hours from Harrisburg, with connections to Dallas via KCS at Meridian, Miss. Also, Baltimore-N.O., 51 hours; CSX, connecting service via Atlanta.

Difference No. 4: CSX and NS will fight for the same business, but with different weapons. This is partly because of different route structures, partly current traffic bases, and partly different perspectives.

NS will continue to emphasize double-stack and RoadRailer. "Stack is a lot more profitable business than trailers," Finkbiner says. Most principal NS-Conrail intermodal routes are already cleared for domestic stacks, and the few gaps will be cleared: Harrisburg-Baltimore; Front Royal-Roanoke, Va.; and Columbus-Cincinnati. Triple Crown will dramatically increase its RoadRailer network, adding new terminals in Baltimore, Morrisville, Pa., and Charlotte, N.C.

CSX won't be stack-capable in the I-95 and I-85 corridors, thanks largely to Howard Street Tunnel in Baltimore, and the B&O west also lacks stack clearances. But CSX is high on TOFC, its largest and fastest-growing market segment. "There are still a lot of trucks out there," Lee says.

Not everyone shares the two systems' rosy outlook. The Chemical Manufacturers Association and The Society for the Plastics Industry told the STB that already thin intermodal profit margins would become even slimmer with rail-to-rail competition plus truckers fighting back to keep their business. And to haul more intermodal traffic—necessary to help pay for Conrail—the groups say CSX and NS will have to devote more people and locomotives, which will bog down service.

These concerns and others mean that, pending STB approval of the merger, CSX and NS will not only have to compete with each other and truckers, but with their own intermodal hype. **I**

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CITES

# SOMERSET COUNTY PLANNING BOARD

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*Director of Planning*

John M. Lore, Esq.  
*Deputy County Counsel  
for Planning*

January 30, 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

## ENVIRONMENTAL DOCUMENT

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/Norfolk Southern/CSX Merger to condition its approval on the West Trenton Line accommodating both freight and rail passenger service and allow New Jersey Transit to negotiate future passenger rights with CSX and other freight lines operating on the West Trenton Line.



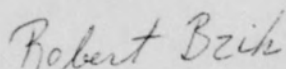
Elaine K. Kaiser

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 Penn 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,

A handwritten signature in cursive script that reads "Robert Bzik".

Robert Bzik, AICP/P.P.  
Director of Planning

cc:     Congressman Bob Franks  
          Commissioner John Haley, New Jersey DOT  
          Somerset County Board of Chosen Freeholder  
          Somerset County Planning Board  
          Somerset County Chamber of Commerce  
          North Jersey Transportation Planning Authority



STB

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CITIES



## ENVIRONMENTAL DOCUMENT

300 Central Union Plaza  
Toledo, OH 43602

January 30, 1998

P. O. Box 9508  
Toledo, OH  
43697-9508  
419-241-9155  
Fax 419-241-9116

Office of the Secretary  
Case Control Unit  
Finance Docket # 33388  
Surface Transportation Board  
1925 K Street NW  
Washington, D.C. 204243



ATTN: Elaine K. Kaiser, Chief - Section of Environmental Analysis (SEA),  
Environmental Filing

**Chair:**

Stephen J. Pauken  
Mayor  
City of Maumee

**Vice-Chair:**

James F. Carter  
Commissioner  
Wood County

**2nd Vice-Chair:**

Kathleen M. Steingraber  
Trustee  
Lake Township

**Executive Director:**

William L. Knight

Dear Board Members:

The Toledo Metropolitan Area Council of Governments (TMACOG) hereby submits the enclosed comments on the Draft Environmental Impact Statement (DEIS) on the Conrail acquisition by Norfolk Southern (NS) and CSX. TMACOG appreciates the efforts of SEA to address the difficult task involved in documenting the impacts of such a large transaction on the myriad of local communities affected. We have reviewed the DEIS with representatives of our communities and support those conclusions. We recommend the implementation of the mitigation measures recommended particularly the noise mitigation measures for several listed corridors, the improvements related to the new connections in our area, and better inspections and emergency response plans. We feel, however, there were several significant omissions in the analysis and recommendations.

Specifically, our representatives felt strongly that the recommendations of the DEIS were not adequate in three specific areas. The first of these is NS and CSX must be required to share the substantial financial burden that the proposed changes will place on local communities regarding purchasing equipment to deal with potential hazardous materials emergencies. The second omission was that NS and CSX must be required to share the financial burden to grade separate three (3) roadways required for emergency routes to areas of Fostoria, Ohio. These are effectively "landlocked" for substantial portions of every day use due to increased train traffic and conflicts of train movements because of the changes proposed. Finally, CSX and NS must be required to augment the inadequate amount of funding currently available to implement the crossing protection upgrades called for by the DEIS in northwest Ohio.

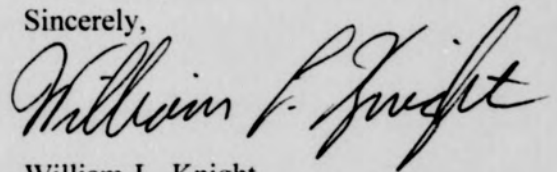


In addition, there are two issues that our representatives feel, very strongly, needs to be addressed but realize they are not directly related to the changes brought about by this transaction. We have submitted those issues to request any assistance that STB might be able to suggest and to see that they are addressed. These are:

- 1) the continued raising of rail lines over level terrain (during maintenance/rehabilitation) that has resulted in very unsafe steep at-grade crossings; and,
- 2) the increased propensity of trains to barely "hang over" crossings and block them unnecessarily because engine crews do not know the exact position of the last car on the train since the elimination of cabooses.

Enclosed are the original and 10 copies of our statement. Also enclosed is a 3.5" diskette containing the document in WordPerfect format.

Sincerely,



William L. Knight  
Executive Director

DRD:WLK:dfs

Enclosure: Comments of the Toledo Metropolitan Area Council of Governmentson the  
Draft Environmental Impact Statement  
- Proposed Conrail Acquisition (Finance Docket No. 33388)

COMMENTS OF THE TOLEDO METROPOLITAN AREA COUNCIL OF  
GOVERNMENTS  
ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT  
- PROPOSED CONRAIL ACQUISITION (FINANCE DOCKET NO. 33388)

Page 1 of 4

**Summary of Comments** - Our comments are summarized in the six points below. More detailed comments follow.

1. There will be a substantial increase of hazardous materials transported through several communities in our area as outlined by SEA in the DEIS. These communities will have to upgrade their capabilities to respond to potential emergencies involving these cargos including training, purchase of suits, and other very expensive equipment. We strongly support the requirement for training sessions. Further, we urge the Board to require the railroads to share the financial burden with our local communities of the purchase of additional training and safety equipment that the rail changes will necessitate. A statewide or regional fund, underwritten by the railroads, should be put in place to hold and distribute these funds. Specific communities identified in Table 5-OH-10 include the following in our area: Oak Harbor (600% increase), Fostoria (216 to 800% increase on lines), Fremont (600%), Clyde (600%), and Wood County (216 to 414% increase on lines). Table 5-MI-9 in Michigan lists Monroe County (221% increase).
2. The DEIS does not adequately evaluate the negative impact on community safety of delays at blocked crossings for emergency vehicles trying to reach areas "landlocked" by increased train traffic in Fostoria, Ohio. STB must require NS and CSX to share the financial burden to build grade separations at Town Street, Tiffin Street, and Jones Road to serve these areas. The City of Fostoria and State of Ohio are also submitting comments on this issue.
3. We concur with the SEA on the need for crossing protection upgrades in our area that they list in the DEIS in Table 5-OH-9. We believe, however, that STB must require CSX and NS to contribute funding to augment the limited amount of funding already available to complete these improvements. We applaud the agreement already reached with CSX and PUCO for improvements on the current CSX main line but many other crossings also need improvement.
4. We urge the Board, as a condition of approval of the application, to direct CSX and NS to implement noise control measures on the three rail line segments analyzed for noise in our area. These are: C-065 Toledo to Deshler; N-079 Oak Harbor to Bellevue; and, S-020 Carleton to Ecorse. In addition the noise measures should be extended from Carleton to Toledo.
5. We support the recommendations of the SEA relative to connections at Oak Harbor, and Vermillion to eliminate the grade differentials and improve crossing protection and ask that this be required as a condition of Board approval and not simply directing NS to "consider" this.
6. We concur and strongly support implementation of the other mitigation measures that affect our area including increased track inspections, better mechanical inspections, "key route" improvements, and development of emergency response plans and simulations.

COMMENTS OF THE TOLEDO METROPOLITAN AREA COUNCIL OF  
GOVERNMENTS  
ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT  
- PROPOSED CONRAIL ACQUISITION (FINANCE DOCKET NO. 33388)

Page 2 of 4

## **Background**

The Toledo Metropolitan Area Council of Governments (TMACOG) is a voluntary association of local governments composed of counties; municipalities; townships; the Toledo-Lucas County Port Authority; the Toledo Area Regional Transit Authority; and other special districts and authorities; and school districts in Erie, Lucas, Ottawa, Sandusky and Wood Counties in Ohio, and Monroe County in Michigan. TMACOG is established under the provisions of Chapter 167 of the Ohio Revised Code and Michigan Public Act No. 7. TMACOG is responsible for planning and intergovernmental relations in several areas including transportation, water quality, air quality, energy, housing, regional development, federal grant review and comment, rural development, and urban revitalization. TMACOG has been designated by federal and state agencies in each of these categories.

TMACOG represents the interest of local units of government with regard to transportation, community development, and redevelopment issues of regional significance and provides planning expertise on these issues. Specifically, because of the significant implications of the proposed acquisition of Conrail and related rail transportation issues on the region, the Board of Trustees directed staff to develop an appropriate response to this issue working with and through a Board subcommittee known as the Railroad Task Force. Representatives of the cities, villages, counties and others affected by the sale of Conrail were participants in developing these comments.

After much deliberation and several public forums on this issue the TMACOG Railroad Task Force on January 15, 1998 directed staff to present this position to Surface Transportation Board.

## **Comments**

**1. Hazardous Materials:** Members of TMACOG are very concerned with the shifting of these cargos to different routes than at present and increasing the amount of hazardous materials on rail lines. The DEIS listed nine line segments in our area with significantly increased car loads of Hazardous Materials. Increases on these lines range from 116% to 700%. These segments will impact several communities in our area. Specific communities identified in Table 5-OH-10 in our area in Ohio include: Oak Harbor (500% increase), Fostoria (116 to 700% increase on lines), Fremont (500%), Clyde (500%), and Wood County (116 to 314% increase on lines). In 5-MI-9 in Michigan Monroe County (121% increase) is listed. Because of this greatly increased exposure local emergency response personnel will need to upgrade their capability to respond to potential emergencies involving these cargos including training, purchase of suits, and other very expensive equipment.

**1. Mitigation:** CSX and NS must be required to provide funding for equipment and training for emergency service providers at various locations in our region. These providers will furnish HazMat response in multi-jurisdictional areas (through mutual aid agreements) to provide coverage of the entire area. The funding provided by the railroads could underwrite a statewide or regional fund put in place to hold and distribute these funds in the most efficient manner. We also strongly support the requirement for training provided by the railroads as listed in the DEIS.



COMMENTS OF THE TOLEDO METROPOLITAN AREA COUNCIL OF  
GOVERNMENTS  
ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT  
- PROPOSED CONRAIL ACQUISITION (FINANCE DOCKET NO. 33388)

Page 3 of 4

**2. Fostoria Emergency Response Issue:** Train traffic will increase on all six rail segments entering Fostoria and conflicts/interactions between the lines will also increase significantly. The DEIS does not evaluate the deleterious impact on community safety of delays at blocked crossings relative to access by emergency vehicles to areas "landlocked" by increased train traffic. There are several neighborhood areas that will be in the triangular areas between very busy lines. The attached map highlights these areas. Access to these neighborhoods is across these very busy lines with crossings at locations that will be blocked by trains waiting for a green signal through the Fostoria control points or proceeding very slowly through complex track work. These areas could be potentially completely blocked from access by City emergency response teams with access only from unincorporated adjacent areas without these services nearby.

**2. Mitigation:** STB must require NS and CSX to share the financial burden to build grade separations at Town Street, Tiffin Street, and Jones Road to serve these areas. The attached map shows the location of these proposed grade separations. In addition to primary access to the landlocked areas the grade separations will also allow the railroads to improve their train traffic congestion problems and, once grade separations are in place, would allow the closure of nearby local streets further improving safety. The City of Fostoria and State of Ohio comments also address this issue.

**3. Grade Crossing Protection Upgrades Issue:** We concur with the DEIS in the need for upgraded crossing protection on lines experiencing large growth in the number of trains. There are 20 locations identified in the TMACOG area. Many of these currently only have crossbucks and will need upgraded to lights and gates. The funding for crossing protection upgrades in the State of Ohio is already inadequate to deal with the many crossings that need to be upgraded. The addition of these locations only exacerbates this situation.

**3. Mitigation:** STB must require CSX and NS to contribute funding to augment federal and state resources to complete the required crossing protection upgrades. They could contribute the funding annually over a certain period of years to underwrite a state or regional fund to complete these improvements. We do wish to acknowledge and applaud CSX for its agreement with the Public Utilities Commission of Ohio to upgrade crossings along the CSX main line in northwest Ohio.

**4. Noise Issues:** Three line segments in our area meet the DEIS threshold for noise mitigation and will indeed be severely impacted especially Oak Harbor. In the limited time of review of the DEIS local communities along the line have not reached agreement with the railroads involved as to appropriate mitigation measures. In addition, Monroe County has identified significant impacts on the next line segment south of Carleton (Carleton to Toledo).

**4. Mitigation:** We urge the Board, as a condition of approval of the application, to direct CSX and NS to implement noise mitigation measures on the three rail line segments analyzed for noise in our area and extend the Michigan corridor south to Toledo.

COMMENTS OF THE TOLEDO METROPOLITAN AREA COUNCIL OF  
GOVERNMENTS  
ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT  
- PROPOSED CONRAIL ACQUISITION (FINANCE DOCKET NO. 33388)

Page 4 of 4

**5. New Connections Issues:** The DEIS evaluates impacts from two new rail connections to be built in our area - Oak Harbor and Vermillion. The SEA concluded on both that a road crossing the new connections at grade would have a "roller coaster" effect from the grades that would result from standard practices of construction. The way to address this is to raise the road between two crossings. SEA recommended that NS "consider" this when designing the new connections.

**5. Mitigation:** We support the recommendations of the DEIS and ask that the recommendation be required as a condition of Board approval and not simply direct NS to "consider" this.

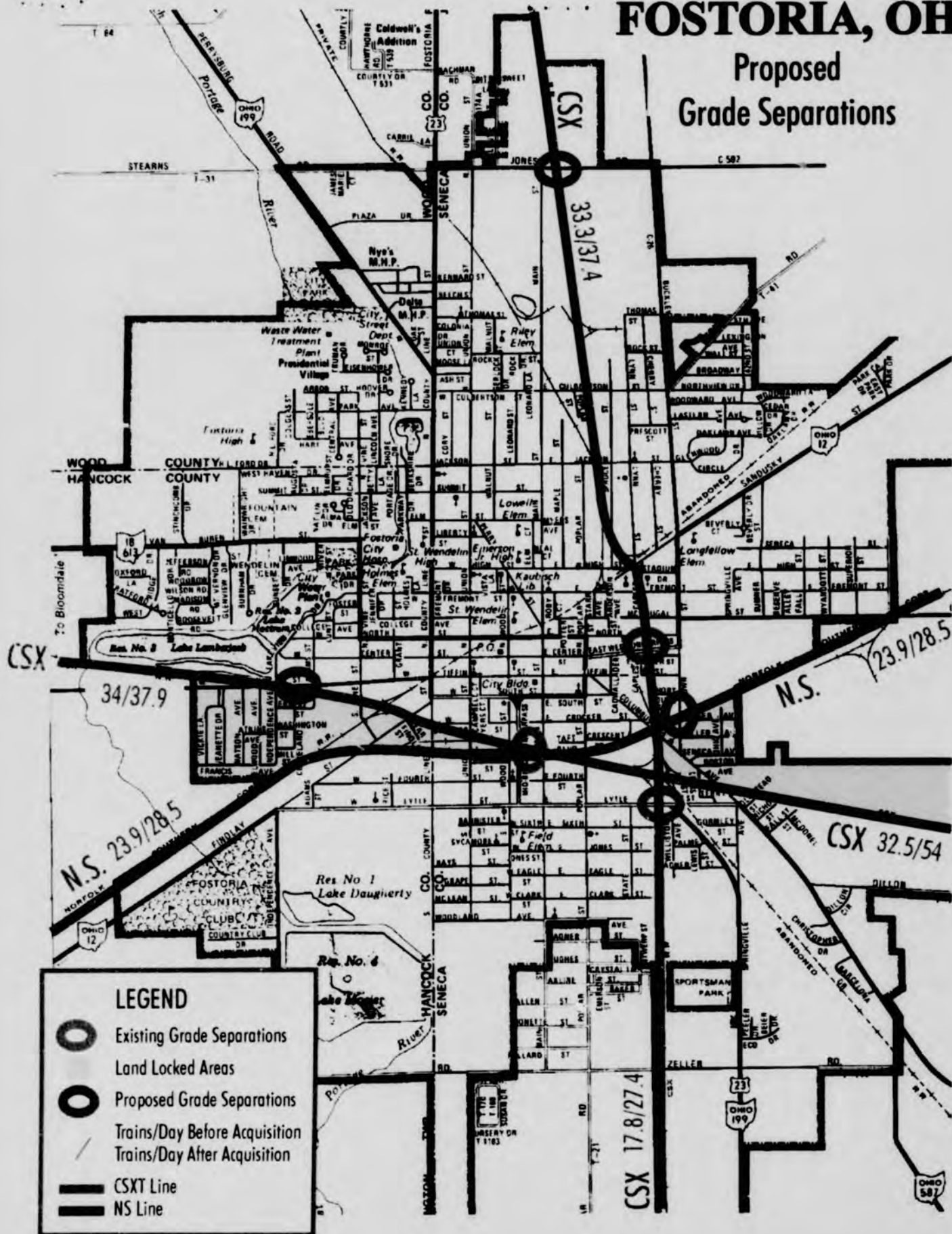
**6. Other Mitigation Recommendations:** We concur and strongly support implementation of the other mitigation measures outlined in the DEIS that affect our area including increased track inspections, better mechanical inspections, improvements/upgrades to hazardous materials "key routes," and development of emergency response plans and simulations.

**Two Other Issues for Guidance** - TMACOG members identified two other issues to request the Board for some guidance. We realize that these are not a direct impact of the transaction evaluated in the DEIS but they are an environmental impact of ongoing rail operations in the area. The first is the issue of raising the level of the railroad track on each round of track maintenance. This is resulting in very steep unsafe grade crossings. Vehicle sight distances are greatly limited. Long wheel base vehicles are at risk to "hang up" on the tracks. This must be an issue throughout many portions of the United States and it must be resolved. Raising the grade of the roadway is an additional financial burden to area road agencies that many cannot meet. Are there measures that can be used to limit the practice of raising the rail level? Is the Board able to help in granting some relief to local road agencies?

