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April 27, 1998
216 Jones St.
Wellington, OH 44090

Dear Ms. Kaiser,

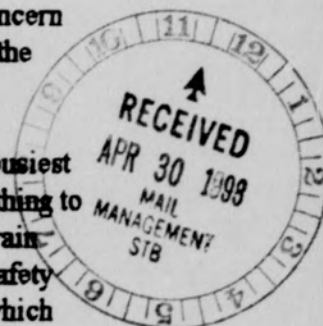
I am a resident of Wellington, Ohio and am writing you to express my concern about how my village will be adversely affected by the increased train traffic if the CSX/Conrail merger goes through.

According to a CSX representative, the crossings in Wellington are the busiest along the proposed new route on which we are located. Yet CSX plans to do nothing to alleviate the traffic problems we will incur when we have a 400% increase in train traffic. We need a grade separation, probably in the form of an underpass. Our safety and the safety of our children is at stake. We have a volunteer fire department, which would be greatly hampered in responding to emergencies with the increased train traffic. We have schools on both sides of the tracks and buses which already have trouble getting across the tracks to get the children to school and back home on time.

Please, as the only agency with the authority to require CSX to build a grade separation, I ask you on behalf of our town to help us.

Sincerely,

Eric + Cathy Ceppman



STB

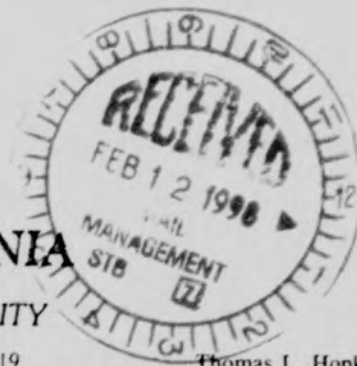
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COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

James S. Gilmore, III
Governor

Street Address: 629 E. Main Street, Richmond, Virginia 23219

Mailing Address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

<http://www.deq.state.va.us>

Thomas L. Hopkins
Director

John Paul Woodley, Jr.
Secretary of Natural Resources

(804) 698-4000
1-800-592-5482

February 6, 1998

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

Attention: Elaine K. Kaiser
Environmental Project Director
Environmental Filing

RE: Draft Environmental Impact Statement on Proposed Conrail
Acquisition

Dear Ms. Kaiser:

The Department of Environmental Quality (DEQ) is responsible for coordinating Virginia's review of federal environmental documents and responding to the appropriate officials on behalf of the Commonwealth. In this instance; however, the DEIS was not distributed by DEQ, but was sent directly to the appropriate agencies by the proponent. The Commonwealth of Virginia Agencies may respond directly. The following are the comments of DEQ.

The proposed project is the resulting operations of the assets of the acquisition of Conrail by CSX and Norfolk Southern (NS). Under the proposal, the existing CSX and NS systems would be expanded and would substitute two competing railroads for the existing Conrail system in the Northeast (including Virginia) and upper Midwest.

The DEQ offers the following comments and recommendations:

1. **Air Quality.** DEQ's Office of Air Data Analysis offers the following comments:

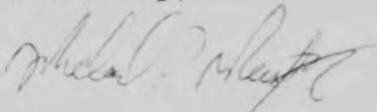
- The rerouting and realignment of freight train operations in Virginia by the CSX and NS railroads are anticipated to pose a noticeable air quality impact locally and regionally within Virginia;
- A demonstration of conformity to the State Implementation Plan (SIP) is required of a federal action occurring in an ozone nonattainment area (Clean Air Act Amendments of 1990, Section 176(c), 40 CFR, Parts 6, 51 and 93) regardless of the screening criteria established for this DEIS; and
- For specific details please refer to the attached February 6, 1998, memo from Dona Huang.

Please continue to work with Dona Huang, DEQ's Office of Air Data Analysis, concerning the demonstration of conformity. She can be reached at (804) 698-4405.

2. Federal Consistency Certification. Pursuant to the Coastal Zone Management Act of 1972, as amended, the proposed activities must be operated and constructed in a manner which is consistent with the Virginia Coastal Resources Management Program (VCRMP). In this regard, the proponents must receive all applicable permits and approvals listed under the Enforceable Programs of the VCRMP (Attached).

Thank you for the opportunity to comment on the DEIS for the proposed activity. The comments of the reviewing agency are attached for your review and consideration.

Sincerely,



Michael P. Murphy
Customer Service Director

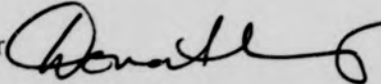
Attachments

cc: Dona Huang, DEQ-Air
Curt Linderman, DEQ-PRO
Sheri Kattan, DEQ-TRO
Al Laubscher, DEQ-NRO

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF AIR DATA ANALYSIS

MEMORANDUM

TO: Thomas Felvey, Office of Environmental Impact Review

FROM: Dona Huang, Senior Environmental Engineer 

SUBJECT: Draft Environmental Impact Statement on the Proposed Conrail Acquisition

DATE: February 6, 1998

Thank you for the opportunity to review the referenced subject. The Office of Air Data Analysis would like to make several comments regarding the project.

1. The rerouting and realignment of freight train operations in Virginia, by the CSX and Norfolk Southern (NS) railroads as a result of the joint acquisition of Conrail services, are anticipated to pose a noticeable air quality impact locally and regionally within Virginia. Therefore the impact must be addressed on two tiers. The significant portion of the impact, as defined by the study, occurs along two state designated Class 1 areas and a federally designated serious ozone nonattainment area.
2. For the regional level analysis, the jurisdictions bordering or containing the Class 1 areas should be addressed as one region in order to capture the overall benefits and disbenefits of the project to the Class 1 areas. The issues of haze, ozone, acid rain deposition and nitrogen oxides affecting the Class 1 areas are not restricted geographically to jurisdictions proximal to the Class 1 areas. Transport processes, and the formation of ozone and acid rain occurring upwind from the impacted areas must be considered. Therefore, the evaluation of emissions saved from truck diversions should be accounted for on a regional level and not on the jurisdictional level where interstate highways such as I-81 are located for truck diversion analysis.
3. However on the local level, where rail segments come within 10 Km of a Class 1 area, consideration should be made to minimize at-grade crossing delay, noise, and fugitive emissions to avoid impacting local air quality and vista. As project sponsor is aware, the prevention of significant deterioration (PSD) standard for a stationary source located within 10 Km of a Class 1 area is equal to or greater than one microgram per cubic meter (1 ug/m^3) per 24 hour period.
4. Emission impact to jurisdictions located in the northern Virginia serious ozone

nonattainment area should be evaluated together as a region. A demonstration of conformity to the State Implementation Plan (SIP) is required of a federal action occurring in an ozone nonattainment area (Clean Air Act Amendments of 1990, Sect. 176(c); 40 CFR, Parts 6, 51, and 93) regardless of the screening criteria established for this EIS. Any netting of emission impact should include benefits and disbenefits from rail operation, truck diversion, vehicular at-grade crossing delay, intermodal/terminal operation, railyard operation, impact to passenger rail services and ridership capacity, etc.

5. Because of the nature of the impact from the proposed project to the transportation community, it is important that the emission benefits from truck VMT removal and emission disbenefits from at-grade crossing delay be related to the metropolitan planning organization (MPO) for the area. The information should be shared with the MPO to facilitate the regional transportation conformity determination. It should be noted that the transportation aspect of a federal action must be found conforming by the transportation conformity determination process (40 CFR 51.853(a)).

6. For the local level impact, a localized hot-spot analysis should be performed for areas experiencing additional at-grade crossing delay and for intermodal or railyard facilities experiencing additional operation.

7. It is also necessary to re-evaluate the emissions from rail operations occurring in the Richmond and the Hampton Roads ozone maintenance areas under the general conformity context regardless of this EIS screening criteria.

8. Please explain why the impact to the port activities in Hampton Roads was below the screening threshold when in fact Sect. 5-VA.2 indicated that the "...Monogahela coal fields of western Pennsylvania would add another source of coal traffic for the CSX-served export docks at Newport News, and NS-served export docks at Norfolk."

9. With respect to the emission analyses on vehicular at-grade crossing delay, this office would like to suggest strengthening the analyses to reflect delay experienced during the summer ozone peak-hour period. The various delay indicators were evaluated as an annual daily average occurrence. On the local level, during favorable ozone forming summer conditions, even an acceptable increase in vehicular delay (according to the study) at an at-grade crossing may contribute to the already aggravated air quality condition. Furthermore, in our scoping comments, we indicated that certain at-grade crossings at the Prince Williams County and Manassas City have already experienced unacceptable congestion and delay during the peak commuting hours due to train crossings, and the Virginia Department of Transportation has begun looking into possible solutions to this problem. How are the existing unacceptable crossing delays incorporated into and reflected in this study?

10. Please explain the rationale and mathematical equation used in the estimation of the "Average Delay for All Vehicles" in page C-13. Based on the equation, the units do not work out correctly. Please explain the use of conversion factor "24" - number of hours per day to be divided by conversion factor "1440" - number of minutes per day. Please explain why the

spreadsheet exhibited in Table 5-VA-7 contains units for "Average Delay per Vehicle (All Vehicles)" as "sec/veh" whereas the aforementioned equation provides units of "min/veh".

11. Please explain why the mathematical equation used to evaluate the "Number of Vehicles Delayed Per Day" did not incorporate the same assumptions used by the "Maximum Vehicle Queue" equation to address peak-hour traffic.

12. Please explain the derivation of factor "0.0833" in the "Average Delay for All Vehicles" equation and how peak-hour traffic was weighted.

13. The Department would like to suggest that the train speed and train length data used in the at-grade crossing studies be reflective of the peak-hour traffic scenario. This refers the average train speed and length at the at-grade crossing encountered during peak hours. Our experience with certain local crossings suggests that the train speed and length commuting encountered during peak-commuting hours were much slower and longer, respectively.

14. As indicated in Table 4-17, there are additional NS and CSX estimated truck diversion emissions occurring in jurisdictions not included in the netting analyses as well as jurisdictions affected by truck diversion. Therefore, the net adjusted state total for Virginia is a reduction of 647 tons per year of NO_x vs. a gain of 800 tons per year from the netting analyses. Unfortunately, the adjusted state total did not include NO_x growth from jurisdictions that were determined to be below the screening threshold. It would be beneficial to prepare a summary table of NO_x emissions from all jurisdictions affected by this project.

15. Based on the argument above, Table 4-17 is not a comprehensive summary of estimated NO_x emissions changes in the Northeast Ozone Transport Region (OTR).

16. Please provide the CSX and NS truck diversion data (if possible, by jurisdiction) for our information and emission inventory tracking purposes. As indicated in the document, there is potential double counting of truck diversion by CSX and NS, please provide some information on the magnitude of this potential.

If you or the project sponsor has any questions regarding these comments, please feel free to call me at (804) 698-4405.

cc: Kirit Chaudhari, Director, Office of Air Data Analysis
Mike Clifford, MWCOG Transportation Office
Dan Lysey, RRPDC, Director of Transportation Planning
Joe Vinsh, CRPDC, Transportation Planning
Dwight Farmer, HRRPDC, Transportation Planning
Greg Clayton, Director, DEQ Northern Regional Office
Bradley Chewing, Director, DEQ Valley Regional Office
Tom Henderson, Director, DEQ West Central Regional Office

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FD-33388

2-11-98

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DEPARTMENT OF TRANSPORTATION

1890 County Services Parkway,
formerly known as County Farm Road
Marietta, Georgia 30060-4014

Phone: (770) 528-1600 Fax: (770) 528-1601



February 5, 1998

ENVIRONMENTAL DOCUMENT

Office of the Secretary
Case Control Unit
STB Finance Docket No. 33388
Surface Transportation Board
1925 K Street, NW
Washington DC 2043-0001

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

Subject: Finance Docket No. 33388 -- CSX and Norfolk Southern -- Conrail:
Draft Environmental Impact Statement

The Cobb County Department of Transportation (Cobb DOT) has reviewed the documentation regarding the Draft Environmental Impact Statement for the Proposed Acquisition of Conrail by Norfolk Southern Railroad and CSX Railroad. Even though the information presented in all five volumes were perused, the following comments are referenced to Volume 3A, Chapter 5: State Settings, Impacts and Proposed Mitigation, Introduction, Alabama to Missouri, specifically Section 5-GA GEORGIA 1997.

5-GA.5 GEORGIA SAFETY: RAIL TRANSPORT OF HAZARDOUS MATERIALS

This section evaluated the increase of potential effects to trains transporting hazardous material, however, insufficient data existed for reviewing the evaluation of the increase in accident potential at rail/highway crossings for trucks transporting hazardous materials.

The Preliminary Mitigation Recommendation addressed requiring CSX to bring the rail line segments into compliance with AAR key routes standards and practices. Cobb DOT would request that it is iterated that these improvements also include the highway/rail at-grade crossings.

G:\USERS\DOBRY\WP\CSX\BIS.028

Board of Commissioners

BILL BYRNE, Chairman
WILLIAM A. COOPER, District 1
JOE L. THOMPSON, District 2
GORDON J. WYSONG, District 3
GEORGE WOODY THOMPSON, JR., District 4

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Finance Docket No. 33388 -- CSX and Norfolk Southern -- Conrail:
Draft Environmental Impact Statement
February 5, 1998
Page 2

5-GA.7.2 Summary of Potential Effects and Preliminary Recommended Mitigation

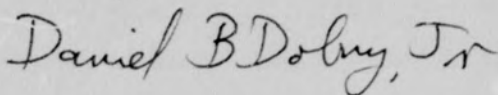
The analysis of highway/rail at-grade crossings indicated there would be no significant effect on vehicle delay. Cobb DOT would request further evaluation to validate the analysis specifically at crossings within the incorporated cities of Austell, Kennesaw, and Marietta as well as in Vinings which is a dense residential, office, and commercial area.

5-GA.10.1 Proposed Activities
Wayside Noise Effects

Noise barriers mentioned include earth berms and walls. Cobb DOT would request consideration of tree plantings, possibly off right-of-way, where possible in areas adjacent to residential communities.

Cobb DOT appreciates the opportunity to offer the comments regarding the Draft Environmental Impact Statement. Please contact me at the address above or at (770) 528-1664 if you have any questions or require additional information.

Sincerely,



Daniel B. Dobry, Jr., P.E.
Deputy Director

cc: David Hankerson, County Manager
James M. Croy, P.E., Director
Rob Hosack, AICP, Planning Division
Beverly Rhea, ARC

STB

FD-33388

2-11-98

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ID-CITIES

COMMISSIONERS

Duane S. Feher
L. George Distel
Robert J. Boggs

Ashtabula County Commissioners

25 West Jefferson Street
Jefferson, Ohio 44047

216/576-3750

FAX 216/576-2344

Brian Condron
Administrator

January 26, 1998

Julie Chelciu
Clerk of the Board

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



Dear Ms. Kaiser:

This letter is pursuant to the attached correspondence concerning Ashta Chemicals. Ashta Chemicals has indicated that if reciprocal switching is granted, they could reduce their annual freight costs by \$500,000 to \$100,000.

Ashta has met with both CSX and Norfolk Southern regarding our concerns over increased transportation costs and delays in transit times.

I would appreciate it if small business concerns like Ashta could be afforded a fair opportunity to not be adversely impacted by the proposed Conrail acquisition.

Sincerely,

ASHTABULA COUNTY COMMISSIONER

ENVIRONMENTAL
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A handwritten signature in cursive script that reads "Duane S. Feher".

Duane S. Feher



Send Letter to ASHTA. (12)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

December 19, 1997

Re: Finance Docket No. 33388 -- CSX and Norfolk Southern -- Control and Acquisition --
Conrail: Draft Environmental Impact Statement

Dear Interested Parties:

Recently, the Surface Transportation Board's Section of Environmental Analysis (SEA) sent you the Draft Environmental Impact Statement (EIS) for the Proposed Acquisition of Conrail by Norfolk Southern Railroad and CSX Railroad. SEA wants to (1) correct two dates in the procedural schedule included in the Draft EIS and (2) clarify that the Draft EIS is comprised of a separate Executive Summary and six volumes of text. These six volumes are divided into nine separate books.

Specifically, the procedural schedule included in the Executive Summary (Table ES-1, pp. ES-7 to ES-8) and in Chapter 1 (Table 1-1, p. 1-9) of the Draft EIS incorrectly states the due dates for filing rebuttals in support of Inconsistent and Responsive Applications and for submitting briefs to the Board. The correct due dates are: (1) **January 14, 1998** for the filing of rebuttals in support of Inconsistent and Responsive Applications and (2) **February 23, 1998** for all parties to submit briefs. A corrected copy of the Board's entire Procedural Schedule is enclosed with this letter.

SEA welcomes written comments on all aspects of the Draft EIS as well as suggestions on mitigation measures to address potential environmental impacts that could result from the Proposed Conrail Acquisition. As noted in the Draft EIS, all comments must be submitted by **February 2, 1998**.

If you have any questions about the Board's Procedural Schedule or would like additional information about the environmental review process, please call SEA's toll-free Environmental Hotline at 1-888-869-1997, or visit our website at <http://www.conrailmerger.com>.

Sincerely yours,

Elaine K. Kaiser
Environmental Project Director
Section of Environmental Analysis

Enclosure

Board's Procedural Schedule and SEA's Environmental Review

DAY	ACTION	DATE
	Applicants filed Preliminary Environmental Report with SEA	May 16, 1997
Day 1	Applicants filed Application and Environmental Report	June 23, 1997
	Board issued Notice of Intent to Prepare an Environmental Impact Statement and Scoping Notice	July 7, 1997
	Public and government agencies filed comments on the Draft Scope of the Environmental Impact Statement	August 6, 1997
Day 60	Other applicants filed descriptions of Inconsistent and Responsive Applications	August 22, 1997
	Applicants filed Preliminary Draft Environmental Assessments for the Seven Separate Connections referenced in Decision No. 9	September 5, 1997
	SEA issued Final Scope of the Environmental Impact Statement	October 1, 1997
Day 100	Other applicants filed Responsive Environmental Reports and Verified Environmental Statements for any Inconsistent and Responsive Applications	October 1, 1997
	SEA issued Environmental Assessments for the Seven Separate Connections	October 7, 1997
Day 120	Other applicants filed Inconsistent and Responsive Applications	October 21, 1997
	SEA received comments on the Environmental Assessments for the Seven Separate Connections	October 27, 1997
	Board issued Decision requiring Applicants to file Safety Integration Plans	November 3, 1997
Day 150	Board issued Notice of Acceptance of the Inconsistent and Responsive Applications	November 20, 1997
	Board issued Decision allowing Seven Separate Connections to proceed	November 25, 1997
	Applicants filed Safety Integration Plans	December 3, 1997
	SEA issued Draft Environmental Impact Statement to the public	December 12, 1997
Day 175	Responses to the Inconsistent and Responsive Applications and rebuttals in support of Primary Application filed with the Board	December 15, 1997
	EPA published <i>Federal Register</i> notice initiating 45-day comment period on the Draft Environmental Impact Statement	December 19, 1997
Day 205	Rebuttal in support of Inconsistent and Responsive Applications due to Board	January 14, 1998
	Public comments on Draft Environmental Impact Statement due to SEA	February 2, 1998
Day 245	Briefs due, all parties	February 23, 1998
	SEA to issue Final Environmental Impact Statement to the public and the Board	Late-May 1998
Day 346	Board to conduct oral argument	June 4, 1998
Day 350	Board to conduct Voting Conference	June 8, 1998
Day 395	Board to issue final written decision	July 23, 1998
	Administrative Appeals Filing Deadline	August 13, 1998

December 19, 1997

ASHTA Chemicals Inc.
3509 Middle Rd.
P.O. Box 858
Ashtabula, Ohio 44004
216-997-5221
Fax: 216-992-0151

Office ph # 997-6858

252-3139
252-3622

ASHTA

November 24, 1997

Mr. Duane S. Feher
County Commissioner
25 West Jefferson Street
Jefferson, OH 44047

Dear Mr. Feher:

Enclosed, please find ASHTA's brief regarding the proposed acquisition of Conrail by the Norfolk Southern RR and the CSX RR. This brief was submitted to the Surface Transportation Board on October 21, 1997.

Since the 1970's Ashtabula, OH has been closed to Reciprocal Switching and captive to Conrail. ASHTA has requested as a condition of the merger, Reciprocal Switching in Ashtabula. This would allow for rail competition to exist again in Ashtabula. The basis of our research is as follows:

- * Reciprocal Switching existed previously in the early 1970's with the Penn Central and the Norfolk and Western RR. The Penn Central ran the East West line to Buffalo, NY and the Norfolk & Western ran an additional East-West lane to Buffalo, NY. When the respective railroad merged to form Conrail, the Reciprocal Switching agreement was eliminated.
- * Having access to a second major Class I railroad in Ashtabula would benefit all of the Ashtabula shippers through competitive freight rates. ASHTA alone spends more than \$4.3 million annually in rail freight costs. If Reciprocal Switching is granted, we could realize estimated freight savings of \$500,000 to \$1 million annually. This is significant to ASHTA and would allow for improvements to our plant located in Ashtabula, OH and possible expansion of our facility.
- * Reciprocal Switching would also allow for improved transit times by eliminating switches to a second carrier. Improved transit times allows our customers to receive product faster. It is still unknown how much of ASHTA's business that is currently Conrail direct shipments that will become a two-railroad movement, CSX handing off to the Norfolk Southern. It is our experience that anytime two railroads are involved, freight rates are higher. In addition, transit times are usually increased by one to three days. This also increases our cost of doing business because these cars are not available for shipment to other customers or terminals.
- * With the proposed acquisition of Conrail, CSX will have the East-West line to Buffalo, NY and Norfolk Southern will have the North-South line to Youngstown, OH. All Ashtabula rail traffic is pulled from the industry and taken to the West Yard. In the West Yard, trains are built and shipped to Buffalo. Norfolk Southern trains will cross the East-West CSX line just east of the West Yard. A physical spur exists that could be used to switch cars to the Norfolk Southern. It is believed that this spur is in good condition and would not require additional capital for improvements. With the close proximity of the spur to the West Yard, it makes sense to allow the shippers access to the Norfolk Southern RR.

ASHTA has met with both the CSX and Norfolk Southern regarding our concerns over increased transportation costs and delays in transit times. CSX has refused outright our request for Reciprocal Switching (see Exhibit D) and Norfolk Southern was also noncommittal (see Exhibit C). Further, with this expensive acquisition, ASHTA asked both

companies how they would be paying for the merger. Norfolk Southern responded that in addition to the revenue from the merger, they had stopped buying back their own stock which they had been doing in previous years at approximately \$500 million per year. CSX responded that they have a "Truck Busters" initiative to take business away from the trucking industry. ASHTA does not have enough business to benefit from the Truck Buster program. Other than economies of scale arguments we read in the press, they have not offered any other plan for paying down the huge debt they will incur upon the culmination of the acquisition. We can only assume the debt will be repaid via freight rate increases. This is counter to both the NS and CSX public commentary on how their respective acquisitions of Conrail will increase competition and service.

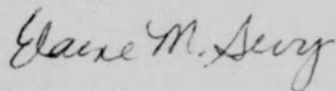
We believe we have voiced valid concerns as current experience with the UP/SP merger has proven an increase in freight rates of 30% and significant delays in transit to our customers. The UP/SP problems were not foreseen or expected as a result of the merger and we know that this has caught many shippers and the STB unaware.

This summarizes ASHTA's position with the proposed acquisition and break up of Conrail. I would appreciate an opportunity to discuss this with you further at your convenience prior to your meeting with the Ohio Attorney General's Office. Please call me at 440-997-6858 when you receive this letter to arrange a mutually agreeable time to meet with you and Mr. Boggs either at your office in Jefferson or our office in Ashtabula.

If for some reason we are unable to meet, I would like to call and discuss this with you and Mr. Boggs prior to your meeting. If you feel it would be appropriate, I will arrange to travel to Columbus with one of my associates in order to attend the meeting and clarify our position with the Attorney General's Office.

Thank you for the opportunity to review our position. I look forward to hearing from you in the near future.

Sincerely,



Elaine M. Sivy
Manager, Distribution &
Order Fulfillment

Enclosure: 1

cc: FAC
ARG
MRB
File

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FD-33388

2-10-98

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186

February 6, 1998

ENVIRONMENTAL
DOCUMENT



Operations and Readiness Division
Regulatory Branch

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

Dear Ms. Kaiser:

This is in reply to your letter, dated December 19, 1997, regarding Draft Environmental Impact Statement (DEIS) for the Proposed Acquisition of Conrail by Norfolk Southern Railroad and CSX Railroad.

We have reviewed the DEIS on potential environmental impacts within the regulatory boundaries of the Pittsburgh District. There does not appear to be impacts related to Section 404 of the Clean Water Act (33 CFR 320-330; 33 CFR 330, updated Nov. 22, 1991; 33 CFR 1344 or the Rivers and Harbors Act of 1899 (33 CFR 401, 403, 407).

If further information is required, please contact me at (412) 395-7155.

Sincerely,

Albert H. Rogalla
Chief, Regulatory Branch

Enclosure



STB

FD-33388

2-10-98

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INDIANA DEPARTMENT OF NATURAL RESOURCES

LARRY D. MACKLIN, DIRECTOR

Division of Historic Preservation
and Archaeology
402 W. Washington St., Room W274
Indianapolis, Indiana 46204
E-mail: dhpa_at_dnrln@indiana.state.in.us
(317) 232-1646
(317) 232-0693 FAX

February 6, 1998



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

Dear Ms. Kaiser:

We have reviewed the proposed Finance Docket No. 33388--CSX and Norfolk Southern--Control and Acquisition--Conrail; Compliance with Section 106 of the NHPA (request for SHPO review of all acquisition activities in Indiana other than the construction at Willow Creek [CSX] and Alexandria [NS] County, Indiana. This review has been conducted pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f) and implementing regulations found at 36 C.F.R. Part 800.

In regards to the architectural aspects of the project, the North Liberty Combination Depot is considered to be eligible for inclusion in the National Register of Historic Places because of its architectural and historical significance. It is an outstanding example of a board and batten depot. It is also an important historical resource, because it illustrates the development of the railroad in St. Joseph County. Please refer to the enclosed map for your reference.

Because the North Liberty Combination Depot is within the area of potential effect, it is our responsibility to determine the effect of the proposed rail line abandonment project on the depot. However, we need more information to enable us to evaluate the effect. How will the abandonment affect the use of the depot? Will the depot continue to be used for storage? Will the depot be sold or abandoned? Please explain in detail the proposed future plans for the depot. Once the above requested information is received by our office, the review process will continue. If you have any further questions about the above material, please call Michelle M. Daleiden or Ralph S. Wilcox at (317) 232-1646.

In regards to the archaeological aspects of the project, as long as the **South Bend to Dillon Junction** rail line abandonment project remains within areas disturbed by previous construction, no known

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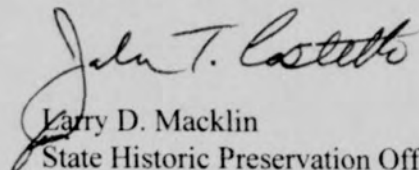
Elaine K. Kaiser
February 6, 1998
Page 2

archaeological sites listed in or eligible for inclusion in the National Register of Historic Places will be affected by this project. However, if any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that work must stop and that the discovery must be reported to the Division of Historic Preservation and Archaeology within two (2) business days. Additionally, in the event that artifacts or features are discovered during the implementation of the federally assisted project, activity, or program and a plan has not been developed, it is the federal agency's responsibility to contact the Advisory Council on Historic Preservation in accordance with 36 C.F.R. Section 800.11(b)(2).

We concur with the findings of the report for both the **Butler** and **Tolleston** projects. Given the results of the archaeological overviews (Wharton and Skinner, 10/24/97), neither project area is likely to contain significant archaeological resources. As such, no known archaeological sites listed in or eligible for inclusion in the National Register of Historic Places will be affected by this project.

If any archaeological artifacts or human remains are uncovered during construction, federal law and regulations (16 USC 470, et seq.; 36 CFR 800.11, et al.) and, additionally, state law (Indiana Code 14-21-1), require that work must stop and that the discovery must be reported to the Division of Historic Preservation and Archaeology within two (2) business days. If you have any questions about the archaeological aspects of the project, please call Jim Mohow or Dr. Rick Jones at (317) 232-1646. Thank you for your cooperation.

Very truly yours,


Larry D. Macklin
State Historic Preservation Officer

LDM:SLW:JAM:MMD:RSW:rsw

cc: Richard Starzak, Myra L. Frank & Associates, Inc.

STB

FD-33388

2-10-98

K

ID-CITIES

ENVIRONMENTAL DOCUMENT



"New Partnerships for the Future"



February 6, 1998

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

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

Dear Ms. Kaiser:

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

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

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

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

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

Thank you,

LORAIN COUNTY COMMUNITY ALLIANCE

Betty Blair, Chair

Encs.