The second issue is the lack of information for the train crew on where the end of the train is relative to blocked street crossings. Longer trains are ever more frequently blocking crossings by one or two car lengths as they wait for control signals. Train crews no longer have information on the location of the end of the train. In other locations railroad signals and control block locations that may have been laid out with some sympathy to local communities in the past no longer provide good "parking spaces" for today's longer trains. Is there some way that these issues can be addressed? We would greatly appreciate any Board action, information or other help that you can provide on these issues.

# FOSTORIA, OH

## Proposed Grade Separations



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ENVIRONMENTAL  
DOCUMENT

OXFORD TOWNSHIP  
BOARD OF TRUSTEES  
ERIE COUNTY, OHIO  
5617 W. Taylor Road  
Sandusky, Ohio 44870-9729  
(419) 359-1735



**Thomas Sloma**  
Trustee

**James Stewart**  
Trustee

**Thomas Weilnau**  
Trustee

**George Parker**  
Clerk

January 27, 1998

Re. Comments on proposed Conrail Acquisition

Dear Mrs. Kaiser,

The Oxford Township Trustees would like to take the opportunity to express its concerns on the acquisition of Conrail. Northfolk and Southern's east and west main line from Vermilion to Bellevue cuts through the middle of Oxford Township. Five roads are crossed by this rail line. Four of the five crossings have blinking lights, three of the five have safety gates, and one crossing on Thomas road has neither lights nor gates.

We have concerns that we feel must be addressed before we can come to a conclusion on the acquisition. They are the following: 1. **Crossing Safety** 2. **Crossing Delays** and 3. **Hazardous Materials**

**Crossing Safety-** With the eleven (11) additional trains per day from Vermilion to Bellevue and the speed that the trains will be traveling, we strongly feel that all crossings should be equipped with **safety gates and lights**. Numerous deaths have occurred at three of the four crossings in Oxford Township. We can only perceive that with eleven additional trains per day, we can expect additional casualties unless crossings are properly equipped with safety gates and lights.



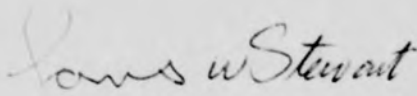
**Crossing Delays-** As a Township with no fire department of its own, we must rely on fire protection from two adjoining Townships- Milan and Groton. They have volunteer fire departments that assist our needs. With the crossing delays already at an alarming rate and with the increase of eleven more trains per day, we believe our fire protection and Emergency Medical Service will greatly be affected. We have access to a pond that has a dry hydrant installed and provides the southern half of the Township with water for fire protection. This water source is located in the town of Kimball and when crossing delays occur, fire protection becomes nullified.

**Hazardous Materials-** Oxford Township understands that the rail line from Vermilion to Bellevue would increase its number of hazardous loads, from 9,000 to 15,000 cars annually. We find this increase very **alarming!** Since 1990, Erie County has experienced four derailments and five accidents at the Bellevue rail yard. We are concerned that this increase will definitely add to additional spills and we would request the mitigation be established for key route designations and this be expanded to include more than material accident simulations.

The Oxford Township Trustees appreciate the opportunity to express our concerns. We hope they are taken seriously. If any questions arise please don't hesitate to call or write. Any correspondence would be greatly appreciated.

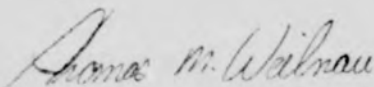
Sincerely,

Oxford Township Trustees

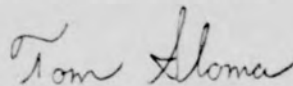


Jim Stewart-President

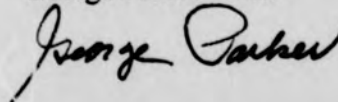
Tom Sloma-Vice President



Tom Weilnau



George Parker-Clerk



STB

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2-2-98

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CITIES

# 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

January 30, 1998

## ENVIRONMENTAL DOCUMENT

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

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 89%, 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 ("NETI" 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 trackage 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."*

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 affect 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 enclosures.



Accordingly, we enclose a copy of our July 31, 1997 letter for your review.  
(Enclosure 1)

**3. Conclusion**

In our opinion, the analysis contained in the Draft EIS could be summed up as follows: Because CSX plans little or no new service east of the Hudson River, and NS plans to confine their operations to west of the Hudson River, there are no "Acquisition Related" impacts to measure, and therefore no mitigation is necessary. We strongly believe that, given the CSX/NS plan, which gives the fullest intermodal advantage to the southern half of the Northeast Corridor, while denying these same advantages to the northern half of the Northeast Corridor, an Acquisition Related impact exists and should be remedied by the STB.

It should be noted that in 1985, Amtrak, Conrail and Norfolk Southern were prepared to permit operation of a "Road Railer" train carrying perishables from Florida to Hunt's Point Market in The Bronx through the Penn Station tunnels. And, even more significant, in January, 1997, Norfolk Southern officials, in a presentation before the Connecticut Public Transportation Commission, proposed to operate Road Railer and single container-on-flatcar trains directly through the Penn Station tunnels and northerly to New Haven, Connecticut!

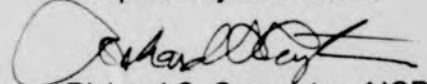
**Action Requested**

The draft environmental impact statement should be revised to reflect the foregoing concerns, and to recommend the conditions demanded by the New York/Connecticut Congressional Intervention Petition.

We respectfully request that this letter, with all its enclosures, be reproduced in the Final EIS.

Thank you for this opportunity to comment.

Respectfully submitted,



Richard C. Carpenter, AICP  
Executive Director

**Enclosures**

1. SWRPA July 31, 1997 letter to STB
2. Excerpt from January 31, 1998 Rebuttal Statement
3. Current and proposed truck traffic to/from N.J. Terminals (EIS p. NJ-5)
4. Map from "NETI" study showing year 2000 severe traffic congestion in Conn. & R.I.

cc: Hon. Christopher Shays, Member of Congress (R-4th Conn.)  
Hon. Robert Russell, Chairman SWRMPO  
William Hutchison, Jr., Chairman SWRPA  
Hon. James Sullivan, Commissioner, ConnDOT

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**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

July 31, 1997

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

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

**RE: Notice of Intent to Prepare an EIS**  
**STB Railroad Control Application - Finance Docket No. 33388**  
**(CSX Corporation et al)**

Dear Ms. Kaiser:

Thank you for your letter of July 3, 1997, informing us of your intent to prepare an Environmental Impact Statement (EIS) on the above named Railroad Control Application, and your request for comments on the proposed EIS scope that is part of the notice.

The South Western Regional Planning Agency consists of eight towns and cities in the southwestern corner of Connecticut. (These municipalities include Darien, Greenwich, New Canaan, Norwalk, Stamford, Weston, Westport and Wilton.)

Both I-95 and the Northeast Corridor rail line run directly through our region.

The South Western Region is also located near the center of the Greater New York/New Jersey/New England Air-Quality Non-Attainment area. See copy of portion of map entitled Air Quality Attainment Status Fig. 1-4, page 68 of volume 6A of 8, Docket No. 33388. The location of South Western Region is marked with an arrow. (Attachment 1)

At their regular meeting of July 7, 1997 the South Western Regional Planning Agency, (SWRPA) in accordance with their 1995 Regional Plan of Conservation and Development (Attachment 2) and in support of a letter dated June 18, 1997 from the South Western Region Metropolitan Planning Organization (SWRMPO) to Governor John Rowland of Connecticut (Attachment 3), unanimously authorized testimony to be submitted to the Surface Transportation Board, based on SWRPA and SWRMPO policy.

In addition to the excerpt from the SWRPA 1995 Regional Plan in Attachment 2, please see the excerpt from the SWRMPO Long Range Transportation Plan. (Attachment 4)

## **PURPOSE OF OUR COMMENT**

The purpose of our comment is: 1) to inform the STB of our regional transportation policy, which advocates high speed, truck competitive, low-profile, intermodal rail freight service along the entire Northeast Corridor (NEC) directly through New York City, 2) to comment on the scope of the draft EIS to be prepared by the Surface Transportation Board's Section of Environmental Analysis, (SEA) and to urge that this EIS consider the environmental impact of not providing direct intermodal rail freight service directly along the NEC north of Newark, New Jersey to Boston, Massachusetts, and 3) to comment on the Railroad Control Application itself, in support of 1) and 2) above.

## **1. SOUTH WESTERN REGIONAL TRANSPORTATION POLICY**

Official advisory land use/transportation policy of the South Western Region is set forth in the 1995 Regional Plan of Conservation and Development at pp. 68-70, prepared and adopted by the South Western Regional Planning Agency (SWRPA) (see Attachment 2)

The South Western Region Metropolitan Planning Organization, (SWRMPO) consists of the eight Mayors and First Selectmen and the three Transit Districts of the region. In cooperation with the Connecticut Department of Transportation, SWRMPO sets transportation policies and priorities for the region. The SWRMPO is deeply concerned about the rail freight service which will result from the division of Conrail between CSXT and Norfolk Southern.

To formally express this concern, SWRMPO sent a letter under date of June 18, 1997 to Governor John Rowland of Connecticut, urging him to request the STB to amend the proposal to provide for the shared use of the entire Northeast Corridor. (See Attachment 3)

This proposal is based on the Long Range Transportation Plan of the South Western Region Metropolitan Planning Organization (See Attachment 4)

## **2. COMMENT ON THE SCOPE OF THE DRAFT EIS**

### **ENVIRONMENTAL IMPACT EAST OF HUDSON RIVER**

The joint CSXT/NS plan to operate Conrail includes extensive and detailed environmental impact statements for many track connections, increased yard operations, and increased freight train density levels. These environmental studies even include the impact of abandoning several relatively obscure rail branch lines in western Indiana.

Despite the fact that the area east of the Hudson River (N.Y.C., LI, Conn. and Mass.) is part of the largest air quality non-attainment area in the U.S.A, there has been no environmental study of the impact of continuing (and therefore not improving) the present limited rail freight service east of the Hudson River.

In the draft scope of the EIS prepared by the STB Section of Environmental Analysis (SEA) it states:

*"Under the NEPA process, SEA will evaluate only the potential environmental impacts of operational and physical changes that are directly related to the proposed transaction. SEA will not consider environmental impacts relating to existing rail operations and existing railroad facilities."*

We would argue that the operational and physical changes proposed in this application, i.e. the new joint use of the southern half of the Northeast Corridor (Washington, DC - Newark) will environmentally impact the northern half (Newark-Boston) unless the same direct, competitive, intermodal rail freight service which will be available in the southern half is extended to the northern half of the Northeast Corridor.

In the EIS scope under Impact Category (pp. 36335-36336 of 62FR) the EIS will discuss: 1) the potential transportation system impacts of diversions of freight from trucks to rail and rail to trucks, as appropriate, 2) the energy impacts of diversions as above, 3) the air quality impacts of increases in truck traffic of more than ten (10) percent of the average daily traffic or fifty (50) vehicles a day, and evaluate emissions increases if the proposed transaction affects a Class I or Non-Attainment area as designated under the Clean Air Act, 4) the noise impact of an incremental increase in noise level of three decibels Ldn or more, and the 5) the environmental justice impacts of whether the result of the proposed contrast between rail service provided to the northern and the southern half of the Northeast Corridor would have a disproportionately high and adverse health affect or environmental impact on any minority or low-income group.

We would conclude that all of the foregoing impacts pertain to the Northeast Corridor.

### 3. COMMENT ON RAILROAD CONTROL APPLICATION

#### PROBLEM

Vehicular traffic congestion on I-95 has long been a serious problem, and is expected to worsen. A significant part of this problem are the large number of tractor trailers which operate every hour of the day. By contrast, not one through freight train of any kind operates over the parallel Northeast Corridor rail line north of Newark, N.J. This heavy truck traffic could be reduced, were competitive, north-south intermodal rail freight service provided directly along the Northeast Corridor rail line.



### **OPPORTUNITY**

The division of the Conrail system between the Chessie 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 the 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.



Roadrailleurs, 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 until early dawn, 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 Services (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.

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.

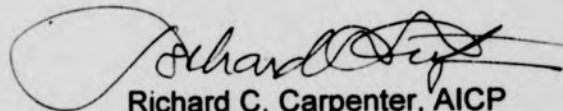
#### PROPOSED ACTION BY THE SURFACE TRANSPORTATION BOARD

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 (6)

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





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



**LOCATION OF SOUTH WESTERN REGION**



**LEGEND**

-  Expanded CSX and NS Systems,  
Shared Areas and NEC including  
Trackage Rights and Haulage
-  Attainment
-  Non-Attainment
-  Maintenance

**Figure 1-4**  
**AIR QUALITY ATTAINMENT STATUS**  
**WITHIN EXPANDED CSX AND NS**  
**SYSTEMS AND SHARED AREAS**



**DAMES & MOORE**  
A DAMES & MOORE GROUP COMPANY

*The South Western Regional Planning Agency*  
**Connecticut**

**SWRPA PLAN**

**1995**  
**Regional Plan of**  
**Conservation and Development**

December 1995

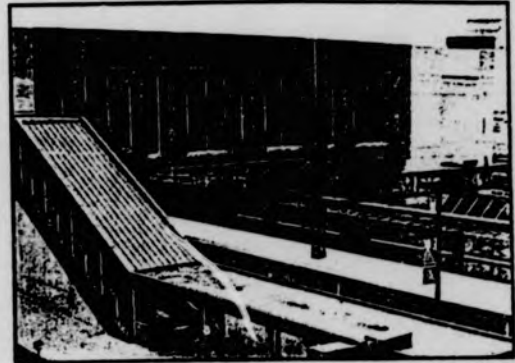
station location is adjacent to the Wheels Bus "pulse point" station in downtown Norwalk, and would provide direct connections from the station to employment sites throughout the city.

### **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 way for truck traffic to bypass 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





*Additional commuter parking lots, such as this satellite lot 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 Now 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

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 SWRMPO 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 platforms.
- Plan for the effect of additional traffic to and from outside the Region due to economic development not under our control.

LETTER TO GOVERNOR ROWLAND



**METROPOLITAN  
PLANNING  
ORGANIZATION**

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

Fax: 203-866-6502

June 18, 1997

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

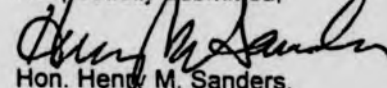
Dear Governor Rowland:

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,  
Chairman

cc: Congressional Delegation

watkins@ny.nyu.edu

**MPO ENDORSED**

SWRMPO PLAN

**SOUTH WESTERN REGION  
LONG RANGE  
TRANSPORTATION PLAN  
1997-2017**

**FOR PUBLIC RELEASE**

**6/19/97**

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



## **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 and points south are forced to travel 150 miles north to Albany to cross the Hudson Rivers. This circuitous route increases the cost of rail shipments and increases delay so 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.



## **Recent Developments and Proposals**

There are three recent developments and proposals which affect 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.

## **Process**

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**

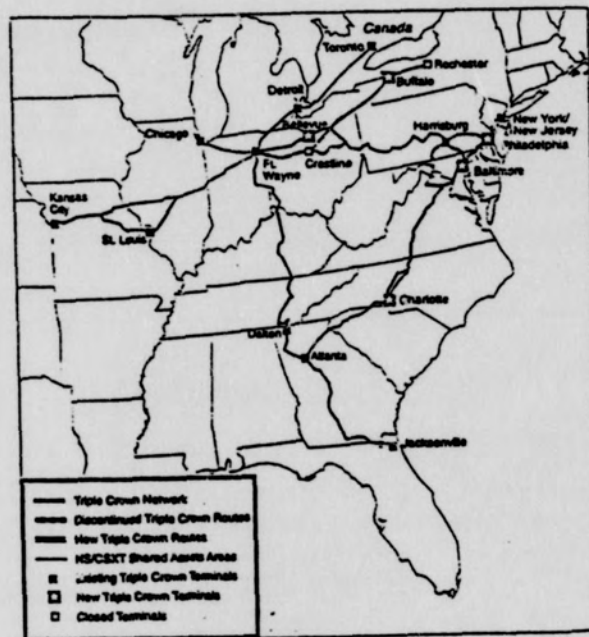
- Improve Rail Competitiveness
  - a. Revise public policy to actively promote and subsidize if necessary high-speed intermodal rail freight service along the Northeast Corridor via the Penn Station's tunnels, and directly along the Northeast Corridor Rail line.

- b. Provide full overhead clearance sufficient for "double-stack" containers. Encourage Connecticut to cooperate with New York, Rhode Island, and Massachusetts in this venture.
  - c. Continue advocacy through the Connecticut Public Transportation Commission (CPTC) as well as direct recommendations to appropriate state officials and the intermodal policies of the South Western Region Long Range Transportation Plan.
  - d. Identify and propose solutions to barriers to rail freight transport.
- Support those railroads who desire to provide high-speed intermodal rail freight service along the Northeast Corridor through New York City.
  - Support competitive rail freight service for New York City and all of New England by at least two major national railroads.
  - Support the proposed New York Harbor rail freight tunnel.
  - Support Incident Management Activities to reduce incident related congestion
  - Improve truck efficiency and safety
    - a. Support increased State Police patrols on I-95 and continue current enforcement activities.
    - b. Continue to support truck inspection activities.
    - c. Integrate freight movement, such as requiring off-street loading areas, into site planning, design and approval process. Provide incentives for retrofitting existing buildings with off-street loading areas.
    - d. Support alternative-fuel truck fleets.

**NETWORK AND ROUTE MAPS**

**NEW YORK CITY, LONG ISLAND AND NEW ENGLAND  
WILL NOT BE DIRECTLY SERVED BY THE RAIL NETWORK OF  
THE NEW TRIPLE CROWN NETWORK**

Figure TLF - 14  
The New Triple Crown Network



**NEW YORK CITY, LONG ISLAND AND NEW ENGLAND  
WILL NOT BE DIRECTLY SERVED BY EITHER THE  
SHENANDOAH OR THE PIEDMONT ROUTES**

**NETWORK AND ROUTE MAPS**

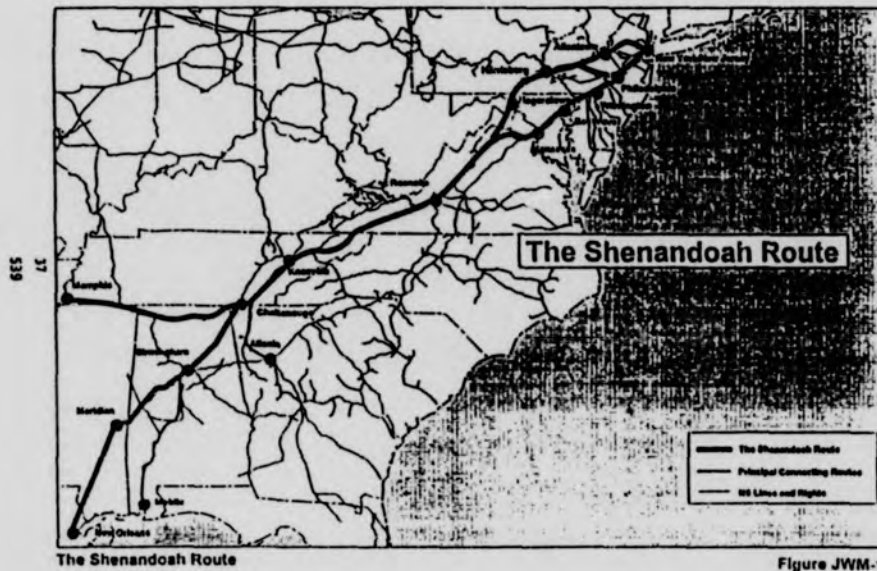


Figure JWM-1'

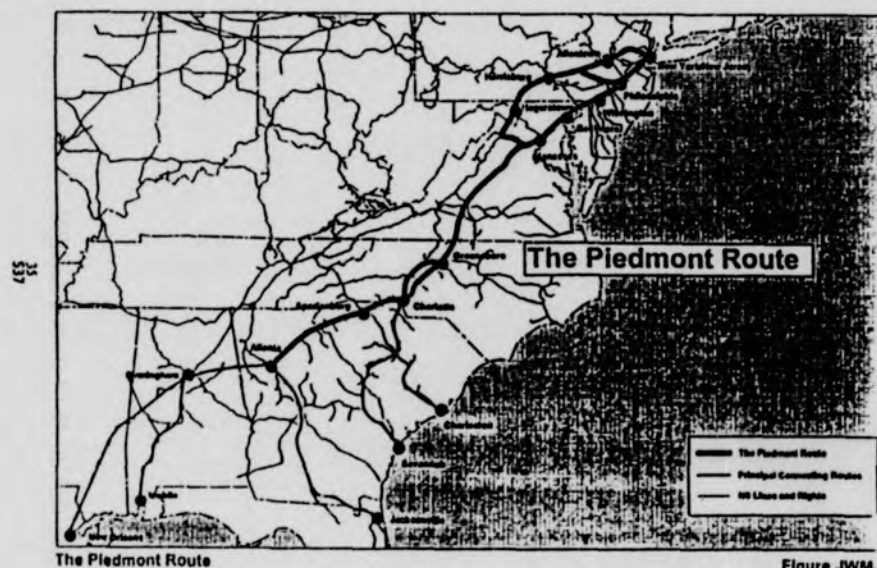


Figure JWM

# **COMPARATIVE TRAIN DENSITIES NORTHEAST CORRIDOR RAIL LINE (NEC)**

<b>NORTHERN HALF (NEC) Newark, N.J. - Boston, Mass.</b>							
<b>LOCATION</b>	<b>MILES</b>	<b>EXISTING PASS. FRT.</b>		<b>PROPOSED PASS. FRT.</b>		<b>TOTAL</b>	<b>CHANGE</b>
Mass. Mansfield - Readville	15.9	70	4	70	4	74	0
Attleboro - Mansfield	7.2	44	4	44	4	48	0
Conn. Bridgeport - New Haven	16.0	102	3	102	3	105	0
Norwalk - Bridgeport	15.5	92	2	92	2	94	0
N.Y/Conn. New Rochelle - Norwalk	25.0	192	5	192	5	197	0
<b>SOUTHERN HALF (NEC) Washington, D.C. - Newark, N.J.</b>							
<b>LOCATION</b>	<b>MILES</b>	<b>EXISTING PASS. FRT.</b>		<b>PROPOSED PASS. FRT.</b>		<b>TOTAL</b>	<b>CHANGE</b>
N.J. Lane - Union	7.1	240	3.4	240	11.0	251	+7.6
Union - Midway	21.6	166	3.4	166	11.0	177	+7.6
Midway - Morrisville, PA.	17.3	156	3.4	156	11.0	167	+7.6
PA. Morrisville - Zoo (Phila.)	28.5	132	3.4	132	7.1	139	+3.6
Arsenal (Phila.) - Davis, Del.	25.0	116	2.3	116	10.5	127	+8.2
Del/Md. Davis - Perryville	21.1	67	4.5	67	12.4	79	+7.9
Md. Perryville - Baltimore	32.4	77	14.3	77	15.6	93	+1.3
Baltimore - Bowie	28.6	99	2.4	99	7.7	107	+5.3
Bowie - Landover	8.3	99	3.2	99	12.5	112	+9.3

SOURCE: Joint CSXT/NS Railroad Control Application, June 1997.

Note: See other side for LOCATION MAP OF NORTHEAST CORRIDOR RAIL LINE (NEC)  
Locations listed above are identified with a dot.

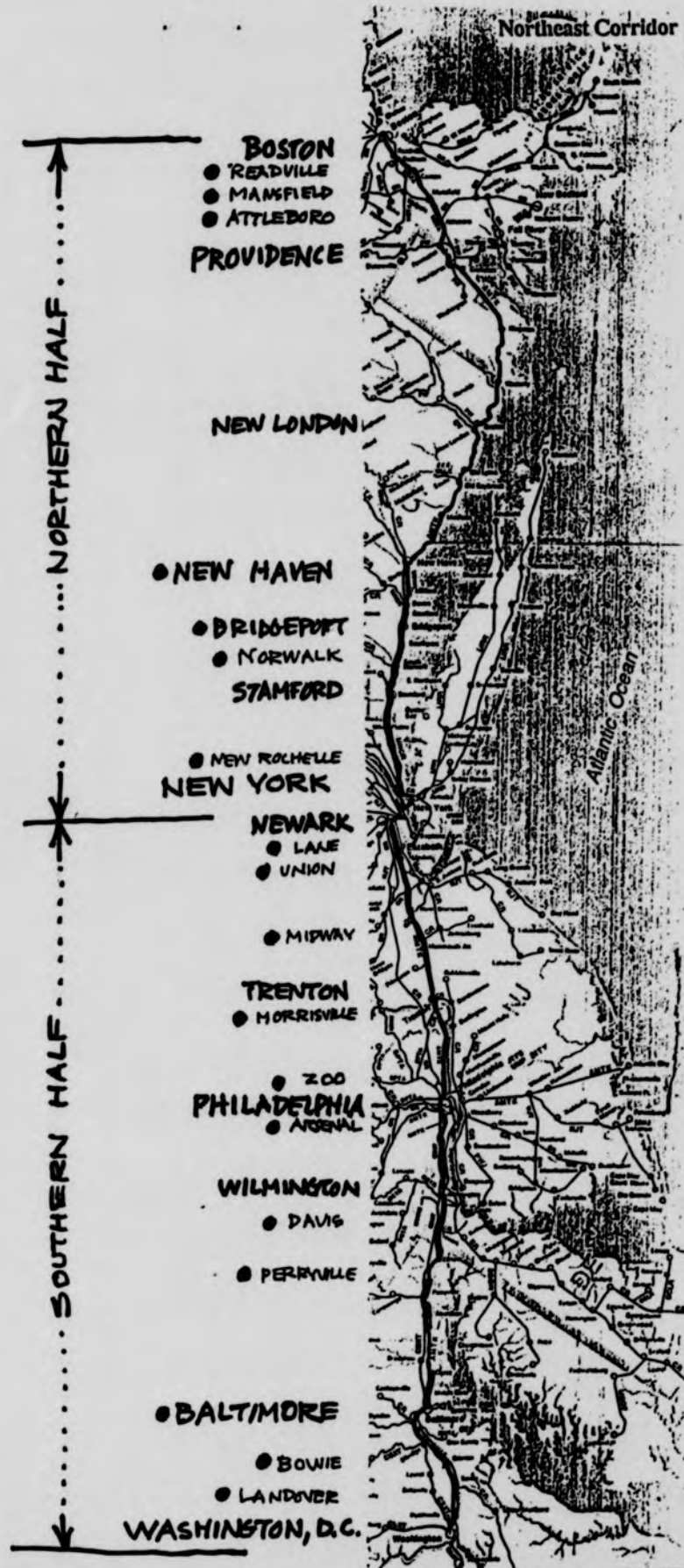
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COMPARATIVE TRAIN DENSITIES

Attachment 6  
STB Ltr of 7/31/97



LOCATION MAP OF NORTHEAST CORRIDOR RAIL LINE (NEC)



**Certification of Richard C. Carpenter**

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

I am the Executive Director of the South Western Regional Planning Agency located in the southwestern corner of the State of Connecticut, at 1 Selleck Street, Suite 210, E. Norwalk, Ct. 06855. As such I am familiar with truck and rail traffic in southwestern Connecticut, the greater New York/New Jersey area, and in Southern New England.

Interstate Route 95, which traverses southwestern 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.

At present, trucks servicing southern New England and crossing the Hudson River, have several options for access to the rest of the nation. They may use the Massachusetts Turnpike Bridge (I-90), the Newburg/Beacon Bridge (I-84) the New York Thruway Bridge (I-287) or the George Washington Bridge (I-95 and I-80). I understand that CSX Norfolk Southern intend to launch a major marketing campaign to service New England traffic from their terminals in Northern New Jersey. To the extent that this strategy is successful it will exacerbate the already critical truck traffic congestion, particularly on route I-95. Safety of motorists will be gravely affected and the already horrendous environmental problems associated with this heavy concentration of trucks will increase in direct proportion to the success of the CSX-NS marketing effort. A continued and indeed a successful effort by the rail industry to serve the New England market from New Jersey, instead of crossing the River directly by rail to New York City or Southern Connecticut points, is therefore directly contrary to the public interest and should not be allowed.

The Providence and Worcester Railroad and the Petitioners state that conflicts with passenger services eliminate service 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 the New Haven Railroad April, 1946 employee timetable, (#159) which shows all 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.

The following train density comparisons are of interest:

	1946	1998
New Rochelle-Stamford	228 Passenger 22 freight	225 passenger 5 freight
<b>Total</b>	<b>250</b>	<b>230</b>
Woodmont-New Haven	111 Passenger 24 Freight	83 passenger 3 freight
<b>Total</b>	<b>135</b>	<b>86</b>
Pelham Bay-Hellgate Bridge	29 passenger 22 freight	27 passenger 2 freight
<b>Total</b>	<b>51</b>	<b>29</b>

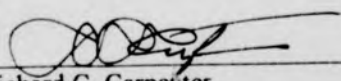
The argument that there is no track capacity for freight services is not consistent with the former record of the New Haven Railroad.

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 am depicted in the photograph of that test which was published in Railway Age, Exhibit B to the affidavit of John F. McHugh above. Single container-on-flatcar (COFC) through the Penn Station tunnels is also feasible. Just such rail intermodal equipment presently runs at high speed through the Channel Tunnel between England and France.

The reduction 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 constitutes a reasonable step to mitigate the effects of the planned CSX-NS marketing effort and would both better serve the shippers of this region with lower cost as well as more reliable services. Most significantly, the environment will be significantly improved to the extent that any such service is successful which is in marked contrast to the effect of the present CSX-NS proposal. Indeed, at a public meeting of the Connecticut Public Transportation Commission, in early 1997, but prior to their negotiations with CSX, representatives of Norfolk Southern stated their desire to operate Roadrailers and single container-on-flatcar (COFC) trains through the Penn Station tunnels.

State of New York, City of New York  
January 12, 1998

  
Richard C. Carpenter

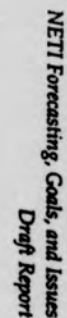
**DRAFT ENVIRONMENTAL IMPACT STATEMENT**  
**Finance Docket No. 33388**  
**"PROPOSED CONRAIL ACQUISITION"**  
**Volume 3B Chapter 5**  
**Page NJ-5**

<b>CURRENT AND PROPOSED TRUCK TRAFFIC TO/FROM INTERMODAL TERMINALS IN NORTHERN NEW JERSEY</b>					
<b>OPERATOR</b>	<b>TRUCKS/CONTAINERS</b>		<b>TRUCKS TRIPS/DAY</b>		
<b>LOCATION</b>	<b>CURRENT</b>	<b>PROPOSED</b>	<b>CURRENT</b>	<b>PROPOSED</b>	<b>DIFFERENT</b>
<b>-CSX LITTLE FERRY Bergen County, N.J.</b>					
	215	392	430	784	+354
<b>-CSX SOUTH KEARNY Hudson County, N.J.</b>					
	410	488	820	976	+156
<b>-NS E-RAIL Union County, N.J.</b>					
	72	407	144	814	+670
<b>-CSX/NS PORTSIDE Union/Essex, Counties, N.J.</b>					
	26	76	52	152	+100
<b>TOTAL</b>	<b>723</b>	<b>1,363</b>	<b>1,446</b>	<b>2,726</b>	<b>+1,280 +88.5%</b>

working 7/doc33388 98



Cambridge Systematics, Inc.



ENCLOSURE 4  
LTR of 1/30/98  
N = —

LTR of 1/30/98



STB

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CITIES

# SOMERSET COUNTY CHAMBER OF COMMERCE

## Board of Directors

Rich Reitman, Chairman  
The Reitman Group  
Greg Adams  
Fleet Bank  
Michael Alieva  
Summit Bank  
Virginia Alling  
PNC Bank  
Charles Bartolotta  
TCT Atlanta Group  
Christine Bonney  
MeLife  
Raymond Brown  
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Robert Brak, ABC/PP  
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Gebhardt & Kiefer, PC  
Geoffrey Conrad  
Somerset Hills Hotel  
John Corsano, CPA  
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The Courier-News  
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Lion Enterprise Organization, Inc.  
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Michael Kerwin  
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Norms, McLaughlin & Marcus  
Joseph Lee  
Somerset Savings Bank, SLA  
Anthony Melone  
Bell Atlantic Mobile  
Rebecca Perkins  
Rebecca Perkins Public Relations  
Daniel Puntillo  
Middle Earth  
Scott Rappaport, CLU, ChFC, RPU  
Benefit Sources & Solutions  
Gail Rosen, CPA  
Arlyn Rus  
Raritan Savings Bank  
Suzanne Schmidt  
Monday Morning, Inc.  
Douglas Somer, CPA  
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Ronald Spraeitz  
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Donald Tetola  
Public Service Electric & Gas  
Michael Turner  
Somerset Medical Center  
James Ventanino, Esq.  
Ventanino & Wildenham  
Ailan Weissberg  
ETHICON, Inc.  
Gail Whitting  
Design Consultants  
Gary Woodring  
Chubb & Son, Inc.  
Barbara C. Roos, President

January 28, 1998

## ENVIRONMENTAL DOCUMENT



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 for 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 excellent 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.

ENVIRONMENTAL

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

STB

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2-2-98

K

CITIES



January 30, 1998

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



Subject: Finance Docket No. 33388-CSX and Norfolk Southern-Control  
and Acquisition-Community notification

Attn: Elaine K. 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 banks 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 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 23.8 to 41 per day. The number of hazardous materials cars on this line goes from 10,000 to





46,000 per year, a 460% 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.

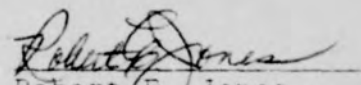
Our police station and ESDA are immediately adjacent to this line and can only cross it at an at-grade crossing either at South St. or Main Street. So we have a circumstance requiring a potential increase in response from emergency services (i.e. an increase in trains, hazardous materials, etc.) that 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 Voorhees 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  
Mayor

cc: Lois Cooper, Alderman  
Thomas Stone, City Engineer

TS/ck

STB

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CITIES



CITY OF HOPKINSVILLE  
KENTUCKY  
42241-0707

WILLIAM WALLACE BRYAN, JR.  
MAYOR



PHONE: 502/887-4000  
FAX: 502/885-CITY  
TDD: 502/887-4287

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

## ENVIRONMENTAL DOCUMENT

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 9<sup>th</sup> 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.

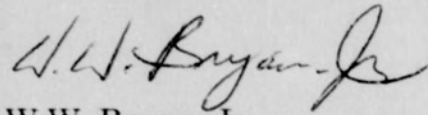
Further, please note that the recommended grade separation is not appropriate for this site. East 9<sup>th</sup> Street is located within an established commercial and historic area and construction of a grade separation would have numerous adverse consequences.

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 9<sup>th</sup> Street.

Respectfully,

A handwritten signature in cursive script, appearing to read "W.W. Bryan, Jr.", written in dark ink.

W.W. Bryan, Jr.  
Mayor

cc: Jay Westbrook, CSX

STB

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1-30-98

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GOV





# STATE OF CONNECTICUT

## DEPARTMENT OF TRANSPORTATION

2800 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 Conrail 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 3A, 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



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 easterly 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 created.

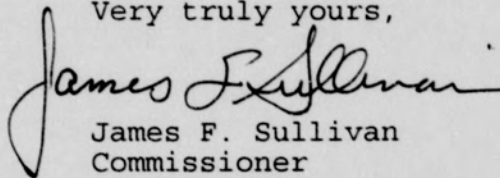
Given the limited information contained in the aforementioned section of the DEIS, CDOT is not wholly satisfied that the less obvious impacts of the Acquisition have been fully considered. It is CDOT's position that in areas of nonattainment,

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,

A handwritten signature in cursive script, reading "James F. Sullivan". The signature is written in dark ink and is positioned to the left of the printed name and title.

James F. Sullivan  
Commissioner

STB

FD

33388

1-30-98

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CITIES



**JAMES R. NIMZ, P.E./P.S.**  
**SENECA COUNTY ENGINEER**

111 MADISON ST  
TIFFIN OH 44883-2824

OFFICE  
TEL: (419) 447-1011  
FAX: (419) 447-1304  
GARAGE  
(419) 447-3863

**ENVIRONMENTAL  
DOCUMENT**

January 26, 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: Comments on Draft E.I.S.  
for Conrail Merger

1. **SENECA COUNTY OHIO SETTING**

Located in North Central Ohio. One hour southeast of Toledo, 2 hours west of Cleveland and 1 1/2 hours north of Columbus.

Rural with sporadic development.

The City of Fostoria is situated principally within Seneca County.

2. **RAILROAD FACILITIES IN/AFFECTING SENECA COUNTY**

Rail lines

5 separate lines

\*4 lines are Class I railroads

(2 lines CSX and 2 lines NS)

\*1 line Short Line - Port Authority

Major Rail Yards

1. Bellevue (NS) existing facility sits on northeast County line Seneca/Sandusky/Huron

2. Willard (CSX) an existing yard that will become a key terminal (including fueling facility) is only 5 miles east of Seneca County in Huron County

Rail Mixing Plant

NS has just begun operation at this plant on the east side of Fostoria.



### 3. **SAFETY CONCERNS**

#### A. General Comments

The City of Fostoria is in Seneca County. Fostoria possesses many unique problems. These problem areas spill over to the surrounding townships in our County. The key item that appears to have been totally ignored in the draft EIS is that train traffic does not "pass through" Fostoria; switching and turning movements are performed here. This currently results in trains stopped, blocking city streets, county roads and township roads while waiting to get through Fostoria. It is not uncommon now for Fostoria, county and township roads to be blocked by stopped trains for over one (1) hour. What will happen when 22 trains per day are added to C-075, 10 trains per day added to C-070 and 8 trains per day to N-071? While all these trains are stopped, waiting for turning movements, the county and township roads east, north and south of Fostoria will be blocked. This will interfere with emergency, fire, police, EMS and totally disrupt normal vehicle movement. This entire situation, Fostoria and the surrounding townships, must be analyzed and satisfactorily addressed before this office can support this merger.

#### B. Freight Rail Operation

SEA has listed CSX line C-075 as having a "significant increase" for accident rates between cars and freight trains. However, SEA appears to have analyzed each line separately and has not taken into account the major adverse compounding effect that drastically increasing three Class I Lines (C-070 by 10 trains; C-075 by 22 trains; N-071 by 8 trains) will have in one county. We strongly believe that quality of life in Seneca County will be very adversely effected by this increase.