Lorain County Administration Building - 226 Middle Avenue, Elyria, Ohio 44035

Phone (216) 329-5112 - Fax (216) 323-3357

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

Memo

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

From: Roxann Blair, Clerk

Date: 02/03/98

Re: Proposed Conrail Acquisition

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

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

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

This is being forwarded for your information and files.

RB/tu

January 29, 1998

Resolution No. 98-82

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

Attention: Elaine K. Kaiser
Environmental Project Director
Environmental Filing

Dear Ms. Kaiser:

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

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

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

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

We will reserve comment on the Cleveland-Vermilion Rail Line Segment labeled N-080 which we understand is under additional review based on the submission by Norfolk Southern, of an alternate route which would eliminate the originally projected increase in number of trains from 13 to 34. The focus of our comments relate to the Berea to Greenwich Rail Line Segment labeled C-061.

Within Lorain County, Rail Segment C-061 is 27 miles with a projected increase in the number of trains per day from 14 to 54 and a projected increase in the number of annual hazardous Material carloads from 16,000 to 51,000. In our County 35 grade crossings were analyzed for safety/accident frequency. Four (4) of those crossings meet or exceed your criteria of 5,000 plus ADT and were analyzed for vehicle delay and queues. The four are listed below from North to South:

- | | |
|---|------------|
| 1. Elyria Twinsburg Rd. (RT 82) in Eaton Township - | ADT= 6,020 |
| 2. Main Street in Grafton Village (Rt 57) - | ADT= 5,750 |
| 3. North Main Street in Wellington Village (Rt. 58) - | ADT= 8,120 |
| 4. Herrick Avenue in Wellington Village (Rt. 18) - | ADT= 7,870 |

COMMENTS ON RESULTS OF ANALYSIS

A. Hazardous Material: the DEIS determined that the rail segment is currently a "Key Route" and that the increase warranted an up grade to "Major Key Route" and is in need of mitigation. The recommended strategies are not sufficient.

B. Safety/Accident Frequency: of the 35 crossings, one, Pitts Road was found to have a significant likelihood for increased accidents. The recommended mitigation is to install flashing lights. We believe that with increased opportunity (increase in number of trains per day) operating at speeds of 60 mph, more accidents will occur. The DEIS uses a one accident every 100 years as a norm, and sets a "significance" threshold for increase at 1 accident every 13 years. The Village of Wellington has experienced four (4) accidents resulting in death in the last 8 years.

C. Vehicle Delay and Queues: A Supplemental Errata dated 1/21/98 has eliminated as significant and therefore not in need of mitigation, the crossings in Wellington Village. This document specifies that a formula was inaccurately formulated which determined that the "Level of Service (LOS)" at these crossings was "B" currently and would be reduced to LOS "D" after acquisition. That determination warranted a mitigation strategy increasing the speed of the trains from 50 mph to 55 mph. The new formula results in a current LOS of "A" and a post acquisition LOS of "B" and therefore is not significant. It is not logical that an increase in the number of trains per day from 14 to 54; an increase in train length from 5,260 feet to 6,200 feet; an increase in the number of vehicles delayed per day from 145 to 583; an increase in the number of vehicles in line per lane (2) from 14 to 16; and increases in average delay per vehicle, could take place, and the result be a Level of Service determination of B. We understand that LOS A means "...free flow..." and that LOS B means "...Reasonably free, stable flow.... slight decline from LOS A".

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

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

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

RECOMMENDATIONS:

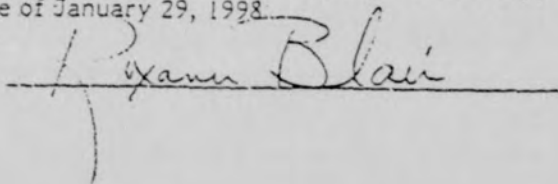
- A. REDUCE THE NUMBER OF ADDITIONAL TRAINS PERMITTED
- B. PROVIDE FOR RAIL SEPARATION AT THE NORTH MAIN (WELLINGTON) AT GRADE CROSSING
- C. LIMIT/RESTRICT RAIL CAR SWITCHING ACTIVITIES TO NIGHT HOURS TO REDUCE CONGESTION
- D. CREATE A WRITTEN EMERGENCY RESPONSE PLAN FOR RAIL PERSONNEL AND LOCAL SERVICE PROVIDERS
- E. INSTITUTE AND FUND AN ANNUAL JOINT TRAINING PROGRAM FOR RAIL PERSONNEL AND LOCAL PROVIDERS
- F. PROVIDE PRIOR NOTIFICATION OF NUCLEAR SHIPMENTS

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

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

Motion carried

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



Roxann Blair

LORAIN COUNTY



Board of Commissioners

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

October 10, 1997

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

FROM: LORAIN COUNTY COMMUNITY ALLIANCE

RE: RESOLUTION TO SURFACE TRANSPORTATION BOARD

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

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

Thank you,

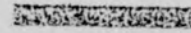
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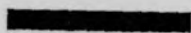
cc: Commissioners Vasi, Ross
Ohio Department of Development

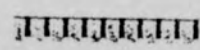
LORAIN COUNTY COMMUNITY ALLIANCE

Betty Blair
Betty Blair, Chair

Proposed Railroad Mainlines

 CSX

 NS

 CSX Track Rights
on NS





"New Partnerships for the Future"

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

October 3, 1997

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

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

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

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

LORAIN COUNTY COMMUNITY ALLIANCE

Betty Blair, Chair

STB

FD-33388

2-10-98

/ K

ID-GOV



North Carolina
Department of Administration

ENVIRONMENTAL
DOCUMENT

James B. Hunt, Jr., Governor

February 4, 1998

Katie G. Dorsett, Secretary

Ms. Elaine Kaiser
Surface Transportation Board
Office of the Secretary
Case Control Unit, Fin. Doc. 33388
1925 K Street, N.W.
Washington, DC 20423-0001



Dear Ms. Kaiser:

RE: SCH File # 98-E-0000-0404; Draft Environmental Impact Statement Proposed Acquisition of
Conrail by Norfolk Southern Railroad and CSX Railroad

The above referenced project has been reviewed through the State Clearinghouse Intergovernmental Review Process. Attached to this letter are comments received after the original response due date. Please take these comments into consideration in future project development.

Should you have any questions, please do not hesitate to call me at (919) 733-7232.

Sincerely,

Mrs. Chrys Baggett, Director
N. C. State Clearinghouse

Attachments

NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES



JAMES B. HUNT JR.
GOVERNOR

WAYNE McDEVITT
SECRETARY

MEMORANDUM

TO: Chrys Baggett
State Clearinghouse

FROM: Melba McGee ✓
Project Review Coordinator

RE: 98-0404 CSX and Conrail Merger - Railroad Traffic
Increase, Northampton and Union County

DATE: January 30, 1998

The Department of Environment, Health, and Natural Resources has reviewed the proposed project.

We ask that careful consideration be given to the concerns provided by our staff. Of particular interest, is departmental scoping comments not being addressed and eliminated from the Draft Environmental Impact Statement.

Your continued efforts for interagency cooperation are greatly appreciated.

Thank you for the opportunity to respond.

attachments

RECEIVED

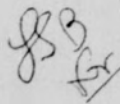
JAN 30 1998

N.C. STATE CLEARINGHOUSE

Division of Air Quality
January 13, 1998

MEMORANDUM

TO: Melba McGee
Office of Legislative and Intergovernmental Affairs

FROM: Alan Klimek, Director 

SUBJECT: Project No. 98-E-0404
Environmental Assessment
Draft Environmental Impact Statement
Proposed Conrail Acquisition

The Division of Air Quality has reviewed the above document. The Impact Statement evaluates the potential environmental effects of the proposed acquisition of Conrail, Inc. and Consolidated Rail Corporation by CSX Corporation and CSX Transportation, Inc. and Norfolk Southern Corporation and Norfolk Southern Railway Company. This proposed action would include railways in North Carolina. An air quality permit is not required for this permit.

In addition, the contractors should take care to comply with open burning provisions during any land clearing. Adequate wetting, reseedling and covering of disturbed areas should be utilized during earth moving operations to mitigate any adverse impact from fugitive dust emissions.

Should you require further information in this regard, please advise.

c: Holly Groce

conrail.spp

State of North Carolina
Department of Environment,
Health and Natural Resources
Division of Water Quality

James B. Hunt, Jr., Governor
Jonathan B. Howes, Secretary
A. Preston Howard, Jr., P.E., Director



February 14, 1997

MEMORANDUM

TO: Melba McGee

FROM: Michelle Suverkrubbe *MS*

THROUGH: Alan Clark *AC*

RE: Comments on DEHNR # 97-0456; DWQ#11495
CSX and Conrail Merger - Railroad Traffic Increase; Scoping Request;
Northampton and Union Counties

The Division of Water Quality (DWQ) has reviewed the proposed projects described in the scoping package described above. As described in the document, an Environmental Report (ER) will be prepared in support of a merger request between CSX Corp. and Conrail Inc. Railroads. It is assumed the ER will address the anticipated rail traffic changes expected on two spurs located in Northampton and Union Counties in North Carolina. The WQ Division has the following comments on the proposal:

- a. The portion of the project within Northampton County will occur along the Seaboard Coast Line, which parallels Hwy. 301 between Weldon, NC and Emporia, VA, downstream of Roanoke Rapids Lake, a water supply for Roanoke Rapids and Weldon. The project will not cross any surface waters designated for use as water supplies.

The portion of the railroad within North Carolina spans both the Roanoke and the Chowan River Basins. The portion of the project area within the Roanoke River Basin lies within the Roanoke River Watershed, Sub basin #03-02-08, and is below the intakes for any surface water supplies. The portion of the project within the Chowan River Basin (Meherrin River Watershed, Subbasin # 03-01-02) Basin has been identified as having Nutrient Sensitive Waters (NSW). The Meherrin River was identified in 1995 as supporting its uses and with good biological water quality. No surface water supplies exist in the Chowan River Basin. Major streams crossed by this rail line include:

<u>Stream Name</u>	<u>River Basin</u>	<u>Surface Water Classification</u>	<u>Use Support Rating</u>
Jacks Swamp	Chowan	Class C - NSW	Support Threatened
Roanoke River	Roanoke	Class C	Supporting

- b. The portion of the project within Union County will occur approximately parallel to Hwy. 75 between Hancock, SC and Monroe, NC, through Haxhaw, NC.

The portion of the railroad within North Carolina spans both the Catawba and the Yadkin Pee Dee River Basins. The portion of the project area within the Catawba River Basin lies within the Waxhaw Creek Watershed, Subbasin #03-08-38 and crosses tributaries of the East and West Forks of Twelvemile Creek, which is rated as partially supporting its uses. The portion of the project within the Yadkin Pee Dee River Basin is located within the Richardson Creek Watershed, Subbasin #03-07-14. It appears that the rail line crosses a tributary to Bearskin Creek, classified as Class C. The project is partially within the protected area for the Richardson Creek Water Supply Watershed, which has a classification of WS-IV and supplies public water supply to the City of Monroe. Major streams crossed by this rail line include:

<u>Stream Name</u>	<u>River Basin</u>	<u>Surface Water Classification</u>	<u>Use Support Rating</u>
West Fork of Twelvemile Creek	Catawba	Class C	Undetermined
East Fork of Twelvemile Creek	Catawba	Class C	Undetermined
Bearskin Creek	Yadkin	Class C	Not Available

- c. Increases in railroad traffic may produce additional quantities of chemicals from normal train operations that may be spread, through stormwater events, from the train tracks into surrounding surface waters. The Environmental Report should identify and quantify the amounts (if possible) of all potential chemicals that may leak out of operating trains (from both cargo being hauled and the trains themselves) or be used on the tracks by the train companies during normal operations, such as oils, greases, toxics and salts. The report should also evaluate the potential to surface water quality possible from these chemical inputs, including effects on aquatic life and surface drinking water sources.
- d. As train traffic increases, so does the likelihood of derailments and collisions. The ER should evaluate the potential risk of these incidents on surface water quality in the project areas. The report should identify and implement appropriate mitigation measures into the project to assure protection of surface water quality.

Please give me a call at 919-733-5083, ext. 567 if you have any questions.

State of North Carolina
Department of Environment,
Health and Natural Resources
Division of Water Quality

James B. Hunt, Jr., Governor
Jonathan B. Howes, Secretary
A. Preston Howard, Jr., P.E., Director



March 26, 1997

MEMORANDUM

FILE COPY

TO: Melba McGee
FROM: Michelle Suverkrubbe *MS*
THROUGH: Alan Clark *AC*
RE: Comments on DEHNR # 97-0552; DWQ #11534
CSX and Conrail Merger - Railroad Traffic Increase;
Scoping Request from Frisco, VA to Bostic, NC;
Multiple Counties

The Division of Water Quality (DWQ) has reviewed the proposed project described in the scoping package described above. As described in the document, an Environmental Report (ER) will be prepared in support of a merger request between CSX Corp. and Conrail Inc. Railroads. It is assumed the ER will address the anticipated rail traffic changes expected on the CSX rail segment located between the towns of Frisco, Virginia and Bostic, North Carolina. The WQ Division has the following comments on the proposal:

- a. The project will transverse Mitchell, McDowell and Rutherford Counties in North Carolina. The project extends the entire N-S width of the state at this location and transverses the Broad, Catawba and French Broad River Basins. The southern portion of the project area lies within the Broad River Watershed, Subbasin #03-08-02. Within this river basin (mostly located within Rutherford County), the project may potentially cross surface waters designated for use as water supplies. The middle portion of the project lies within the Catawba River Basin (Subbasin # 03-08-30), while the northern portion of the project within North Carolina lies within the French Broad River Basin (Subbasin # 04-03-06).

Major rivers crossed or paralleled by this spur include the Second Broad River, the Broad River, the Catawba River, and the North Toe River. The project also appears to cross several other small tributaries of these river systems.

For important information on the existing classifications, use support ratings and quality of the surface waters potentially impacted by the proposed project, please see the enclosed Basinwide Water Quality Management Plans for the French Broad and the Catawba River Basins. The Broad River Basinwide management plan is not yet completed.

- b. Increases in railroad traffic may produce additional quantities of chemicals from normal train operations that may be spread, through stormwater events, from the train tracks into surrounding surface waters. The Environmental Report should identify and quantify the amounts (if possible) of all potential chemicals that may leak or spill out of operating trains (from both cargo being hauled and the trains themselves) or be used on the tracks by the train companies during normal operations, such as oils, greases, toxics and salts. As train traffic increases, so does the likelihood of derailments, spills, collisions and accidents. The report should evaluate the potential to surface water quality possible from these chemical inputs, including effects on aquatic life and surface drinking water sources. The ER should also evaluate the potential risk of these incidents on surface water quality, including drinking waters, in the project areas. The report should discuss and include appropriate mitigation measures into the project to assure protection of surface water quality from these incidents.

Please have the project applicant give me a call at 919-733-5083, ext. 567 if they have any questions.

mls:\970552

enclosed plans -

French Broad
Catawba



North Carolina Wildlife Resources Commission

512 N. Salisbury Street, Raleigh, North Carolina 27604-1188, 919-733-3391
Charles R. Fullwood, Executive Director

MEMORANDUM

TO: Melba McGee, Environmental Coordinator
Office of Legislative and Intergovernmental Affairs

From: Owen F. Anderson, Piedmont Region Coordinator
Habitat Conservation Program

Date: January 29, 1998

SUBJECT: Draft Environmental Impact Statement for Proposed Acquisition of Conrail by
CSX and Norfolk Southern, Statewide Project, NC 98-E-0404

Staff biologists with the North Carolina Wildlife Resources Commission have reviewed Chapter 5, Volume 3B of the Environmental Impact Statement (EIS) for potential impacts to fish and wildlife resources and sensitive habitats in North Carolina. Our comments are provided in accordance with provisions of the National Environmental Policy Act (42 U.S.C 4332(2)(c)) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C 661-667d), and the North Carolina Environmental Policy Act (G.S. 113A-1 through 113A-10; 1 NCAC 25).

We had previously provided scoping comments on this project on three occasions and expressed concerns about particular segments of certain rail lines involved in this acquisition and about impacts from intermodal facilities. However, we could not find any reference to scoping comments provided by our agency.

We are pleased that the acquisition will not have any adverse impact on the State of North Carolina's plans for use of some rail corridor for intercity and commuter rail service in the Raleigh, Durham and Greensboro corridor.

There is no analysis of impacts for natural resources in North Carolina. The applicants have indicated that no CSX or Norfolk Southern (NS) rail yards or intermodal facilities in North Carolina will experience increased traffic or activity that would meet or exceed the Surface Transportation's Board thresholds for environmental analysis and that there are no new connections or proposed abandonment. CSX and NS anticipate, due to predicted truck-to-rail diversions, North Carolina would experience a benefit in the areas of emissions, noise, and safety. The document states that no analysis would be performed for natural resources since no new construction or abandonment would occur in North Carolina. However, the Board determined that six rail line segments in North Carolina would experience significant increases in annual car loads of hazardous materials and two lines would become major key routes. Major key routes are those that would show a doubling of annual cars of hazardous materials and exceed 20,000 cars annually.

Conrail-CSX,-NS Merger
98-E-0404

2

January 29, 1998

We do not follow the reasoning of the Board to evaluate the impacts of the hazardous materials transport on a line segment but not consider the impacts of this increase traffic on natural resources of an area. Also, it seems logical that just based on the increased traffic of hazardous material in certain segments, Hamlet to Monroe (increase from 26,000 to 60,000 cars annually) and (Monroe to Clinton, SC increase of 14,000 to 49,000 cars annually) that there would be a corresponding increase in traffic at area rail yards or intermodal facilities. However, the document states that no threshold is exceeded for evaluation of environmental impacts for these facilities.

We request that our scoping comments be acknowledged and entered into the record. We have included them as an attachment.

We appreciate the opportunity to comment on this Draft EIS. If we can provide further assistance, please contact our office at (919) 528-9886.

OFA/ofa

Attachments: (Memo O. Anderson to Melba McGee, Feb. 14, 1997)
(Letter O. Anderson to Julie Sanford, Jan. 31, 1997)



North Carolina Wildlife Resources Commission

512 N. Salisbury Street, Raleigh, North Carolina 27604-1188, 919-733-3391
Charles R. Fullwood, Executive Director

MEMORANDUM

TO: Melba McGee,
Office of Legislative and Intergovernmental Affairs

FROM: Owen F. Anderson, *Owen F. Anderson*
Piedmont Region Coordinator
Habitat Conservation Program

DATE: February 14, 1997

SUBJECT: Scoping comments for CSX-Conrail Consolidation, Project No. 97-0456

Staff biologists with the North Carolina Wildlife Resources Commission have reviewed the subject document. Our comments are provided in accordance with certain provisions of the National Environmental Policy Act (42 U.S.C. 4332 (2) (c)), the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d) and the North Carolina Environmental Policy Act (G.S. 113A-1 through 113A-10; 1 NCAC 25).

We do not expect significant adverse impacts to fish and wildlife resources or their respective habitats; since the facilities are already in place and are currently in use. However, the route does cross several streams including the Roanoke River. Therefore, accidents or spills along the route or at any intermodal facilities and stormwater runoff from intermodal facilities have the potential to cause significant adverse impacts to aquatic and terrestrial habitats of North Carolina.

The Roanoke River lies directly beneath the railroad line that is being considered for consolidation. This river provides important habitat for numerous species of fish and other aquatic organisms and associated terrestrial wildlife. The Roanoke River downstream of the rail corridor provides important spawning habitat for anadromous fish, including striped bass and hickory shad.

Waxhaw Creek in Union County, North Carolina and Lancaster County, South Carolina provides habitat for the Carolina heelsplitter, a federally and state listed endangered freshwater mussel. Although it does not appear that the rail line crosses Waxhaw Creek in North Carolina, toxic spills to tributaries or within the watershed within North Carolina or in the immediate downstream stretches in South Carolina could have significant impacts to this endangered species.

We request that the following items be addressed in the environmental report:

1. Discuss any secondary development expected with increase movement of freight. This would primarily be associated with intermodal facilities.

CSX-Conrail Consolidation

2

February 14, 1997

2. Discuss the practices and facilities that will be installed to address typical stormwater runoff from any intermodal facilities.
3. Discuss procedures and facilities that will be installed at intermodal facilities to contain toxic material in the event of a spill or an accident.
4. Provide information on what procedures and equipment that will be in place to contain hazardous materials from spills into terrestrial and aquatic habitats, including lakes and rivers. This discussion should place special emphasis on the impacts to anadromous fish in the Roanoke River and the Carolina heelsplitter in Waxhaw Creek.

We appreciate the opportunity to provide input during the early stages of this proposed acquisition. If we can be of further assistance, please contact Wayne Jones at (919) 443-3536 or me at (919) 528-9886.

TWJ/OFA/ofa

cc: John Hefner, Supervising Biologist, USFWS



North Carolina Wildlife Resources Commission

512 N. Salisbury Street, Raleigh, North Carolina 27604-1188, 919-733-3391
Charles R. Fullwood, Executive Director

January 31, 1997

Ms. Julie Sanford
Burns & McDonnell
9400 Ward Parkway
Kansas City MO 64114

Subject: Increased Train Traffic Associated with Proposed Merger
of Norfolk Southern Corporation with Conrail

Dear Ms. Sanford:

Biologists on our staff have reviewed the Danville VA to Blacksburg SC route. It is our understanding that an increase of three trains per day is anticipated and that no new facilities are planned at this time.

We would not expect significant adverse impacts to fish and wildlife resources or their respective habitats; since the facilities are already in place and are currently in use. However, the route does cross a number of streams and lakes; therefore, accidents or spills along the route or at intermodal facilities and stormwater runoff from intermodal facilities have the potential to cause significant adverse impacts to aquatic and terrestrial habitats of North Carolina.

We would request that the following items be addressed in the environmental report:

1. Discuss any secondary development expected with increase movement of freight. This would primarily be associated with intermodal facilities.

Norfolk Southern-Conrail
Traffic Increase

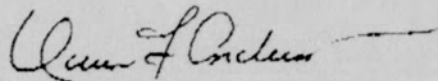
2

January 31, 1997

2. Discuss the practices and facilities that will be installed to address typical stormwater runoff from intermodal facilities.
3. Discuss procedures and facilities that will be installed at intermodal facilities to contain toxic material in the event of a spill or accident.
4. Provide information on what procedures and equipment that will be in place to contain hazardous materials from spills into terrestrial and aquatic habitats, including lakes and rivers.

We appreciate the opportunity to provide input during the early stages of this proposed acquisition. If our office can be of further assistance, please contact me at (919) 528-9886.

Sincerely,



Owen F. Anderson
Piedmont Region Coordinator
Habitat Conservation Program

STB

FD-33388

2-10-98

K

ID-CITIES



ENVIRONMENTAL DOCUMENT

Department of Public Works / City Government Center, Suite 212 / Harrisburg, PA 17101 / Telephone (717) 255-6455
Stephen R. Reed, Mayor / Daniel R. Lispi, Project Manager



February 6, 1998

Ms. Elaine Kaiser, Chief
Case Control Unit
Surface Transportation Board
Section of Environmental Analysis
1925 K Street, NW
Washington, DC
20423-0001

Subject: Draft EIS for Proposed Conrail Acquisition, Docket # 33388

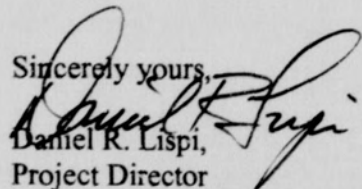
Dear Ms. Kaiser:

The City of Harrisburg hereby submits supplemental comments to those previously provided on January 20, 1998 by the City Engineer, Joseph Link. The draft EIS (Chapter 5-PA) identifies two proposed actions that the developer would take in the Harrisburg area. The EIS states that NS would close the existing conventional intermodal facility in the City of Harrisburg and relocate this facility adjacent to the Conrail Triple Crown Service facility in Rutherford Heights. This relocation would result in an additional 660 truck trips per day on local roads such as Mushroom Hill and Grayson Rd. that are either poor truck routes or are already severely congested due to existing development. The EIS also states that half of the additional truck traffic will use Interstate 283 and the other half Interstate 83. All additional truck traffic is expected to use Rt 322.

Interstates 83 and 283 and US Rt. 322 are the most heavily traveled routes leading into, through, and out of the City of Harrisburg. The additional 660 trucks per day will only aggravate the situation. As the largest municipality in the region, City residents, commuters, and businesses are likely to bear a significant portion of the adverse impacts resulting from the proposed changes. When mitigation measures are considered, including the locations for investment activities, jobs, and other potential benefits, the City of Harrisburg should be a focal point for such activity.

Thank you for the opportunity to comment.

Sincerely yours,


Daniel R. Lispi,
Project Director

cc: Mayor Stephen R. Reed
Joseph P. Link, City Engineer

STB

FD-33388

2-9-98

K

ID-CITIES

Huntington Township Trustees

Joan E. Eaton, Clerk

Trustees

Mary Beth Derikito 647-2590
Burt Rollin 647-3486
Ernest H. Hartman 647-3723

February 3, 1998

48401 Bursley Road
Wellington, Ohio
44090

ENVIRONMENTAL
DOCUMENT



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

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

Dear Ms. Kaiser:

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

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

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

Thank you for considering our comments.

Very truly yours

HUNTINGTON TOWNSHIP TRUSTEES

Joan Eaton

Joan E. Eaton, Clerk

STB

FD-33388

2-9-98

K

ID-GOV

ENVIRONMENTAL DOCUMENT

TELEPHONE: (302) 739-5685



STATE OF DELAWARE
DEPARTMENT OF STATE
DIVISION OF HISTORICAL AND CULTURAL AFFAIRS
HISTORIC PRESERVATION OFFICE
15 THE GREEN
DOVER • DE • 19901-3611



February 2, 1998

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

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

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

Dear Ms. Kaiser:

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

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

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

Sincerely,

Gwen Davis
Archaeologist

Enclosures

cc: Martha Catlin, ACHP



STATE OF DELAWARE
DEPARTMENT OF STATE
DIVISION OF HISTORICAL AND CULTURAL AFFAIRS
HISTORIC PRESERVATION OFFICE
15 THE GREEN
DOVER • DE • 19901-3611

TELEPHONE: (302) 739-5685



FAX: (302) 739-5660

January 30, 1998

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

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

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

Dear Ms. Kaiser:

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

APPROACH TO CULTURAL RESOURCES

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

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

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

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

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

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

DELAWARE

Volume, 3A Chapter 5-DE describes the potential impacts to Delaware. Only four of the nine rail segments met the Board's threshold for environmental analysis. SEA did not find that transportation, energy, hazardous materials/waste sites, natural resources or land use/socioeconomics were relevant technical areas for analysis in Delaware. (This seems to contradict

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

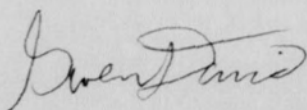
However, in general, the DE SHPO views the Section 106 process to be incomplete for the entire undertaking, not just the Shell Pot Bridge. Specifically, 36 CFR Part 800.4 and 800.5 (identification, evaluation and determination of effects on historic properties), have not been appropriately addressed.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

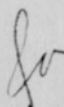
The DE SHPO also provided information concerning other resources or potential resources on/near the Shell Pot Connector, as well as on the main CSX and Amtrak (NEC) lines; information on the latter was sent to the Applicants' consultant, Dames and Moore. We have no indication that the presence of these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

Letter to E. Kaiser
January 30, 1998
Page 4

Thank you for your consideration of these comments. If there is any way in which we can assist the STB with fulfilling its Section 106 responsibilities in Delaware, please do not hesitate to contact me, or Gwen Davis, at (302) 739-5685.

Sincerely,



 for Joan N. Larrivee
Deputy State Historic Preservation Officer

cc: Martha Catlin, ACHP



DELAWARE STATE HISTORIC PRESERVATION OFFICE
15 THE GREEN, DOVER, DE 19901
(302) 739-5685
FAX (302) 739-5660

FAX TRANSMITTAL SHEET

To:

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

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

From:

Joan N. Larrivee
Deputy SHPO

Company:

STB/SEA

Date:

Feb. 2, 1998

Fax Number:

(202) 565-9000

Total Number of Pages including Cover:

5

Re:

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

Notes/Comments

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

[Note: faxed from DAREC/Parks+Rec. office]

Fax -
202-565-9000
ATTN: Elaine Kaiser
Voice - 202-565-
1533

MESSAGE CONFIRMATION

02/02/98 19:44

ID=DE STATE PARKS;DOVER CENTRAL OFF

DATE	S.R-TIME	DISTANT STATION ID	MODE	PAGES	RESULT
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02/02/98

19:40

DE STATE PARKS;DOVER CENTRAL OFF → 912025659000

NO.001

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DELAWARE STATE HISTORIC PRESERVATION OFFICE
15 THE GREEN, DOVER, DE 19901
(302) 739-5685
FAX (302) 739-5660

FAX TRANSMITTAL SHEET

To:

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

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

From:

Joan N. Larrivee
Deputy SHPO

Company:

STB/SEA

Date:

Feb. 2, 1998

STB

FD-33388

2-9-98

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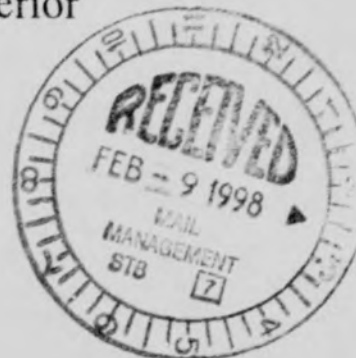
United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

ENVIRONMENTAL
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ER 98/020

FEB 3 1998



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

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

Dear Sir/Madam:

The U.S. Department of the Interior has reviewed the Draft Environmental Impact Statement, Finance Docket No. 33388, "Proposed Conrail Acquisition," CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company. We have the following comments.