The "extensive" capital improvements proposed for Fostoria, need to be extended to the surrounding townships.

#### C. Highway/Rail at Grade Crossings

SEA has identified four crossings in our County as Class A significance.

This office believes that this number is low. Seneca County has the dubious designation of consistently ranking in the top five (5) Ohio counties for grade crossing fatalities. An increase in train traffic can only serve to increase this statistic.

Seneca County currently has a "hump" crossing problem. Over two years ago, a county-wide standard was developed and adopted. With our limited funds, we have only been able to get a handful of the 160 plus crossings up to standard. We strongly believe that as

part of this merger approval, all the effected highway/rail at grade crossings must be upgraded to our County Standards. (copy attached)

At a minimum, the CSX line C-075 (increase of 22 trains per day) should have lights and gates installed at all crossings.

D. Hazardous Material Transport by Rail

SEA has identified C-070 and C-075 as being "major key routes" and C-070 is also "new key route" for transporting hazardous materials.

The suggested mitigation does not begin to go far enough to protect the citizens living along these routes. CSX should provide training for the local EMS, fire, police on at least a six month basis since many of the personnel are volunteer. There needs to be advance communication with the EMA Director at least monthly on what material will be moving through that month.

E. Roadway Crossing Delay

SEA has chosen to only look at crossings with 5000 ADT. As we stated earlier in the Safety Concerns - General Comments, the existing train traffic already causes unacceptable road blockages in and around Fostoria. There needs to be a detailed review of Fostoria and the surrounding townships to see how the proposed increase in train traffic is going to back-up into the townships. Just because most of our local ADTs are less than 5000 does not mean we have significantly less safety concerns. Currently Seneca County consistently ranks in the top five (5) counties in the State of Ohio regarding accidents at rail crossings.

This report has generally ignored the Fostoria problem and totally ignored the extended problems created in the townships. When our County is currently experiencing one (1) hour blockages of roads, we strongly believe that the following summary statement is totally inappropriate "the proposed Conrail acquisition would have no significant effect on vehicle delay for most at-grade crossings in Ohio. However seven crossings in Butler, Cuyahoga, Hamilton and Lorain Counties..."

We will strongly oppose this merger until the problems in Fostoria and the surrounding townships are properly addressed.

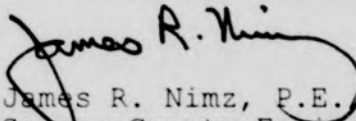
F. Seneca County Air Quality

SEA has already identified a 29% in NO<sub>x</sub> emissions. Again this is assuming trains are passing through. What are the real air quality problems that need to be addressed by stopped trains and blocked roads? Just because we are in an attainment area, we should not be

subjected to such large increases without mitigation.

- G. The general concern of the study was to evaluate the results of the merger against "preacquisition" numbers instead of using this as an arena to fix some of the existing problems associated with rail commerce in a proactive manner. Also the future growth of rail commerce along these lines and their impact in all of the above items was not discussed.
- H. Future law will allow communities to apply for noise reviews which disallow the train engineer from blowing the horn in areas with four quadrant gates or similar warning devices. What will happen if and when the warning devices fail? Based upon past history with CSX, it is not uncommon for them to close a crossing for repair work without seeking the needed permits or advising the proper emergency response agencies. The crossing may remain closed for 3-8 weeks with no workers in the area for weeks on end. Only after calling the PUCO do we get action. With this track record, is there any way to mitigate better response to the local agencies as well as minimizing the closure time of the crossing.

Very truly yours,

  
James R. Nimz, P.E. P.S.  
Seneca County Engineer

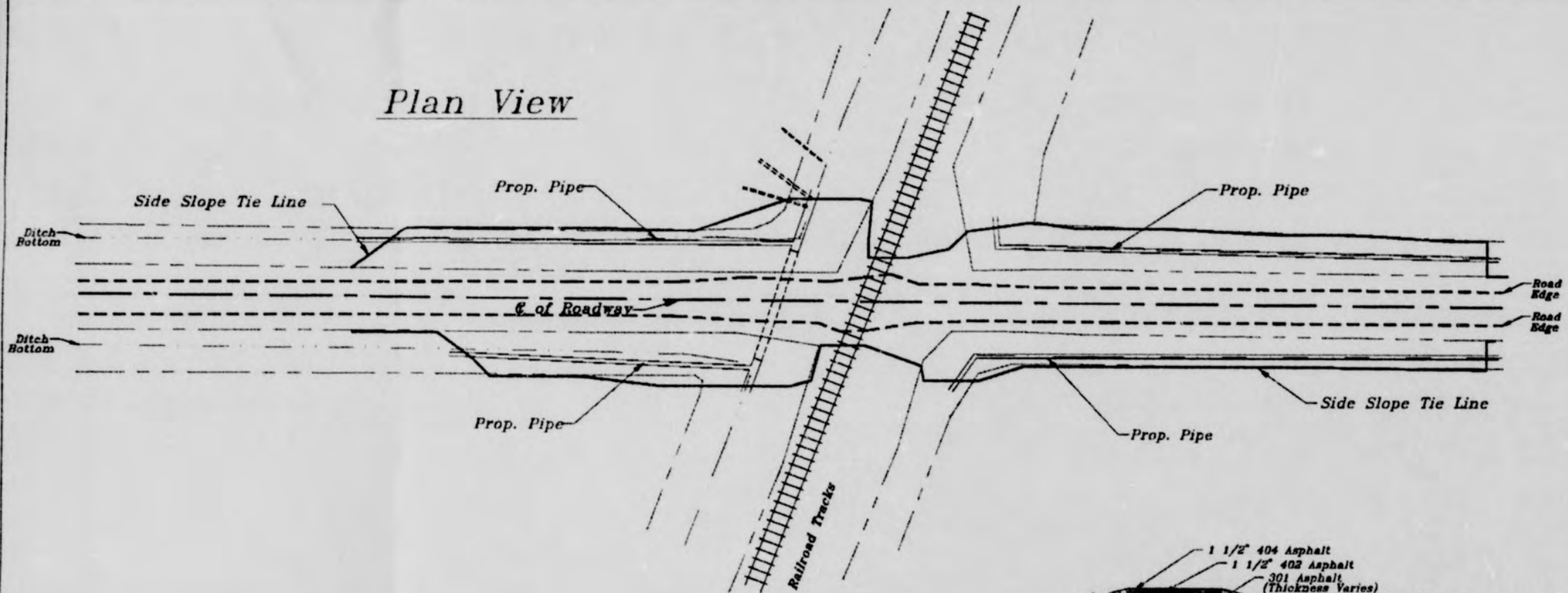
JRN/cam/mad

cc: US Representative Paul Gillmor  
US Senator John Glenn  
US Senator Mike DeWine  
Senator Larry Mumper  
Representative Rex Damschroder  
Representative Randy Weston  
PUCO  
ORDC - Tom O'Leary  
Board of County Commissioners  
Regional Planning  
City of Fostoria  
City of Tiffin  
Village of Republic  
Adams Township  
Big Spring Township  
Clinton Township  
Hopewell Township  
Jackson Township

Liberty Township  
Loudon Township  
Pleasant Township  
Reed Township  
Scipio Township  
Thompson Township  
Venice Township

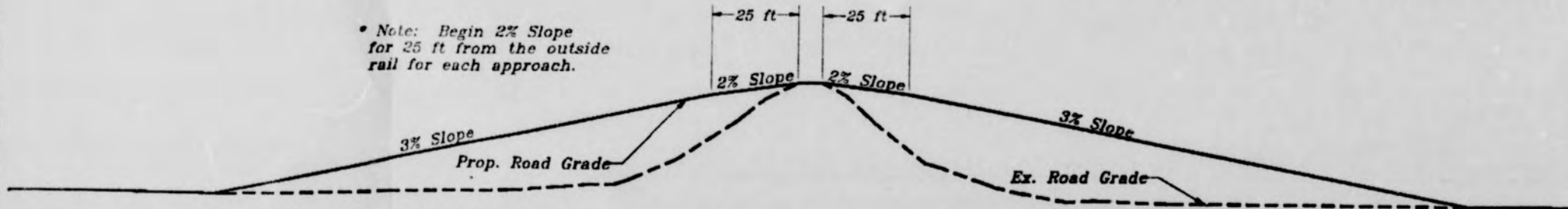
Attachments

Plan View

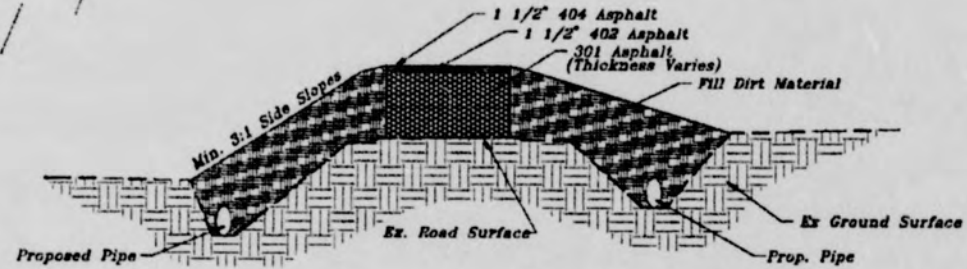


Profile View

• Note: Begin 2% Slope for 25 ft from the outside rail for each approach.



Cross Section View



1  
1

Revisions:

Project: Typical Railroad Crossing  
Proposed Upgrade

Drawn By: R.M.S.  
Date: 11/14/2013  
Approved By: [Signature]  
DPS File: 000000000000000000

Seneca County  
Engineer's Dept.  
James R. Wilson - County Engineer

STB

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CITIES





ENVIRONMENTAL  
DOCUMENT

## Office of the Mayor

The City of Harrisburg

City Government Center

Harrisburg, PA 17101-1678

January 20, 1998

Stephen R. Reed

Mayor



Case Control Unit, Case # 333388

Surface Transportation Board

Office of the Secretary

1975 K Street, N.W.

Washington, D.C. 20423-0001

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

Subject: Environmental Correction Request: Acquisition of Conrail Corporation by Norfolk Southern Railroad Company

Dear Ms. Kaiser:

The City of Harrisburg has a grave concern with an overflow drainage problem caused by lack of storm water accommodation along the Conrail line through the City of Harrisburg. The periodic flooding caused by inadequate drainage facilities leading from the Conrail tracks at this very heavily traveled intersection in the City is a **safety related issue**. We request that Norfolk Southern Railway Company, Inc. be directed to correct the situation as a condition of approval of the acquisition of Conrail.

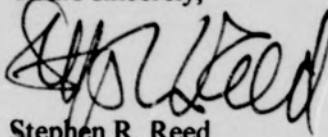
The rail segment identified in Draft EIS Volume 3B, Chapter 5, 5-P.A. 4.1, and depicted on the USGS and Commonwealth of Pennsylvania DER Topographic and Geologic Survey, Harrisburg East Quadrangle, PA-Dauphin Co., 7.5 Minute Series (Topographic) 1969, (attached) is identified as the Reading Railroad running between Penn Central Rail Road and the Reading Rutherford Yards to the east. The track falls in elevation from the vicinity of 26th Street, Harrisburg at BM (elevation) 403 to 13th Street, BM (elevation) 338, a difference of 65 feet in a distance of about 1 1/4 miles. The drainage from that large area is funneled down the tracks to a point in the City where there are no facilities to transport stormwater runoff to the natural drainage channels (Paxton Creek and Susquehanna River). At that point, stormwater overflows parking lots and private property and then runs into the City streets, causing property damage and accidents. One such incident occurred in 1995 during an unusually severe thunderstorm. Attached is an accident report involving a City Fire Bureau Hook and Ladder Truck that collided with cross traffic on Cameron Street (the busiest truck route in the City, carrying 35,200 vehicles per day), when its

brakes were rendered inoperable by the vast amount of storm run off flowing down the street. Although this is an unusually severe example, incidents of this nature occur several times during each spring and summer as thunderstorms pass through the area. Further, local Conrail Track Supervisors have reported that at times they have halted trains passing over that section of rail because storm runoff had accumulated to a depth sufficient to cover the tracks, rendering the rail road **unsafe** for passage.

The City of Harrisburg respectfully requests that The Surface Transportation Board direct Norfolk Southern to construct proper stormwater drainage facilities to carry runoff from the rail road bed described above to the Paxton Creek. You may contact Mr. Joseph Link, P.E., City Engineer for any further information concerning this matter. (Phone 717-255-3091)

With warmest regards, I am

Yours sincerely,

A handwritten signature in dark ink, appearing to read "S. Reed", written over a horizontal line.

Stephen R. Reed  
Mayor

attachments (accident report, photographs and maps)

c: Joseph V. Link, P.E., City Engineer  
Judith Schimmel, City Solicitor

JVL/pmk/eng/envcor.ltr

## **CONRAIL TRACKS**

STORM DRAINAGE OVERFLOW



**PHOTO No. 1**



**PHOTO No. 2**



**PHOTO No. 3**

VIEW TO THE EAST - REPRESENTING EXTENSIVE DRAINAGE FROM 1 1/4 MILES EAST

**CONRAIL TRACKS**  
STORM DRAINAGE OVERFLOW

**PHOTO No. 4**  
Area of Flooding-  
Rear of AVIS Pkg. Lot



**PHOTO No. 5**  
Site of Accident-  
Intersection of  
Berryhill and Cameron Sts.

**PHOTO No. 6**  
Drainage path through  
Harrisburg Cold Storage  
Pkg. Lot to Berryhill St.



# ACORD. AUTOMOBILE LOSS NOTICE

DATE (MM/DD/YY)  
07-17-95

PRODUCER

PRODUCER PHONE (A/C, no., ext.)

MISCELLANEOUS INFORMATION (Site & Location Code)

COMPANY

POLICY NUMBER

CAT. #

POLICY EFF. DATE (MM/DD/YY) POLICY EXP. DATE (MM/DD/YY) DATE (MM/DD/YY) & TIME OF LOSS  
2:32 XX A.M. YES  
07-16-95 P.M. NO

CODE

SUB CODE

## INSURED

NAME & ADDRESS

INSURED'S RESIDENCE PHONE (A/C, No.)

INSURED'S BUSINESS PHONE (A/C, no., ext.)

PERSON TO CONTACT

WHERE TO CONTACT

WHEN

CONTACT'S RESIDENCE PHONE (A/C, no.)

CONTACT'S BUSINESS PHONE (A/C, no., ext.)

## LOSS

LOCATION OF ACCIDENT (including city & state)

AUTHORITY CONTACTED & REPORT NO.

VIOLATIONS/CITATIONS

Berryhill and Cameron Sts., Harrisburg, PA Harrisburg Police  
DESCRIPTION OF ACCIDENT (Use reverse side, if necessary) Veh. #1 while traveling west in the 1100 block of Berryhill St. during a severe thunderstorm that had water curb to curb and above the curb line at Cameron St. Traveling a an estimated under 10 MPH applied brakes, but vehicle did not repond, turned on parking brake (OVER)

## POLICY INFORMATION

BODILY INJURY PROPERTY DAMAGE SINGLE LIMIT MED. PAY OTC DED. OTHER COVERAGE & DEDUCTIBLES (UM, no-fault towing, etc.)

LOSS PAYEE

COLLISION DED.

## INSURED VEHICLE

VEH. NO. YEAR, MAKE, MODEL

V.I.N. (Vehicle Identification)

PLATE NO.

1989 Mack Tower  
OWNER'S NAME & ADDRESS

CF688FAP

FD-19999 PA  
PHONE (A/C, no., ext.)

City of Harrisburg, 123 Walnut St., Hbg, PA 17101  
DRIVER'S NAME & ADDRESS (Check if same as owner)

RESIDENCE PHONE (A/C, no.) BUSINESS PHONE (A/C, no., ext.)

Daniel R. Soulier, 1605 Walnut St., Camp Hill, PA 17011  
RELATION TO INSURED (Employee, family, etc.) DATE OF BIRTH DRIVER'S LICENSE NUMBER PURPOSE OF USE USED WITH PERMISSION ?  
Employee 4-24-54 16-542-897 PA Business XXYES NO  
DESCRIBE DAMAGE Left front ESTIMATE AMOUNT WHERE CAN VEHICLE BE SEEN? WHEN ? OTHER INSURANCE ON VEHICLE  
step, shock & tire. \$ 900. 140 N. 16th St., Hbg.

## PROPERTY DAMAGED

DESCRIBE PROPERTY (if auto, year, make, model, plate no.)

OTHER VEH/PROP. INS? COMPANY OR AGENCY NAME & POLICY NO.

1989 Dodge Shadow, PJE-277 PA

YES NO

OWNER'S NAME & ADDRESS

BUSINESS PHONE (A/C, no., ext.)

RESIDENCE PHONE (A/C, no.)

Cheryl L. sandifer, 142 Market St., Middletown, PA 17057

OTHER DRIVER'S NAME & ADDRESS (Check if same as owner)

BUSINESS PHONE (A/C, no., ext.)

RESIDENCE PHONE (A/C, no.)

Stacy Tippitt, 173 Watson St., PA 17113

939-7160

DESCRIBE DAMAGE ESTIMATE AMOUNT WHERE CAN DAMAGE BE SEEN?

Front end damage ??? Don's Towing, 1128 Jonestown Rd., Harrisburg

## INJURED

NAME & ADDRESS

PHONE (A/C, No.)

PED. BUS. VEH. OTHER VEH. AGE

EXTENT OF INJURY

Stacy Tippitt, 173 Watson St., Steelton, PA 939-7160 x 31 Head, Right ankle  
Jonathan S. McNeil, 165 Watson St., Steelton, PA x 26 Head, Neck

## WITNESSES OR PASSENGERS

NAME & ADDRESS

PHONE (A/C, No.)

BUS. VEH. OTHER VEH.

OTHER (Specify)

Michael Yandhaiz, 403 Summit Rd New Cumb. PA 774-5933

REMARKS (Include adjuster assigned)

REPORTED BY

REPORTED TO

SIGNATURE OF PRODUCER OR INSURED



TO: ASST CHIEF BERRY  
FROM: DAN SOULIER - DRIVER TOWER 1 A PLATON  
DATE: 07-17-95  
SUBS: ACCIDENT WITH INJURIES 07-16-95 CAMERON ST  
AND BERRYHILL ST

AT 0232 TOWER 1 WAS DISPATCHED TO REPORTED TREES DOWN ON WIRES WITH FIRE @ 13 ROW HALL MANOR. TOWER 1 RESPONDED FROM 16TH & WALNUT ST VIA 13TH STREET. WHILE PASSING TOWER 3 WHO WAS ON A CALL IN THE 300 BLOCK OF S. 13TH ST, DRIVER DAVE HOUSEAL NOTIFIED US BY RADIO THAT S. 13TH ST @ THE RAILROAD ~~AND~~ BRIDGE WAS BLOCKED BY TREES AND WIRES. AT THIS TIME I PROCEEDED TO MAKE A RIGHT TURN ONTO BERRYHILL ST BECAUSE I WAS ALREADY AWARE OF STREET BLOCKAGE AT BERRYHILL & 17TH ST.