The Draft EIS showed one rail segment that occurs in Mississippi with a proposed increased environmental risk and exceedance of SEA's criteria for significance. Rail segment Site ID C-387 runs between Mobile, Alabama and New Orleans, Louisiana, and would have an increase in hazardous material transport. This segment passes through Jackson, Harrison, and Hancock Counties, Mississippi. It also crosses the Pascagoula, Biloxi, Wolf, and Pearl Rivers. These large river basins, and other lands along the rail route, have significant fish and wildlife resources including the following federally listed species:

brown pelican (*Pelecanus occidentalis*)
piping plover (*Charadrius melodus*)
bald eagle (*Haliaeetus leucocephalus*)
Gulf sturgeon (*Acipenser oxyrinchus desotoi*)
inflated heelsplitter (*Potamilus inflatus*)
Mississippi sandhill crane (CH) (*Grus canadensis pulla*)
ringed sawback turtle (*Graptemys oculifera*)

The increase in transport of hazardous material would have a significant impact to trust resources if a spill were to occur. The standard Hazardous Materials Emergency Response Plan may not be adequate to address immediate and long term fish and wildlife resource impacts.

Specific Comments

5-MS.5.2

We believe preventing a spill is much preferable to cleaning one up. Therefore, we recommend the following:

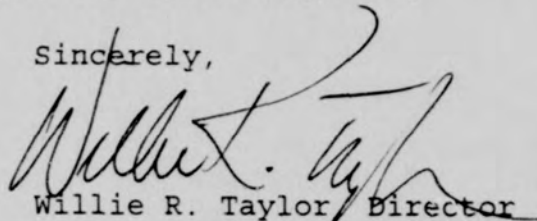
1. Lower speeds should be adopted across bridges within the listed basins.
2. Inspections of cars carrying hazardous materials along this route should be increased.
3. Inspection of rail lines along this corridor should be increased.
4. Emergency management plans should include guidelines for immediate consultation with Service personnel regarding potential adverse impacts to the listed species.

Summary

The proposed project could have significant adverse impacts on present and future natural resources in this area if a spill were to occur. The Surface Transportation Board should adopt the above measures to prevent such an event from occurring.

Thank you for the opportunity to provide these comments.

Sincerely,



Willie R. Taylor Director
Office of Environmental
Policy and Compliance

STB

FD-33388

2-9-98

K

ID-GOV



MARYLAND Office of Planning

Parris N. Glendening
Governor

January 28, 1998



Donald M. Kreitner
Director

ENVIRONMENTAL
DOCUMENT

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

SUMMARY OF REVIEW COMMENTS ON DRAFT EIS "PROPOSED CONRAIL ACQUISITION"

State Application Identifier: MD971222-1116
Description: DRAFT EIS - Proposed Conrail Acquisition CSX Corporation and CSX Transportation, Inc. Norfolk Southern Corporation and Norfolk Southern Railway Company
Applicant: Surface of Transportation Board
Location: Nationwide
Approving Authority: Surface Transportation Board

Dear Ms. Kaiser:

In accordance with Presidential Executive Order 12372 and Code of Maryland Regulation 14.24.04, the State Clearinghouse has coordinated the intergovernmental review of the referenced project. This letter constitutes the summary of review comments on the Draft EIS "Proposed Conrail Acquisition" received to date.

Review comments were requested from the Maryland Departments of Budget and Management, Business and Economic Development, Housing and Community Development including the Maryland Historical Trust, Natural Resources, and Transportation; Allegany, Baltimore, Cecil, Frederick, Harford, Howard, Montgomery, Prince George's, and Washington Counties; the City of Baltimore; the Baltimore Metropolitan Council; the Maryland-National Capital Park and Planning Commission-Montgomery and Prince George's County; and the Tri-County Council for Western Maryland and the Maryland Office of Planning. As of this date, the Departments of Budget and Management, Transportation, Housing and Community Development including the Maryland Historical Trust, and Natural Resources; Montgomery, Frederick, Baltimore, Howard and Prince George's Counties; the Tri-County Council for Western Maryland; and the Maryland-National Capital Park and Planning Commission-Prince George's County have not submitted comments. Any comments received will be forwarded.

The Maryland Department of Business and Economic Development; Allegany, Cecil and Washington Counties; and the Maryland-National Capital Park and Planning Commission-Montgomery County; and the Metropolitan Washington Council of Governments; and the Maryland Office of Planning found this project to be **consistent** with their plans, programs, and objectives. The Wilmington Area Planning Council, whose jurisdiction includes Cecil County, Maryland, notes that they have no comments on how this proposal will impact Cecil County, Maryland.

The Baltimore Metropolitan Council and Harford County found this project to be **generally consistent** with their plans, programs, and objectives, but included certain qualifying comments summarized below.

Ms. Elaine K. Kaiser
January 28, 1998
Page 2

The City of Baltimore stated that their finding(s) of consistency is/are contingent upon the applicant taking the action(s) summarized below.

Summary of Comments:

The City of Baltimore states that the proposal is generally consistent with its plans, programs, and objectives. The endorsement is contingent upon implementation of mitigation items cited by the Surface Transportation Board.

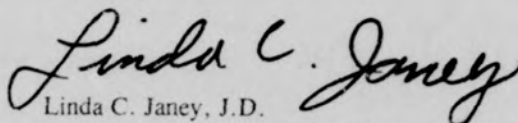
The Baltimore Metropolitan Council states that the proposal is generally consistent with its plans, programs, and objectives, however, the following qualifying comment is submitted for your consideration.

"Volume 3A of the report includes a section on the State of Maryland. Included in this section is an analysis of the proposed intermodal facility, the Triple Crown Service, that will be constructed in Baltimore City. From our review, the report does not, however, mention the improved clearances for 20' 2" double stack service that Norfolk Southern has proposed via Amtrak's Northeast Corridor to Perryville or the impacts that construction would have on the Perryville community."

Harford County states that there are no rail line segments in Harford County which meet or exceed the Board-designated environmental thresholds. The County also notes that this acquisition identifies that the MARC train service will not impact the Northeastern connection (i.e. Penn Line) going through Harford County since most freight rail traffic occur at night along this line. However, the report does not mention any further expansions of the MARC service along this lined its impact to that potential service. Currently, the Edgewood MARC station is planned to have a large parking lot expansion and the Aberdeen train station is in the development of a revitalization plan. Increased freight traffic could potentially impact the need for future MARC service.

If you have any questions about the comments contained in this letter please contact the State Clearinghouse at (410) 767-4490.

Sincerely,



Linda C. Janey, J.D.
Manager, Clearinghouse & Plan Review Unit

LCJ:LG:bet

cc: Richardson - DBMC
Gatto - DBED
Hartman - DHCD/MHT
Dintaman - DNR
Kay - MDOT
Sansom - ALLG
Griffin - BCIT
Svhela - BLCO

Wein - CECL
Shaw - FRDR
Holdredge - HRFD
Rutter - HOWD
Reilly - MTGM
Warfield - PGEO
Shoop - WSHG
Anderson - BMC

Valladares - MNCPPC-MTGM
Piret - MNCPPC-PG
Langford - MWCOG
Wagoner - TCCWMD

STB

FD-33388

2-6-98

K

ID-CITIES



Department of Engineering Services

Division of Design & Construction
Division of Streets

(419) 627-5829
(419) 627-5881

222 MEIGS STREET
SANDUSKY, OHIO 44870

FAX (419) 627-5933
FAX (419) 627-5911

February 3, 1998

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

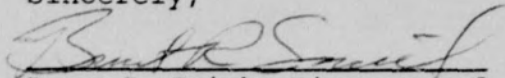


RE: Draft Environmental Impact Statement
"Proposed Conrail Acquisition"

Dear Reader:

Upon review of the Executive Summary for the above referenced report it was realized that the original comments **plus 10 copies** were to be sent to you. I apologize for this oversight and enclosed please find the 10 copies.

Sincerely,


Brent R. Smith, Director of
Engineering Services

BRS/kah

ENVIRONMENTAL
DOCUMENT



Department of Engineering Services

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

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

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

RE: Draft Environmental Impact Statement
"Proposed Conrail Acquisition"



Dear Reader:

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

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

Decreased truck traffic means:

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

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

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

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

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

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

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

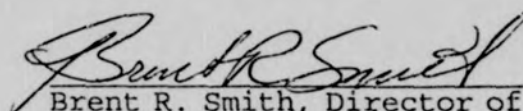
The Bellevue, Ohio, to Sandusky Docks, Ohio, rail segment is predicted to see an increase of freight traffic estimated at 10.3 trains per day. It is our understanding that this increase will be for east-west connection onto the current Conrail east-west main line. Is this true? The document does not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

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

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

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

Sincerely,


Brent R. Smith, Director of
Engineering Services

BRS/imn

cc: Richard M. Finn, City Manager

Don Iscman, Law Director

Richard Stroemple, Director of Community Development
conrail

2TB

FD-3388

S-88

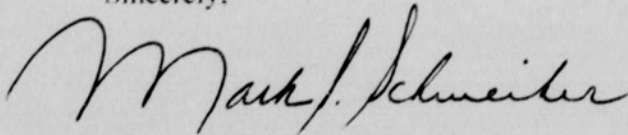
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K

Page Two, Linda J. Morgan

On behalf of the Council and the Commission I would respectfully request that you include in your final report a requirement for this valuable, system-wide safety resource to be continued following the merger. In this way we, in partnership with Norfolk Southern, can continue to provide the outstanding level of hazmat service and expertise to the citizens of the Commonwealth.

If you have further questions regarding this request, you can contact my office at (717) 787-3300. I appreciate your efforts in this matter and look forward to a successful resolution to this issue.

Sincerely,

A handwritten signature in cursive script, reading "Mark S. Schweiker". The signature is fluid and written in dark ink.

Mark S. Schweiker
Lieutenant Governor
Chair, Pennsylvania Emergency Management Council

ATTN: Elaine K. Kaiser
Environmental Project Director
Environmental Filing F.D. 33388



COMMONWEALTH OF PENNSYLVANIA
LIEUTENANT GOVERNOR'S OFFICE
200 MAIN CAPITOL
HARRISBURG, PA 17120-0002
717-787-3300
FAX 717-783-0150
E-MAIL: lieutenant.governor@state.pa.us



February 2, 1998

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

ENVIRONMENTAL
DOCUMENT

Dear Ms. Morgan:

As Chairman of the Pennsylvania Emergency Management Council and the State Emergency Response Commission, I write to comment on the proposed merger between Norfolk Southern and Conrail. It is important that the concerns of the emergency services community and the Commonwealth be provided to your Board for inclusion in the final environmental impact report.

For many years the Local Emergency Planning Committee's (LEPC) in Pennsylvania have enjoyed a productive relationship with Conrail's Local Hazardous Materials Field Staff. These dedicated local Conrail employees have provided valuable assistance and expertise to our hazardous materials responders and emergency management officials.

I have been informed that, as Norfolk Southern is currently organized, such locally-based hazmat staff people do not exist. ***It is important that a continuity of service be provided in this specialized area. Hazardous materials teams must continue to be an important part of effective emergency response after the merger is finalized.*** Environmental issues surrounding a potential accident on the rail lines have immediate and long-term impact on the environment and the citizens of the affected areas. Concerns regarding the potential loss of this resource exist in many counties in Pennsylvania and specifically in Pittsburgh where main rail lines run through the heart of the business and residential districts. These individuals also provide planning that addresses mitigation efforts already in place with Conrail.

STB

FD-33388

2-6-98

K

ID-CITIES



JOSEPH G. RAMPE

COUNTY EXECUTIVE

January 29, 1998

ENVIRONMENTAL
DOCUMENT



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

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

Dear Ms. Kaiser:

Re: Comments on the Draft STB DEIS Finance Docket No. 33388
Proposed Conrail Acquisition CSX Corp. and CSX Transportation, Inc.
Norfolk Southern Corporation and Norfolk Southern Railway Company
Control and Operating Leases/Agreements Conrail Inc. and
Consolidated Rail Corporation

My major concern remains the issue of ownership of the Suffern to Port Jervis segment. Under Norfolk-Southern control, Metro-North Railroad Corporation will be prohibited from investing in the \$88.5 million needed for right-of-way improvements and the resulting loss of \$104 million worth of additional capital improvements to support MNRC long-term service expansion plans for the line through 2020.

It is important that a way be found to secure the use of these funds for these purposes.

Set forth below, are the other issues that we wish to have addressed:

- The estimated annual number of hazardous materials cars ranges from 0 to 18,000 for Norfolk Southern segments N-062 and N-063 and from 21,000 to 31,000 for CSX. These represent significant increases. There is no documentation as to types of material to be transported through Orange County, nor is there a calculation for any truck diversion to account for these increases and that would be offsetting.
- Air quality exceedances and their likely impact on our ozone air quality compliance levels.
- There is no calculation of highway/rail at-grade crossing accident frequencies for:

ORANGE COUNTY, N.Y.

Highway/Rail At-Grade Crossings

<u>Municipality</u>	<u>Crossing</u>	<u>Railroad</u>	<u>Activity Accessed</u>
T. of Newburgh	Danskammer Rd.	CSX	Elec. Power Generator
T. of Newburgh	River Rd.	CSX	Elec. Power Generator
C. of Newburgh	Park Place	CSX	Yacht Club/Marina
C. of Newburgh	Washington St.	CSX	Yacht Club/Marina
C. of Newburgh	S. William St.	CSX	Public Works
C. of Newburgh	Renwick St.	CSX	Public Works
T. of New Windsor	Verplank Ave.	CSX	Ship Yard, Gas + Fuel Oil Tank Farm
V. of Cornwall- on-Hudson	Shore Rd.	CSX	Village Park & Yacht Club/Marina
V. of Cornwall- on-Hudson	Clark St.	CSX	" " "
V. of Cornwall- on-Hudson	Hudson St.	CSX	" " "
V. of Highland Falls	Station Rd.	CSX	
T. of Highlands	USMA South Dock	CSX	Oil Tank Farm Service Treatment Plat
T. of Highlands	Mine Rd.	CSX	Yacht Club
T. of Tuxedo	E. Village Rd.	NS	Residential

- Economic benefits to Orange County are not documented per my letter of August 13, 1997.
- Safety mitigation measures do not take into account, the number and spacing of railroad passenger station with the expected MHRC increase in the number of passenger trains per week on NS Segments N-062 and N-063. Their figures were submitted to you on October 20, 1997. The figures show an increase in ridership over the next 23 years of 173%, with an increase in the number of trains from 99 to 203 per week; also, the inadequacy of the Moodna Viaduck on the Suifern to Campbell Segment (N-062) both in terms of structural soundness and carrying capacity. Both pose a major safety concern.

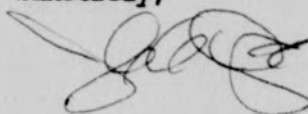
Orange County, N.Y.

Base Year and Post Acquisition Railroad Activity

	<u>Segment</u>			
	<u>NS</u>	<u>NS</u>	<u>CSX</u>	<u>CSX</u>
	<u>N-062</u>	<u>N-063</u>	<u>C-758</u>	<u>C-759</u>
<u>PSGR & FRT TRAIN DATA</u>				
Segment Length (mi.)	35	30	45	80
1996 Base:				
PSGR TRN	18.0	18.0	0.0	0.0
FRT TRN	<u>4.7</u>	<u>7.9</u>	<u>23.6</u>	<u>22.2</u>
Total	22.7	25.9	23.6	22.2
Post Acquisition:				
PSGR TRN	18.0	18.0	0.0	0.0
FRT TRN	<u>7.7</u>	<u>12.0</u>	<u>24.8</u>	<u>23.4</u>
Total	25.7	30.0	24.8	23.4
Change due to Acquisition	3.0	4.1	1.2	1.2
<u>FREIGHT RAIL DATA</u>				
<u>MILLION GROSS TONS</u>				
1996 Base	8.2	14.4	40.5	42.4
Post Acquisition	<u>16.1</u>	<u>22.4</u>	<u>48.4</u>	<u>48.0</u>
Change due to acquisition	7.9	8.0	7.9	5.6
<u>HAZ MATERIAL CARS/DAY</u>				
1996 Base	1	1	60	60
Post Acquisition	<u>50</u>	<u>50</u>	<u>87</u>	<u>87</u>
Change due to acquisition	49	49	27	27
<u>EST ANNUAL HAZ MATERIAL CARS</u>				
1996 Base	0	0	21,000	21,000
Post Acquisition	<u>18,000</u>	<u>18,000</u>	<u>31,000</u>	<u>31,000</u>
Change Due to Acquisition	18,000	18,000	10,000	10,000

I trust that we have made clear our concerns, and that they will be addressed as part of your ongoing evaluation of the merits of the CSX and Norfolk Southern Conrail Acquisition proposal.

Sincerely,



Joseph G. Rampe
County Executive

STB

FD-33388

2-6-~~98~~

K

ID-STATES



James E. Carnes
20th Senate District

Ohio Senate

Statehouse
Columbus, Ohio 43215
614-466-8076
Fax 614-466-7662
1-800-282-0253
(Toll Free)
47403 Puskarich Road
St. Clairsville, Ohio 43950
614-695-0856
(Home)

Committees:

Human Services & Aging
Chairman
Highways & Transportation
Vice Chairman
Agriculture
Economic Development
Technology & Aerospace

February 2, 1998



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

ENVIRONMENTAL
DOCUMENT

Dear Director Kaiser:

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

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

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

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

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

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

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

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

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

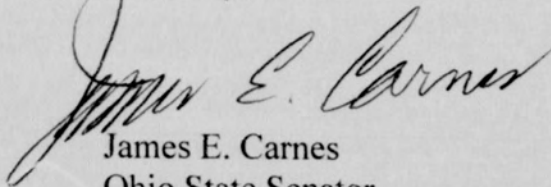
Its railroad safety record, marred by three fatal crashes in three months, is being characterized as a fundamental breakdown by federal regulators. Its route system has slipped into near gridlock west of the Mississippi River, with thousands of freight cars backed up for miles in the Houston area alone. Its chairman had to publicly apologize in August to its big customers.

Service has become so bad that customers say Union Pacific Corp., the nation's largest railroad can't account for millions of dollars of shipments for weeks at a time.

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "James E. Carnes". The signature is written in dark ink and is positioned above the printed name and title.

James E. Carnes
Ohio State Senator

STB FD-33388 2-6-98 K ID-BUSINESS

ROYALTON ACRES DEVELOPMENT CORP.

Builders - Developers

February 5, 1998

ENVIRONMENTAL
DOCUMENT



Office of the Secretary
Case Control Unit, Room 715
STB Finance Docket 33388
Surface Transportation Board
1925 K Street NW
Washington, D.C. 20423-0001
Attn: Elaine K. Kaiser

Re: Position on Norfolk Southern/CSX Acquisition

Dear Ms. Kaiser:

Enclosed please find the comments of Royalton Acres Development Corp. and Flair Corporation in regard to Finance Docket 33388. Per your recommendation, an original and ten copies of Royalton's comments have been enclosed herewith. If you have any comments or questions regarding this submission, please contact me at the above address and telephone number (ext. 124).

I have enclosed an eleventh copy of our comments for date stamp by your office and return to my attention in the self-addressed, postage-paid envelop.

Very truly yours,

ROYALTON ACRES DEVELOPMENT CORP.

A handwritten signature in dark ink, appearing to read "D. N. Steiger".

Daniel N. Steiger
Assistant Vice President

DNS/bk
Enclosures

WP.DNSVLSTB.

ENVIRONMENTAL
DOCUMENT



POSITION ON NORFOLK SOUTHERN/CSX ACQUISITION

FINANCE DOCKET 33388

ROYALTON ACRES DEVELOPMENT CORP./FLAIR CORPORATION

February 5, 1998

Office of the Secretary
Case Control Unit, Room 715
STB Finance Docket 33388
Surface Transportation Board
1925 K Street NW
Washington, D.C. 20423-0001
Attn. Elaine K. Kaiser
Environmental Project Director

ENVIRONMENTAL FILING

Thursday, February 05, 1998

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

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

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

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

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

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

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

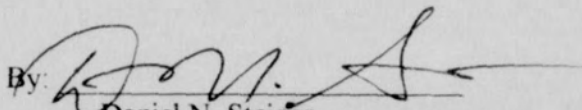
Thursday, February 05, 1998

Page 2: Flair Corp.'s Position on Proposed Acquisition: Finance Docket 33388

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

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

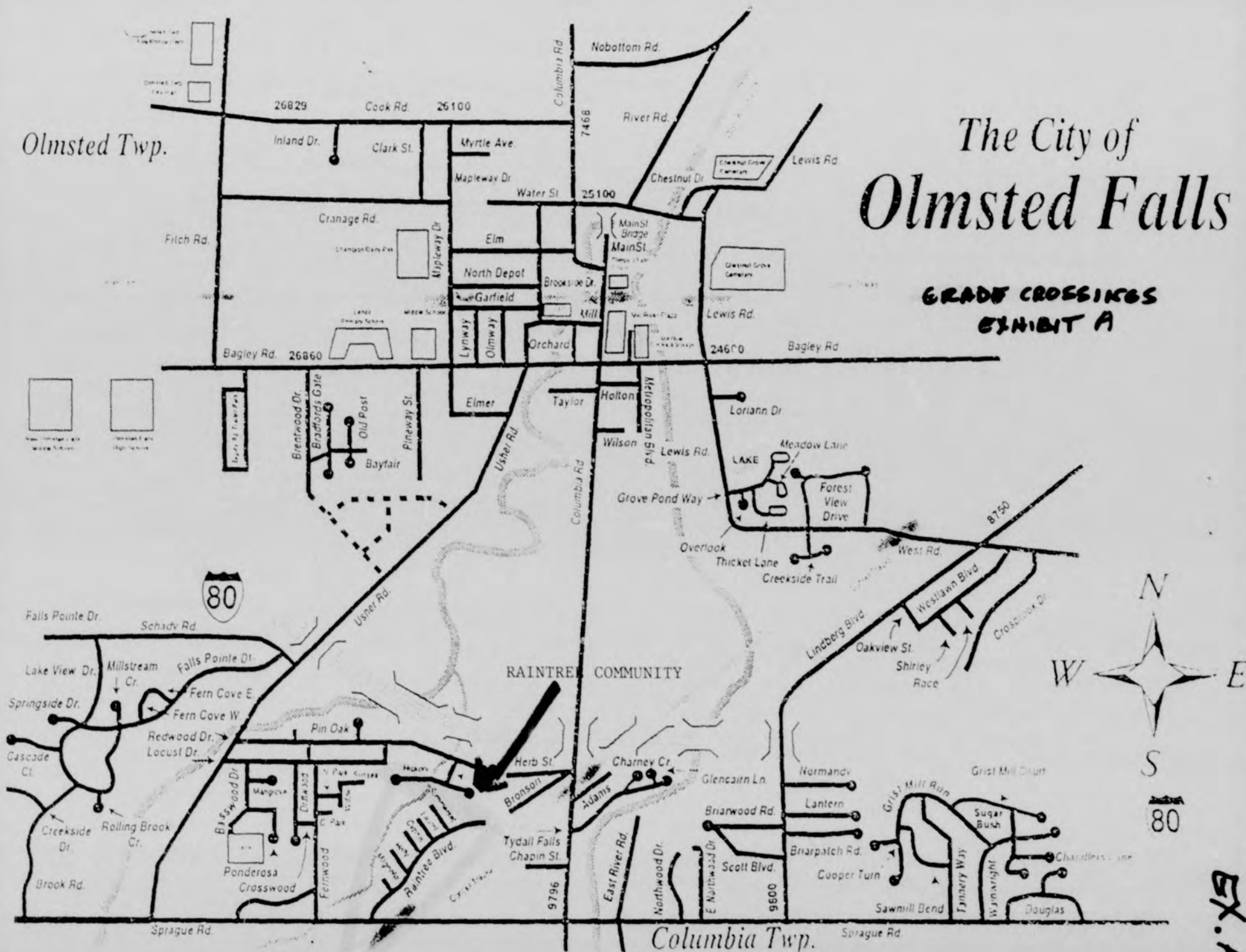
Sincerely,
Royalton Acres Development Corp.
and Flair Corporation

By: 
Daniel N. Steiger
Assistant Vice President

Olmsted Twp.

The City of Olmsted Falls

**GRADE CROSSINGS
EXHIBIT A**



EX. A

STB

FD-33389

2-6-98

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ID-CITIES



OFFICES OF THE COUNTY EXECUTIVE

Douglas M. Duncan
County Executive

Bruce Romer
Chief Administrative Officer

February 5, 1998

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



ENVIRONMENTAL
DOCUMENT

Dear Ms. Kaiser:

Montgomery County, Maryland is pleased to provide you with comments on the Draft Environmental Impact Statement on the proposed Conrail acquisition of CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation, and Norfolk Southern Railway Company.

Should you have any questions about the enclosed material, or need additional information, please contact Mr. Edward Daniel, Department of Public Works and Transportation, 101 Monroe Street, 10th Floor, Rockville, MD 20850. Mr. Daniel may also be reached at (301) 217-2976.

A copy of this information is submitted to the State Clearinghouse of the Maryland Office of Planning.

Sincerely,

Scott W. Reilly
Planning Manager

SWR:jgs

Enclosures

Planning Implementation Section

51 Monroe Street, Suite 1000 • Rockville, Maryland 20850 • 301/217-2430, FAX 301/217-2059



ENVIRONMENTAL DOCUMENT

Douglas M. Duncan
County Executive

DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Graham J. Norton
Director

January 29, 1998

REVIEW COMMENTS

DRAFT ENVIRONMENTAL IMPACT STATEMENT CSX/CONRAIL ACQUISITION SURFACE TRANSPORTATION BOARD DOCKET 33388



These comments, prepared in response to the DEIS circulated by the Surface Transportation Board (STB) on the subject matter, focus on safety and transportation-related impacts that the acquisition may have on operations on CSX's Metropolitan Branch which traverses Montgomery County. The comments are based on information contained in the DEIS, supplemented by additional information developed from County and State sources. The comments are summarized below, and are described in detail in text following.

SUMMARY

We endorse the recommendation of the STB's Section of Environmental Analysis (SEA) that because of the significant amount of mixed freight and passenger train traffic on this line, a 15-minute "clear time" be mandated between freight and passenger trains.

We disagree with SEA's determination that there are no adverse impacts to safety or vehicle delay at CSX's Randolph Road at-grade crossing that require mitigation. We recommend that consideration be given to requiring CSX participation in the costs of constructing a grade separation at this location to mitigate the impact caused by additional freight operations on this line resulting from the acquisition.

We request that SEA conduct an evaluation of the extent to which increased freight traffic may have on safety aspects of CSX operation in the 11.4 miles where CSX is in "common corridor" alignment adjacent to Metrorail passenger service. The DEIS fails to acknowledge the existence of this operating environment or the safety risks as freight activity is increased. Most of this common corridor mileage is in Montgomery County, and there have been freight-related accidents in the past in this corridor. We recommend consideration of lowering the permissible 55mph freight speed in this corridor to 40 or 45mph.

DETAILED REVIEW AND COMMENT

Impact on Passenger Service (MARC, Amtrak)

We endorse the DEIS preliminary recommendation of a 15-minute clear time between passenger and freight trains on lines carrying a significant number of passenger trains (SEA designates as "superior trains"), including the CSX Metropolitan Branch through our County. This practice would significantly reduce safety risks inherent in mixing freight and passenger service, and it would enhance passenger train schedule reliability, which is essential to retaining and increasing ridership on MARC commuter rail and Amtrak service on this line.

At-Grade Road Crossings: Impact on Safety and Traffic Delay

Page 7-4 of the DEIS notes that "One of SEA's major concerns in this Draft EIS is the potential delay of vehicular traffic at highway/at-grade crossing." Despite this statement of concern, we believe there are serious gaps in the analysis that result in the problem of at-grade crossings not being given sufficient consideration, at least in the case of one crossing in our County. There are four at-grade crossings in the County where motor vehicle traffic exceeds 10,000 ADT, the most significant of which is Randolph Road.