UPON TURNING ONTO BERRYHILL ST (WEST BOUND) FF YATES AND MYSELF NOTICED A LARGE AMOUNT OF VARIOUS STORM DEBRIS SCATTERED ACROSS THE STREET. UPON PASSING CRESCENT ST, WE ENCOUNTERED A TREMENDOUS AMOUNT OF WATER FLOW COMMING FROM MY ~~RIGHT~~ <sup>LEFT</sup> SIDE FROM THE PARKING LOT OF A WAREHOUSE FACILITY. MY SPEED WAS ESTIMATED TO BE UNDER 10 MPH WITH WARNING LIGHTS AND SIRENS ACTIVATED.

I PROCEEDED TO APPLY THE TOWERS BRAKES BUT THE VEHICLE DID NOT RESPOND. I THEN DOWN SHIFTED TO FIRST GEAR, HOWEVER MY REDUCED SPEED PREVENTED THE TRANSMISSION FROM ENGAGING THE GEAR. I HOLLERED TO FF YATES TO FLOOR THE SIREN THAT I WAS UNABLE TO STOP - I REACHED DOWN TO THE PARKING BRAKE SWITCH ON THE CENTER CONSOLE AND TURNED IT ON, AGAIN NO REACTION BY THE VEHICLE.

**COLLISION ESTIMATE  
CITY OF HARRISBURG  
BUREAU, VEHICLE MANAGEMENT  
VEHICLE MAINTENANCE CENTER  
1690 SOUTH 19TH ST.  
HARRISBURG, PA 17104  
236-4728**

| VEHICLE NUMBER  |                   | HARRISBURG, PA 17104<br>236-4728 |                       | INSPECTION DATE<br>F 17-95 |                      |             |       |                    |
|-----------------|-------------------|----------------------------------|-----------------------|----------------------------|----------------------|-------------|-------|--------------------|
| BUREAU<br>FIRE  | VEH. MAKE<br>MILC | YEAR<br>89                       | MODEL<br>HOSE + LITE  | VIN.                       |                      |             |       |                    |
| OPERATOR'S NAME |                   | LICENSE NO.                      | MESSAGE<br>28393      | LOCATION OF ACCIDENT       | ACC IDENT REPORT NO. |             |       |                    |
| ACCIDENT DATE   | DATE PROCESSED    | TELEPHONE NO.                    | COLOR AND CODE<br>RED | APPRAISER<br>Jim Brady     |                      |             |       |                    |
| REPL            | REP               | DESCRIPTION OF REPAIR            |                       |                            | LABOR HOURS          | REFIN HOURS | PARTS | SUBS AND NEW ITEMS |
|                 |                   | Repair & Clean Step              |                       |                            | 4.0                  |             |       |                    |
|                 |                   | " Anne Panels                    |                       |                            | 4.0                  |             |       |                    |
|                 |                   | Re-assembly                      |                       |                            | 1.0                  |             |       |                    |
| TOTALS          |                   |                                  |                       |                            | 9.0                  |             |       | 270.00             |

## COMMENTS

AC-AIR CONDITIONING  
ALIGN-ALIGNMENT  
ASSY-ASSEMBLY  
BKT-BRACKET(S)  
DR-DOOR  
EXT-EXTENSION  
F-FRONT  
HL-HEADLAMP  
L-LEFT

LKQ LIKE, KIND  
& QUALITY  
MLD MOULDING  
PS POWER STEERING  
QTR-QUARTER  
RAD RADIATOR  
RC-RECHROME  
REG-REGULATOR  
R&I REMOVE &  
REINSTALL

R-RIGHT  
R&R-REMOVE &  
REPLACE  
SUPT-SUPPORT  
TL-TAILLAMP  
WH-WHEELHOUSE  
WSTRIP-WEATHER  
STRIP

PARTS.....  
SUBLETS.....  
SUB-TOTAL.....  
TOWING.....  
GRAND TOTAL.....

Supply AD

270



MACK SALES AND SERVICE, INC.  
4230 Industrial Road, P. O. Box 1643  
Harrisburg, Pennsylvania 17105

JOHN AND JILLIAN 717-238-9476  
Parts Department 717-238-9476

July 18, 1995

Bureau of Fire  
City of Harrisburg

ATTN: Lester McClure

On July 17, 1995, I test drove Tower # 1, 1989 MACK, CF688FAP1317.

Under normal driving and safe operating conditions vehicle would stop.

Mike Longenecker  
Shop Foreman  
Certified Inspection Mechanic  
#15127344

The City of Harrisburg, Pennsylvania, Incorporated March 19, 1860

City Government Center • Harrisburg, Pennsylvania 17101

CITY OF HBG STEAM GENERATING FACILITY  
THANK YOU. PROMPT PAYMENT WITHIN 30 DAYS WILL  
AVOID LOSS OF DUMPING PRIVILEGE  
OFFICE HOURS - MON-FRI 8:00-4:00 (717) 236-5187

39181  
# 42823

DATE: 07/18/95  
TIME: 16:32

PERMIT #: 099999  
ONE TIME DUMPS

COUNTY: 22 DAUPHIN

CLASS: 0

OPERATOR: KBB1

GROSS WEIGHT: 45600 LBS

TARE WEIGHT: 45600 LBS

NET WEIGHT: 0 LBS



# COMMONWEALTH OF PENNSYLVANIA POLICE ACCIDENT REPORT

(XX) REFER TO OVERLAY SHEETS

REPORTABLE ☒ NON-REPORTABLE ☐

PENNDOT USE ONLY

| POLICE INFORMATION                                                                                                                                                                                 |  |  |  | ACCIDENT LOCATION                                                                                                                                                    |  |  |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| 1. INCIDENT NUMBER 95-07-6187                                                                                                                                                                      |  |  |  | 20. COUNTY Dauphin CODE 22                                                                                                                                           |  |  |  |
| 2. AGENCY NAME Harrisburg City Police                                                                                                                                                              |  |  |  | 21. MUNICIPALITY City of Harrisburg CODE 301                                                                                                                         |  |  |  |
| 3. STATION PRECINCT Traffic Safety Unit 4. PATROL ZONE 5-3                                                                                                                                         |  |  |  | PRINCIPAL ROADWAY INFORMATION                                                                                                                                        |  |  |  |
| 5. INVESTIGATOR Sergeant Michael Butler (mb) BADGE NUMBER 512                                                                                                                                      |  |  |  | 22. ROUTE NO OR STREET NAME Cameron Street                                                                                                                           |  |  |  |
| 6. APPROVED BY Sergeant Michael Butler (mb) BADGE NUMBER 512                                                                                                                                       |  |  |  | 23. SPEED LIMIT 35 (24) TYPE HIGHWAY 0 (25) ACCESS CONTROL 1                                                                                                         |  |  |  |
| 7. INVESTIGATION DATE 16 July 1995 8. ARRIVAL TIME 0319                                                                                                                                            |  |  |  | INTERSECTING ROAD:                                                                                                                                                   |  |  |  |
| ACCIDENT INFORMATION                                                                                                                                                                               |  |  |  | 26. ROUTE NO OR STREET NAME Berryhill Street                                                                                                                         |  |  |  |
| 9. ACCIDENT DATE 16 July 1995 10. DAY OF WEEK Sunday                                                                                                                                               |  |  |  | 27. SPEED LIMIT 25 (28) TYPE HIGHWAY 0 (29) ACCESS CONTROL 1                                                                                                         |  |  |  |
| 11. TIME OF DAY 0251 hours 12. NUMBER OF UNITS Two (2)                                                                                                                                             |  |  |  | IF NOT AT INTERSECTION:                                                                                                                                              |  |  |  |
| 13. KILLED 0 14. INJURED 2 15. PRIV PROP ACCIDENT Y <input type="checkbox"/> N <input checked="" type="checkbox"/>                                                                                 |  |  |  | 30. CROSS STREET OR SEGMENT MARKER                                                                                                                                   |  |  |  |
| 16. DID VEHICLE HAVE TO BE REMOVED FROM THE SCENE? UNIT 1 Y <input type="checkbox"/> N <input checked="" type="checkbox"/> UNIT 2 Y <input checked="" type="checkbox"/> N <input type="checkbox"/> |  |  |  | 31. DIRECTION FROM SITE N S E W 32. DISTANCE FROM SITE FT MI                                                                                                         |  |  |  |
| 17. VEHICLE DAMAGE 0 - NONE UNIT 1 2 1 - LIGHT 2 - MODERATE 3 - SEVERE UNIT 2 3                                                                                                                    |  |  |  | 33. DISTANCE WAS MEASURED <input type="checkbox"/> ESTIMATED <input type="checkbox"/>                                                                                |  |  |  |
| 18. HAZARDOUS MATERIALS Y <input type="checkbox"/> N <input checked="" type="checkbox"/> 19. PENNDOT PROPERTY Y <input type="checkbox"/> N <input checked="" type="checkbox"/>                     |  |  |  | 34. CONSTRUCTION ZONE 0 35. TRAFFIC CONTROL DEVICE PRINCIPAL 0 INTERSECTING 3                                                                                        |  |  |  |
| UNIT # 1                                                                                                                                                                                           |  |  |  | UNIT # 2                                                                                                                                                             |  |  |  |
| 36. LEGALLY Y N 37. REG PARKED? <input type="checkbox"/> PLATE FD19999 38. STATE PA                                                                                                                |  |  |  | 36. LEGALLY Y N 37. REG PARKED? <input type="checkbox"/> PLATE PJE-277 38. STATE PA                                                                                  |  |  |  |
| 39. PA TITLE OR OUT-OF-STATE VIN 43112309                                                                                                                                                          |  |  |  | 39. PA TITLE OR OUT-OF-STATE VIN 47891974                                                                                                                            |  |  |  |
| 40. OWNER City of Harrisburg - Bureau of Fire                                                                                                                                                      |  |  |  | 40. OWNER Cheryl L. Sandifer                                                                                                                                         |  |  |  |
| 41. OWNER ADDRESS 1690 S. 19th Street                                                                                                                                                              |  |  |  | 41. OWNER ADDRESS 142 Market Street                                                                                                                                  |  |  |  |
| 42. CITY STATE & ZIP CODE Harrisburg, PA 17104                                                                                                                                                     |  |  |  | 42. CITY STATE & ZIP CODE Middletown, PA 17057                                                                                                                       |  |  |  |
| 43. YEAR 1989 44. MAKE Mack                                                                                                                                                                        |  |  |  | 43. YEAR 1989 44. MAKE Dodge                                                                                                                                         |  |  |  |
| 45. MODEL (NOT BODY TYPE) Fire Truck 46. INS Y <input checked="" type="checkbox"/> N <input type="checkbox"/> UNK <input type="checkbox"/>                                                         |  |  |  | 45. MODEL (NOT BODY TYPE) Shadow 46. INS Y <input type="checkbox"/> N <input type="checkbox"/> UNK <input type="checkbox"/>                                          |  |  |  |
| 47. BODY TYPE 79 48. SPECIAL USAGE 2 49. VEHICLE OWNERSHIP 8                                                                                                                                       |  |  |  | 47. BODY TYPE 04 48. SPECIAL USAGE 0 49. VEHICLE OWNERSHIP 2                                                                                                         |  |  |  |
| 50. INITIAL IMPACT POINT 10 51. VEHICLE STATUS 0 52. TRAVEL SPEED 05                                                                                                                               |  |  |  | 50. INITIAL IMPACT POINT 12 51. VEHICLE STATUS 0 52. TRAVEL SPEED 35                                                                                                 |  |  |  |
| 53. VEHICLE GRADIENT 3 54. DRIVER PRESENCE 1 55. DRIVER CONDITION 1                                                                                                                                |  |  |  | 53. VEHICLE GRADIENT 1 54. DRIVER PRESENCE 1 55. DRIVER CONDITION 2                                                                                                  |  |  |  |
| 56. DRIVER NUMBER 16542897 57. STATE PA                                                                                                                                                            |  |  |  | 56. DRIVER NUMBER 23242047 57. STATE PA                                                                                                                              |  |  |  |
| 58. DRIVER NAME Daniel Richard Soulier                                                                                                                                                             |  |  |  | 58. DRIVER NAME Stacy Tippitt                                                                                                                                        |  |  |  |
| 59. DRIVER ADDRESS 1605 Walnut Street                                                                                                                                                              |  |  |  | 59. DRIVER ADDRESS 173 Watson Street                                                                                                                                 |  |  |  |
| 60. CITY STATE & ZIP CODE Camp Hill, PA 17011                                                                                                                                                      |  |  |  | 60. CITY STATE & ZIP CODE Steelton, PA 17113                                                                                                                         |  |  |  |
| 61. SEX Male 62. DATE OF BIRTH 4-24-54 63. PHONE 238-7095 (717)                                                                                                                                    |  |  |  | 61. SEX Female 62. DATE OF BIRTH 8-31-63 63. PHONE 717-939-7160                                                                                                      |  |  |  |
| 64. COMM VEH 65. DRIVER Y <input checked="" type="checkbox"/> N <input type="checkbox"/> CLASS C 66. DRIVER SS* 181-42-7955                                                                        |  |  |  | 64. COMM VEH 65. DRIVER Y <input type="checkbox"/> N <input checked="" type="checkbox"/> CLASS C 66. DRIVER SS* 170-56-0792                                          |  |  |  |
| 67. CARRIER N/A                                                                                                                                                                                    |  |  |  | 67. CARRIER N/A                                                                                                                                                      |  |  |  |
| 68. CARRIER ADDRESS N/A                                                                                                                                                                            |  |  |  | 68. CARRIER ADDRESS N/A                                                                                                                                              |  |  |  |
| 69. CITY STATE & ZIP CODE N/A                                                                                                                                                                      |  |  |  | 69. CITY STATE & ZIP CODE N/A                                                                                                                                        |  |  |  |
| 70. USDOT # N/A ICC # N/A PUC # N/A                                                                                                                                                                |  |  |  | 70. USDOT # N/A ICC # N/A PUC # N/A                                                                                                                                  |  |  |  |
| 71. VEH CONFIG 3 72. CARGO BODY TYPE 9 74. GVWR                                                                                                                                                    |  |  |  | 71. VEH CONFIG N/A 72. CARGO BODY TYPE N/A 74. GVWR N/A                                                                                                              |  |  |  |
| 75. NO OF AXLES 2 76. HAZARDOUS MATERIALS 00 77. RELEASE OF HAZ MAT Y <input type="checkbox"/> N <input checked="" type="checkbox"/> UNK <input type="checkbox"/>                                  |  |  |  | 75. NO OF AXLES N/A 76. HAZARDOUS MATERIALS N/A 77. RELEASE OF HAZ MAT Y <input type="checkbox"/> N <input checked="" type="checkbox"/> UNK <input type="checkbox"/> |  |  |  |

AA-4511 (1)

1959206

PAGE 1

CENTER FOR HIGHWAY SAFETY





COMMONWEALTH OF PENNSYLVANIA  
PAR CONTINUATION SHEET

(XX) REFER TO OVERLAY SHEETS

REPORTABLE ☒ NON-REPORTABLE ☐

PENNDOT USE ONLY

|                 |            |               |              |             |    |                |     |
|-----------------|------------|---------------|--------------|-------------|----|----------------|-----|
| INCIDENT NUMBER | 95-07-6187 | ACCIDENT DATE | 16 July 1995 | COUNTY CODE | 22 | MUNICIPAL CODE | 301 |
|-----------------|------------|---------------|--------------|-------------|----|----------------|-----|

(82) PERSON INFORMATION - USE OVERLAY #2 SHEET FOR CODES

| A | B | C | D | E | F | G | NAME | ADDRESS | H | I | J | K | L | M |
|---|---|---|---|---|---|---|------|---------|---|---|---|---|---|---|
|   |   |   |   |   |   |   |      |         |   |   |   |   |   |   |
|   |   |   |   |   |   |   |      |         |   |   |   |   |   |   |
|   |   |   |   |   |   |   |      |         |   |   |   |   |   |   |
|   |   |   |   |   |   |   |      |         |   |   |   |   |   |   |
|   |   |   |   |   |   |   |      |         |   |   |   |   |   |   |
|   |   |   |   |   |   |   |      |         |   |   |   |   |   |   |
|   |   |   |   |   |   |   |      |         |   |   |   |   |   |   |

87. NARRATIVE

The operator of Unit #2 and the front seat passenger of Unit #2 could not be interviewed at the scene as they had been transported via Capital Region EMS to the Harrisburg Hospital prior to my arrival on the scene. Officer Kenneth Bittner also of the Traffic Safety Unit arrived on scene and I directed him to the Harrisburg Hospital to check on the injured individuals. REFER TO ATTACHED SUPPLEMENTAL REPORT OF OFFICER KENNETH BITTNER.

I then instructed Officer LeRoy Lucas of the Forensics Unit to photograph the accident scene which he did and he also assisted me in taking measurements of the final rest of Unit #2.

I further examined Unit #2 and observed severe front end damage to the vehicle. Upon examining the inside of the vehicle I observed two (2) head strikes to the inside of the windshield, one in the center with a large clump of hair attached, and one on the passenger side which indicates that neither the operator or front seat passenger were seatbelted. This vehicle was towed from the scene by Don's Towing to 1128 Jonestown Road City.

I also examined Unit #1 and observed scuff marks on the drivers side front tire along with a cut in the tire and also damage to the ladder steps which the driver uses to enter the cab.

Officer Kenneth Bittner returned to the accident scene from the Harrisburg Hospital and at that time we checked the road surface and located the point of initial contact which was a scrape on the road surface. We did take measurements of this scrape and its location on the roadway.