Randolph Road, a County-maintained urban arterial, carries 41,000 ADT, by far the heaviest volume among 3000 at-grade CSX/Conrail crossings in 23 states listed in the DEIS. (The DEIS lists only nine grade crossings where traffic is in the 20,000-30,000 range, only one in the 30,000-35,000 range (at 32,000), and no others higher.) Weekday train traffic at the Randolph crossing currently includes 2 Amtrak and 18 MARC commuter trains, and 23 freights, with the number of freights projected to increase by seven per day as a result of the acquisition. Despite these heavy volumes, the DEIS concludes that this crossing will not be adversely impacted to the point of warranting mitigation. In contrast, at some crossings in other states (such as Newark, Delaware), where the increase in freight train volume may be only two or three per day and crossing volume is much lower than 30,000 ADT, SEA is mandating that CSX arrive at binding agreements with localities to address implementation and funding allocations for mitigation that might include grade separations.

A shortcoming in the DEIS analysis methodology affects grade crossing safety and delays at the Randolph crossing, associated with assumed freight train speed and projected accident frequency. The DEIS assumes 50mph train speed at the Randolph crossing, an expectation that actual speed is 10mph lower than a posted limit of 60 in this segment. However, the actual limit in this segment is 55mph. Therefore the analysis should have assumed an operating speed of 45mph, which would result in longer vehicle delays. Further, as the report acknowledges, actual speeds in any segment can be lower than posted speeds due to curvature, gradient, train length, etc. For westbound trains, the Randolph Road crossing is within a 16-mile long up-grade of approximately one percent from Union Station to Rockville and Gaithersburg, which results in

actual speeds frequently below 35mph on long fully-load westbound freights. Therefore, the vehicle delays at Randolph crossing are significantly understated in the DEIS for current conditions, and will be more so under post-merger projections. It will come as news to the 41,000 motorists waiting for a train to clear this crossing that a Level of Service "B" exists at this crossing (as indicated in the DEIS), and is projected to be maintained at that level even with a 20% increase in train movements.

Also of concern is the projected increase of tonnage, and how CSX can provide sufficient motive power, given the current prohibition on pusher engines in this segment (see Metrorail-CSX common corridor discussion later). Likely results of the DEIS forecasted increases in train volume (20%) and tonnage (48%) on this line are: 1) CSX trains will be longer than the 6200 feet cited in the DEIS; 2) CSX will operate far more but shorter trains; and/or 3) There will be substantially slower freight speeds in the westbound (up-grade) direction than is assumed in the DEIS. In either case, or in combination, there would be substantial additional delay time at the Randolph Road crossing, as well as at the crossings of Forest Glen Road, South Summit Avenue, and Chestnut Street over and above the impact described in the DEIS.

With regard to the issue of motor vehicle/train accidents, the State DOT-managed "MARS" reporting system (Maryland Automobile Accident Reporting System) shows that for the four immediately preceding record years (1994 - 1997), one such accident occurred at the Randolph Road crossing. Also, data from a December 1988 "Randolph Road/Montrose Road Corridor Study Final Report" (page 55 excerpt attached) shows that two vehicle/train accidents occurred in 1986-87 and another three occurred during the period 1980-1985. Thus, in eleven out of the past 17 years for which data is readily available, there have been motor vehicle/train accidents at this crossing at the rate of one every two years. Assuming no accidents occurred in the other 6 years (1988-93), the accident rate was one every three years. For the future, the State Highway Administration predicts a vehicle/train accident rate of one every four years at this location, which is a significantly higher rate than the 19-year frequency projected in the DEIS for "Category A" crossings (DEIS Chapter 5, page MD-10).

Recent (January, 1998) contact with the Maryland State Highway Administration's railroad crossings traffic engineer elicited the information that Maryland does not maintain a formal "Top 50" list of high-risk railroad grade crossings, but if it did the Randolph Road crossing would be the top rated and the top candidate for grade separation.

In light of these data, the State of Maryland and Montgomery County have jointly conducted studies over several years to conceptually plan for a grade separated crossing of the CSX tracks. The County's adopted master plan shows such a separation, as does a Maryland State Highway Administration preliminary Final Environmental Impact Statement dated August 4, 1989 for the formerly proposed InterCounty Connector highway. A conceptual alignment and configuration (sketch attached) were produced as part of that environmental study, which shows how a grade separation could be designed to replace the at-grade crossing, with appropriate

connections to nearby arterial streets. Existing State-owned right-of-way would be used for most of the road realignment associated with grade separation.

We believe that the congestion and accident risk factors at the Randolph Road crossing are sufficient to warrant a requirement that they be mitigated by CSX participation in the cost of providing a grade separation at this location.

WMATA Metrorail/CSX Common Corridors (QN Tower site to Gaithersburg)

Another serious shortcoming of the DEIS is the lack of acknowledgment of potential safety issues on CSX's double-track Metropolitan Branch where it operates side-by-side with Metrorail along two segments totaling 11.4 miles where they are in common corridor (7.4 miles in Montgomery County and 4 miles in the District of Columbia.) The only separation between the CSX and Metrorail tracks are chain link intrusion detection fences and horizontal spacing of 20 to 30 feet (between track centers). Both the County and WMATA submitted preliminary comments on this situation in the summer of 1997, in response to STB's initial environmental report. The DEIS contains no acknowledgment or description of this operating environment and makes no reference to our concerns. As of the date of the DEIS, no site visits to the common corridor segments had been made in response to our or WMATA's comments on this issue.

There are two common corridor segments affecting CSX's Metropolitan Branch. In the Shady Grove to Twinbrook segment (5.4 miles), the corridor is used by 310 Metrorail trains per weekday on Metro's "A" route. In the Georgetown Junction-QN Tower segment (6 miles), there are 450 Metrorail trains per day on Metro's "B" route. Metrorail operates in revenue service from 5:30am-12:30am weekdays, and from 8:00am to 12:30am weekends. During the peak of weekday rush hours, Metrorail trains in the "B" route common typically carry 1000 persons/train, at 3-minute headway in each direction (1.5 minutes combined).

In 1987, there were two CSX freight train derailments which tore up several hundred feet of Metrorail "B" route trackage south of Takoma Park, and obstructed Metrorail service for several days. Fortunately, the derailments occurred during hours when Metrorail was not in revenue service. In response to these occurrences, CSX and WMATA jointly agreed in 1988 to a protocol which, although allowing continuation of CSX's 55MPH speed limit, mandated special precautions in freight operations in entire corridor. These included high/wide-load and dragging detectors, improved intrusion detection fences, track inspection, and improved communication between CSX and WMATA operations control centers. Also, in consideration of the long eastbound downgrade on the CSX Metropolitan Branch in Montgomery County and D.C., NTSB recommended that CSX discontinue use of helper locomotives in "push" mode while operating in this corridor.

With CSX's projected increase in this common corridor of seven more CSX freight trains per day (a 20% increase), and a tonnage increase of 48%, the adequacy of the 1988 CSX protocol should be assessed anew as part of the DEIS, in order to assess the risk exposure that increased freight operations, especially longer and heavier trains, may have on the safety of adjacent transit service.

Of these two common-corridor segments in our County, the greater concern is the 6-mile CSX segment between former QN Tower and Georgetown Junction, where Metrorail's "B" route tracks are located between the eastbound and westbound CSX tracks. CSX straddles the Metrorail tracks, increasing the probability that a CSX accident or derailment could impact one or both Metrorail tracks. Because of this configuration, and because of close track spacing (20 feet c-c) and the higher volume of Metro "B" route train movements and passengers, this CSX segment was cited in a 1989 Metro study (excerpt attached) as having the very highest risk factor among six corridors where Metrorail and freight railroads exist side-by-side in the Washington D.C. region. It was in this segment that a stopped CSX westbound freight precipitated "reverse flow" operation of a westbound Amtrak passenger train on the eastbound CSX track, resulting in the February, 1996 multi-fatality Amtrak/MARC accident at Georgetown Junction (Silver Spring).

An increase of seven freight trains per day on this CSX Line warrants an up-to-date EIS evaluation of the 10-year old CSX/WMATA common corridor study, because of the recent-years occurrence of CSX train incidents (three major accidents over nine years involving freight operations) in this high-risk segment. Among other items to consider, we recommend that SEA mandate a CSX speed restriction through the common corridor segments that would limit freight operations to 40-45 MPH instead of the 55MPH speed now permitted.

Attachments

cc: Richard White, General Manager, WMATA
Kathryn Waters, Manager, MARC Rail
Kathleen Henning, Member, Tri-State Metrorail Safety Oversight Committee

Preparer: Edward A. Daniel
Special Assistant to the Director
Montgomery County DPW&T
(301) 217-2976

CSX1.mem

STUDY



COMMON OPERATING CORRIDOR

for

**CSX Transportation and Washington Metropolitan Area Transit Authority
Joint Operating and Safety Committee**

study by

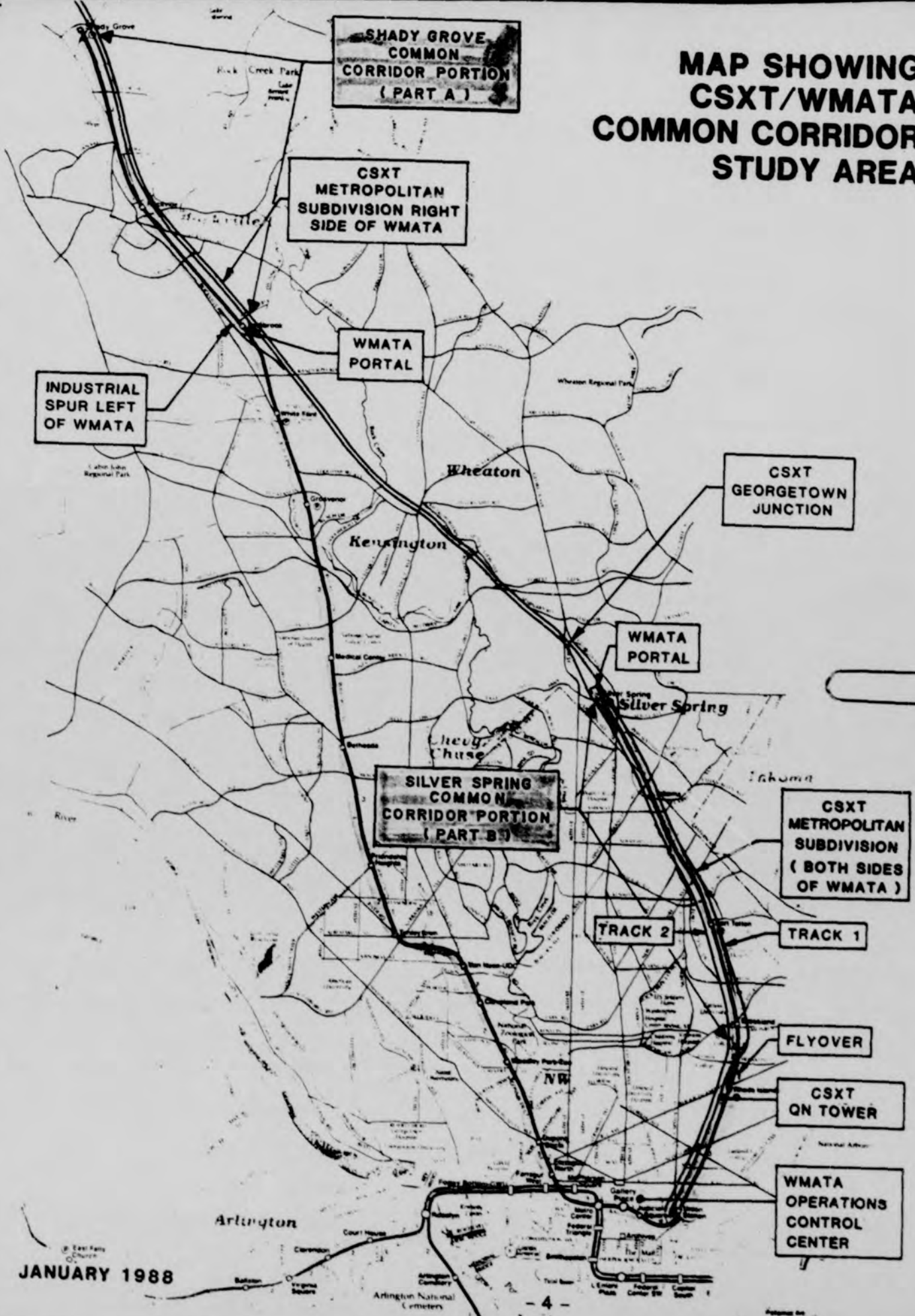
R. K. Pattison

supported by

**Parsons Brinckerhoff Quade & Douglas
Spring Park Technology Center
Herndon, Virginia**

March 1988

MAP SHOWING CSXT/WMATA COMMON CORRIDOR STUDY AREA



JANUARY 1988

**WMATA
COMMON CORRIDOR STUDY**

FINAL REPORT

MAY 19, 1989

BOOZ • ALLEN & HAMILTON Inc.
in cooperation with
ABACUS TECHNOLOGY, Inc.

- . Provided intrusion detection warning to CSXT's QN tower (connection between WMATA and railroad)
- . Increased height of IDW fence (WMATA right of way)
- . Integrated the IDW system with the automatic train protection speed control logic (WMATA system)
- . Added IDW at Twinbrook (WMATA right of way)
- . Added IDW at Hungerford Drive (WMATA right of way)

In addition, the opening of the Hagerstown connection between Norfolk-Southern and Conrail has rerouted a portion of eastern seaboard freight away from the Washington, D.C. metropolitan area. This has reduced the amount of exposure to potential common corridor incidents on the D, C, J and H routes. Added MARC service has also displaced freight service from the A and B routes particularly during peak hours contributing to the overall risk reduction (shown in Exhibit 6.1.1).

EXHIBIT 6.1.1
Common Corridor Risk Levels and Reductions Due To
WMATA and Railroad Initiatives

LINE/CORRIDOR	RELATIVE RISK LEVELS ¹		
	PRIOR ²	CURRENT ³	SAVINGS
RED - A	11.1	5.2	5.9
RED - B	59.4	26.5	32.9
YELLOW - C/J/H	3.7	1.6	2.1
ORANGE - D	12.5	3.6	8.9
GREEN - E	1.2	0.6	0.6
ORANGE - K	12.1	12.1	0
	100.0	49.6	50.4

¹ Relative to total common corridor risk under original design in 1986 set at 100.

² "Prior" refers to original design in 1986 operating environment.

³ "Current" refers to ongoing actions to improve prevention and detection actions including modifications in place and planned as a result of the WMATA/CSXT Task Force recommendations.

Up 100 Lighter
and Greener

YELLOW ALL HES
1 Bar.
2 Sec.



**for the
Montgomery County
Department of Transportation**

jhk & associates

December, 1988

which is lighted with mercury vapor luminaires (Parklawn Drive to Georgia Avenue), there are numerous links and intersections with a night to day accident ratio equal to or greater than 2.0. Signalized intersections along Randolph Road-Montrose Road with ratios greater than 1.5 are listed below.

- Rocking Horse Road/Gaynor Road
- Veirs Mill Road
- Connecticut Avenue
- Georgia Avenue

No similar patterns were observed in the sections of the corridor illuminated with the brighter high pressure sodium luminaires.

One of the high accident locations was not discussed in the previous chapter - the intersection of Randolph Road and the B&O Railroad, just east of Nebel Street. This intersection has experienced two vehicle/train accidents during the study period, and an additional six vehicle accidents directly related to the operation of trains through the intersection. Another six vehicle accidents also may be related to the crossing. (This cannot be determined without reviewing the police accident reports.)

In addition to the two vehicle/train accidents occurring during 1986 and 1987, it was determined (from data provided from the State Highway Administration) that another three vehicle/train accidents occurred during the period from 1980 to 1985. This equates to an average accident rate of 0.71 accidents per year.

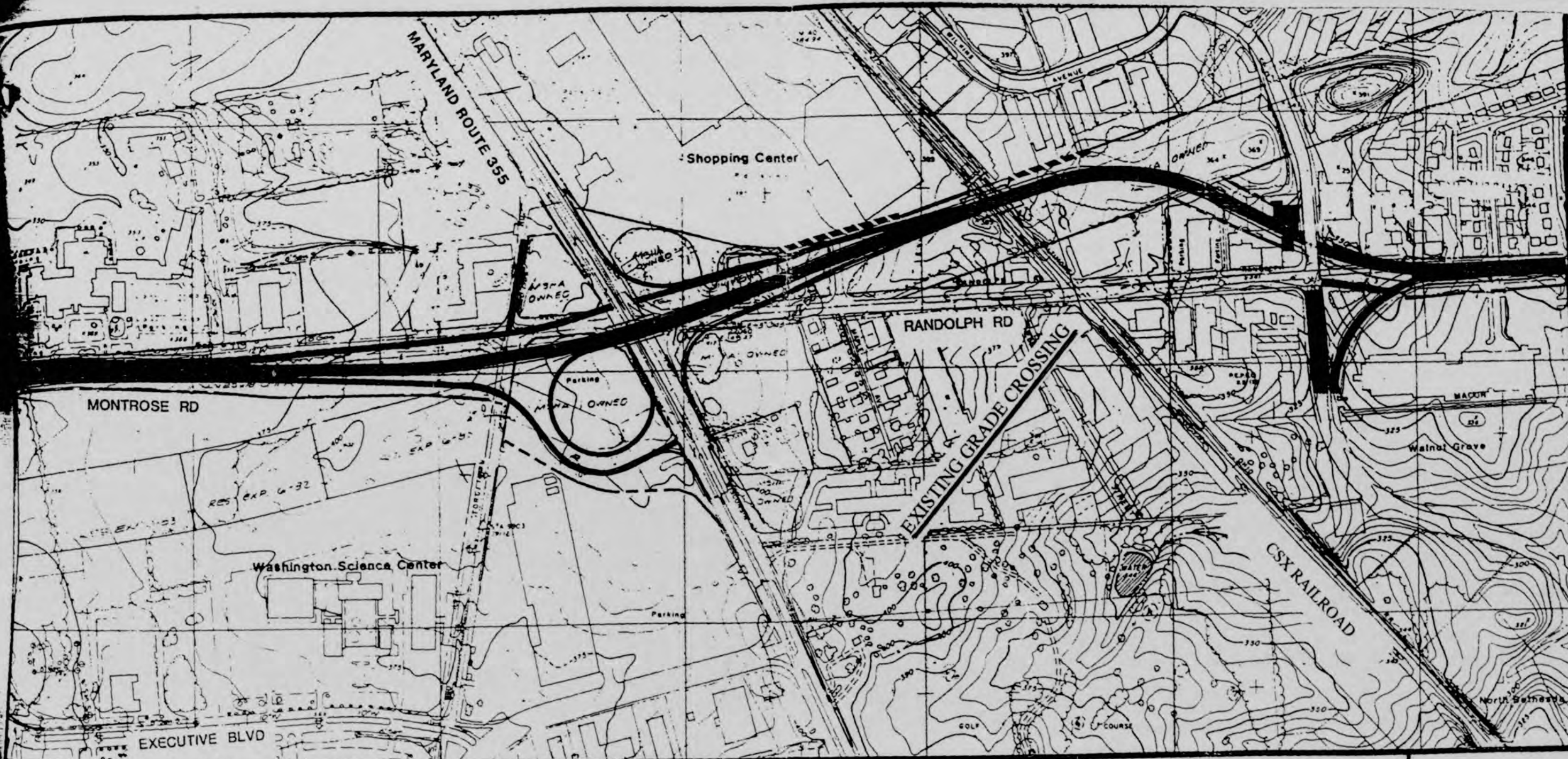
An accident rate less than one per year does not seem high compared to accidents occurring at highway intersections. The safety concern at rail-highway crossings, however, is the high potential for fatalities or serious injuries likely to occur at a crossing (e.g. on average, roughly one out of every 11 crossing accidents results in a fatality).

Fortunately, no fatalities have occurred at the rail-highway crossing on Randolph Road during the past ten years. However, the potential exists given the high roadway and train traffic volumes. Every effort should be made to make this crossing as safe as possible using the latest technologies in train detection and traffic control systems. Ideally, the crossing would be eliminated through grade separation. While expensive, this alternative would provide the greatest safety benefit as well as enhance traffic operations along the corridor. Federal highway funds (Section 130) may be available through the State Highway Administration for improvements at this crossing.

PROPOSED CONRAIL ACQUISITION
FINANCE DOCKET NO. 33388
DRAFT ENVIRONMENTAL IMPACT STATEMENT SUPPLEMENTAL ERRATA

Table 5-MD-9 (Revised)
Maryland
Highway/Rail At-Grade Crossing Vehicle Delay and Queues

County	Seg. No	Crossing FRA ID	Roadway Name	Number of Roadway Lanes	ADT	Pre Acquisition							Post Acquisition									
						Trains per day	Train Speed (mph)	Train Length (feet)	No. of Veh. Delayed per day	Max. No. of Veh. in Queue per lane	Crossing Delay per stopped veh (min/veh)	Avg. Delay per Vehicle (All vehicles) (sec/veh)	Level of Service	Trains per day	Train Speed (mph)	Train Length (feet)	No. of Veh. Delayed per day	Max. No. of Veh. in Queue per lane	Crossing Delay per stopped veh (min/veh)	Avg. Delay per Vehicle (All vehicles) (sec/veh)	Level of Service	Level of Service with Mitigation
Baltimore City	C-032	140239X	HOLLINS FERRY RD	2	6,969	39.6	35	6,000	469	17	1.54	12.48	B	42.7	35	6,200	519	18	1.59	14.18	B	
Baltimore City	C-032	140867D	BUSH ST	2	6,900	39.6	40	6,000	418	15	1.39	10.09	B	42.7	40	6,200	463	16	1.42	11.45	B	
Montgomery	C-003	140488D	FOREST GLEN RD	2	11,400	23.8	45	6,000	380	23	1.52	6.09	B	30.8	45	6,200	504	24	1.56	8.29	B	
Montgomery	C-003	140507F	S SUMMIT AVE	3	11,300	23.8	50	6,000	348	14	1.20	4.44	A	30.8	50	6,200	461	14	1.23	6.03	B	
Montgomery	C-003	140509U	CHESTNUT ST	2	10,500	23.8	55	6,000	302	18	1.27	4.37	A	30.8	55	6,200	400	19	1.30	5.92	B	
Montgomery	C-003	140494G	RANDOLPH	4	41,000	23.8	50	6,000	1263	38	2.39	8.83	B	30.8	50	6,200	1674	39	2.45	12.00	B	
Prince George's	C-030	140253T	DECATUR ST	2	8,000	18.7	25	6,000	335	26	2.12	10.65	B	24.3	25	6,200	448	27	2.18	14.63	B	
Prince George's	C-030	140257V	UPSHUR ST	2	5,900	18.7	25	6,000	247	19	1.96	9.84	B	24.3	25	6,200	330	20	2.01	13.52	B	
Prince George's	C-030	140258C	ANNAPOLIS RD	5	29,250	18.7	25	6,000	1226	38	2.48	12.45	B	24.3	25	6,200	1638	39	2.55	17.10	C	
Prince George's	C-034	140899J	SUNNYSIDE AVE	2	5,070	33.4	50	6,000	219	9	1.10	5.69	B	37.1	50	6,200	249	10	1.12	6.64	B	
Prince George's	C-034	140905K	QUEENSBURY RD	2	6,000	33.4	50	6,000	259	11	1.13	5.88	B	37.1	50	6,200	295	11	1.16	6.86	B	



LEGEND

MONTGOMERY COUNTY

AIR SENSITIVE RECEPTORS - - - - -



NOISE SENSITIVE AREAS - - - - -



100 YEAR FLOODPLAIN - - - - -

PROPOSED R/W - - - - -

PROPOSED ROADWAY - - - - -

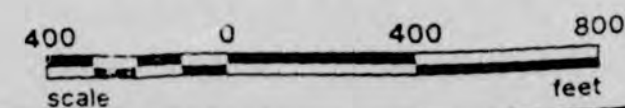
PROPOSED RETAINING WALL - - - - -



INTERCOUNTY CONNECTOR

FIGURE II-28

SELECTED ALTERNATE MD. 355 INTERCHANGE





OFFICES OF THE COUNTY EXECUTIVE

Douglas M. Duncan
County Executive

Bruce Romer
Chief Administrative Officer

State of Maryland
Public Highway-Rail Crossings
Ranked by Predicted Accidents per Year

NOTE: The Randolph Road crossing in Rockville, Montgomery County, Maryland ranks **first** in the State of Maryland in predicted accidents per year.

The Ridge Road crossing in Washington Grove, Montgomery County, Maryland ranks **third** in the State of Maryland in predicted accidents per year.

ENVIRONMENTAL
DOCUMENT

STATE OF MARYLAND
PUBLIC HIGHWAY-RAIL CROSSINGS
RANKED BY PREDICTED ACCIDENTS PER YEAR
SORTED BY HIGHWAY-RAIL CROSSING ID

17:16 Tuesday, February 20, 1996

page 2

OBS	XING ID	PRED ACCD	RANK	ST	COUNTY	CITY	RR	ROAD	RRID	MILEPOST
103	140455R	0.017808	291	MD	FREDERICK	BUCKEYSTOWN	CSX	NEW DESIGN RD	480	005901
104	140457E	0.027035	166	MD	FREDERICK	ADAMSTOWN	CSX	ADAMSTOWN ROAD	482	006044
105	140458L	0.012917	368	MD	FREDERICK	ADAMSTOWN	CSX	DOUBS RD	483	006133
106	140461U	0.027003	167	MD	FREDERICK	POINT OF ROCKS	CSX		485	006432
107	140462B	0.023391	207	MD	FREDERICK	FREDERICK	CSX	WISHER ST	BAX	000318
108	140463H	0.000267	688	MD	FREDERICK	FREDERICK	CSX	EAST SOUTH ST.	489.6	NONE00
109	140464P	0.000492	569	MD	FREDERICK	FREDERICK	CSX	EAST SOUTH ST.		NONE00
110	140465W	0.022774	214	MD	FREDERICK	FREDERICK	CSX	SOUTH ST	BAX	000288
111	140488D	0.047700	72	MD	MONTGOMERY	SILVER SPRING	CSX	FOREST GLEN RD	495	000971
112	140494G	0.233035	1	MD	MONTGOMERY	ROCKVILLE	CSX	RANDOLPH ROAD	497	001377
113	140505S	0.154322	5	MD	MONTGOMERY	WASHINGTON GROVE	CSX	RIDGE RD.	507	002050
114	140507F	0.052068	59	MD	MONTGOMERY	GAITHERSBURG	CSX	S SUMMIT AVE	508	002179
115	140509U	0.046958	73	MD	MONTGOMERY	GAITHERSBURG	CSX	CHESTNUT ST.	509	002213
116	140512C	0.025258	176	MD	MONTGOMERY	GAITHERSBURG	CSX	METROPOLITANGROVE	511	002336
117	140519A	0.037132	101	MD	MONTGOMERY	DARNESVILLE	CSX	HILLRISE LANE	512	003310
118	140521B	0.037132	102	MD	MONTGOMERY	DICKERSON	CSX	DICKERSON SCHL RD	513	003560
119	140524W	0.009983	444	MD	MONTGOMERY	DICKERSON	CSX	MOUTHOFMONOCACYRD	513.7	003700
120	140575G	0.011261	415	MD	WASHINGTON	FUNKSTOWN	CSX	WAGAMAN RD	554	H2000
121	140576N	0.013180	366	MD	WASHINGTON	FUNKSTOWN	CSX	POFFENBERGER RD	555	H2056
122	140608S	0.029502	140	MD	FREDERICK	BRUNSWICK	CSX	MAPLE AVE	516	H07552
123	140613N	0.028583	151	MD	WASHINGTON	HAGERSTOWN	CSX	OAK RIDGE DR.	556	H2180
124	140615C	0.034725	108	MD	WASHINGTON	HAGERSTOWN	CSX	WILSON BLVD	557	H2264
125	140616J	0.021663	223	MD	WASHINGTON	HAGERSTOWN	CSX	POTOMAC ST	558	002295
126	140617R	0.015079	338	MD	WASHINGTON	HAGERSTOWN	CSX	GARLINGER AVE	559	H2313
127	140774J	0.021009	239	MD	CECIL	ELK MILLS	CSX	ELK MILLS RD	170	004147
128	140775R	0.026565	169	MD	CECIL	ELK MILLS	CSX	JOHNSONS RD	170.2	004248
129	140789Y	0.017676	293	MD	CECIL	CHILDS	CSX	JACKSON STATION	173	005465
130	140793N	0.064836	45	MD	HARFORD	HAVRE DE GRACE	CSX	ONTARIO ST	175	003719
131	140794V	0.024329	192	MD	HARFORD	HAVRE DE GRACE	CSX	LEWIS LANE	176	005931
132	140802K	0.105472	19	MD	HARFORD	ABERDEEN	CSX	BEARDSHILL RD EXT	179	006249
133	140804Y	0.028874	149	MD	HARFORD	ABERDEEN	CSX	DELAIR AVE	180	003255
134	140813X	0.033386	120	MD	HARFORD	EDGEWOOD	CSX	CLAYTON RD	184	007380
135	140815L	0.037793	97	MD	HARFORD	JOPPA	CSX	JOPPA RD	185	007510
136	140817A	0.021386	229	MD	BALTIMORE	BRADSHAW	CSX	JONES RD	188	007720
137	140819N	0.028925	146	MD	BALTIMORE	WHITE MARSH	CSX	EBENEZER RD	189	008048
138	140830N	0.046106	74	MD	BALTIMORE	WHITE MARSH	CSX	TODDS LANE	191	008611
139	140831V	0.055778	54	MD	BALTIMORE	ROSEDALE	CSX	BATAVIA FARMS RD	191.1	008642
140	140863B	0.097826	22	MD	BALTIMORE	BALTIMORE	CSX	WARNER ST.	229	000074
141	140865P	0.033668	119	MD	BALTIMORE	BALTIMORE	CSX	RIDGELY STREET	231	000090
142	140866W	0.042688	83	MD	BALTIMORE	BALTIMORE	CSX	BAYARD STREET	232	000114
143	140867D	0.048195	70	MD	BALTIMORE	BALTIMORE	CSX	BUSH STREET	233	000124
144	140883M	0.116294	16	MD	HOWARD	HANOVER	CSX	HANOVER RD.	BAA	001158
145	140886H	0.018663	277	MD	HOWARD	JESSUP	CSX	MONTEVIDEO RD.	240	001487
146	140896N	0.030131	138	MD	PRINCE GEORGE'S	MUIRKIRK	CSX	CONTEE RD.	241	002362
147	140899J	0.043019	82	MD	PRINCE GEORGE'S	COLLEGE PARK	CSX	SUNNYSIDE AVE	244	002803
148	140902P	0.004696	499	MD	PRINCE GEORGE'S	COLLEGE PARK	CSX	LAKELAND RD.	245	003059
149	140905K	0.033871	111	MD	PRINCE GEORGE'S	RIVERDALE	CSX	QUEENSBURY RD	247	003249
150	140915R	0.000269	672	MD	ANNE ARUNDEL	FORT MEADE	CSX	BROCK BRIDGE RD.	249	00NONE
151	140916X	0.000269	673	MD	ANNE ARUNDEL	FORT MEADE	CSX	BROCK BRIDGE RD	250	00NONE
152	141351M	0.000492	538	MD	ANNE ARUNDEL	BALTIMORE	CSX	ARUNDEL COVE AVE.	407.2	00NONE
153	141354H	0.000492	580	MD	HOWARD	JESSUP	CSX	SAN TOMAS RD.		001310

STATE OF MARYLAND
PUBLIC HIGHWAY-RAIL CROSSINGS
RANKED BY PREDICTED ACCIDENTS PER YEAR

17:16 Tuesday, February 20, 1996

Page 2 of 2

RANK	PRED ACCDS	XING ID	ST	RR	-->		OF	ACC	<--		DATE OF CHG	HD CL	TOTL SWIT TRNS	DAY THRU TRNS	TOTL THRU TRNS	TOTL TRKS	MAIN TRKS	TTBL SPD	HNY PVD	HNY LNS	URBN RURL	AADT
					90	91			92	93												
1	0.233035	140494G	MD	CSX	1	0	0	1	0			GT	0	19	29	2	2	79	YES	4	U	41000
2	0.193353	832018H	MD	CSX	1	0	0	1	0			FL	2	3	8	1	1	30	YES	2	U	11550
3	0.154322	140505S	MD	CSX	0	0	0	1	1			GT	0	14	36	2	2	79	YES	2	U	4000
4	0.145803	140449M	MD	CSX	0	0	0	0	1			XB	0	7	16	1	1	45	YES	2	R	1902
5	0.142715	530619G	MD	CR	1	0	0	1	0			XB	0	2	3	1	1	30	YES	2	R	1500
6	0.128596	140381B	MD	CSX	0	0	0	0	1			FL	0	3	4	1	1	15	YES	4	U	14800
7	0.125069	140253T	MD	CSX	0	1	0	0	0			FL	0	6	13	1	1	25	YES	2	U	8000
8	0.124998	140388Y	MD	CSX	0	1	0	1	0			SS	12	0	0	3	0	15	YES	2	U	700
9	0.124176	848055H	MD	CTN	0	1	0	0	0			HW	0	2	2	1	1	6	YES	4	U	27400
10	0.123215	140451N	MD	CSX	0	0	2	0	0			FL	0	7	16	1	1	45	YES	2	U	525
11	0.122760	140439G	MD	CSX	0	0	0	0	0	93-08		XB	0	7	16	1	1	25	YES	2	U	468
12	0.118119	140384W	MD	MDT	0	0	0	0	1			HW	0	3	4	1	1	15	YES	4	U	9600
13	0.118101	530229U	MD	CR	0	0	1	1	0			XB	0	2	2	2	2	10	YES	2	R	1000
14	0.116729	831614E	MD	CSX	0	1	0	0	0			FL	2	1	3	1	1	25	YES	3	U	14800
15	0.116519	530621H	MD	CR	0	0	2	0	0			XB	0	2	3	1	1	30	YES	2	R	400
16	0.116294	140883M	MD	CSX	1	0	1	0	0			GT	0	8	18	2	2	65	YES	2	U	1369
17	0.115746	140393V	MD	CSX	0	0	0	2	0			SP	20	0	0	6	2	15	YES	2	U	500
18	0.111387	469321F	MD	NW	0	1	0	0	0			FL	0	8	16	1	1	50	YES	2	U	3375
19	0.105472	140802K	MD	CSX	0	0	1	0	0			FL	1	6	16	1	1	50	YES	2	U	2635
20	0.104218	140417G	MD	CSX	0	1	0	0	0			FL	0	10	16	1	1	35	YES	2	U	2305
21	0.099344	145051M	MD	CSX	0	0	1	0	0			GT	0	12	24	2	2	35	YES	3	U	4919
22	0.097826	140863B	MD	CSX	0	1	0	0	0			GT	24	16	34	4	3	25	YES	2	U	1500
23	0.088978	534883D	MD	CR	0	1	0	0	0			XB	0	6	10	1	1	30	YES	2	U	325
24	0.086769	870646R	MD	CSX	0	0	0	0	1			XB	6	0	0	2	0	10	YES	2	U	3750
25	0.086188	140239X	MD	CSX	1	0	0	0	0			FL	4	0	0	2	2	10	YES	2	U	6969
26	0.082634	140330R	MD	CSX	0	0	1	0	0			GT	10	2	4	4	1	15	YES	2	U	19200
27	0.081268	534887F	MD	CR	1	0	0	0	0			XB	0	6	10	1	1	30	YES	2	U	200
28	0.080690	831660F	MD	CSX	1	0	0	0	0			FL	2	3	6	1	1	35	YES	2	U	1900
29	0.076308	530843S	MD	MDT	0	0	0	0	0			GT	2	48	88	3	2	50	YES	4	U	16000
30	0.075654	848057W	MD	CTN	0	1	0	0	0			XB	1	0	0	1	0	2	YES	4	U	12600
31	0.075491	140395J	MD	CSX	0	0	0	1	0			SP	3	0	0	2	0	15	YES	4	U	5200
32	0.075106	529583E	MD	CR	0	1	0	0	0			FL	1	2	3	1	1	30	YES	2	U	3000
33	0.073263	532287W	MD	CR	0	0	0	0	1			XB	1	2	3	1	1	30	YES	2	U	463
34	0.072842	531875B	MD	MDT	0	0	0	0	1			FL	0	1	1	1	1	10	YES	2	R	12250
35	0.071998	832030P	MD	CSX	1	0	0	0	0			XB	0	3	8	1	1	30	YES	1	U	175
36	0.071588	831621P	MD	CSX	0	0	0	0	0			FL	2	3	6	2	2	25	YES	4	U	14000
37	0.071551	140260D	MD	CSX	0	1	0	0	0			FL	0	6	13	1	1	25	YES	2	U	550
38	0.071544	532262B	MD	CR	1	0	0	0	0			XB	0	3	3	1	1	30	YES	2	U	450
39	0.070003	140315N	MD	CSX	0	0	0	0	0			HW	0	6	12	1	1	15	YES	4	U	11100
40	0.068553	140329W	MD	CSX	0	0	0	0	0			NO	0	6	12	2	1	15	YES	2	U	7600
41	0.066498	532253C	MD	CR	0	1	0	0	0			FL	0	3	3	1	1	30	YES	2	U	2000
42	0.065842	532296V	MD	CR	1	0	0	0	0			GT	0	3	3	1	1	30	YES	4	U	6000
43	0.065498	532268S	MD	CR	1	0	0	0	0			XB	0	3	4	1	1	30	YES	2	R	200
44	0.065142	140362W	MD	CSX	0	0	0	0	0			SP	0	3	6	1	1	15	YES	4	U	18925
45	0.064836	140793N	MD	CSX	1	0	0	0	0			GT	1	6	16	1	1	50	YES	2	U	1676
46	0.063628	831707Y	MD	MMID	0	0	0	0	0			FL	0	92	96	1	1	25	YES	2	R	1025
47	0.060198	848053U	MD	CTN	0	0	0	0	0			HW	0	2	2	1	1	6	YES	6	U	18214
48	0.060116	530840W	MD	MDT	0	0	0	0	0			GT	2	48	96	2	2	50	YES	2	U	7425
49	0.057123	140263Y	MD	CSX	0	0	0	0	0			FL	0	6	13	1	1	25	YES	2	U	10000
50	0.056489	532064F	MD	MDDE	0	1	1	0	0			FL	0	0	0	1	1	10	YES	4	U	17750
51	0.056322	831649F	MD	CSX	0	0	0	0	0			FL	2	2	9	3	2	25	YES	2	U	9300
52	0.055868	532250G	MD	CR	0	0	0	0	0			FL	0	3	3	1	1	30	YES	4	U	19500

STB

FD-33388

2-5-98

K

ID-CITIES

City of New Haven

City Administration Building
1235 Lincoln Highway East
P.O. Box 570



NEW HAVEN, INDIANA 46774

February 2, 1998

ENVIRONMENTAL
DOCUMENT



Ms. 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, D.C. 20423-0001

RE: Conrail Acquisition Impacts on New Haven, Indiana

Dear Director:

Thank you for the opportunity to comment on the draft EIS prepared by your agency regarding the pending acquisition of Conrail by CSX and Norfolk Southern Railroads. The City of New Haven is supportive of the economic boost which the results of this merger will bring to this community.

At the same time, we are concerned that the residents of New Haven and vicinity not bear undue burdens from this opportunity. After careful examination of the STB's identified impacts on the New Haven area, and after consultation with my professional engineering staff, we have determined that the impacts on this community, particularly in the areas of safety, disruption of surface roads, noise and hazardous materials transport, deserve additional consideration by the STB, even though the SEA has not found many of these issues to meet their thresholds of mitigation.

Rail noise is a concern in New Haven, particularly from train horns in the neighborhoods bordering affected lines where there are grade crossings. The SEA impact statement notes that federal rail administration is mandated, under the Swift Rail Act of 1994, to develop "Whistle Ban Regulations". It is stated that the notice of proposed rule-making is expected to be published in the first half of 1998. We hope these rules will create opportunities to safely reduce train horn sounding at grade crossings like those found in New Haven.

Ms. Elaine K. Kaiser
February 2, 1998
Page Two

We further understand that supplementary safety features, including "four quadrant gates", could create this "secured" crossings needed before it would be considered safe to delete train horns at those intersections. In order to help mitigate the 90% increase in train horns sounded in New Haven from this acquisition, we request that "secured" crossing be created for the grade crossings near the residential areas bordering the affected lines in New Haven. These include crossings at:

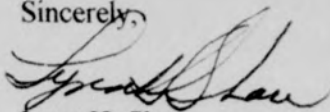
West Street	Estella Avenue
Rose Avenue	Hartzell Road
Landin Road	Main Street
North Rufus Street	

In the past four years, the City of New Haven has experienced two serious accidents involving trains and automobiles, of which I have included a copy of the officer's standard crash reports for your review. The engineering staff feels that the installation of "secured" crossings would have eliminated the accident at North Rufus Street because at the time of the accident and presently, the only safety equipment in place are cross bucks at the crossing and advanced warning signs.

We also encourage the development of loud speaker "horn" technology at grade crossings to reduce the impact area of the train horns on nearby residents.

I hope that the SEA will seriously consider including these mitigations in their final draft impact statement to the Surface Transportation Board. This acquisition represents great economic opportunity for many. We hope that opportunity comes at a fair price.

Sincerely,



Lynn H. Shaw
Mayor
City of New Haven

LHS:das
Enclosures: As noted above
cc: Keith Schlegel
File



INDIANA OFFICER'S STANDARD CRASH REPORT

State Form 2355B(R) 7-91 Size 2

Mail to: Indiana State Police, Crash Records Section
100 North Senate Avenue, Indianapolis, IN 46204

OFFICE USE ONLY

Cra. D No

INDIANA OFFICER - STANDARD CRASH REPORT										OFFICE USE ONLY				
State Form 2355B(R) 7-91 Size 2 Mail to: Indiana State Police Crash Records Section 100 North Senate Avenue Indianapolis, IN 46204										Crash No.				
Date of Crash	Month	Day	Year	Day of Week	Actual Local Time	AM	PM	No Motor Vehicles	No Injured	No Dead	No Trailers			
09	20		1997	SATURDAY	9:57			1	2	2				
County	ALLEN			Township	ADAMS			City/Town or Nearest City/Town						
Inside Corporate Limits?								Property?		<input type="checkbox"/> DNR		Distance and Direction From Corporate Limits		
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								<input type="checkbox"/> Private <input checked="" type="checkbox"/> Other				Miles North Miles South Miles East Miles West		
Road Crash Occurred On	ESTELLA AVE.					Intersecting Road Mile Marker/Interchange								
If not at intersection number of feet from	30		Direction NORTH		Nearest Intersecting Road Mile Marker/Interchange					OLD MAUMEE AVE. (EASTBOUND)				
Driver's Name (Last, First MI)	TYLER, JOEL M.					Address (Street City State Zip)					3314 CHERRY LN. FT. WAYNE, IN 46804			
Apparent Phys Stat (enter no.)	M		Date of Birth		02/12/1981		Arrested?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
Driver's License No.	OSOO-68-7861					Lic Type		Lic St		Restr		OP IN		
Color	Veh Yr	Make		Model Name		4S								
BLACK	1994	PONTIAC		GRAND AM										
Veh Type (enter no.)	1		Lic Yr	License No		IN								
1996	2D7787													
Veh Use (enter no.)	Speed Limit		Fuel Tax No											
1	30													
Direction of Travel	No Occupants		Fire?		No Axles		Transporting Hazardous Mat							
NORTH	4		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Z		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
Towed To	Robinson's Wrecker Svc.					Towed By					Robinson's Wrecker Svc.			
Registered Owner's Name (Last, First MI)	TYLER, JERRY W.					Address (Street City State Zip)					3314 CHERRY LN. FT. WAYNE, IN 46804			
Registered Owner's Name (Last, First MI)						Address (Street City State Zip)								
License No	Make		Year		Lic St		Lic Yr							
INITIAL IMPACT														
V1		V2		DAMAGE EST		V1		V2		Areas Damaged (Multiples)				
6										Undercarriage <input checked="" type="checkbox"/> Trailer <input type="checkbox"/> None <input type="checkbox"/>				
OTHER PROPERTY (INCLUDE CARGO)														
Name of Object OWNER'S NAME AND ADDRESS Damage to (use chart)														
PEDESTRIAN														
Direction Street Highway				Arrested?		Apparent Phys Stat (enter no.)								
				<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO										
What was pedestrian doing before crash? Enter No														
1. Not on roadway 2. Standing on roadway 3. Playing on roadway 4. Pushing or working on vehicle 5. Other working on roadway 6. Walking on roadway with traffic 7. Walking on roadway against traffic 8. Getting on/off vehicle 9. Getting on/off school bus 10. Crossing or entering not at intersection 11. Crossing or entering at intersection 12. Other														
Pedestrian Traffic Control? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No														
DRIVER OF VEHICLE 1 (as listed above)														
DRIVER OF VEHICLE 2 (as listed above)														
LAVERS, JOSHUA 7102 Woodbine Ln. Ft. Wayne, IN 46804														
FRANKFELDER, DAN 1827 CHARTWELL DR. FT. WAYNE, IN 46816														

Diagram

Indicate NORTH
by an arrow

SEE ATTACHED REPORT

NARRATIVE (Refer to Vehicle by Number)

UPON ARRIVAL AT SCENE, I FOUND V1 LODGED UNDER FREIGHT TRAIN CAR. DRIVER AND FRONT SEAT PASSENGER WERE BOTH TRAPPED INSIDE DRIVER'S COMPARTMENT AND DECEASED. BOTH REAR SEAT PASSENGERS WERE LYING ON ROADWAY BEHIND V1, HAVING BEEN REMOVED FROM VEH. BY PASSERBY. BOTH WERE TRANSPORTED TO HOSPITAL IN CRITICAL CONDITION.

WITNESSES HEARD COLLISION BUT DID NOT HEAR THE SQUEALING OR BRAKING TIRES.

UPON ARRIVAL, P/R CROSSING LIGHTS WERE ACTIVATED AND APPARENTLY WORKING PROPERLY.

TRAIN CONDUCTOR ADVISED THE TRAIN WAS STATIONARY AT TIME OF COLLISION.

D1 Insured By

D2 Insured By

Other Participant(s) Name Address (etc.)

Name of Witness No. BECCA A. MILLER

Name of Witness No. JOSEPH HEATON

Name of Person Arrested

Address 812 FLORENCE AVE., FT. WAYNE

Address 2516 WHITE OAK AVE., FT. WAYNE

ID No.

Name of Person Arrested

Location at Time of Crash

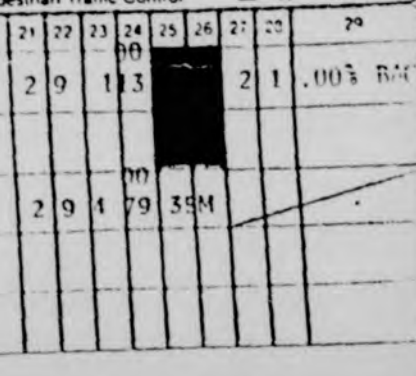
S/B N/O TRACKS

Location at Time of Crash

Pulled up on accident

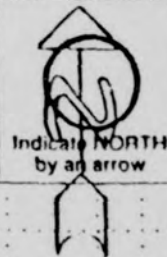
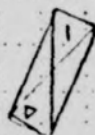
INVESTIGATION	Time Notified	9:57	AM	Time Arrived	9:59	AM	Other Location	Investigation	Investigation Complete	Photos Taken
	Assisting Officer	OFF. T. HOOVER		ID No.	92	Agency	ALLEN COUNTY POLICE DEPT.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Assisting Officer	OFF. D. ULRICH		ID No.	9	Agency	NEW HAVEN POLICE DEPT.			Date of Report
	Investigating Officer's Signature	<i>[Signature]</i>		ID No.	15	Agency	NEW HAVEN POLICE DEPT.			9-21-97

S.A. KUMMER



Diagram

RAILROAD TRACKS



NARRATIVE (Refer to Vehicle by Number)

VEHICLE #1 WAS NORTHBOUND ON RUFUS ST AND FAILED TO YIELD TO A EASTBOUND TRAIN. VEHICLE #1 WAS STRUCK BY THE TRAIN, PUSHED OFF THE ROAD, FLIPPED OVER ON ITS TOP AND CAME TO REST IN THE NORTHEAST DITCH.

** THE SPACE FOR DRIVER #2 WAS USED TO LIST THE ENGINEER'S INFORMATION

D1 Insured By

AMERICAN NATIONAL

D2 Insured By

Other Participant(s) Name, Address (etc)

SULOWSKI, WALTER 6016 PINE ST, TAYLOR, MI (TRAIN CONDUCTOR)

Name of Witness No 1

SCHMUTIE, DAVE

Name of Witness No 2

Address

5003 GREEN ROAD, NEW HAVEN

Address

Location at Time of Crash

BEHIND VEH. #1

Location at Time of Crash

Name of Person Arrested

I.C. Code(s)

Name of Person Arrested

I.C. Code(s)

Time Notified

2:14

AM

Time Arrived

2:22

AM

Other Location of Investigation

PARKVIEW HOSPITAL

Investigation Complete

Yes

No

Photos Taken

Yes

No

Assisting Officer

LT. H. BAATZ

Assisting Officer

D. KUNKEL

Investigating Officer's Signature

R S Hordick

I.D. No

811-2

I.D. No

811-7

I.D. No

PE123

Agency

NEW HAVEN POLICE DEPT

Agency

NEW HAVEN POLICE DEPT

Agency

ALLEN COUNTY POLICE DEPT

Date of Report

3-9-94

Driver Report

Form Furnished

D1

D2

INVESTIGATION

STB

FD-33388

2-5-98

K

ID-GOV



ENVIRONMENTAL DOCUMENT



February 2, 1998

Maryland Department of Housing and Community Development

*Division of Historical and
Cultural Programs*

100 Community Place
Crownsville, Maryland 21032

410-514-7600

1-800-756-0119

Fax: 410-987-4071

Maryland Relay for the Deaf:

1-800-735-2258

<http://www.dhcd.state.md.us>

Parris N. Glendening
Governor

Patricia J. Payne
Secretary

Raymond A. Skinner
Deputy Secretary

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

Re: Draft EIS - Proposed Conrail Acquisition
CSX Corporation and CSX Transportation, Inc.
Norfolk Southern Corporation and Norfolk Southern Railway Company
State Clearinghouse No. MD971222-1116

Dear Ms. Kaiser:

Thank you for providing us with a copy of the above-referenced DEIS, for review and comment. The Maryland Historical Trust has reviewed the proposed actions for Maryland to assess their effects on historic properties, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.

Maryland components of the undertaking include increased train operations on 13 rail line segments, construction of one rail line connection in Hagerstown, and construction of one intermodal facility in Baltimore. Based on the documentation presented in the DEIS, we concur that implementation of the Maryland actions will have no effect on historic properties, including historic structures and archeological sites, eligible for inclusion in the National Register of Historic Places. Further consultation with the Trust for Section 106 purposes is not needed unless the project scope changes.

If you have questions or require further assistance, please call me at (410) 514-7631.

Sincerely,

Elizabeth J. Cole
Administrator, Archeological Services

EJC/9800040

cc: Ms. La Verne Gray (MOP)
Mr. Paul McGinley (MHA)



STB

FD-33388

2-5-98

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ENVIRONMENTAL DOCUMENT

February 1, 1998



To Whom It May Concern:

I am writing this letter to voice my opposition to the proposed merger of CSX and Southern Railroads. I take this position after obtaining all the information made available through Media, News Articles and my attendance at the recently held Summit held on January 31, 1998 in Cleveland Ohio.

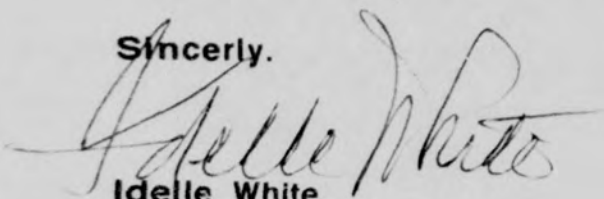
I believe that it is incumbent upon each person in the position to make a decision in this regard to do so after thoroughly searching and considering every aspect of the issue and it's impact thereof.

I further contend that there are far-reaching effects of this proposed merger that warrant the ut-most consideration, i.e.

1. The potential for Health Hazards that are compounded by the proposed elimination of Railroad Maintenance Employees.
2. The proposed expansion disproportionately targets Minority and Low Income Communities.
3. Real Estate value depreciation.
4. Taxpayers being burdened with additional sacrifices through being taxed for the infrustructing of proposed expansion.

These are very real issues that will not go away unless they are resolved through resolving not to allow this proposal to become a reality.

Sincerely,


Idelle White

1580 Prospect St.
Elyria, Ohio 44035

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

ENVIRONMENTAL
DOCUMENT



Ref. Fivona Docket 33388

Dear Mr. Williams

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

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

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

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

STB

FD-33388

2-5-98

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ID-CITIES

Seneca County Commissioners

Janet A. Dell • Kenneth J. Estep • Jeffrey D. Wagner

ENVIRONMENTAL
DOCUMENT



January 29, 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

81 Jefferson Street • Tiffin, Ohio 44883

Phone: 419-447-4550 Fax: 419-447-0556

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.

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.

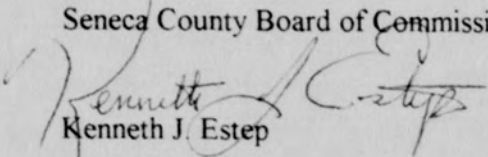
F. Seneca County Air Quality

SEA has already identified a 29% in NO_x 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.

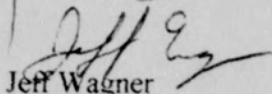
- G. The general concern of the study was to evaluate the results of the merger against "preacquisition" numbers instead of using this as an arena to fix some of the existing problems associated with rail commerce in a proactive manner. Also the future growth of rail commerce along these lines and their 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 PUCC 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,

Seneca County Board of Commissioner



Kenneth J. Estep



Jeff Wagner

STB

FD-33388

2-5-98

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ID-CITIES



The City of Lynchburg, Virginia

CITY HALL, LYNCHBURG, VIRGINIA 24505 • (804) 847-1360
FAX • (804) 847-1436

February 4, 1998

DEPARTMENT OF PUBLIC WORKS

ENVIRONMENTAL DOCUMENT



Office of the Secretary
Case Control Unit
STB Finance Docket No. 33398
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:

We submitted an original on January 29, 1998. We inadvertently failed to include 10 copies.
Please find enclosed additional copies.

Sincerely,

Terrell J. Reid
Utilities Administrator

cdf



The City of Lynchburg, Virginia

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

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

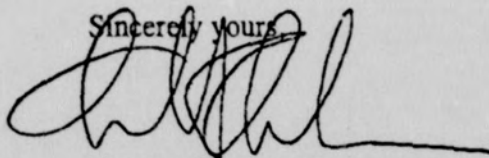
Ms. Elaine K. Kaiser
January 29, 1998
Page 2

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 black ink, appearing to read "Charles F. Church", written over the "Sincerely yours" text.

Charles F. Church
City Manager

STB

FD-33388

2-5-98

K

ID-CITIES

St. Lawrence County
BOARD OF LEGISLATORS
48 Court Street, Court House
Canton, New York 13617-1194
(315)379-2276
FAX (315)379-2463

DONALD R. BRINING
County Administrator

R. SHAWN GRAY
Board Chair

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

**ENVIRONMENTAL
DOCUMENT**

January 27th, 1998



Attention: Elaine Kaiser
Environmental Project Director
Environmental Filing

Dear Ms. Kaiser:

Thank you for the opportunity to review the DEIS on the "Proposed Conrail Acquisition".

St. Lawrence County has no comments on the document inasmuch as the proposal would not alter existing rail infrastructure in our County. We are hopeful; however that an increased emphasis on rail traffic to Montreal - which we believe is a goal of CSX - will have a positive effect on the economics of the system.

Sincerely,

A handwritten signature in cursive script, appearing to read 'R. Shawn Gray'.

R. Shawn Gray, Chairman

STB

FD-33388

2-5-98

K

ID-CITIES



NASHVILLE AREA METROPOLITAN PLANNING ORGANIZATION

Landsley Hall
730 Second Avenue South
Nashville, TN 37201-5156

Phone: 615 / 862 - 7211
Fax: 615 / 862 - 7209

ENVIRONMENTAL
DOCUMENT

February 2, 1998

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



DAVIDSON COUNTY

Goodlettsville
Metropolitan
Nashville -
Davidson County

**Re: Request for Comments on Draft EIS in STB Finance Docket No.
33388**

RUTHERFORD COUNTY

La Vergne
Murfreesboro
Smyrna

To Whom it May Concern:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement (EIS) in the Surface Transportation Board (STB) Finance Docket No. 33388.

SUMNER COUNTY

Gallatin
Goodlettsville
Hendersonville
Portland

In a letter dated August 4, 1997, the Nashville Area Metropolitan Planning Organization (MPO) responded to a Request for Comments on the Proposed EIS regarding the Proposed Acquisition of Conrail by Norfolk Southern Railroad and CSX Railroad.

In summary, our office expressed concern with the following EIS topics: air quality, the potential for passenger rail service, and safety.

WILLIAMSON COUNTY

Brentwood
Franklin

In January 1998, the Nashville Area MPO received copies of the Draft EIS. In review of the Draft EIS, the following points of clarification and comments are provided:

- Page TN-14 of "Proposed Conrail Acquisition", Draft Environmental Impact Statement, Volume 3B, the following statement is made: "EPA has designated Davidson County as a nonattainment area for particulate matter, and a maintenance area for O₃."

WILSON COUNTY

Lebanon
Mt. Juliet

Davidson County is in fact *attainment* for particulate matter, and should be so noted in your analysis.