THIS INVESTIGATION IS CONTINUING.

| 88. DESCRIBE VIOLATIONS |  |               |  | 90. SECTION NUMBERS (ONLY IF CHARGED) |  |                                            |  | TC NTC |  |
|-------------------------|--|---------------|--|---------------------------------------|--|--------------------------------------------|--|--------|--|
| UNIT 1                  |  |               |  |                                       |  |                                            |  | 0 0    |  |
| UNIT 2                  |  |               |  |                                       |  |                                            |  | 0 0    |  |
| 91. PROBABLE USE        |  | 92. TYPE TEST |  | 93. RESULTS                           |  | 94. INVESTIGATION COMPLETE ?               |  |        |  |
| UNIT 1                  |  | UNIT 2        |  | 0 ___ %                               |  | YES NO <input checked="" type="checkbox"/> |  |        |  |





COMMONWEALTH OF PENNSYLVANIA  
POLICE ACCIDENT SUPPLEMENTAL

(XX) REFER TO OVERLAY SHEETS

REPORTABLE ☒ NON-REPORTABLE ☐

PENNDOT USE ONLY

| POLICE INFORMATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |                                                                                                  |  | ACCIDENT TIME & LOCATION                                                                  |  |                             |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------------|--|-----------------------------|--|
| 1. INCIDENT NUMBER 95-07-6187                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  | 2. AGENCY NAME Harrisburg Police Bureau                                                          |  | 9. ACCIDENT DATE 16 Jul 95                                                                |  | 10. DAY OF WEEK Sat         |  |
| 3. STATION PRECINCT Harrisburg                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  | 4. PATROL ZONE 5-3                                                                               |  | 11. TIME OF DAY 0251 hrs                                                                  |  | 12. NUMBER OF UNITS 2       |  |
| 5. INVESTIGATOR Ptl. Kenneth A. Bittner                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | 6. APPROVED BY Sgt. M. Butler                                                                    |  | 13. # KILLED 0                                                                            |  | 14. # INJURED 2             |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  | 7. BADGE NUMBER 165                                                                              |  | 15. PRIV. PROP. ACCIDENT Y <input type="checkbox"/> N <input checked="" type="checkbox"/> |  | 16. CODE 22                 |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  | 8. BADGE NUMBER 312                                                                              |  | 20. COUNTY Dauphin                                                                        |  | 21. MUNICIPALITY Harrisburg |  |
| UNIT #: - COMPLETE ONLY THE INFORMATION THAT HAS CHANGED SINCE ORIGINAL REPORT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |                                                                                                  |  |                                                                                           |  |                             |  |
| 36. LEGALLY PARKED Y <input type="checkbox"/> N <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  | 37. REG. PLATE                                                                                   |  | 38. STATE                                                                                 |  | 39. DRIVER NAME             |  |
| 39. PA TITLE OR OUT-OF-STATE VIN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  | 40. OWNER                                                                                        |  | 50. DRIVER ADDRESS                                                                        |  | 60. CITY, STATE & ZIP CODE  |  |
| 41. OWNER ADDRESS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  | 42. CITY, STATE & ZIP CODE                                                                       |  | 61. SEX                                                                                   |  | 62. DATE OF BIRTH           |  |
| 43. YEAR                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  | 44. MAKE                                                                                         |  | 64. COMM VEH Y <input type="checkbox"/> N <input type="checkbox"/>                        |  | 65. DRIVER CLASS            |  |
| 45. MODEL (NOT BODY TYPE)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  | 46. INSURANCE Y <input type="checkbox"/> N <input type="checkbox"/> UNK <input type="checkbox"/> |  | 67. CARRIER                                                                               |  | 68. CARRIER ADDRESS         |  |
| 47. BODY TYPE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  | 48. SPECIAL USAGE                                                                                |  | 49. VEHICLE OWNERSHIP                                                                     |  | 69. CITY, STATE & ZIP CODE  |  |
| 50. INITIAL IMPACT POINT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  | 51. VEHICLE STATUS                                                                               |  | 52. TRAVEL SPEED                                                                          |  | 70. USDOT #                 |  |
| 53. VEHICLE GRADIENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  | 54. DRIVER PRESENCE <input type="checkbox"/>                                                     |  | 55. DRIVER CONDITION                                                                      |  | 72. VEHICLE CONFIG          |  |
| 56. DRIVER NUMBER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  | 57. STATE                                                                                        |  | 75. NO OF AXLES                                                                           |  | 76. HAZARDOUS MATERIALS     |  |
| 87. NARRATIVE - IDENTIFY PRECIPITATING EVENTS, CAUSATION FACTORS, SEQUENCE OF EVENTS, WITNESS STATEMENTS, AND PROVIDE ADDITIONAL DETAILS 0300 hrs. on 16 July 95 I received a phone call at home in regards to a traffic accident that had just occurred at Cameron and Berryhill Sts. The accident involved a City of Harrisburg Fire truck and another single vehicle. I arrived on the scene at approx. 0325 hrs. Upon arriving I was advised by Sgt. Butler that both occupants of the car were injured and were at Harrisburg Hospital. Upon arriving at the hospital I first interviewed the passenger, Jonathan S. McNeil. McNeil stated that he was at home when he received a phone call from Stacey Tippit asking if he would ride with her to Up-town Harrisburg to pick-up a friend. Stacey told him that she was afraid to drive alone in the rain and wanted him to go along. He thought that they were traveling on Cameron St. The last thing he could remember was that Stacey was attempting to get the windshield wipers to come on because they were not working. McNeil did not remember anything about the accident itself. He had no idea what speed they were traveling and he had no idea how the accident occurred. Because of hitting his head he was having trouble remembering what had occurred. He stated that he had one beer at a bar before he got home. He did remember that he was in the right front passenger seat |  |                                                                                                  |  |                                                                                           |  |                             |  |
| INSURANCE INFORMATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                                                                                  |  | 94. INVESTIGATION COMPLETE?                                                               |  |                             |  |
| UNIT NO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                                                                                  |  | YES <input type="checkbox"/> NO <input type="checkbox"/>                                  |  |                             |  |



COMMONWEALTH OF PENNSYLVANIA  
POLICE ACCIDENT SUPPLEMENTAL

(XX) REFER TO OVERLAY SHEETS

REPORTABLE ☒ NON-REPORTABLE ☐

PENNDOT USE ONLY

| POLICE INFORMATION   |                              | ACCIDENT TIME & LOCATION |                                                                  |
|----------------------|------------------------------|--------------------------|------------------------------------------------------------------|
| 1. INCIDENT NUMBER   | 95-07-6187                   | 2. ACCIDENT DATE         | 16 July 1995                                                     |
| 3. AGENCY NAME       | Harrisburg Police Bureau     | 10. DAY OF WEEK          | Sunday                                                           |
| 4. STATION/PRINCIPAL | Traffic Safety Unit          | 11. TIME OF DAY          | 0251                                                             |
| 5. INVESTIGATOR      | Sergeant Michael Butler (MS) | 12. NUMBER OF UNITS      | Two                                                              |
| 6. APPROVED BY       | Sergeant Michael Butler (MS) | 13. # KILLED             | None                                                             |
| 7. PATROL ZONE       | 5-3                          | 14. # INJURED            | Two                                                              |
| 8. BADGE NUMBER      | 512                          | 15. PRIV. PROP. ACCIDENT | Y <input type="checkbox"/> N <input checked="" type="checkbox"/> |
| 9. BADGE NUMBER      | 512                          | 20. COUNTY               | Dauphin                                                          |
|                      |                              | 21. MUNICIPALITY         | Harrisburg                                                       |
|                      |                              | CODE                     | 22                                                               |
|                      |                              | CODE                     | 301                                                              |

UNIT #: - COMPLETE ONLY THE INFORMATION THAT HAS CHANGED SINCE ORIGINAL REPORT

|                                                                                                                                          |                                                       |                       |                                                                                     |                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|-----------------------|-------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| 26. LEGALLY PARKED                                                                                                                       | Y <input type="checkbox"/> N <input type="checkbox"/> | 37. REG. PLATE        | 38. STATE                                                                           | 58. DRIVER NAME                                                                    |
| 39. PA TITLE OR OUT-OF-STATE VIN                                                                                                         |                                                       |                       |                                                                                     | 59. DRIVER ADDRESS                                                                 |
| 40. OWNER                                                                                                                                |                                                       |                       |                                                                                     | 60. CITY, STATE & ZIPCODE                                                          |
| 41. OWNER ADDRESS                                                                                                                        |                                                       |                       |                                                                                     | 61. SEX                                                                            |
| 42. CITY, STATE & ZIPCODE                                                                                                                |                                                       |                       |                                                                                     | 62. DATE OF BIRTH                                                                  |
| 43. YEAR                                                                                                                                 | 44. MAKE                                              |                       |                                                                                     | 63. PHONE                                                                          |
| 45. MODEL (NOT BODY TYPE)                                                                                                                |                                                       | 46. INSURANCE         | Y <input type="checkbox"/> N <input type="checkbox"/> LINK <input type="checkbox"/> | 64. COMM VEH                                                                       |
| 47. BODY TYPE                                                                                                                            | 48. SPECIAL USAGE                                     | 49. VEHICLE OWNERSHIP |                                                                                     | 65. DRIVER CLASS                                                                   |
| 50. INITIAL IMPACT POINT                                                                                                                 | 51. VEHICLE STATUS                                    | 52. TRAVEL SPEED      |                                                                                     | 66. DRIVER S.S. #                                                                  |
| 53. VEHICLE GRADIENT                                                                                                                     | 54. DRIVER PRESENCE                                   | 55. DRIVER CONDITION  |                                                                                     | 67. CARRIER                                                                        |
| 56. DRIVER NUMBER                                                                                                                        |                                                       | 57. STATE             |                                                                                     | 68. CARRIER ADDRESS                                                                |
|                                                                                                                                          |                                                       |                       |                                                                                     | 69. CITY, STATE & ZIPCODE                                                          |
|                                                                                                                                          |                                                       |                       |                                                                                     | 70. USDOT #                                                                        |
|                                                                                                                                          |                                                       |                       |                                                                                     | ICC #                                                                              |
|                                                                                                                                          |                                                       |                       |                                                                                     | PUC #                                                                              |
|                                                                                                                                          |                                                       |                       |                                                                                     | 72. VEHICLE CONFIG                                                                 |
|                                                                                                                                          |                                                       |                       |                                                                                     | 73. CARGO BODY TYPE                                                                |
|                                                                                                                                          |                                                       |                       |                                                                                     | 74. GVWR                                                                           |
|                                                                                                                                          |                                                       |                       |                                                                                     | 75. HAZ ARDOUS MATERIALS                                                           |
|                                                                                                                                          |                                                       |                       |                                                                                     | 77. RELEASE OF HAZ MAT                                                             |
|                                                                                                                                          |                                                       |                       |                                                                                     | Y <input type="checkbox"/> N <input type="checkbox"/> UNK <input type="checkbox"/> |
| 87. NARRATIVE - IDENTIFY PRECIPITATING EVENTS, CAUSATION FACTORS, SEQUENCE OF EVENTS, WITNESS STATEMENTS, AND PROVIDE ADDITIONAL DETAILS |                                                       |                       |                                                                                     |                                                                                    |

Tuesday, 18 July 1995

On this date at approximately 1000 hours, I went to VMC and located Unit #1 the fire apparatus aka Tower #1. At that time I used black spray paint and sprayed around the left front tire and then had the truck moved so that I could measure the contact patch left by that portion of the tire that is in contact with the road surface. The patch measured 12" wide and 10" in length and the tires PSI is 110 to 120 according to Les McClure the Fire Bureau mechanic. The fire truck was also weighed at the Sewage Plant scales and showed that the truck weighs 45,420 lbs unoccupied.

The above information relative to the tire contact patch and PSI. I was able to determine that in order for the fire truck (Unit #1) to have hydroplaned, it would have to of been travelling at a minimum speed of 79.5 mph, which is not consistent with the statment of the operator of Unit #1 and the witness, Michael Yanishak (REFER TO SUPPLEMENTAL REPORT OF OFFICER KENNETH BITTNER). Furthermore at that type of speed, the operator of Unit #1 could never of made the short radius of the turn in which he negotiated.

In conclusion to the lack of braking power of Unit #1, it is believed that due to the large volume of water over the road surface over the curbs on both sides of the street, that the brake pads and brake shoes got wet therefore no friction was made resulting in the loss

|                       |           |                                                                     |
|-----------------------|-----------|---------------------------------------------------------------------|
| INSURANCE INFORMATION | COMPANY   | 84. INVESTIGATION COMPLETE?                                         |
| UNIT NO               | POLICY NO | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |

**COMMONWEALTH OF PENNSYLVANIA  
POLICE ACCIDENT SUPPLEMENTAL**

(XXL) REFER TO OVERLAY SHEETS

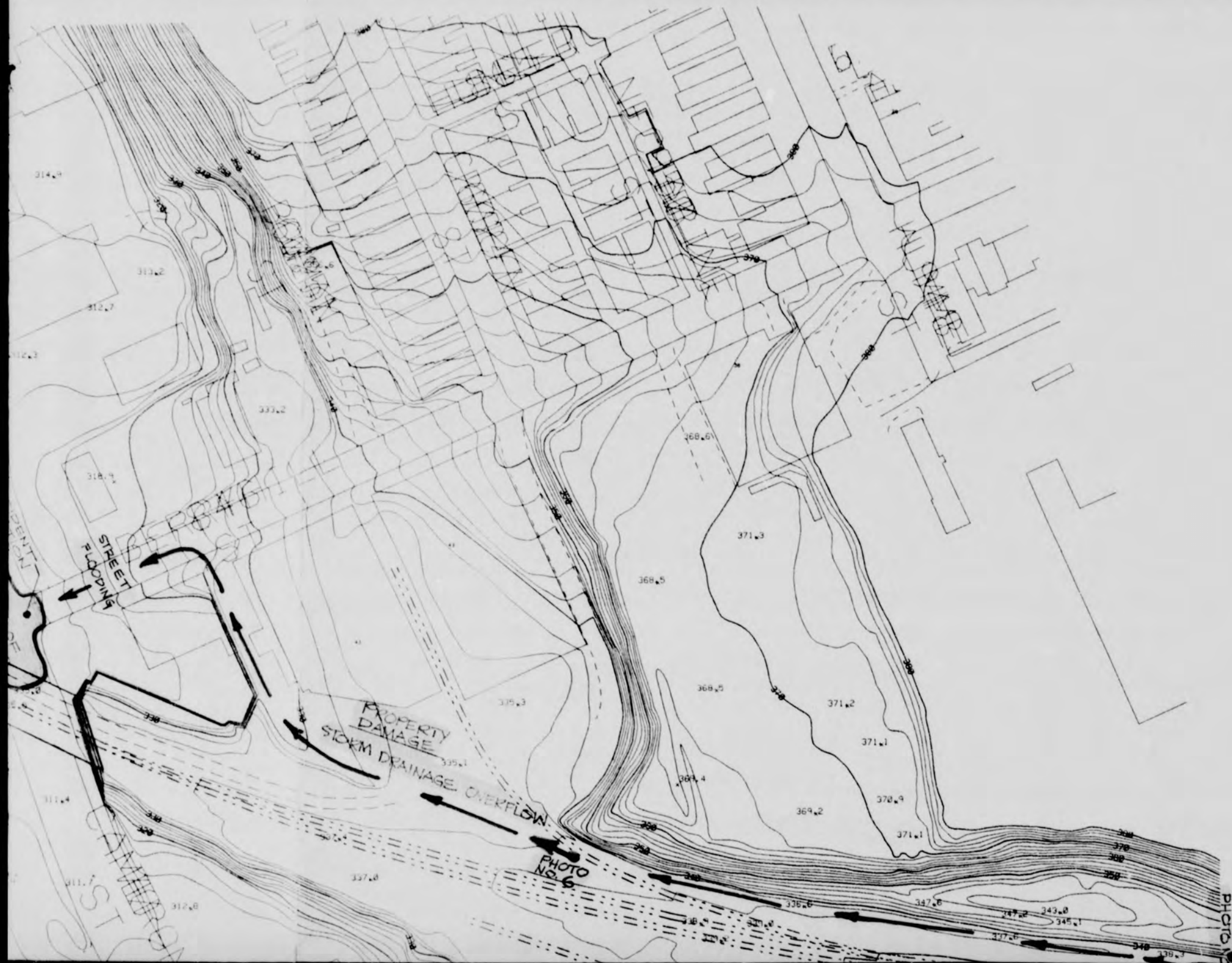
REPORTABLE ☒ NON-REPORTABLE ☐

**PERNDOT USE ONLY**

| POLICE INFORMATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |                                                                                                     |  | ACCIDENT TIME & LOCATION                                                                                     |  |                                                                                              |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------|--|
| 1. INCIDENT NUMBER<br>95-07-6187                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  | 2. AGENCY NAME<br>Harrisburg Police Bureau                                                          |  | 9. ACCIDENT DATE<br>16 Jul 95                                                                                |  | 10. DAY OF WEEK<br>Sun                                                                       |  |
| 3. STATION/ PRECINCT<br>Harrisburg                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  | 4. PATROL ZONE                                                                                      |  | 11. TIME OF DAY<br>0251 hrs                                                                                  |  | 12. NUMBER OF UNITS<br>2                                                                     |  |
| 5. INVESTIGATOR<br>Ptl. Kenneth A. Bittner                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  | BADGE NUMBER<br>165                                                                                 |  | 13. # KILLED<br>0                                                                                            |  | 14. # INJURED<br>2                                                                           |  |
| 6. APPROVED BY<br><i>Sgt. M. Butler</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  | BADGE NUMBER<br>512                                                                                 |  | 20. COUNTY<br>Dauphin                                                                                        |  | 15. PRIV. PROP. ACCIDENT<br>Y <input type="checkbox"/> N <input checked="" type="checkbox"/> |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                                                                                                     |  | 21. MUNICIPALITY<br>Harrisburg                                                                               |  | CODE<br>22                                                                                   |  |
| UNIT #:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |                                                                                                     |  | - COMPLETE ONLY THE INFORMATION THAT HAS CHANGED SINCE ORIGINAL REPORT                                       |  |                                                                                              |  |
| 36. LEGALLY PARKED<br>Y <input type="checkbox"/> N <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  | 37. REG. PLATE                                                                                      |  | 38. STATE                                                                                                    |  | 58. DRIVER NAME                                                                              |  |
| 39. PA TITLE OR OUT-OF-STATE VIN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |                                                                                                     |  | 59. DRIVER ADDRESS                                                                                           |  |                                                                                              |  |
| 40. OWNER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |                                                                                                     |  | 60. CITY, STATE & ZIPCODE                                                                                    |  |                                                                                              |  |
| 41. OWNER ADDRESS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                                                                                     |  | 61. SEX                                                                                                      |  | 62. DATE OF BIRTH                                                                            |  |
| 42. CITY, STATE & ZIPCODE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |                                                                                                     |  | 64. COMM VEH<br>Y <input type="checkbox"/> N <input type="checkbox"/>                                        |  | 65. DRIVER CLASS                                                                             |  |
| 43. YEAR                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  | 44. MAKE                                                                                            |  | 67. CARRIER                                                                                                  |  |                                                                                              |  |
| 45. MODEL (NOT BODY TYPE)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  | 46. INSURANCE<br>Y <input type="checkbox"/> N <input type="checkbox"/> UNK <input type="checkbox"/> |  | 68. CARRIER ADDRESS                                                                                          |  |                                                                                              |  |
| 47. BODY TYPE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  | 48. SPECIAL USAGE                                                                                   |  | 49. VEHICLE OWNERSHIP                                                                                        |  | 69. CITY, STATE & ZIPCODE                                                                    |  |
| 50. INITIAL IMPACT POINT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  | 51. VEHICLE STATUS                                                                                  |  | 52. TRAVEL SPEED                                                                                             |  | 70. USDOT #                                                                                  |  |
| 53. VEHICLE GRADIENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  | 54. DRIVER PRESENCE <input type="checkbox"/>                                                        |  | 55. DRIVER CONDITION                                                                                         |  | 72. VEHICLE CONFIG.                                                                          |  |
| 56. DRIVER NUMBER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  | 57. STATE                                                                                           |  | 75. NO. OF AXLES                                                                                             |  | 73. CARGO BODY TYPE                                                                          |  |
| 58. NARRATIVE - IDENTIFY PRECIPITATING EVENTS, CAUSATION FACTORS, SEQUENCE OF EVENTS, WITNESS STATEMENTS, AND PROVIDE ADDITIONAL DETAILS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |                                                                                                     |  | 76. HAZARDOUS MATERIALS                                                                                      |  |                                                                                              |  |
| 18 July 95 at 2115 hrs I interviewed Mr. Michael Yanishak of 403 Summit Rd. New Cumberland Pa 17070, ph#774-5933, by phone. He stated that on 16 July 95 at approx 0250 hrs he was standing under the railroad bridge at Cameron and Berryhill st on the west side-walk. His car was parked in the car wash parking lot. He was waiting for the storm to subside before going to his car. He heard sirens and when he looked up he saw a Hbg Fire Bureau truck coming west on Berryhill St. The truck had both its sirens and lights on. He stated that the truck was traveling at a slow rate of speed. As the truck got closer to Cameron St. it appeared to speed up. It did not stop but continued into the street. He never did see the other car until it was struck. He also stated that it was raining out very hard and the water running down Berryhill St was very heavy. He was watching the fire truck the whole time and did not see anyother traffic. |  |                                                                                                     |  | 77. RELEASE OF HAZ MAT<br>Y <input type="checkbox"/> N <input type="checkbox"/> UNK <input type="checkbox"/> |  |                                                                                              |  |
| INSURANCE INFORMATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  | COMPANY                                                                                             |  | 94. INVESTIGATION COMPLETE?                                                                                  |  |                                                                                              |  |
| UNIT NO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  | POLICY NO                                                                                           |  | YES <input type="checkbox"/> NO <input type="checkbox"/>                                                     |  |                                                                                              |  |