- Table 5-TN-7 (revised) *Tennessee Highway Rail At-Grade Crossing Vehicle Delay and Queues* of the Draft Environmental Impact

Statement Supplemental Errata identifies train speeds at five at-grade crossings in Davidson County as follows:

Craighead Rd.	40 mph
Berry Rd.	40 mph
Davidson Rd.	40 mph
Thompson Ln.	50 mph
Una-Antioch Pike	50 mph

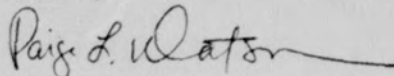
According to the Charter of the Metropolitan Government of Nashville and Davidson County, Title 12, Chapter 12.76, Section 12.76.20 *Speeds for Railroad Trains* and information provided by the Chief Traffic Engineer for Nashville-Davidson County, the maximum allowable train speeds at these locations are as follows:

Craighead Rd.	35 mph
Berry Rd.	35 mph
Davidson Rd.	35 mph
Thompson Ln.	40 mph
Una-Antioch Pike	45 mph

Due to the fact that these speeds are slower than those indicated in the aforementioned table, we request they be used to recalculate the vehicle delay and queues at highway/rail at-grade crossings as well as the respective Levels of Service for each roadway.

Again, thank you for the opportunity to comment on the Draft EIS. Should you have any questions or comments, please do not hesitate to contact me at 615/862-7215.

Sincerely,



Paige L. Watson
Planner I

MPO 98/27
PLW/plw

STB

FD-3388

2-5-98

K

ID-GOV.

OPPENHEIMER WOLFF & DONNELLY

1020 Nineteenth Street N.W.
Suite 400
Washington, D.C. 20036-6105

(202) 293-6300
FAX (202) 293-6200

Direct Dial: 202-496-4906

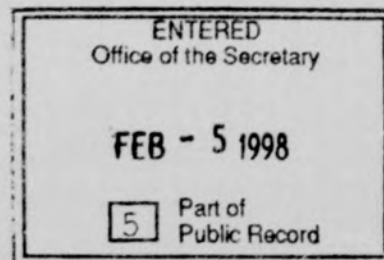
VIA HAND DELIVERY

February 5, 1998

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Room 700
Washington, D.C. 20423-0001

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

ENVIRONMENTAL
DOCUMENT



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

Dear Secretary Williams:

Enclosed are an original and ten copies of the Public Version of the comments of the Northern Virginia Transportation Commission and Potomac and Rappahannock Transportation Commission on the Draft Environmental Impact Statement ("DEIS") and the DEIS Verified Statement of Charles H. Banks. Only the DEIS Verified Statement of Charles H. Banks contains redactions, but we are furnishing versions of both documents. Also enclosed is a 3.5 inch diskette containing the filing in WordPerfect 5.1.

Please stamp the extra copy of the foregoing and return it with our messenger.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "K. Sheys".

Kevin M. Sheys
Oppenheimer Wolff & Donnelly LLP

Enclosures

185550

Brussels
Chicago
Detroit
Geneva
Irvine
Los Angeles
Minneapolis
New York
Paris
Saint Paul
San Jose
Washington, D.C.



Virginia Railway Express

A Transportation Partnership

February 2, 1998

Public Version



VIA HAND DELIVERY

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Room 700
Washington, D.C. 20423-0001

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

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

Dear Secretary Williams:

This letter constitutes the comments of Northern Virginia Transportation Commission and Potomac and Rappahannock Transportation Commission ("NVTC" and "PRTC", respectively, and the "Commissions" collectively) on the Draft Environmental Impact Statement ("DEIS") served by the Surface Transportation Board's Section of Environmental Analysis ("SEA") on December 12, 1997.

I. Summary

As is more fully explained below, the Commissions believe that the preliminary conclusion of the DEIS that the proposed Conrail acquisition will have no adverse impact on the Virginia Railway Express ("VRE")¹ commuter rail transportation system is wrong. The Commissions believe that SEA needs to comprehensively re-examine this very important issue and develop conditions for inclusion in the Final Environmental Impact Statement ("FEIS") to mitigate the adverse impact of the

¹ NVTC and PRTC are political subdivisions of the Commonwealth of Virginia organized pursuant to the Transportation District Act of 1964, § 15.1-1340 *et seq.* VA Code Ann. NVTC and PRTC jointly own the VRE commuter rail service. Amtrak conducts and manages VRE's commuter rail operations pursuant to a contract with the Commissions. VRE's right to utilize the rail lines of the Applicants is established by contracts between the Commissions and CSX, NS and Conrail, respectively.

1500 King Street • Suite 202 • Alexandria, Virginia 22314-2730

TEL: (703) 684-1001
FAX: (703) 684-1313

WEBSITE: www.vre.org
E-MAIL: gotrains@vre.org

proposed Conrail acquisition on VRE. In addition, the Commissions believe that the SEA's preliminary proposed mitigation condition that would require greater time spacing between freight and passenger trains is not necessary to ensure continued safe passenger operations on the line between Potomac Yard and Fredericksburg and therefore should not be included in the FEIS.

The Commissions' specific comments on these topics (and other related topics) are summarized below. A full discussion of the impact of the proposed Conrail acquisition on VRE is set forth in the Comments and Requests for Conditions of the Commissions, which was filed with the Board on October 21, 1997. The Commissions' Comments and Requests for Conditions in the "economic" part of the proceeding are directly related to the environmental considerations raised in this letter and, therefore, we incorporate them by reference and request that SEA carefully review them in the course of preparation of the FEIS. We are submitting ten copies of our Comments and Request for Conditions herewith and would be pleased to provide SEA with additional copies upon request.

II. SEA's Conclusion Of No Adverse Impact On VRE Is Wrong

VRE provides a valuable service to Northern Virginia commuters. VRE data compiled for submission to the U.S. Department of Transportation's ("U.S. DOT") National Transit Database reveal that in FY 1997 VRE provided 57,116,170 passenger miles of service at an average cost of only 32 cents per passenger mile. This compares very favorably with costs of operating single-occupant automobiles. VRE has operated without a passenger fatality or even serious injury since 1992. At VRE's FY 1997 level of ridership (1,758,471 passenger trips), the reduction of automobile usage by VRE passengers reduced consumption of gasoline by approximately 2.9 million gallons.²

VRE presently operates 24 trains on two routes. Twelve trains operate on the CSX Fredericksburg Line and 12 trains operate on the NS Manassas Line. With respect to the Fredericksburg Line, the DEIS concludes that "the proposed increase in CSX freight trains is not expected to adversely affect commuter service. SEA has analyzed the segment and believes, based upon the information available, that mitigation is not necessary at this time." DEIS at 4-39. With respect to the Manassas Line, the DEIS concludes that "[b]ased upon the information available at this time, there does not appear to be an adverse impact on commuter service to Manassas. SEA does not believe mitigation is necessary at this time." DEIS at 4-40. The Commissions believe that both of these conclusions are wrong.

As explained below, the segments of the NS Manassas Line and the CSX Fredericksburg Line used by VRE will experience very heavy increases in freight traffic. These lines do not have the capacity to absorb these increases while accommodating current levels of passenger service. This is especially true because freight operating times are erratic. CSX and NS have proposed no capital improvements of their own to expand capacity on these overburdened lines. The result will be

² Comments and Request for Conditions of Northern Virginia Transportation Commission and Potomac and Rappahannock Transportation Commission ("VRE Request for Conditions"), VRE-8, at 13; Verified Statement of Stephen A. MacIsaac and Richard K. Taube, which accompanied the VRE Requests for Conditions, at 9-13.

increased failure to dispatch VRE trains on time, with falling VRE ridership and a return to single-occupant automobiles by dissatisfied VRE customers. Air quality will certainly deteriorate as a result. The final EIS should document and evaluate these adverse impacts and propose appropriate mitigation measures.

Both CSX and NS have indicated that their proposed Operating Plans for the post-acquisition era will result in substantial increases in freight train operations on the rail lines over which VRE provides service. Increased freight operations will further clog these already busy rail transportation arteries. The NS Operating Plan projects an increase of two freight trains per day on the line between Manassas and Alexandria. Although VRE is very concerned about the impact of this acknowledged increase, VRE has developed information indicating that NS may in fact increase daily freight trains over the Manassas Line by four or more trains per day.³ In addition, NS has acknowledged that the Manassas Line is a much more direct and desirable route for NS coal and other traffic to the Baltimore and Wilmington markets than the NS Hagerstown - Harrisburg route, creating the distinct likelihood that greater volumes of coal traffic ultimately will be re-routed over the Manassas Line to the detriment of VRE commuter rail operations.⁴

The CSX Operating Plan poses even greater concerns because of the very substantial increases in freight service CSX plans for the already highly congested Fredericksburg Line. According to the CSX Operating Plan, the CSX line between Fredericksburg and Alexandria currently carries 28 passenger trains per day (12 VRE trains and 16 Amtrak trains) and is projected to experience an increase of seven freight trains per day. This represents a 43 percent increase in freight train operations on this 49-mile segment. The post-acquisition increase in freight operations on the other part of the Fredericksburg Line, between Potomac Yard and CP - Virginia Avenue, is even more dramatic. This line presently carries a minimum of 42 passenger trains per day (24 VRE trains and a minimum of 18 Amtrak trains) and will have an increase of 11 freight trains per day, which represents a 61 percent increase over the pre-acquisition level. Furthermore, most of the added freight trains on the Manassas and Fredericksburg Lines will operate during the VRE operating periods (i.e., Washington, D.C. rush hour periods).⁵ Even so, CSX has not identified a single capacity-enhancing investment on the Fredericksburg Line other than publicly funded improvements that will only be made if they enhance or improve VRE service.

The CSX Operating Plan itself reveals that among the rail lines with passenger trains that will experience moderate to substantial increases in freight activity, the Fredericksburg Line (and particularly the segment between Potomac Yard and CP - Virginia Avenue) is among the most affected by freight train increases in the entire Country. Table 13.8-2 of the CSX Operating Plan (Application ("App."), Vol. 3A at 409-12) lists projected increases in both CSX and NS freight trains on CSX and Conrail-acquired line segments with passenger service. Although there are more than 100 lines listed, only six line segments are projected to have an increase of ten or more freight

³ Verified Statement of Charles H. Banks ("Banks VS"), which accompanied the VRE Request for Conditions, at 9.

⁴ VRE Requests for Conditions at 16-17; Banks VS at 9, 18-20.

⁵ VRE Request for Conditions at 18.

trains per day. With the exception of the Potomac Yard to CP - Virginia Avenue segment, none of these segments carries significant passenger traffic. App., Vol. 3A at 409. In contrast, the Potomac Yard to CP - Virginia Avenue line segment carries more than 42 passenger trains per day. App., Vol. 3A at 412. Accordingly, of all the CSX/Conrail lines that are scheduled to undergo substantial post-transaction increases in freight traffic, the line that has by far the greatest volume of passenger operations is the Potomac Yard to CP - Virginia Avenue segment. The potential impact, therefore, of substantial projected increases in freight traffic on lines already carrying substantial passenger traffic -- and the corresponding need to protect such passenger operations -- is nowhere more clearly evident than on the CSX/Conrail Fredericksburg Line.⁶ Although the Application asserts that the Fredericksburg Line has "sufficient capacity" to accommodate freight increases without adverse impact on commuter service, App., Vol. 3A at 276, even before the merger CSX Chairman John Snow characterized the Fredericksburg Line as "one of the most capacity constrained segments of the entire CSX system." Letter from John Snow to Terrence Spellane, Potomac and Rappahannock Transportation Commission, June 28, 1995.⁷

The methodology that CSX and NS used to arrive at projected freight train densities as a result of the acquisition was made without any consideration of passenger operations. The Applicants assert that any possible conflicts or adverse impacts on VRE commuter rail service could be resolved through more careful scheduling of freight trains. Scheduling adjustments and refinements will not resolve the issue.⁸

Nothing filed by Applicants since the submission of their Environmental Report (CSX/NS-23) alleviates the Commissions' concerns. On December 15, 1997, Applicants filed their rebuttal to, inter alia, the VRE Request for Conditions. As is explained in the DEIS Verified Statement of Charles H. Banks, attached hereto as Exhibit A, Applicants have continued to ignore the adverse impact of the proposed Conrail acquisition on VRE operations.

In consideration of these key factors, as well as all of the other factors described in the VRE Request for Conditions and accompanying verified statements, the Commissions are perplexed by the DEIS conclusion that the train increases of CSX are "well within the capacity" of the Fredericksburg Line and that the NS Manassas Line has "more than sufficient capacity to accommodate expansion of VRE service."

The DEIS indicates that "CSX has begun certain signal and crossover track improvements which will add some operating flexibility and reliability to the route." DEIS, Vol. 1 at 4-39. Although the Commissions cannot be sure which signal and crossover track improvements are referred to in the DEIS, it seems likely that SEA is referring to certain capital improvements that are being made at the behest of VRE and the expense of the public and for the benefit of VRE service. As noted above, CSX has not identified a single capacity-enhancing investment on the Fredericksburg Line that it

⁶ VRE Request for Conditions at 18-19.

⁷ VRE Request for Conditions at 19-20.

⁸ VRE Request for Conditions at 28-31, Banks VS at 5-10.

intends to pay for. CSX only identifies publicly funded improvements, but these will only be made if they enhance or improve VRE's service.

Approximately one-third of VRE's annual capital budget is devoted to improvements to the Fredericksburg Line. The improvements are funded by the Virginia Department of Rail and Public Transportation ("VDR&PT"), using federal funds. VRE has paid for the Woodbridge crossover (approximately \$1.25 million) north of Quantico Bridge and is predisposed but not committed to pay for the Aquia crossover south of Quantico Bridge. The addition of these crossovers would double the number of crossovers in the area and help both freight and passenger trains avoid delays. Again, VRE is predisposed but not committed to pay for track and signal improvements between a point near Potomac River (RO) and a point near Telegraph Road (AF), at an expense of approximately \$2,650,000. These track and signal improvements are designed to increase train speeds, decrease travel time and consequently increase VRE ridership.⁹ The first thing that should be noted is that the Woodbridge/Aquia crossover and the track and signal improvements between the Potomac River and Telegraph Road would be installed only if VRE's service would benefit from them. The Commissions are pleased that there is also a benefit to the freight service from these publicly funded improvements, but it should be recognized that the improvements will not be made if they do not enhance VRE service. Thus, unless CSX is prepared to represent that it will make the improvements even if public funding is not forthcoming, SEA should not assume that the improvements will be made or factor the improvements into its consideration of the environmental impact of the proposed Conrail acquisition.¹⁰

Other statements in the DEIS indicate that SEA needs to undertake a more careful study of VRE operations. For example in Volume 1, on page 4-39, the DEIS erroneously states:

CSX has also proposed in its Operation Plan certain improvements to the Virginia Avenue tunnel in Southeast Washington, D.C. The improvements would improve the movement of both passenger and freight trains through this tunnel, which currently is a constraint to passenger train operations in the District of Columbia. [Emphasis Added]

Neither VRE nor Amtrak trains run through the Virginia Avenue tunnel. Although the planned improvements to the Virginia Avenue tunnel will permit faster movement of freight trains through that tunnel and that, in turn, might result in somewhat higher capacity on the CSX line between

⁹ VRE's capital improvement program also contains a plan to add a new bridge over Quantico Creek, at an expense of approximately \$20 million, which would add an additional track to replace the track that CSX demolished shortly before VRE began operations. The additional span of bridge at Quantico Creek would enhance the benefit of the Woodbridge/Aquia crossovers.

¹⁰ The same point should be made about the planned siding at Lorton. In Applicants' rebuttal submission, Mr. Reistrup promotes the Lorton siding. Applicants' Rebuttal, CSX/NS-176, Vol. 2B, Rebuttal Verified Statement of Paul H. Reistrup at P-259. Public funding will not be used for that siding unless it provides a benefit to VRE service.

Potomac Yard and CP - Virginia Avenue, the fact that the SEA is under the impression that Amtrak and VRE trains run through the Virginia Avenue tunnel is indicative of a need to re-examine more thoroughly (and accurately) the operations of VRE and reach more careful conclusions regarding the impact of the proposed Conrail acquisition on VRE operations.

Moreover, there is no indication that SEA conducted any analysis of (i) the magnitude of increased capacity on the Potomac Yard to CP - Virginia Avenue line as a result of the Virginia Avenue tunnel improvements or (ii) the increase in delays or reduction in capacity on the line during the period when the improvements are being made. If the Virginia Avenue tunnel improvements are proffered as mitigation of the adverse impact of the proposed Conrail acquisition on VRE, then the extent of the benefit must be quantified. Moreover, as the Virginia Avenue tunnel improvements are prompted by the proposed Conrail acquisition, SEA needs to establish conditions to mitigate the adverse impact on VRE operations during the construction.

III. SEA's Proposed 15-Minute Headway Condition Is Not Necessary For Safety

With respect to the CSX Line between Fredericksburg and Potomac Yard (among other segments), the SEA has preliminarily proposed a condition under which freight trains "moving in the same or opposite direction on the same track would be clear of the track at least 15 minutes before and 15 minutes after the expected arrival of a passenger train at any point." DEIS at 7-12.

Review of the DEIS provides no insight into how the proposed mitigation is supposed to improve safety or, indeed, what incidents the proposed measure is designed to prevent. It would appear rooted in a desire to have freight trains in the clear at meeting or passing points on a single track railroad, but does not seem appropriate for a double-track railroad such as the Fredericksburg Line, with cab signals installed for bi-directional operations.

Time spacing is an old railroad practice used when poor communications technology could not be relied upon for safety. The requirement to be in the clear at least five minutes in advance of any potential conflict was appropriate given the state of signal system technology at the time and certainly reduced rail accidents. The Commissions fail to see how establishing a 15-minute separation period is necessary for safety today.

Further, the Commissions believe that the SEA has not examined and evaluated the tremendous burden the proposed mitigation would place upon the VRE operations on the Fredericksburg - Potomac Yard segment. With block signal systems, trains can follow safely as short as five minutes apart. To mandate a spacing of not less than 15 minutes would mean stretching by three times the length of the current interval. Where CSX and NS can now safely insert a freight train between commuter trains operating on 30 to 60 minute headways, they would be completely forestalled under the proposed mitigation condition from using their own tracks for hours during peak passenger periods. As that impact would prove to be an intolerable burden on CSX, the most likely outcome would be for CSX to cease its willingness to host VRE trains upon contract expiration or to achieve the same thing by failing to dispatch VRE trains reliably enough to encourage commuter rail ridership.

IV. An Adverse Impact On VRE Would Have An Adverse Impact On Air Quality

Northern Virginia is designated as a "serious" ozone area by the U.S. Environmental Protection Agency. Accordingly, the region must prepare air quality plans and spend millions of dollars to devise methods to reduce the ozone to acceptable levels. An emissions analysis performed by NVTC in 1994 showed that for each work day, reduced automobile traffic from VRE service results in 0.06 fewer tons of hydrocarbons, 0.42 fewer tons of carbon monoxide, 0.19 fewer tons of nitrogen oxide and 0.07 fewer tons of volatile organic compounds (the controlling pollutant in smog formation in the Washington, D.C. area). These amounts are net of the extra auto trips by VRE customers to and from VRE stations.¹¹ Thus, any adverse impact of the proposed Conrail acquisition on VRE would have an adverse impact on air quality in Northern Virginia.

The Commissions appreciate this opportunity to submit comments on the DEIS. The Commissions are committed to working with SEA to provide further information regarding the foregoing comments and to consult with SEA regarding the impact of the proposed Conrail acquisition on VRE.

Respectfully submitted,

_____/s/
Richard K. Taube
Executive Director
Northern Virginia Transportation Commission

_____/s/
Stephen A. MacIsaac
Acting Executive Director
Potomac and Rappahannock Transportation
Commission

¹¹ Kathleen Benton. "Investment Analysis - Revised - Virginia Railway Express Versus Equivalent Highway Capacity", April 24, 1995, Northern Virginia Transportation Commission. See Exhibit B attached hereto.

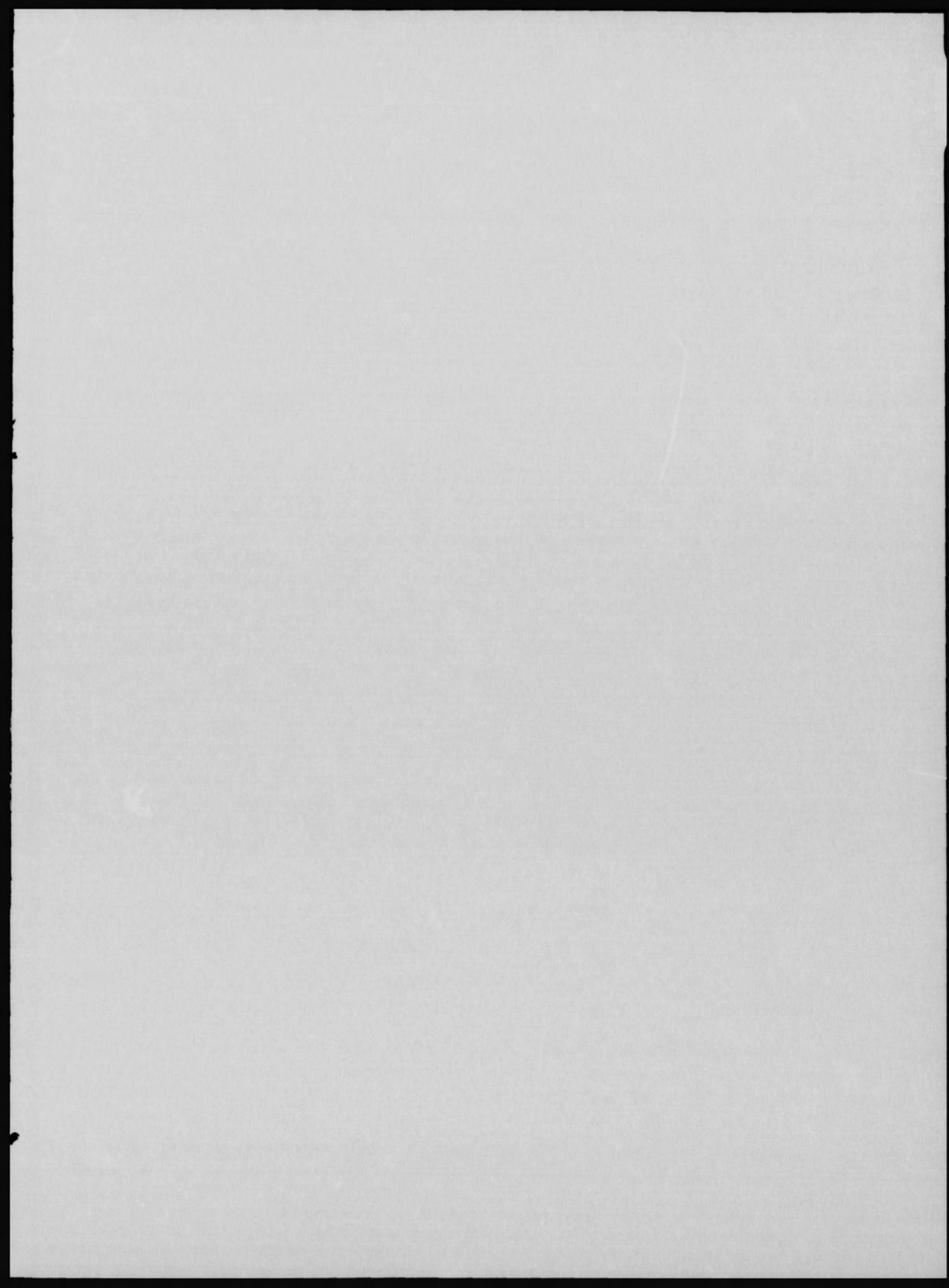


EXHIBIT A

Public Version

**DEIS Verified Statement
of
Charles H. Banks**

I. Qualifications and Introduction

My name is Charles H. Banks. I am President of R.L. Banks & Associates, Inc. ("RLBA"), a firm of transportation economists and engineers, with offices at 1717 K Street, NW, Washington, DC 20006 and at 4 Britton Avenue, Belvedere, CA 94920. I have been RLBA's principal in charge of providing Commuter Rail Economic and Operations Consulting Services for the Virginia Railway Express ("VRE") since RLBA was awarded that competitively bid five-year service contract on June 26, 1995.

The co-owners of VRE, Northern Virginia Transportation Commission ("NVTC") and Potomac and Rappahannock Transportation Commission ("PRTC") (collectively, the "Commissions"), are today filing comments on the Draft Environmental Impact Statement ("DEIS") served by the Surface Transportation Board's Section of Environmental Analysis ("SEA"). The Commissions believe that the preliminary conclusion of the DEIS that the proposed Conrail acquisition will have no adverse impact on VRE operations is wrong. The Commissions believe that SEA needs to comprehensively re-examine this very important issue and develop conditions for inclusion in the Final Environmental Impact Statement ("FEIS") to mitigate the adverse impact of the proposed Conrail acquisition on VRE.

Applicants' Environmental Report (CSX/NS-23) contained very little information with which VRE could evaluate the impact of the proposed Conrail acquisition on VRE. Nothing filed by Applicants since the submission of their Environmental Report alleviates the Commissions' concerns. VRE filed Comments and Requests for Conditions in the so-called "economic" part of the proceeding that are directly related to the environmental considerations raised in its comments. On December 15, 1997, Applicants filed their rebuttal to, inter alia, the VRE Request for Conditions. In the rebuttal filing, Applicants side-stepped VRE's evidence (set forth in its Request for Conditions) of the harms from the proposed Conrail acquisition. The purpose of this verified statement is to point out the major flaws in Applicants' rebuttal.

A. The STB Needs to Look at the Entire Fredericksburg Line Over Which VRE Operates

To get an accurate picture of freight and passenger train operations on the Fredericksburg Line after consummation of the proposed Conrail acquisition, one must look at the entire line between Fredericksburg and Washington, D.C., not just one segment of it. The Commissions have done so, but the Applicants have not. The Applicants' approach is arbitrary and somewhat misleading.

In Applicants' Rebuttal, CSX/NS-176, Vol. 2A, Rebuttal Verified Statement of John W. Orrison ("Orrison RVS"), at P-606, Mr. Orrison claims:

Correct presentations of the string line charts show that there is no conflict between the proposed CSX train operations with respect to known VRE train operations.

However, in this, CSX's only attempt to quantify the impact of additional trains on the Fredericksburg Line, Mr. Orrison failed to prepare a string line chart of the entire

CSX/Conrail line between Fredericksburg and CP Virginia. He played it safe but coy by depicting only seven miles of largely triple-track territory, completely ignoring any string line depiction of the approximately 45.7 miles of largely double-track railroad over which VRE operates, not to mention a short single-track segment in the vicinity of the Quantico Bridge. In contrast, the analysis in my verified statement accompanying the Commissions' Request for Conditions (the "Banks VS") covered the entire rail line segment.

Had Mr. Orrison prepared a complete string line chart, it would have shown the exact opposite of what his analysis shows. At least six VRE and Amtrak trains will be delayed every weekday by proposed CSX freight trains. VRE clearly presented the data in my earlier verified statement at 7 and 8 and Attachment B thereto. I now have prepared two string line charts to analyze Mr. Orrison's contentions. One depicts scheduled trains from Fredericksburg to Washington on the eastward track while the second charts all scheduled Washington to Fredericksburg trains on the westward track. When Mr. Orrison's string line approach is extended to cover the entire CSX/Conrail line, not just triple-track territory, significant conflicts occur:

CSX [] will delay VRE#310 and Amtrak #86 every day (see Banks VS at 7);

CSX#[] will delay VRE#301 every day (see Banks VS at 8);

CSX#[] will delay VRE #306 every day (see Banks VS Attachment B);

CSX#[] will delay VRE#307 every day (see Banks VS at 8); and

CSX#[] will delay Amtrak#66 every day (see Banks VS at 8).

Even my analysis paints an optimistic picture because the string line charts were premised upon the simplifying assumption that all Fredericksburg to Washington trains could operate on a continuous eastward track while all trains in the opposite direction could operate on the westward track. It, therefore, did not even take into account the considerable impacts arising from the single-track segment at Quantico Creek through which all trains must be funneled in both directions, one at a time, causing additional delays to opposing trains

Moreover, string line charts cannot possibly depict accurately the location of train meeting points given the variance at which CSX freight trains deviate from schedule each and every day. Banks VS at 10-11. String charts are merely a "best case" laboratory exercise. Even as deficient as the string line approach is in reflecting realistic and less than perfect operating conditions of real railroading, it predicts that the CSX operating plan will result in major conflicts to VRE trains.

In sum, even were CSX to achieve the kind of laboratory perfect conditions it has proffered, in which each freight train runs exactly on time, a string line chart of proposed existing passenger and proposed freight operations depicts daily delays to four of the twelve VRE passenger trains operating between Washington and Fredericksburg each weekday. VRE on-time performance on the Fredericksburg Line would plunge to 67 percent, absent any impacts which might arise from track, signal and other CSX delays.

B. CSX and the STB Cannot Assume That Planned Capacity/Flexibility-Enhancing Capital Improvements Will Be Made on the Fredericksburg Line

Both Mr. Orrison and Paul H. Reistrup, another witness for the Applicants, make much of CSX's efforts to increase capacity on the Fredericksburg Line. All of the cited improvements are at least partially funded by passenger train/public sector interests, primarily VRE and the Commonwealth of Virginia. (See Exhibit One hereto.) Public funding for capacity improvements will not happen if VRE service will not benefit from the improvements. As proposed, the Conrail acquisition will have serious adverse effects on VRE operations and it is therefore unlikely that the capital improvements touted by Applicants would benefit VRE sufficiently to justify public expenditures. Thus, SEA should not assume, as Applicants have, that public money will be available. Absent a commitment by CSX to fund the capital improvements itself, SEA should not assume the capital improvements will be made.

Mr. Reistrup states:

One should also take into account the effect of the recent improvements to the line, some funded by CSX and some funded by VRE, and the additional improvements planned for the line.

CSX has completed several capital improvement projects on portions of the Fredericksburg line and is continuing to improve the remaining portions. These projects, funded entirely by CSX, include: 1) replacing rail and ties, 2) improving the ballast shoulder, 3) upgrading signal relays to modern microprocessors; and 4) installing CTC modern dispatch bi-directional signaling.

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One important improvement CSX has planned and will fund is the clearance and track upgrade of the Virginia Avenue Tunnel in the District of Columbia. The tunnel project will permit track speed to increase from the present 10 mph to 25 mph or more, allowing freight trains to travel much more quickly over the line segments used by VRE.

Applicants' Rebuttal, CSX/NS-176, Vol. 2B, Rebuttal Verified Statement of Paul H. Reistrup ("Reistrup RVS"), at P-248-49.

Mr. Orrison adds:

Nonetheless, CSX continues to advance its efforts to improve VRE's on-time performance. One means by which CSX seeks to increase service levels is by improving capacity and service over the Atlantic Coast Service Route, over segments of which VRE operates. Improving the track will move traffic over this line more quickly and create greater capacity for freight and passenger trains. An example of CSX's commitment to improve track and train operational capacity is the plan to modify the Virginia Avenue Tunnel and more than double the track speed in the tunnel area (from 10 mph to 25 mph or more) to improve train meets in Washington, D.C.

Orrison RVS at P-611.

The Commissions have made significant improvements to the Fredericksburg Line, using public monies to improve VRE service. The Commissions plan to make additional significant improvements, again using public funds, provided that the improvements enhance VRE service. If the planned improvements would not help VRE service, or if, in the alternative, no VRE service survives to be supported, no public expenditures will be made to improve the utility of CSX freight trackage. Thus, unless CSX is prepared to represent that it will make the improvements even if public funding is not forthcoming, SEA should not assume that the improvements will be made or factor the improvements into its consideration of the environmental impact of the proposed Conrail acquisition.

It is certainly questionable whether the so-called CSX improvements to the Fredericksburg Line relied upon so heavily by Mr. Reistrup can properly be categorized as "capital improvements". I would characterize them instead as maintenance of way expenditures, an operating expense. They merely restore the line to repair normal or

accidental wear and tear on the property. They do not add capacity or functionality to the corridor. Ties wear out; even welded rail eventually must be replaced; ballast shoulders must be restored to prevent track buckling. The signal relays at Rosslyn which Mr. Reistrup cites are nothing more than replacements of in-place infrastructure which was destroyed in last summer's major freight train derailment which also damaged VRE service and decimated VRE ridership. The modern signaling system to which Mr. Reistrup avers can hardly be accepted on its face as an "improvement," since a CTC installation with cab signals has been installed on this line segment for many years. In short, none of the improvements cited by Mr. Reistrup added capacity to the line in preparation for the coming onslaught of new rail freight traffic.

Conrail's depository timetable shows a maximum authorized speed through the tunnel of [] mph. VRE marvels that the only example CSX can muster of how it will improve the Fredericksburg Line to accommodate significantly increased freight traffic is to raise a temporary speed restriction to less than the authorized speed in Conrail's depository timetable. The freight train speed through the tunnel has been 30 mph or faster for decades. It seems strange to temporarily lower a speed, then be given credit by SEA for increasing it to less than historical levels.

Likewise, the benefit to VRE seems speculative. While the Virginia Avenue Tunnel project may represent a significant clearance improvement for CSX, the only benefit VRE may realize is the extent to which partially restoring freight train operating speeds can help CSX hide its dispatching errors when freight trains are advanced ahead of passenger trains with inadequate time to clear the main track. If an eastbound CSX freight

cannot clear CP Virginia ahead of a passenger train, it should be held at the Potomac River. Similarly, if a slow westbound freight train would delay a passenger train, it should be held at CP Virginia to follow the passenger train. Even at the proposed increased, but less than timetable, speed of [] mph within the tunnel, it is less than the allowable passenger train speed of [] mph across the Potomac River and [] mph between the Potomac River and CP Virginia (except [] mph on two curves).¹ If CSX operates an eastbound freight train immediately ahead of a passenger train it will likely delay that [] mph train.

Applicants do not offer one capital improvement paid for absent government funding which will improve line segment throughput capacity. Since, for the reasons stated previously, SEA cannot properly assume that capacity improvements will be made with public funds, SEA cannot point to any planned capital improvement that will enhance capacity and offset the impact of the proposed Conrail acquisition on VRE passenger service.

C. Freight Trains Consume More Capacity Than Passenger Trains

The Applicants would like any STB analysis of freight and passenger train activity to be based on the premise that VRE trains consume more capacity than freight trains and therefore disproportionately constrain the Fredericksburg Line. In fact, the opposite is true. At P-245, Mr. Reistrup states:

First, VRE erroneously assumes that capacity on the line is constrained by freight traffic, when in fact it is constrained by passenger traffic. An additional freight train does not "consume" the same amount of capacity as an additional passenger train. The RF&P line from Fredericksburg to Alexandria is double-track (except for the bridge at Quantico) with CTC bi-directional signaling. There would be no

¹ NS-21-CO-01257

question that this line would have more than adequate capacity if all the trains expected to operate over the line post-Transaction were freight trains.

“Capacity” is the problem, but contrary to Mr. Reistrup’s contention, a single freight train consumes more capacity than does a single passenger train. Freight trains change speeds more gradually than passenger trains and cannot be operated as frequently as passenger trains on a line with the characteristics of the Fredericksburg Line. Passenger trains can accelerate and decelerate more quickly, which means they can more quickly reach high speeds on segments permitting such speeds and maintain those high speeds for longer periods before there is a need for a brake application to operate over a lower speed segment or stop at a station. Thus, on the Fredericksburg Line, as shown in Table 1, the average speeds achieved by CSX trains operating in both directions between Alexandria and Richmond were [] miles per hour for intermodal trains and [] miles per hour for other freight trains, each considerably slower than the 54 and 44 mile per hour averages achieved by Amtrak and VRE trains, respectively between Alexandria and either Richmond or Fredericksburg.

**Table 1: Average Train Speeds of Different Train Types
Between Alexandria and Points South**

Train Type	Endpoints	Miles	Average Elapsed Time (Hours)	Average Speed (Miles Per Hour)
Amtrak	Alexandria and Richmond	100	1.9	54
VRE	Alexandria and Fredericksburg	46	1.1	44
CSX Intermodal	Alexandria (Potomac Yard) and Richmond (Greendale)	101	[]	[]
CSX Other Freight	Alexandria (Potomac Yard) and Richmond (Greendale)	101	[]	[]
CSX Other Freight	Alexandria (Potomac Yard) and Richmond (Acca Yard)	102.6	[]	[]

Sources: CSX Train Operations Train Inquiry 9/18/97 – 10/17/97; RLBA calculations.

Another way of determining whether and to what extent there is congestion on the Fredericksburg Line is to examine the elapsed time between Alexandria and Richmond recorded by CSX Intermodal and other (general) freight trains. If there is no capacity problem on the Fredericksburg Line other than that posed by VRE operations, as CSX claims, then one would expect CSX trains to operate more quickly when VRE trains do not operate. The fact that VRE trains do not operate on the weekends provides an ideal control case for evaluation. The results of analyses drawn from CSX actual data are summarized in Table 2. It shows that CSX freight trains operate no faster on the weekend when VRE does not operate any trains than they do during the week. Congestion is such a constant that CSX trains are no better off in the absence of VRE operations than with them.

**Table 2: CSX Freight Trains
Average Elapsed Travel Times
Weekday Vs. Weekend Average Travel**

Train Type	Endpoints	Weekday	Weekend
CSX Intermodal	Between Alexandria (Potomac Yd.) and Richmond (Greendale)	[] hrs	[] hrs
CSX Freight	Between Alexandria (Potomac Yd.) and Richmond (Greendale)	[] hrs	[] hrs
CSX Freight	Between Alexandria (Potomac Yd.) and Richmond (Acca Yd.)	[] hrs	[] hrs

Sources: CSX Train Operations Train Inquiry 9/18/97 – 10/17/97; RLBA calculations.

Likewise, one would expect that CSX trains would be subject to fewer delays when VRE was not active on the Fredericksburg Line than when it was. However, this is not the case. As shown in Tables 3 and 4, respectively, whether one includes both early

and late freight trains or just the late CSX freight trains, the average variance from schedule and hours of delay are no worse during the days when VRE operates than when it does not.

**Table 3: Average Variance from Schedule
All CSX Trains**

Period	Sample Number of Trains	Trains per day	Average Variance
Daily (7 days)	[]	[]	[] hours
Weekends Only	[]	[]	[] hrs

Sources: CSX Train Operations Train Inquiry 9/18/97-10/17/97; RLBA calculations.

It can be seen in Table 3 that the same number of CSX trains operate on weekends as operate during the week, and yet on weekends, when freed from VRE train interference, the CSX trains still do not run on schedule. In fact, variance from schedule is slightly worse on weekends when VRE trains do not operate.

Table 4: Average Hours of Delay - All CSX Trains

Period	Sample Number of Trains	Trains per day	Average Variance
Daily (7 days)	[]	[]	[] hrs
Weekends Only	[]	[]	[] hrs

Sources: CSX Train Operations Train Inquiry 9/18/97 - 10/17/97; RLBA calculations.

Further, the values in both preceding tables demonstrate that CSX freight trains are not able adhere to a schedule on weekends, which suggests that there are significant capacity problems even in the absence of VRE trains and track occupancy.

No matter how one looks at the data, there is no factual basis that supports a finding that VRE passenger trains in general take longer than freight trains to traverse the

Fredericksburg Line and that VRE trains are contributing significantly to the congestion problem.

Verification

I, Charles H. Banks, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief. Further, I certify that I am qualified and authorized to file this Verified Statement.

/s/

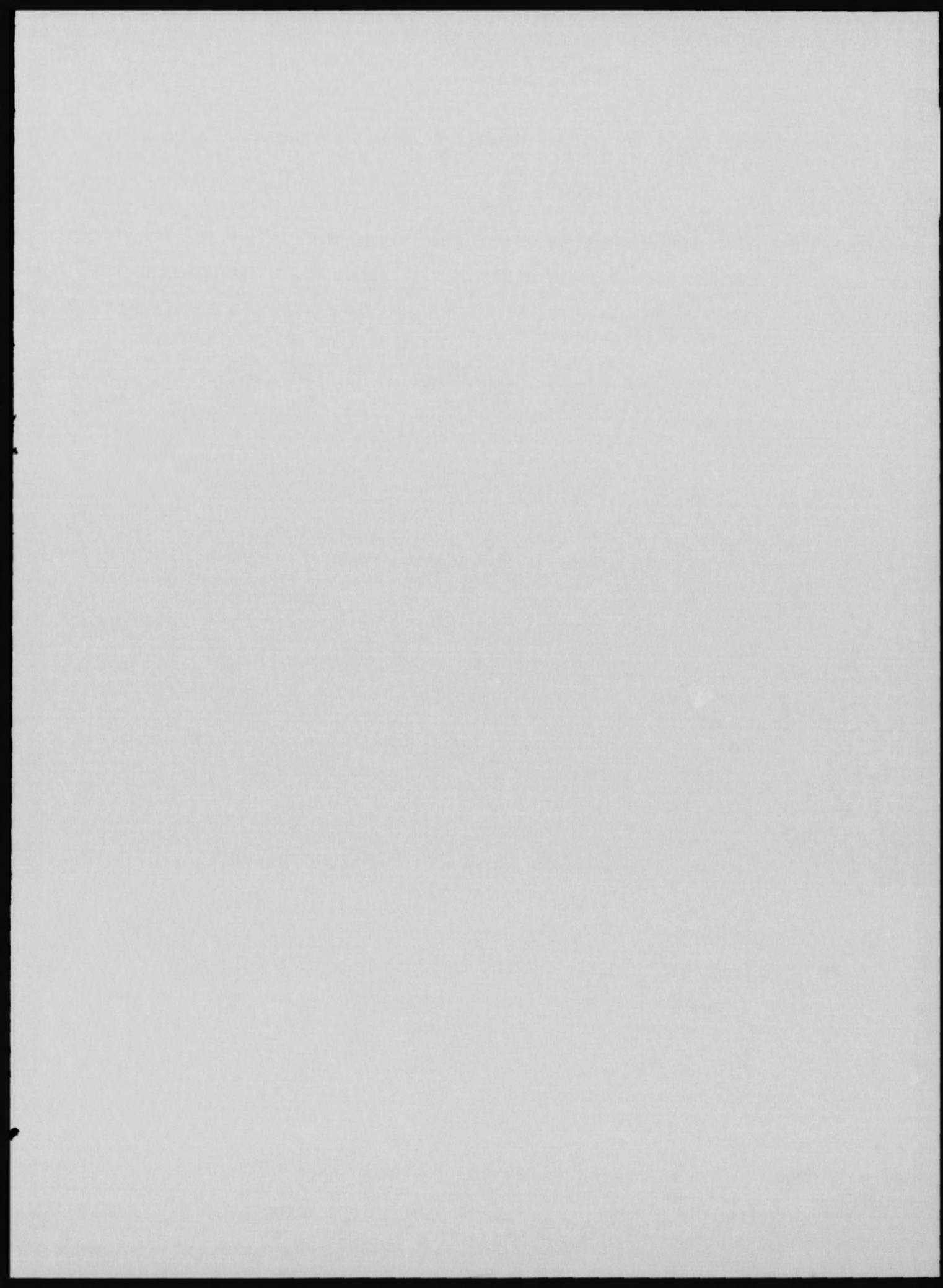
Charles H. Banks
President - R.L. Banks &
Associates, Inc.

Dated: February 2, 1998

Exhibit One

VRE FUNDED PLANNED CAPITAL IMPROVEMENT PROJECTS CSXT - RF&P Subdivision

Date	Project	Description	VRE Cost	Status
1998	Quantico Bridge	Design and construct 2 nd bridge over Quantico Creek to accommodate two additional main tracks. \$1,000,000 design contract in progress (VRE)	\$13,000,000 cost sharing TBD	design in progress
1998	Consolidation and upgrade of SY and AF interlockings	Elimination of SY and reconstruction of AF interlocking from current 20 mph diverging moves to 45 mph. Critical to Conrail sale as CSXT and NS converge here with 20% freight train increase	VRE share TBD \$3,500,000	in design
1998	dual control electric switch machines	Convert all air switch machines to dual control electric - NAX, NPP, FB, HA	N/A	contract pending
1999	Lorton Auto Train	Construct lead and interlocking to allow Amtrak's Auto Train to be assembled clear of the main track, thus increasing main capacity.	\$2,000,000	in design
1999	Aquia Crossovers	Construction of new high-speed universal crossovers at mp 71 to enhance train movement flexibility. 18 mile block reduced to a 10 and 8 mile block.	VRE share TBD \$1,500,000	in design
1999	SRO to RO - NAX to AF	Construct 3 rd main track SRO to RO (1 mi) with #20 connections Rehabilitate 3 rd main track NAX to AF (1 mi) Completes AF to RO project	\$3,000,000	concept





Northern Virginia Transportation Commission

EXHIBIT B

4350 N. Fairfax Drive • Suite 720 • Arlington, Virginia 22203
(703) 524-3322 / Fax 524-1756 / TDD 800-828-1120 / VA Relay Service

— INVESTMENT ANALYSIS — — REVISED —

VIRGINIA RAILWAY EXPRESS
VERSUS EQUIVALENT
HIGHWAY CAPACITY

Kathleen Benton

Northern Virginia Transportation Commission

April 24, 1995

This analysis compares the cost of constructing and operating the Virginia Railway Express, a commuter railroad in Northern Virginia, to the cost of constructing an equivalent lane of Interstate highway in the I-66 and I-95 corridors in which VRE operates, and operating enough automobiles in those lanes to serve the same number of peak period commuters as are projected to use VRE during Fiscal Year 1996. The analysis demonstrates that at present levels of operation, between 1992 (VRE's start-up year) and 2012, VRE will cost \$264 million less to build, maintain, and operate than would the lanes of Interstate. While VRE is not a substitute for all highway construction and cannot solve all of the region's commuting problems, the railway was and continues to be a very sound investment decision by the citizens of Northern Virginia.

The Virginia Railway Express (VRE) began commuter rail operations in June, 1992. Ridership has grown steadily, reaching an average daily level of about 8,000 passenger trips. The two commissions sponsoring VRE (Northern Virginia Transportation Commission and Potomac & Rappahannock Transportation Commission) have purchased locomotives, railcars, fuel and insurance; contracted with Amtrak for maintenance and crews; built facilities; and leased access to tracks from three freight railroads and Amtrak. In addition, the Virginia Department of Transportation has built parking lots and participating local governments have constructed several stations. Operating and capital costs of the project are currently financed jointly by customer fares, six participating and two contributing jurisdictions, and state aid. As of Fiscal Year 1995, federal funding is also available for capital projects.

Estimated total construction, capital, and operating costs for the VRE project were approximately \$150 million through FY 1994. The approved operating and capital budget for FY 1996 is about \$27.3 million. To what extent are expenditures of such magnitude justified in an era of scarce public resources?

The VRE project has delivered significant benefits, including removing the equivalent of a rush-hour lane of low-occupant vehicles from the crowded I-66 and I-95 corridors of Northern Virginia (see page 3). Customers rate the quality of service as excellent, and ridership is growing despite two four-percent fare increases and an overall fare level that exceeds the average cost of parking automobiles in core employment locations.

Compared to other commuter rail systems in the United States and Canada, VRE provides exceptional service at an operating cost below the national average on a per passenger mile basis, while recovering a greater percentage of those costs from customers, as demonstrated below, using the most recent federal and VRE data available:

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Federal Transit Administration Section 15 Data	Operating Cost Per Pass. Mile	Fare Per Pass. Mile	Recovery Ratio (Fares/Op. Cost)	Average Trip Length	Pass. Miles Per Vehicle Mile
National Avg., FY 93	\$.30	\$.14	.48	22 miles	32
VRE, FY 1994	\$.24	\$.13	.55	32 miles	60

Also, a significant part of VRE's initial \$150 million cost has been invested in assets that, with appropriate maintenance, will continue to yield benefits for 20 years or longer. These assets include railcars, locomotives, and a self insurance trust. The fact that many of these assets can be readily liquidated has served to minimize the initial risk to Virginia taxpayers. For example, as of June 30, 1994, the insurance fund contained \$20.8 million in liquid assets.

Despite the current success of VRE and its potential to expand rapidly to serve future needs, the project should be evaluated in comparison to competing alternatives. In an environment in which severe traffic congestion restricts peak period commuting, buses, carpools, vanpools, and low occupancy vehicles all rely on the existence of sufficient highway capacity. Consequently, VRE's costs should be compared to the equivalent costs of building and maintaining new highways to serve peak hour commuters as well as the costs of operating competing transportation modes on those highways during peak periods.

The following analysis compares the costs of moving passengers along these corridors on VRE to the costs of its principal competitor, the private automobile. Costs are grouped into four primary categories to assure comparability: 1) initial capital investments, 2) maintenance and administration, 3) the cost of providing the transportation itself, and 4) air quality considerations. Detailed information regarding assumptions, sources, and calculations is provided in the attached worksheets.

- 1) Initial capital investments: \$86.5 million (VRE) v. \$338 million (Interstate)

The initial costs of establishing the fixed facilities of the VRE system were \$66.1 million. This includes the costs of constructing parking lots and stations, upgrading track and signals, and building yards and maintenance facilities. The costs of purchasing VRE railcars and locomotives are accounted for in category 3 below. In addition, VRE has provided \$20.7 million to the Commonwealth's Division of Risk Management to establish a self-insurance trust. This investment yields interest which is used to pay the premiums for additional private insurance.

To cover an equivalent distance with interstate highway in Northern Virginia, the respective costs are about \$4.4 million per lane-mile in the inner suburbs and Prince William County and \$2.7 million per lane-mile in the Stafford County area. These estimates are taken from comparable construction projects in the approved Virginia Fiscal Year 94-95 Six-Year Improvement Program, and include the costs of some engineering as well as construction. While some highway construction costs might be lower (e.g. paving existing shoulders to create an additional lane,) it should also be noted that the figures only reflect costs to construct lanes up to the Virginia bank of the Potomac River, and not on the bridges crossing the Potomac or in the District of Columbia. District of Columbia staff has indicated that the cost of such construction in the District would be so prohibitively expensive that they could not provide an estimated cost. Furthermore, this figure does not include right-of-way, which in some congested areas of the corridor would be very expensive.

Highway costs also do not reflect the significant level of investment in insurance reserves necessary for VRE, because the liability of the Commonwealth is capped by state statute. Thus, while motorists are provided with some protection through privately obtained insurance, the state does not have to insure itself against lawsuits. Sponsors of VRE chose to change state statutes to waive the \$25,000 cap in order to provide explicit protection to VRE customers. Insurance has been provided in order to indemnify the railroads and protect customers for an annual aggregate of up to \$200 million in damages.

Determining the theoretical maximum capacity of the VRE facilities versus the highway is problematic. VRE capacity is constrained in the short term by available parking, freight train competition for track time, and available rolling stock. Nonetheless, under current conditions VRE can move about 3,700 people per hour during rush hours (five trains of seven cars on each line with a capacity of 106 people per car). A highway lane could carry about 2,300 people per hour at equivalent speeds assuming the current regional average of 1.14 persons per car, and in fact, this number is nearly exactly that found by inbound traffic counts on I-395 just before the 14th Street Bridge during the peak morning hour. Of course, if auto occupancies were assumed to be greater (for instance, if more lanes were reserved for high occupancy vehicles) the assumed capacity of the highway lane would be correspondingly increased. Similarly, assuming more railcars, more frequent trains, or other VRE improvements not presently available would boost the capacity of the VRE alternative in this analysis.

Both highway and the rail corridors also perform functions other than carrying commuter traffic. For instance, both the tracks used by VRE and the highways used by passenger vehicles carry freight and can provide defense capabilities in a national emergency. These non-commuting benefits, however, are not within the scope of this analysis, since the underlying assumption of the analysis is that the region is contemplating an investment to relieve rush hour congestion in two mainline corridors in order to move commuters more effectively. Existing highway and rail capacity is

already available for freight and national defense needs and for off-peak transportation.

VRE total initial investment costs are \$86.5 million, compared to highway costs of \$338 million. Of course, while these two investments accomplish the same purpose — laying down the facilities upon which vehicles can move — it should be remembered that they do have dissimilar characteristics. VRE capacity is available for trips in both directions, but permission of the railroads is required to expand the frequency of service. Once an agreement is reached, capacity could be increased significantly at relatively little marginal cost. A single lane of highway would have to be reversible to provide the same two-way capacity enjoyed by VRE. Furthermore, while an interstate lane can also accommodate vehicles during off-peak hours, once it is filled to capacity during rush hours, the only way to accommodate more vehicles is to construct yet another lane, requiring at least another \$338 million capital investment. During peak hours, the tracks used by VRE are not at maximum capacity, and can accommodate an increase in of VRE patronage.

VRE	System	\$66,134,806
	Insurance Trust Fund	<u>20,368,000</u>
		\$86,502,806
Interstate	68 miles @ \$4.4 million/mile	\$300,000,000
	(Inner Jurisdictions)	
	14 miles @ \$2.7 million/mile	37,800,000
	(Stafford County)	<u>\$337,800,000</u>

2) Maintenance and Administration: \$14.1 million annually (VRE) v. \$2.9 million annually (Interstate - partial costing)

Based on the level of service provided in the Fiscal Year 1996 budget, the annual cost of maintaining and administering VRE will be just over \$14 million. This figure covers payments to the freight railroads for use of the tracks, improvements to those tracks, operation of the fare vending systems, marketing costs, maintenance and refurbishment of the stations and parking lots, and other general overhead. Corresponding interstate highway maintenance costs are budgeted at \$41,000 per lane mile, or \$3.4 million for the equivalent distance. Overhead costs of administration by VDOT and local authorities as well as costs of police protection are omitted, as are the costs of maintaining the bridges across the Potomac River and highways in the District of Columbia. Conversely, the costs of customer security and system maintenance are fully included within VRE's budget.

VRE	System Costs (Tracks extending from outlying stations to Union Station)	\$13,990,473 Per Year
	Costs to jurisdictions of maintaining stations & lots	<u>139,628</u> Per Year \$14,130,101
Interstate	82 miles @ \$41,000/mile	\$3,362,000 Per Year
	VDOT expenditures:	
	Overhead	N/D
	Legal expenses & settlements	N/D
	Cost of Maintaining Bridges over Potomac	N/D
	Police expenditures: Highway Patrol	N/D

N/D = Not Determined

3) Costs of Providing Transportation: **\$.22 (VRE) v. \$.30 (Interstate) Per Passenger Mile**

A portion of VRE's mission is to operate safe and reliable transportation on the facilities it built, leases, and maintains. To acquire rolling stock, pay crews and buy fuel to accomplish this costs about 22 cents per passenger mile at projected ridership levels. As passenger loads grow, this per-passenger-mile cost will decrease.

The Federal Highway Administration has calculated that the average cost to the public to acquire private compact automobiles and operate them along the same corridor is 26 cents per mile. This analysis also takes into account the cost of parking those cars once they arrive at their destination -- whether that is a rural parking lot or one in the urban core. Neither the VRE nor the vehicular numbers reflect "user fees," or charges to the passenger which are directed back into the system being utilized. For instance, VRE fares, which are used to cover costs already accounted for in this analysis, are not included here. Similarly, fuel taxes and registration fees, which are traditionally dedicated to highway systems, have been deducted from the federal estimates of operating costs for an automobile.

Independently performed ridership estimations project an FY 96 ridership of 8,672 daily trips. Assuming that these trips average 35 miles one-way (reflecting VRE's current use versus the 32 miles shown in the table for Fiscal Year 1994 on page two), VRE costs in this category total about \$15.95 million for FY 1996. (The \$15.95 million is greater than VRE's Fiscal Year 1996 operating budget would indicate, because it includes the annual debt service for rolling stock, a figure generally considered to be

a capital budget item, but included in this section for comparability to auto costs.) The same number and length of trips by low-occupant automobiles would cost approximately \$22.4 million annually. This is based on the cost of those vehicles driving an average of 35 miles each way along the Interstate; neither analysis calculates the cost of accessing either the VRE station or the highway.

The cost of parking has been added to each mode based on an estimate of the value of the space used by those automobiles. Thus, due to higher land values, the estimated "cost" of parking in the urban core is significantly higher than that of leaving one's automobile at an outlying station. Most VRE commuters, and many of those who drive into the urban core, do not actually pay for parking, but the opportunity cost of the space their car uses is paid by someone, be it the local jurisdictions (in the case of the VRE parking lots), employers, or the public in general, as cars parked on the street take up room that could be used for other purposes, such as buildings, sidewalks, or parks. For the purposes of this calculation, the number of spaces used in each case was assumed to be 3,803: the number of passengers divided by the regional average auto occupancy rate.

VRE	Acquiring and operating rolling stock	\$15,951,617 Annually
	$\$15,951,617 / (8,672 \text{ passenger trips}$	
	$\times 35 \text{ miles} \times 250 \text{ working days}) = .17$	
	Per Passenger Mile	
	Parking (\$.61/space)	<u>580.110</u> Annually
		\$16,531,727 Annually
Interstate	Acquiring and operating private automobiles	
	$\$.26/\text{Passenger Mile} \times 8,672 \text{ passenger trips}$	
	$\times 35 \text{ miles} \times 250 \text{ working days} =$	\$17,303,650 Annually
	Parking (\$5.40/space)	<u>5,134,737</u> Annually
		\$22,438,387 Annually

4) Air Quality Considerations: \$276,000 (VRE) v. \$4.4 million (Interstate)
Annually

Based on current levels of service, VRE trains annually emit 1.8 tons of hydrocarbons, 1.3 tons of carbon monoxide, and 1.9 tons of oxides of nitrogen. However, if current VRE riders were to use the interstate instead, they would add about 22.3 tons of HC, 147.6 tons of CO and 40.6 tons of Nox to the region's air each year. These figures demonstrate the difference between commuters starting their cars and driving to work and those same commuters starting their cars, driving to the train station, and finishing their commute on the train.