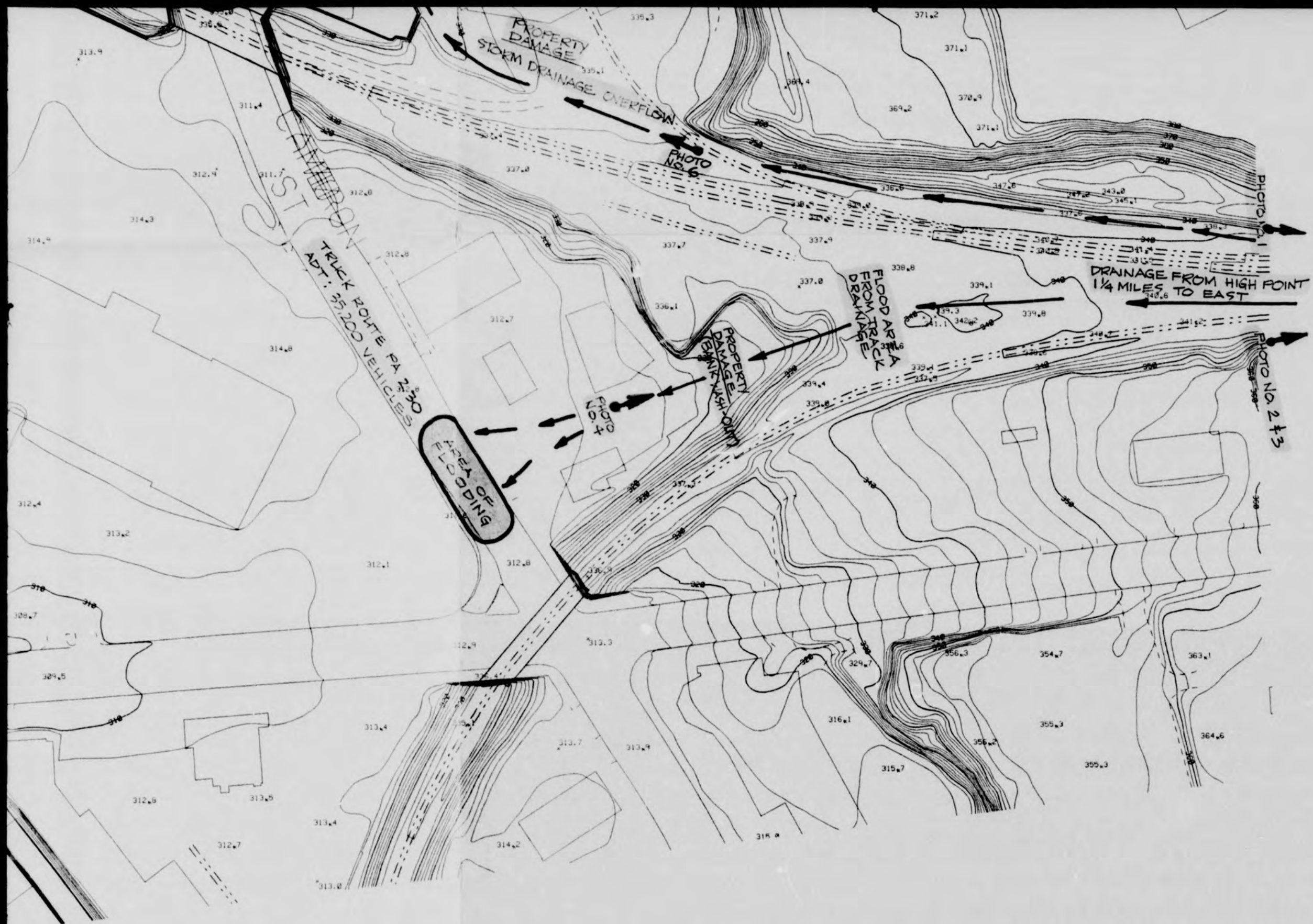




THE CITY OF HARRISBURG  
THE OFFICE OF THE CITY ENGINEER  
CONRAIL TRACKS - STORM DRAINAGE OVERFLOW  
DRAWN BY: K. HEBERLING  
DATE: JAN. 22, 1998  
CHECKED BY: J. LINKER  
SCALE: 1" = 100'-0"

SHEET  
SD-1

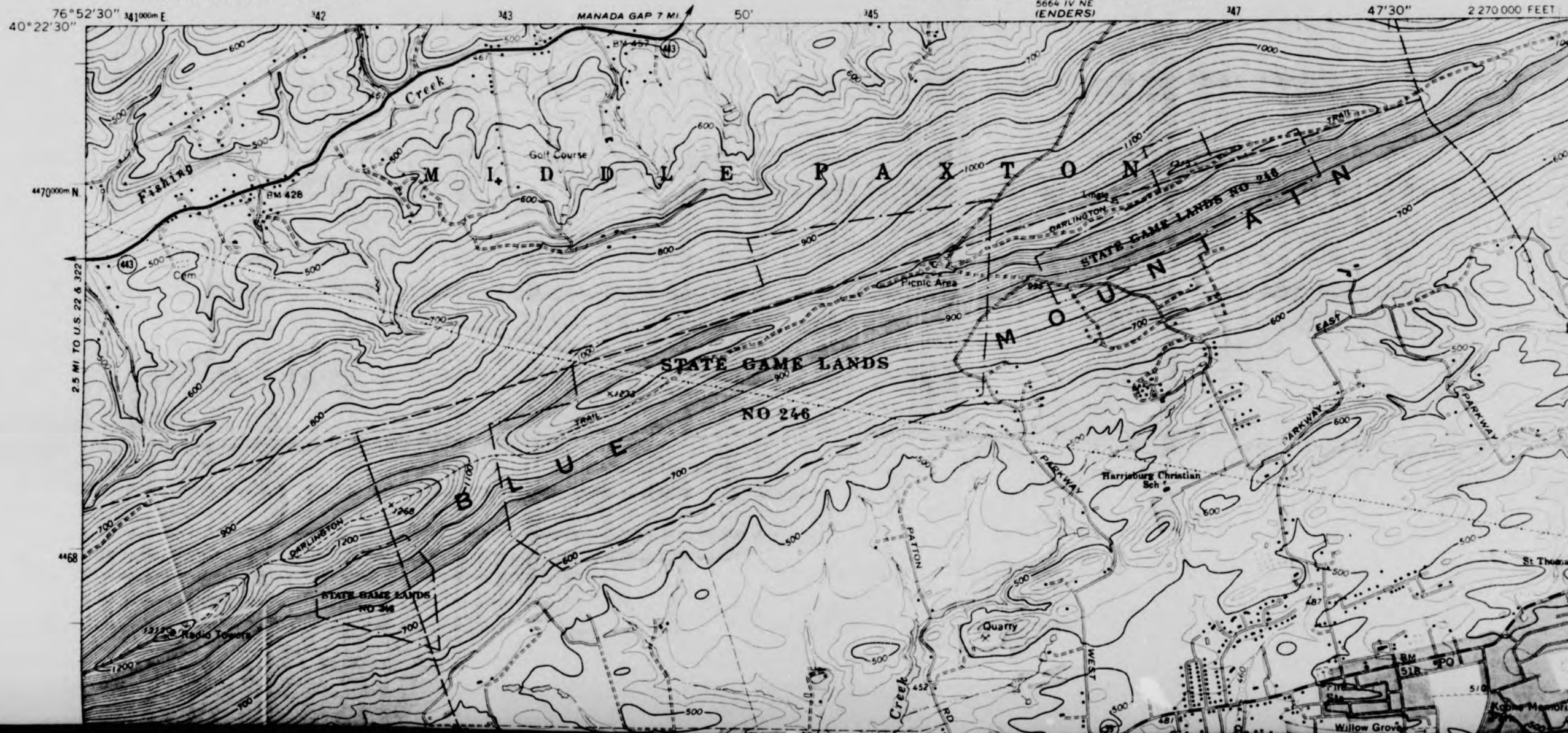






UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

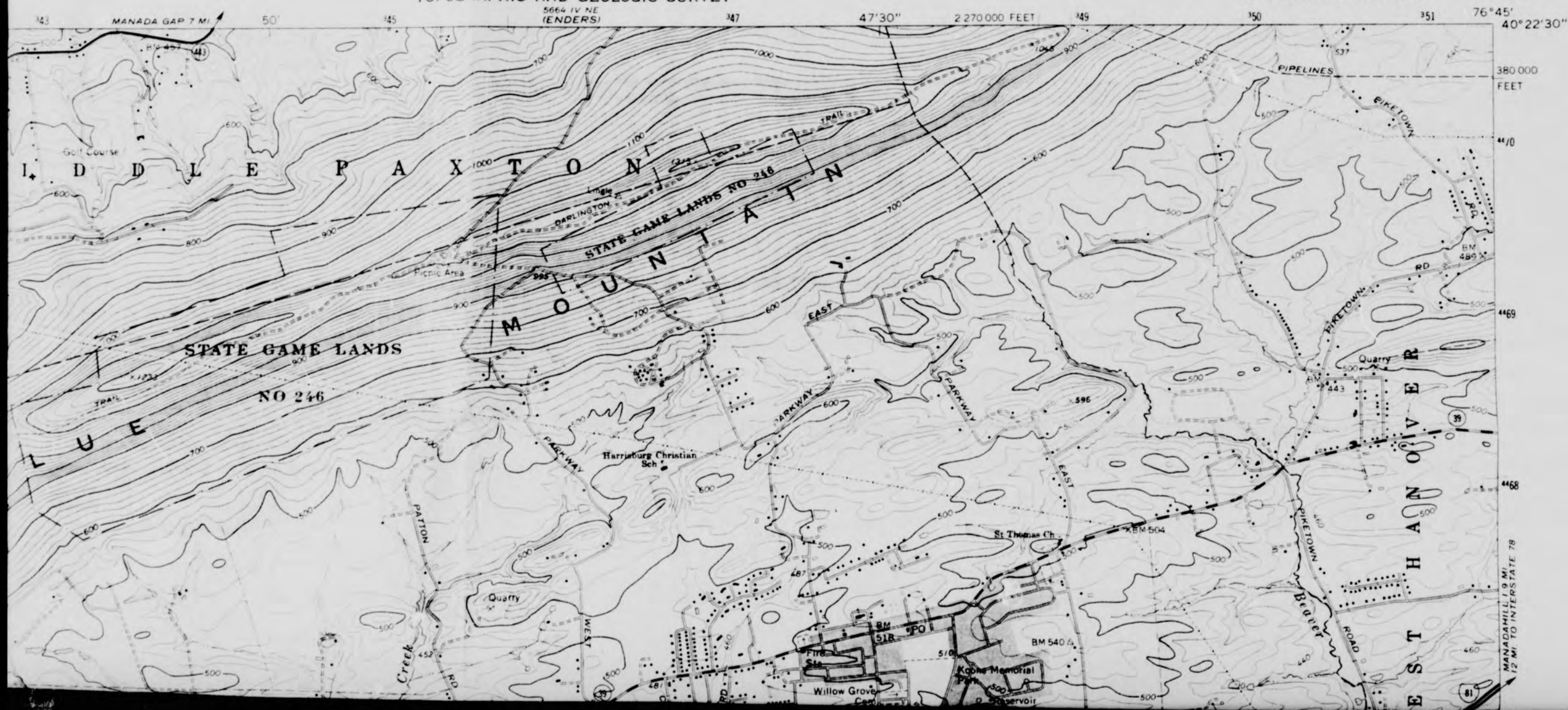
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
TOPOGRAPHIC AND GEOLOGIC SURVEY



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
TOPOGRAPHIC AND GEOLOGIC SURVEY

HARRISBURG EAST QUADRANGLE  
PENNSYLVANIA-DAUPHIN CO.  
7.5 MINUTE SERIES (TOPOGRAPHIC)  
SE 1/4 HARRISBURG 15 QUADRANGLE

5664 1 NW  
(GRANTVILLE)











22 M  
4464  
(HERSHEY)  
5664 1 SW  
4463  
17'30"  
4461  
4460  
4459





Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial

photographs taken 1968. Field checked 1969

Supersedes Army Map Service map dated 1947

Polyconic projection. 1927 North American datum

50,000-foot grid based on Pennsylvania coordinate system,

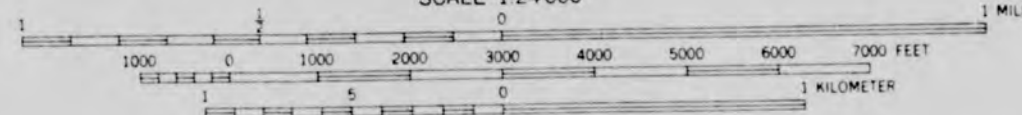
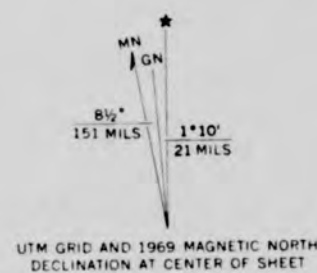
south zone

1000-meter Universal Transverse Mercator grid ticks,

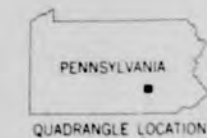
zone 18, shown in blue

Fine red dashed lines indicate selected fence and field lines where generally visible on aerial photographs. This information is unchecked

Red tint indicates areas in which only landmark buildings are shown



CONTOUR INTERVAL 20 FEET  
DATUM IS MEAN SEA LEVEL



THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS  
FOR SALE BY U. S. GEOLOGICAL SURVEY, WASHINGTON, D. C. 20242  
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST





Geological Survey

Scale 1:24,000

CONTOUR INTERVAL 20 FEET  
DATUM IS MEAN SEA LEVEL

ROAD CLASSIFICATION

|                                 |                                           |
|---------------------------------|-------------------------------------------|
| Primary highway, hard surface   | Light-duty road, hard or improved surface |
| Secondary highway, hard surface | Unimproved road                           |

Interstate Route U. S. Route State Route

HARRISBURG EAST, PA.  
SE/4 HARRISBURG 15' QUADRANGLE  
N4015—W7645/7.5

1969

AMS 5664 IV SE—SERIES V831

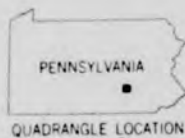
THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS  
FOR SALE BY U.S. GEOLOGICAL SURVEY, WASHINGTON, D. C. 20242  
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

CAMP HILL DISTRIBUTOR  
L. PATIO, JR.  
331 Market St., Lemayne, Pa.  
787 - 0101 787 - 2643





CONTOUR INTERVAL 20 FEET  
DATUM IS MEAN SEA LEVEL



#### ROAD CLASSIFICATION

Primary highway, hard surface ————  
Secondary highway, hard surface ————  
Light-duty road, hard or improved surface ————  
Unimproved road ————  
Interstate Route ———— U. S. Route ———— State Route ————

HARRISBURG EAST, PA.  
SE/4 HARRISBURG 15' QUADRANGLE  
N4015—W7645/7.5

1969

AMS 5664 IV SE—SERIES V831

CAMP HILL DISTRIBUTOR  
MARTIN L. H.  
381 Market St., Lemoyne, Pa.  
787 - 6131 787 - 2613

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS  
FOR SALE BY U. S. GEOLOGICAL SURVEY, WASHINGTON, D. C. 20242  
FOR DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

STB

FD

33388

1-30-98

K

CITIES



## ENVIRONMENTAL DOCUMENT



January 28, 1998

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



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

Re: Finance Docket No. 33388 - Draft Environmental Impact Statement (EIS) for the Proposed Acquisition of Conrail by Norfolk Southern Railroad and CSX Railroad.

Dear Ms. Kaiser:

Pursuant to your request, this office has reviewed the EIS document for the proposed acquisition of Conrail by NS and CSX Railroads. After a careful review of all documentation, we offer the following comments relative to the potential environmental impact that could result from the proposed Conrail acquisition.

Currently, both CSX and Conrail Railroads have rail line segments that run through the City of Dayton's delineated Well Field Protection Areas. The Well Field Protection Area is a geographically sensitive setting which overlies the sole source aquifer system that supplies the City's drinking water. A map is attached for your reference.

According to Volume 5A, Appendices B: Safety, Attachments B 3-5, Pg. 6 of 8 (in ea. section), certain post-acquisition conditions exist with regard to hazardous material transport and anticipated accident intervals which have the potential to increase the threat to the City's drinking water supply. The aforementioned attachments detailed many proposed increases in car loads and reportable mainline hazardous material releases, ranging from 16 to 58.7%. In addition, the proposed interval between train accidents per mile could increase by as much as 10 to 57%.

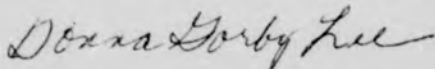
The post-acquisition changes noted in Volume 5A are of concern to the City of Dayton, because an increase in carloads of hazardous materials through the City's sensitive areas would create a heightened threat for potential releases in the Well Field Protection Areas. Furthermore, it should be noted that both CSX and Conrail have a history of accidental releases of hazardous materials within the City's Well Field Protection Areas. Although the sites where the releases occurred were properly cleaned up, railroad personnel responding to the releases had no prior knowledge about the Well Field Protection Areas or the importance of properly remediating the site.

A review of Volume 2, Safety and Integration Plans reveal that a comprehensive program exists for mitigating potential releases. However, specific training on mitigating contamination in groundwater sensitive areas, such as Dayton's Well Field Protection Areas was not noted. The ability to properly mitigate spills requires emergency response personnel to have a heightened level of preparedness. Proper training allows quick and responsive cleanup of sites before groundwater contamination occurs. Our office recommends that specific training be required and added to the Safety and Integration Plans which would cover how to handle chemical releases in groundwater sensitive areas for CSX and Norfolk employees that are responsible for responding to accidental releases in the Dayton area.

Based on the extensive outreach for public comments, our office is confident that the Surface Transportation Board's Section of Environmental Analysis will address the concerns noted above and evaluate the level of preparedness that would exist once the acquisition has taken place.

Thank you for your cooperation and consideration. If you have question concerning the above comments, please contact Donna Gorby-Lee, Environmental Manager at (937) 443-3725.

Sincerely,



Donna Gorby-Lee, Env. Manager  
City of Dayton, Department of Water

Attachment

cc: D. Hall



## DESIGNATED WELL FIELD PROTECTION AREA

- |                         |                 |
|-------------------------|-----------------|
| ■ DAYTON                | □ VANDALIA      |
| ▣ WRIGHT PATTERSON AFB  | ▣ HARRISON TWP. |
| ▣ HUBER HEIGHTS         | ■ RIVERSIDE     |
| ▬ CAPTURE AREA BOUNDARY |                 |

STB

FD

33388

1-30-98

K

CITIES

# VILLAGE OF NEW LONDON

"Tree City"

115 East Main Street  
New London, Ohio 44851-1292  
(419) 929-4091  
Fax (419) 929-0738



January 15, 1998

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

**ENVIRONMENTAL  
DOCUMENT**

Dear Ms. Kaiser:

I am taking this opportunity to make our concerns known concerning the proposed merger of the rail lines that go through our village.

The main concern is for the safety and welfare of the residents of the village. Our safety services, except the police department, are all volunteers. Thus, the fire department and EMS are going to be greatly impaired with an additional 50 trains passing through the village on a daily basis. We cannot have these services on both sides of the tracks for obvious reasons of lack of funding and personnel.

Our Village Council, Village Administrator and I have discussed this situation and have come to a conclusion that an underpass must be considered to allow these emergency vehicles access to the residents and territories they serve.

We know the solution will not be easy, but at the same time mandatory. We have no funds at the present time or in the future to make our needs a reality. Your help with this project is needed. I am looking forward to working with your department in this urgent matter.

Respectfully,

Dorothy Sholes, Mayor  
Village of New London  
115 East Main St.  
New London, Ohio 44851

**NL**



recycled paper



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33388

1-30-98

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CITIES

**BOARD OF COUNTY  
COMMISSIONERS**

Terry Boose  
Larry Silcox  
Karen Wilhelm

**ENVIRONMENTAL**

January 19, 1998 **DOCUMENT**



180 Milan Avenue  
Norwalk, Ohio 44857-1195  
Telephone (419) 668-3092  
FAX (419) 663-3370

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



After the review of the draft environmental impact study, we would like to submit the following:

We are asking you to consider safety concerns in your decision making process. Please note items I and II are life threatening to the residents of southern Huron County, Ohio.

I) Public Safety Concerns -- 9-1-1 calls, a house fire with residents trapped inside; a student at South Central High School involved in a multi car accident leaving the school; an armed robbery in progress; or even a cardiac arrest -- How do we explain we can't respond because the railroad crossings are blocked? Please do not ask us to put children's lives, along with many others, in jeopardy.

We are meeting with CSX officials regarding three major access routes for public safety responders in Greenwich, Willard, and New London. We have reached an agreement for the Greenwich area with a grade separation replacing two grade crossings. The special signals on U.S. Route 224 and Townsend Avenue crossing may not assure access by public safety forces as stated above. This can only be resolved by grade separations.

However, Willard and New London public safety access has not been addressed to meet our concerns for saving lives and property. As a result of the Willard yard expansion Section Line 30 will change from two tracks to five sets of tracks and becomes part of the CSX yard expansion plan, this will create the very real potential for an accident causing release of hazards materials. The need for an overpass in Willard at Section Line 30 is a major safety issue for the entire area. CSX has agreed to participate financially in an overpass, but no dollar amount has been agreed upon. CSX's engineer stated that this major overpass will cost between 4 and 5 million dollars, we do not have the funding to even participate in the building of the overpass to correct CSX's crossing blockages, and feel they should pay 100%.

Environmental Review Comments

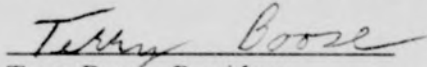
New London will be split in half with all safety forces on the south side of CSX/Conrail tracks. We must have one unobstructed access to provide public safety. We have asked CSX to provide an underpass at Euclid Road, New London, Ohio, with no answer as of yet. With the increase in projected trains per day this is a life threatening situation.

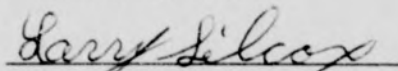
- II) Huron County will see an increase of hazardous materials car loads from 16,000 per year to a projection of 69,000 car loads per year due to CSX and Conrail's east, west, north, and south lines coming through Huron County. This is an extremely high exposure to possible hazardous materials and a real threat to our lives and environment. We need help from CSX for response planning, training, and exercise/drills. We also need additional hazmat response equipment to be prepared.
- III) Water runoff, culverts, bridges and farm tiles must be addressed for additional capacity to avoid flooding.
- IV) Private grade crossing to avoid loss of access to farm fields must be offered to those farmers affected.
- V) Dust, noise, and vibrations will lead to decreased property values along railroad routes: How do we compensate property owners?

We still have unresolved safety issues, which have not been addressed. These must be resolved for the protection of our residents! We ask you to make our safety concerns a condition of the proposed merger.

Sincerely,

BOARD OF HURON COUNTY COMMISSIONERS

  
Terry Boose, President

  
Larry Silcox, Vice President

---

Karen Wilhelm

Attention: Elaine K. Kaiser  
Environmental Project Director  
Environmental Filing

STB

FD

33388

1-30-98

K

CITIES





## The City of Lynchburg, Virginia

CITY HALL, LYNCHBURG, VIRGINIA 24505 • (804) 847-1443  
FAX • (804) 847-1536

### ENVIRONMENTAL DOCUMENT

OFFICE OF THE  
CITY MANAGER

January 29, 1998

#### **BY FEDERAL EXPRESS**

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



Attention: Ms. Elaine K. Kaiser  
Environmental Projector Director  
Section of Environmental Analysis

Re: Draft Environmental Impact Statement  
for the Proposed Conrail Acquisition

Dear Ms. Kaiser:

The City of Lynchburg appreciates the opportunity to comment on the Draft Environmental Impact Statement ("EIS") relating to the proposed Conrail acquisition.

The City is particularly interested in the potential impact of the proposed Conrail acquisition because rail transportation is vital to our region. Unlike most regions of its size, the Lynchburg area is not served by an interstate highway. Therefore, the region is heavily dependent on both the Norfolk Southern and CSX rail lines for its transportation needs. **We would strongly oppose any aspect of the proposed merger that would lead to reduced rail traffic through Lynchburg.**

Although we have carefully reviewed the draft EIS, we have not been able to conclude with certainty that the proposed merger will not adversely affect rail service to Lynchburg. The draft EIS's narrative discussion of the proposed acquisition suggests that the Lynchburg area will not be affected. However, the "Emissions Changes for Rail Yards" chart at Attachment E-5 of Appendix E indicates that



International  
City  
Management  
Association

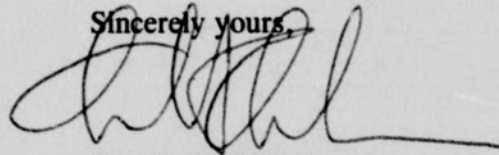
Ms. Elaine K. Kaiser  
January 29, 1998  
Page 2

the acquisition would lead to a substantial reduction in rail cars traveling through Lynchburg. (See, the sixth column, "Activity Change" and reference to a 3,402 rail car reduction).

We request a clarification regarding the impact of the proposed acquisition on rail service to Lynchburg before the EIS is finalized. Again, we would be opposed to the acquisition if it would lead to reduced rail traffic through Lynchburg.

If you have any questions about the above, please feel free to contact me or Terry Reid at (804) 847-1360. Thank you again for the opportunity to comment. I look forward to your response.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Charles F. Church', with a long horizontal flourish extending to the right.

Charles F. Church  
City Manager

STB

FD

33388

1-29-98

K

BUSINESS



**SURFACE TRANSPORTATION BOARD**  
Washington, DC 20423

*Section of Environmental Analysis*

January 29, 1998

**ENVIRONMENTAL  
DOCUMENT**

Brenda Lee Richardson  
Consultant  
Women Like Us  
3008 24th Place, S.E.  
Washington, DC 20020

Re: Finance Docket No. 33388: CSX and NS -- Control and Acquisition --  
Conrail: Request for Community Meeting

Dear Ms. Richardson:

Thank you for submitting your comments on the Draft Environmental Impact Statement (Draft EIS) for the Proposed Conrail Acquisition. The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) prepared the Draft EIS to address the potential environmental effects of the Proposed Conrail Acquisition and to propose possible measures to mitigate those effects where appropriate.

SEA appreciates the level of interest in your community and your request for a public meeting. Due to the large number of potentially affected communities, SEA's public participation process is designed to provide opportunity for information exchange through written comments and responses in the Final EIS. SEA will review your comments and incorporate them into the Final EIS. The Final EIS will include SEA's final recommendations to the Board on possible mitigation measures to address the potential environmental effects of the Proposed Conrail Acquisition.

SEA plans to issue the Final EIS in late-May 1998. The Board intends to issue its final written decision on July 23, 1998. In making its final decision on the Proposed Conrail Acquisition, the Board will consider the entire environmental record, including the Draft EIS, the Final EIS, and all public comments.

Thank you for your interest in the Proposed Conrail Acquisition. If you have any further questions, please contact SEA's toll-free Environmental Hotline at 1-888-869-1997.

Sincerely yours,

Elaine K. Kaiser  
Environmental Project Director  
Section of Environmental Analysis



STB

FD

33388

1-29-98

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BUSINESS



**SURFACE TRANSPORTATION BOARD**  
**Washington, DC 20423**

*Section of Environmental Analysis*

SENT VIA FACSIMILE

January 29, 1998

**ENVIRONMENTAL  
DOCUMENT**

Reverend Charles J. Matthews  
Reverend David Wheeler  
United WE-CAN!, B.O.L.D., and United Pastors in Mission  
c/o Faith-Based Organizing for Northeast Ohio  
2700 E. 79<sup>th</sup> Street  
Cleveland, OH 44104

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

Dear Reverends:

Thank you for your January 28, 1998 letter requesting an extension of time to file comments regarding the Draft Environmental Impact Statement (Draft EIS) for the Proposed Conrail Acquisition. The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) prepared the Draft EIS to address the potential environmental effects of the Proposed Conrail Acquisition and to propose possible measures to mitigate those effects.

SEA recognizes the complexity of issues facing Greater Cleveland and appreciates your request for an extension of the 45-day public review and comment period. The 45-day public review and comment period provided by SEA for the Draft EIS is required by the Council on Environmental Quality's regulations implementing the National Environmental Policy Act. Consistent with this requirement, SEA established February 2, 1998 as the due date for public comments on the environmental analysis, potential environmental impacts, and preliminary recommended mitigation in the Draft EIS.

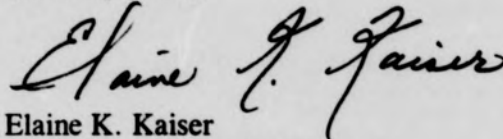
SEA commends your efforts to forge a consensus among the various interests in the region and to pursue a Regional Rail Summit and other efforts to reach agreement with Norfolk Southern and CSX (Applicants). SEA encourages you to consult directly with the Applicants to develop a mutually acceptable, binding agreement to address the potential environmental effects of the proposed project. Also, SEA continues to encourage the Applicants to work with the communities in Greater Cleveland to develop such agreements.

SEA welcomes private/public negotiated solutions. I want to assure you that if a timely negotiated agreement is reached, SEA will include such an agreement in the Final EIS. Under such circumstances, SEA generally would recommend that, if the Board approves the Proposed Conrail Acquisition, it also impose a condition requiring the Applicants to comply with the terms of the negotiated agreement. SEA plans to issue the Final EIS in late May 1998.

In making its final decision on the Proposed Conrail Acquisition, the Board will consider the entire environmental record, including the Draft EIS, the Final EIS, all public comments, and any agreements reached between the Applicants and affected communities. The Board will hold an open voting conference on the Proposed Conrail Acquisition on June 8, 1998, and the Board intends to issue its final written decision on July 23, 1998.

Thank you for your interest and we look forward to your continued participation. If you have any further questions, please contact me at (202) 565-1538 or Michael Dalton, Environmental Project Manager at (202) 565-1530.

Sincerely yours,

A handwritten signature in cursive script, reading "Elaine K. Kaiser". The signature is written in dark ink and is positioned above the printed name and title.

Elaine K. Kaiser  
Environmental Project Director  
Section of Environmental Analysis

STB

FD

33388

1-28-98

K

CITIES



CITY OF ROCKY MOUNT



January 22, 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

**ENVIRONMENTAL  
DOCUMENT**

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

Dear Ms. Kaiser:

We have received the draft Environmental Impact Statement for the proposed acquisition of Conrail by Norfolk-Southern Railroad and CSX Railroad. We have the following concerns that we would like to have addressed in considering this acquisition:

1. Long Delays at Downtown Crossings

For many years now, we have been concerned about the length of time required for freight trains to clear the crossings in the central business district of the City of Rocky Mount. These crossings are known locally as East Grand, Goldleaf, Thomas, Sunset-Tarboro, Hill-Western, Nash-Marigold, and Bassett. The north bound freights clear these crossings in a reasonable time period, but the southbound freights slow to a crawl as the trains enter the yard on the south end of town. We have tried without success to encourage CSX to make whatever improvements are required on the south end so that southbound trains could clear the downtown crossings more timely. According to the Environmental Impact Statement, the merger will increase the number of freight trains significantly and we believe this increase will exacerbate this long-standing concern over long delays at these rail crossings.

The long delays at these rail crossings are of concern for these reasons:



- a) The City of Rocky Mount's population of 58,000 is split by the railroad tracks in the ratio of one-third to two-thirds. Long delays at crossings result in delayed public safety (police, fire and rescue) response to calls for help as public safety vehicles must take "the long way around" to get to the scene of the call.
- b) The City operates a fixed route bus transportation service. Long delays at crossings disrupt the service schedule which adversely affects the reliability of the public transit service.
- c) Like many cities in North Carolina and in the US, Rocky Mount's central business district has sustained the loss of retail business to the suburban malls and shopping centers. Our efforts to revitalize the central business district are made difficult by the phenomenon of long delays at crossings. Increased delays will increase this difficulty as existing and prospective business operators realize that the railroad is a barrier to customers. It is important to realize that the CSX main line bisects Main Street.

Rocky Mount has a very limited number of separated crossings available as alternative routes for public safety, public transit, and general motorists. The Raleigh Road (Highway 97) overpass is considered adequate. However, the Sutton Road underpass and the Riverside Drive underpass are completely inadequate as they are remotely situated and will handle only automobiles and pickup trucks. The Sutton Road tunnel floods out very frequently and will accommodate only one lane in one direction at a time. We have engaged a traffic engineering consulting firm to study alternative locations for separated crossings and we hope that the post acquisition railroad will cooperate with us in accomplishing whatever crossing improvements we pursue following the completion of our consultant's work.

## 2. Hazardous Materials

Appendix A-1 of the environmental impact study indicates a significant increase in the number of cars and number of tons of hazardous materials through Rocky Mount (Segments C-334 and C-335). We have been fortunate not to have had an accident in the central business district, but the increase that will result from the acquisition is of great concern to us.

3. Passenger Rail Safety

Table 5-2 (pages 5-31) indicates an expected increase in the number or frequency of passenger train accidents in our area (Segment C-334). We are greatly concerned about this as we have been working to upgrade our AMTRAK passenger station so that travel by train will become more attractive as a mode of transportation. The passenger station at Rocky Mount boards and debords approximately 50,000 passengers per year from our area.

Related to this concern is the effect of increased freight traffic on AMTRAK schedules. Passengers frequently complain about late trains. Reliability of service is important to the attractiveness of AMTRAK as a mode of transportation and we believe that increased freight traffic will exacerbate the problem of unreliability of scheduled service.

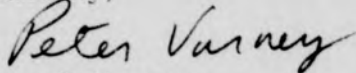
4. Crossing Safety

For several years, we have experienced problems with the gates at the downtown crossings going down randomly with no train in sight. We have kept data on this situation and a summary is enclosed.

This mysterious and random activation of the crossing gates results in anger and frustration by motorists and we believe the reduced respect for the protection equipment increases the frequency of "gate-running." We are greatly concerned about crossing safety and reliability of equipment is important to maintain respect for safety measures. We have expressed our concern to CSX about this, but the random gate activation continues year after year. We would like to have this situation addressed before you allow the acquisition to proceed.

We appreciate the opportunity to comment on the Environmental Impact Statement and we hope you will give our concerns serious consideration.

Sincerely,



Peter F. Varney  
Assistant City Manager

wea

Enclosure

c Lyman Cooper, CSX Transportation  
Paul Worley, NCDOT

**CITY OF ROCKY MOUNT, NORTH CAROLINA  
SUMMARY OF DATES, TIMES, AND LOCATIONS  
WHEN THE GATES DROP AND NO TRAIN IS COMING**

| <b>DATE</b> | <b>TIME (HRS)</b> | <b>STREET CROSSING</b> |
|-------------|-------------------|------------------------|
| 1-23-95     | 0319              | MAIN & HILL            |
| 1-27-95     | 0700              | MAIN & NASH            |
| 8-14-95     | 1600              | PENDER & SOUTH         |
| 4-10-95     | 0720              | MAIN & HILL            |
| 1-7-96      | 1011              | MAIN & GOLDLEAF        |
| 2-9-96      | 0315              | MAIN & SUNSET          |
| 3-10-96     | 1640              | MAIN & TARBORO         |
| 6-4-96      | 2123              | BASSETT                |
| 7-12-96     | 1318              | FAIRVIEW & DENTON      |
| 7-12-96     | 2022              | MAIN & WESTERN         |
| 9-10-96     | 1625              | MAIN & TARBORO         |
| 9-11-96     | 0644              | MAIN & SUNSET          |
| 9-11-96     | 0805              | MAIN & SUNSET          |
| 9-11-96     | 0834              | MAIN & SUNSET          |
| 11-1-96     | 1624              | E. GRAND               |
| 1-7-97      | 1906              | E. GRAND               |
| 1-11-97     | 0715              | E. GRAND               |
| 1-28-97     | 0810              | MAIN & SUNSET          |
| 1-29-97     | 1546              | MAIN & SUNSET          |
| 2-13-97     | 1025              | MAIN & SUNSET          |
| 2-13-97     | 1041              | BASSETT STREET         |
| 3-9-97      | 1624              | E. GRAND               |
| 3-9-97      | 1726              | E. GRAND               |
| 3-22-97     | 1654              | E. GRAND               |
| 3-24-97     | 1106              | ALL CROSSINGS DOWNTOWN |
| 5-21-97     | 1028              | MAIN & WESTERN         |
| 6-2-97      | 1207              | MAIN & GOLDLEAF        |
| 6-10-97     | 1428              | E. GRAND               |
| 6-10-97     | 1440              | E. GRAND               |
| 6-19-97     | 1812              | BASSETT                |
| 7-15-97     | 1303              | BASSETT                |
| 7-22-97     | 1330              | BASSETT                |
| 8-13-97     | 1228              | BASSETT                |
| 9-5-97      | 1221              | MAIN & HILL            |
| 9-12-97     | 1727              | BRANCH                 |
| 9-23-97     | 1155              | MAIN ST. (BATTLEBORO)  |
| 9-23-97     | 1239              | MAIN ST. (BATTLEBORO)  |
| 9-23-97     | 1620              | MAIN & NASH            |
| 12-29-97    | 0525              | PENDER STREET          |