Because Northern Virginia is in a "serious" non-attainment area with regards to federal air quality standards, transportation-related measures must be employed to reduce air pollution levels. In upcoming years, the region will be required to meet ever stricter standards, and the marginal cost of actions to reduce emissions can be expected to rise. In the event that the region does not meet its required targets, federal transportation monies may be withheld.

Currently, the average cost of eliminating a ton of hydrocarbon emissions through Transportation Control Measures either adopted or considered by the Metropolitan Washington Transportation Planning Board is estimated to be \$98,000. The average cost of eliminating a ton of oxides of nitrogen, the other pollutant for which the region must meet a federal emissions budget, is estimated at \$56,000. Consequently, the cost of mitigating VRE's air emissions would be approximately \$276,000, as opposed to a cost of \$4.4 million to mitigate those emissions generated if VRE riders drove on the interstate instead. Thus, VRE can be seen to be saving the region approximately \$4.1 million annually in air quality investments.

5) The Bottom Line: Net Present Valuation of Cost over Twenty Years at \$417 million (VRE) v. \$681 million (Interstate)

Considering the above cost comparisons, Northern Virginia's choice of VRE over the equivalent peak period capacity of a new highway lane in the congested I-95 and I-66 corridors makes sound economic sense. VRE is nearly four times less expensive for initial start-up expenses, if insurance costs are assumed to be comparable. While on an annual basis, VRE may cost more to maintain and administer than the hypothetical new highway lane, the actual provision of peak-period transportation using VRE is less costly than using the private automobile, and VRE is a big winner in air pollution savings.

Commuter rail also presents the public, both those using and those in the vicinity of the various modes of transportation, with fewer risks of injury. While fatality rates for commuter rail are only slightly lower than those on highway systems (.08 fatalities

per ten million passenger miles traveled v. .11 on the highways) non-fatal injury rates on highway systems are more than three times as high as those on commuter rail systems - 9.76 injuries per 10 million passenger miles traveled versus 2.9 injuries to passengers for the same amount of travel on commuter rail.

Looking to the future, peak capacity can be added to VRE at a considerably lower marginal cost than that at which it can be added to the Interstate system. Adding two lanes of peak period capacity to the Interstate highway would cost at least \$676 million (twice the \$338 million required for one lane). Of course, the acquisition of right-of-way would become more expensive and difficult with each additional lane. This escalation in costs due to acquisition of right-of-way is easily demonstrated by the I-395 corridor in Arlington, where there is very little room for the highway to expand without causing great disruption to the surrounding communities.

This disparity in the marginal costs of increased capacity would remain even if the existing railroad tracks were to become so congested as to require construction of an additional track. While clearly this would drive up the cost of the initial capital investment in VRE, the cost of building track in this region is currently estimated at \$2 million per mile, still less than the estimated cost of most of the highway construction in this analysis. The marginal costs of extending service on VRE or extending the extra lane on the Interstate would also vary greatly; while both the capital and the maintenance figures for the Interstate are based on a per mile number, and thus increase as the length of the road increases, the administrative costs to VRE would only increase slightly, resulting in an overall decrease in the cost per mile of service.

Of course, VRE cannot completely replace the private automobile. Many people cannot conveniently access a station, work somewhere other than along the mainline corridor, or must travel at times other than peak periods. Having a highway system that is safe and reasonably free of congestion is essential to accommodate those persons' travel needs. But many commuters can be effectively served by VRE. If the removal of those commuters from the highways eliminates the need to expand highway capacity, then the cost of that rail alternative versus the cost of expanded roadways provides an economic measure of the public investment value of the alternatives.

In this analysis, considering the stream of relative costs over an assumed 20 year investment horizon, with no assumed salvage value and a discount rate of seven percent (a conservative estimate of the federal cost of borrowing funds for twenty years,) the net present value of VRE savings relative to the new peak period highway capacity and associated automobile costs is an astonishing \$263.6 million. Assumptions, sources, and calculations underlying this analysis are contained in the following worksheets.

Cost Comparison -- VRE vs. Additional Lane of Interstate April 24, 1995

This analysis compares the start-up and operating costs of VRE to the costs of adding one lane of Interstate from Manassas (Rte. 234) and Fredericksburg, Va. to the Potomac River to serve peak period commuters. The analysis assumes FY 96 projected levels of VRE ridership and congested Interstate highways in the two corridors.

Sources and Calculations

1) Initial Capital Investment: \$86.5 million (VRE) v. \$337 million (I/S)

Cost of putting the stationary system in place (planning, engineering, laying pavement, building stations, etc.)

1) A	VRE	System	\$66,134,806
		Insurance Trust Fund	<u>20,368,000</u>
			\$86,502,806
		Stations & Parking	18,617,000
		Yards	8,169,000
		Inventory	1,338,000
		Cash Available	1,905,000
		Debt Service Reserves	13,962,806
		Jur'l. Stations & Parking	<u>22,143,000</u>
			66,134,806

State liability is legally limited; thus highway systems are not required to be insured as are rail systems.

1) B	Interstate	68 miles @ \$4.4 million/mile =	\$299,200,000
		14 miles @ \$2.7 million/mile =	<u>\$37,800,000</u>
			\$337,000,000

Cost in Stafford County (14 miles) based on average figure for outer jurisdictions, VDOT Office of Transportation Planning
 Cost in other jurisdictions (68 miles) based on average of cost per lane mile of Northern Virginia Interstate construction projects listed in the Virginia Commonwealth Transportation Board FY 94-95 Six Year Improvement Program. Costs do not include rights-of way, and would most likely be higher due to extreme difficulties in acquiring Rights of Way in certain portions of the corridors.

Theoretical Maximum People Transported One Way Per Hour: 3,710 (VRE) v. 2,230 (I/S)

VRE 5 trains @ 7 cars @ 106 people 3,710 People
Based on average number of seats in cars, running regular number of cars in each train travelling in one direction during the space of an hour.

Interstate Density per lane of 50 mph highway 2,230 People
at high traffic volume

Capacity = 2000 vehicles/hour
Avg. Occupancy 1.14
 2230 people

- Capacity figure based on 50 mph multilane highway, level of service E, from May 1992 Addendum to the 1985 Highway Capacity Manual
- Traffic counts conducted by VA. Dept. of Transportation, Spring, 1993.

2) Ground Infrastructure, Facilities, and Administration: \$14.1 million (VRE) v. \$3.4 million (I/S) annually

Cost of repairing and maintaining facilities (pavement, tracks, stations,) and overall administrative costs.

A	VRE	System	\$13,990,473 Per Year
		Costs to jurisdictions of maintaining stations & lots	<u>\$139,623</u>
			\$14,130,101

		<u>FY96</u>
Operating Budget:		7,830,181
CIP		4,085,000
TVM Lease		262,000
5% Capital Reserve		479,583
Payment to Capital		321,600
Debt Service		<u>1,012,109</u>
		13,990,473

Cost to jurisdictions based on 20-year annualization of fifteen percent of original capital costs.
CIP projects designed to increase capacity rather than maintain the service levels reflected are not included.

2) B	Interstate	82 miles @ \$41,000	\$3,362,000 Per Year
	VDOT expenditures:	General Administration	N/D
		Legal expenses & settlements	N/D
	Police expenditures:	Highway Patrol	N/D

NOVA VDOT is annually allotted \$41,000 per lane mile of Interstate for maintenance, capital improvements, and local administration.

3) Cost of Providing Transportation (Per Passenger Mile): \$5.22 (VRE) v. \$5.30 (L/S)

Cost of moving people along the corridor, either in rail cars or automobiles, and maintaining vehicles.

A VRE Cost of acquiring and operating rolling stock

	FY 96
Operating Budget	11,073,315
CIP	250,000
Locomotive Lease	320,000
Debt Service	4,308,302
	<u>15,951,617</u>
Annual cost	15,951,617
Parking Costs	(\$580,110 Per Year)
Annual Total	<u>\$16,531,727</u>
Average Daily Ridership (Projected):	4,336
Average Trip Length	35
Working Days in Year:	250
Average Rolling Stock Cost per Passenger Mile:	0.22

3)B Interstate Cost of acquiring, operating, and parking automobile 0.30 Per Passenger Mile

Travelling	17,303,650
Parking	<u>5,134,737</u>
Total	\$22,438,387

Cost of acquiring and operating automobile	0.26 Per Mile
Average Number of Cars:	3,803
Average Trip Length	35
Working Days in Year:	250
Average Annual Total Costs:	\$17,303,650

Cost to owner of operating vehicle based on calculations by FHWA, 1991 (Pub. #FHWA-PL-92-019)
Figure includes depreciation, insurance, maintenance, and fuel.
Does not include taxes or registration fees (regarded as transfer, as are VRE fares).

Parking Costs	(\$5.40/day/car)	\$5,134,737 Per Year
---------------	------------------	----------------------

$$\frac{4336 \text{ Passengers}}{1.14 \text{ (avg. vehicle occupancy)}} = 3,804 \text{ vehicles not travelling to core daily}$$

Average parking cost based on April, 1995 survey of parking garages: \$5.40/day is proportional average of monthly parking fees in the analysis zones of the four inner VRE stations, prorated to determine daily rate. Rates in the area of particular stations are listed below:

King Street: \$4.00	L'Enfant Plaza: \$7.00
Crystal City: \$3.60	Union Station: \$5.60

April 24, 1995

4) Emissions Factors: \$276,000 (VRE) v. \$4.4 million (LS)

4)A	VRE	HC/VOC Costs:	\$172,085			
		NOx Costs:	<u>\$104,273</u>			
		Annual Costs:	\$276,357			
	HC/VOC:	Cost/Ton	\$98,334	NOx:	Cost/Ton	\$55,612
		Tons/year	<u>1.75</u>		Tons/year	<u>1.875</u>
			\$172,085			\$104,273

8 trains x 38 miles + 12 trains x 58 miles = 1000 miles

Pollutant	Emissions Factor (g/mi)	Mileage	Working Days	Kilograms Per Year	Tons Per Year
HC	30.8	1000	250	7700	1.75
CO	22	1000	250	5500	1.25
NOx	33	1000	250	8250	1.875

4)B	Interstate	HC/VOC Costs:	\$2,192,848			
		NOx Costs:	<u>\$2,255,067</u>			
		Annual Costs:	\$4,447,915			
	HC/VOC:	Cost/Ton	\$98,334	NOx:	Cost/Ton	\$55,612
		Tons/year	<u>22.3</u>		Tons/year	<u>40.55</u>
			\$2,192,848			\$2,255,067

Interstate emissions calculations detailed on attached page.

Estimate is of emissions from cars projected to be removed from highways due to VRE. Increased capacity would also increase demand, and therefore emissions, as commuters switched from buses, etc. to low-occupant vehicles. Emissions due to trips to stations have been subtracted from Interstate emissions. (Figures take into account cold starts, VMT, and hot soaks, and account for emissions generated by trips to stations.)

The cost of emissions mitigation projects is based on Metropolitan Washington Transportation Planning Board staff estimates of the costs and benefits of Transportation Control Measures that have been included in the metropolitan Washington FY 95-00 Transportation Improvement Program (TIP) or that are being considered for inclusion in the FY 96-01 TIP.

5) The Bottom Line

5) A	VRE	Commuter rail data from FY 1992 Section 15 data, published by Federal Transit Administration, Office of Technical Assistance and Safety
5) B	Interstate	Safety data published in Table FI-1 of "Highway Statistics", 1992, published by the Federal Highway Administration, U.S. DOT.

April 24, 1995

Auto Emissions Saved - Base Ridership

FY 96 - Projected

All Figures are daily

Ridership Figures projected for FY 96 (total only, projections not yet done by station)

Auto Emissions:	(1) VMT to and From Core Eliminated	(2) Emissions Factor (35 mph)	(3) VMT to and from Station	(4) Emissions Factor (20 mph)	(5) Trips Eliminated	(6) Emissions Factor for Cold Starts	(7) Emissions Factor for Hot Soaks	(8) Trips to and From Stations	(9) Emissions Factor for Hot Soaks	Kilograms Eliminated Per Day	Tons Eliminated Per Day
General Formula:											
Project Figures											
Hydrocarbons	204,110	0.436	25,951	0.408	915	2,330	1,879	4,805	1,879	80,905	0.0892
		88,991,954		20,968,654			3,852,613		9,029,476		
Carbon Monoxide	204,110	3.434	25,951	7.104	915	20,891	0.000	4,805	0.000	535,678	0.5905
		706,913,692		184,358,064			19,122,104		0.000		
Nitrogen Oxide	204,110	1.2	25,951	1.011	915	1,691	0.000	4,805	0.000	147,172	0.1622
		171,860,608		26,236,768			1,547,819		0.000		

Station	Estimated Riders Previously Driving	Miles to and From Core	Total Daily Pass Miles	% Elim	(1) VMT Eliminated	Miles to and From Station	(3) VMT to and From Station	Added Trips to and From Stations	Percent not Driving to Stations	(5) Trips Eliminated From Added	(8) Actual Added Trips To and From Stations
Broad Run/Airport	150	74	11,080	1	11,080	8	928	299	0.16	48	252
Manassas	324	70	22,659	1	22,659	8	2,158	647	0.16	104	544
Manassas Park	170	64	10,898	1	10,898	8	1,135	341	0.16	54	286
Burke Centre	276	47	12,971	1	12,971	8	1,840	552	0.16	88	464
Rolling Road	168	39	6,555	1	6,555	8	1,121	336	0.16	54	282
Backlick Road	52	27	1,407	1	1,407	8	347	104	0.16	17	85
Fredericksburg	409	116	47,425	1	47,425	12.8	4,361	818	0.16	131	687
Iceland Road	221	108	23,861	1	23,861	12.8	2,357	442	0.16	71	371
Brooke	175	73	17,718	1	17,718	12.8	1,871	351	0.16	56	295
Quantico	148	55	10,770	1	10,770	12.8	1,574	295	0.16	47	248
Rippon	480	49	13,362	1	13,362	12.8	2,592	486	0.16	78	408
Woodbridge	45	42	23,522	1	23,522	12.8	5,120	960	0.16	154	806
Leesville			1,881	1	1,881	12.8	478	90	0.16	14	75
TOTALS	2,860		204,110		204,110		25,951	5,721		915	4,805

Assumptions:

Highway Miles average 35 mph
Cold Starts average 25 mph
Occupancy rates accessing stations = 1.2 people per vehicle
Estimated Riders Previously Driving = 66% of total ridership

April 11, 1995 Draft
Northern Virginia Transportation Commission

STB

FD-33388

2-5-98

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ID-CITIES

LORAIN COUNTY



Board of Commissioners

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

January 29, 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

Att: Elaine K. Kaiser:

I am concerned with the impacts that the proposed acquisition of Conrail by CSX and Norfolk Southern Corp. will have on Lorain County. The issue is a very challenging and complex decision, made difficult by the many issues involved.

As a representative of the residents of Lorain County I have attempted to be objective in reviewing the various formulas, calculating such things as "average delay time", number of vehicles, crossings, anticipated increase in accidents at grade crossings, etc. However, I believe the conclusions are less than realistic when looked at logically and are not in societies best interest, therefore I oppose the proposed acquisition.

Sincerely,

Mary Jo Vasi
Lorain County Commissioner

MJV/sjs

cc: Congressman Paul E. Gillmor

Attention: Elaine K. Kaiser
Environmental Project Director
Environmental Filing

STB

FD-33388

2-5-98

K

ID-GOV



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building

P.O. Box 2063

Harrisburg, PA 17105-2063

February 2, 1998



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

ENVIRONMENTAL
DOCUMENT

Dear Ms. Kaiser,

Thank you for the opportunity to review the Draft Environmental Impact Statement (DEIS) for the proposed Conrail Acquisition. Please see our comments below:

General Comments

As stated in the DEIS document, the major adverse environmental impacts occurring from the operational changes pursuant to the acquisition, such as the resulting increases or decreases in train traffic on line segments, appear to be minimal. The Department views more significant impacts may result from site specific abandonments, modifications and new construction. The amount of specific detail concerning such developments as related to Pennsylvania operations is not included in the DEIS. An adequate level of detail for new modifications and construction is necessary in order to understand the full impacts of the acquisition.

Conrail's facilities have been in operation for many years, during which waste material handling practices likely would not be deemed acceptable by today's standards. Indeed, past Department investigations have found contamination, and we expect more investigations will be carried out in the future. Hence, any future construction projects at existing Conrail facilities where fueling, maintenance or related operations have occurred should incorporate investigations for contamination.

Specific Comment

Section 3-15.3 outlines mitigation strategies which are consistent with DEP's regulatory process. We encourage the continued focus on implementing mitigation strategies which incorporate the use of best available technologies in order to remain consistent with the Department's strategies. We will look forward to reviewing the analysis methods and mitigation strategies in the Final Environmental Impact Statement (FEIS) upon completion.



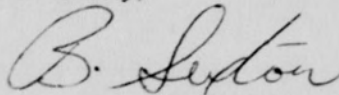
Ms. Elaine K. Kaiser, Chief

- 2 -

February 2, 1998

If you have any questions regarding these comments, please contact Joe Sieber of the Policy Office at (717) 783-8727.

Sincerely,

A handwritten signature in cursive script, appearing to read "B. Sexton".

Barbara A. Sexton
Director, Policy Office

STB

FD-33388

2-4-98

K

ID-CITIES



Township of Woodbridge

JAMES E. McGREEVEY, MAYOR

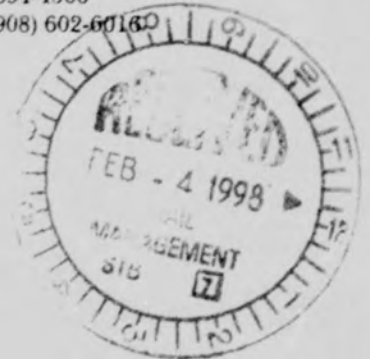
Department of Administration and Finance
Office of the Business Administrator
James M. Davy

One Main Street
Woodbridge, New Jersey 07095
(908) 634-4500
Fax: (908) 602-6016

ENVIRONMENTAL DOCUMENT

January 30, 1998

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



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

Re: Surface Transportation Board Finance Docket NO. 33388
CSX Corporation and CSX Transportation, Inc., Norfolk
Southern Corporation and Norfolk Southern Railway
Company, Conrail, Inc. and Consolidated Rail Corporation:
Comments on Draft Environmental Impact Statement
Our File No. 14142

Dear Ms. Kaiser:

Kindly accept the following responses to the Draft Environmental Impact Statement (DEIS) from the Township of Woodbridge, New Jersey (hereinafter referred to as "Woodbridge"), with respect to the above-referenced matter. Woodbridge desires to respond to the DEIS regarding this merger as it impacts upon the citizens of Woodbridge with respect to safety, noises and air quality. Woodbridge's concerns with respect to these categories are as follows:

- 1] Safety. Since 1981 there have been nine (9) documented hazardous material leaks from train cars requiring responses from the County of Middlesex, New Jersey, as well as Woodbridge emergency response personnel. Additionally Woodbridge receives complaints from local residents on a regular basis regarding the storage of hazardous material train tank cars on the stretches of track which run along residential neighborhoods, particularly in the Port Reading and Sewaren sections of Woodbridge. In many areas, these hazardous material storage train cars are less than fifty (50) feet from residential property lines.

Volume 3B, Pages 5-29, NJ-10 indicates that the route between Trenton, New Jersey and the Port Reading section of Woodbridge will become a "Major Key Route" as well as a "New

Key Route". This will increase the number of hazardous material carloads between Trenton and Port Reading from 7,000 to 20,000 annually. Needless to say, this is a significant increase in hazardous carload traffic which will further exacerbate the problems that Woodbridge has been experiencing with respect to this very serious safety issue.

- 2] Noise. This is the leading type of complaint that Woodbridge has received from area residents who live near or along the tracks, particularly in the Port Reading and Sewaren sections. Woodbridge has found noise readings as high as eighty-nine (89) decibels at residential property lines. Woodbridge's local noise code prohibits noise levels above fifty-five (55) decibels at night and sixty-five (65) decibels during the day. We do recognize that due to federal preemption in this area, however, surface carriers need not comply with State and local noise codes and are only regulated by the more liberal decibel allowances and related conditions of the Federal Railroad Administration (F.R.A.). Unfortunately, with train noise allowances of over ninety (90) decibels and a minimum noise measurement distance of one hundred (100) feet, the F.R.A. regulations clearly do not address the legitimate public health concerns and special circumstances of Woodbridge residents who live as close as fifty (50) feet to the train tracks.

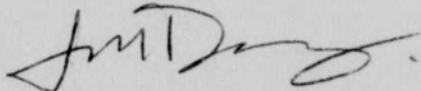
Additionally, the Port Reading section of Woodbridge has not been mentioned at all in the DEIS analysis regarding noise impacts of the planned merger (NJ-26). Woodbridge hereby requests that the Port Reading section be analyzed prior to the final environmental impact statement being prepared. We are confident that if this section of Woodbridge is properly analyzed, the Surface Transportation Board's Section of Environmental Analysis will discover that the noise levels are significant and need to be addressed.

- 3] Air Quality. A significant complaint that Woodbridge receives from residents is the excessive idling of train engines directly behind their residences. The train engine emissions while idling are an added cause of complaint and concern, particularly during the spring and summer seasons. It has been necessary for the Middlesex County Air Pollution division to respond to three (3) incidents during 1997 with respect to air quality associated with idling train engines.

Ms. Elaine K. Kaiser
January 30, 1998
Page Three

Woodbridge recognizes that many of the issues raised above may technically not have to be addressed during your review of this merger due to extensive federal preemption in this area of regulation. I assure you, however, that Woodbridge's concerns with respect to these issues are very legitimate and a source of significant public outcry from our citizens. Most importantly, Woodbridge has, in the past, had very strained relations with existing Conrail management with respect to these issues. It is our hope that your department's review of the merger will take into account some of Woodbridge's concerns and adequately address them. At the very least, we hope that with your department's input, Woodbridge may be able to open lines of communication with the new Conrail management in order to explore resolution of these issues.

Sincerely,

A handwritten signature in dark ink, appearing to read "JMD", with a stylized flourish extending from the end.

James M. Davy
Business Administrator

JMD/gmm

cc: Mayor James E. McGreevey
Philip Bujalski - Chief Health Inspector
Brian M. Hak, Esq.

STB FD-33388

2-4-98

K

ID-PUBLIC



Second Metropolitan Missionary Baptist Church

2424 East 79th Street • Cleveland, Ohio 44104
Phone (216) 431-1939 • Fax (216) 431-1966

ENVIRONMENTAL DOCUMENT

Minister Napoleon A. Harris IV
Pastor



January 31, 1998

Dear Member,

Please join with Major Michael White, Congressman, Louis Stokes, 20 clergy from WE-CAN (Westside/Eastside Congregations Acting Together Now), United Pastors in Mission and Broad-faith Organizing for Lorain's Development, Antioch Baptist Church, and Mt. Siani Baptist Church to stop the merger between Conrail by CSX and Norfolk Southern railroads to increase the transport of hazardous cargo through poor communities.

The communities most effected would be poor and Black, like Kinsman and Fairfax in Cleveland Collinwood and the Detroit Shoreway would also be affected. This merger has also drawn opposition from Congressmen Dennis J. Kucinich, Sherrod Brown, Steven C. LaTourette, Sen. Mike DeWine and Gov, George Voinovich.

If you oppose this merger as well, please sign your name below today, in that, this letter must be post-marked no later than February 2, 1998.

PRINT NAME	SIGNATURE	DATE
HILARETH BATTLE		1/31/98
JAMES D. DUNSON SR		1/31/98
ROMEO COLEMAN		1/31/98
FRANKIE NOWDEN		1/31/98
FRANKIE NOWDEN	FRANKIE NOWDEN	
KIM GREENWOOD		1/31/98
RUTHIE CLAYTON		1/31/98
JESSIE DIX		1-31-98
PANSY R. COLEMAN		1-31-98
MERLESS H. ROBERSON		1-31-98
KAYE D. TRIMBLE		1-31-98
Temple Greenwood Jr.		1-31-98
Phyllis Jackson		1-31-98
PHYLLIS JACKSON	Phyllis Jackson	1-31-98

"I Can Do All Things Through Christ Who Strengthens Me." Philippians 4:13

SECOND METROPOLITAN BAPTIST CHURCH
Petition to stop merger between Conrail by CSX and Norfolk Southern Railroads

Page 1

PRINT NAME	SIGNATURE	DATE
JOHANNAH LINDSEY	Johanna Lindsey	2-1-98
VIRGINIA GRAY	Virginia Gray	2-1-98
G. Fields	G Evelyn Landrum	2/1/98
EVELYN LANDRUM	Yvette S. Croom	2/1/98
YVETTE S. CROOM	Donna Travogline-Jenkins	2/1/98
DONNA TRAVOGLINO-JENKINS	Gloria J. Croom	2/1/98
GLORIA J. CROOM	SHIRLEY A. WARD	2/1/98
SHIRLEY A. WARD	Willie Williams	
WILLIE WILLIAMS	Yolanda Kelley	
YOLANDA KELLEY	Leta Watley	2/1/98
LETA WATLEY	Gina C. Miller	2/1/98
GINA C. MILLER	Doleda Howard	2/1/98
DOLEDA HOWARD	Rubin Cockrell	2/1/98
RUBIN COCKRELL	Semone Wallace	2-1-98
SEMONA WALLACE	Lula C. May	2-1-98
LULA C. MAY	Catherine Philpot	12600 Arlington Ave 44108
CATHERINE PHILPOT	Martha Coleman	4128-E-544
MARTHA COLEMAN	Janice Greene	55W E 141ST
JANICE GREENE		MADE HT
		2-1-98

SECOND METROPOLITAN BAPTIST CHURCH
Petition to stop merger between Conrail by CSX and Norfolk Southern Railroads

Page 2

PRINT NAME	SIGNATURE	DATE
Lillian Williams	Lillian Williams	2-1-98
DESSIE STEWENS	Dessie Stevens	2-1-98
HERMAN CROON	Herman Croon	2-1-98
Kim Bonaparte	Kim Bonaparte	2-1-98
JOHN W. MORRIS	John W. Morris	2/1/98
Edith Jenkins	Edith Jenkins	2/1/98
Edna Bates	Edna Bates	2/1/98
Merlene Arnold	Merlene Arnold	2/1/98
Pinkie Hooks	Robert Hooks	2/1/98
Robert Hooks	Pinkie Hooks	2/1/98
Norma Hays	Norma Hays	2-1-98
SHARON DUNSON	Sharon Dunson	2/1/98
Tilithia Robinson	Tilithia Robinson	2/1/98
LONIA E. MOON	Lonia E. Moon	2/1/98
Sheila Woodard	Sheila Woodard	2/1/98
Edward Philpott	Lenette Hatcher	2/1/98
Tamara J. Hunt	Tamara J. Hunt	2/1/98
Dennis Spotts	Dennis Spotts	2/1/98
Deborah Brock		
Keith Brock		

Bonnie Hatcher

(over)

SECOND METROPOLITAN BAPTIST CHURCH
Petition to stop merger between Conrail by CSX and Norfolk Southern Railroads

Page 3

PRINT NAME	SIGNATURE	DATE
RUBY Hollins	Ruby Hollins	2/1/98
Hollie Hollins	Hollie Hollins	2/1/98
Lillie Hollins	Lillie Hollins	2/1/98
Shirlene Oliver		
Thomas Tsearell		
Simone Jones	Simone Jones	2/1/98
Doris M. Mon	Doris M. Mon	2/1/98
OLA A. FLAEG	OLA A. Flagg	2-1-98
Lusie Hammond		2-1-98
Mae Wilson		
STEPHANIE D. CLEWELL	Stephanie D. Clewell	2-1-98
Wendell JONES Jr	Wendell Jones Jr	2-1-98
Donald Williams	Donald Williams	2-1-98
Lola D. Whately	Lola D. Whately	2-1-98
Shannita Ward	Shannita Ward	2-1-98
SHARON L. SPELWICK	Sharon L. Spelwick	2-1-98
KEVIN BRUCE	Kevin Bruce	2/1/98
Parvold Boston	Parvold Boston	2-1-98
FRANK L. BIBB JR.	Frank L. Bibb Jr.	2-1-98

(over)

Rosale Howard	Rosale J. Howard	2-1-98
FELIX THOMAS	Felix Thomas	2-1-98
MARCUS COLLINS	Marcus Collins	2-1-98
KATHLEEN A. BATTLE	Kathleen A. Battle	2-1-98
Rafael Bibb	Rafael Bibb	2-1-98
Andre Brooks	Andre Brooks	
Rashana Bates	Rashana Bates	2/1/97
		2/1/97

STB

FD-33388

2-4-98

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ID-BUSINESS

Broadway Area Housing Coalition

5620 Broadway Avenue
Cleveland, Ohio 44127
429-1182
FAX: 429-2632

ENVIRONMENTAL DOCUMENT

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

January 30, 1998



Dear Surface Transportation Board Members,

I am writing in opposition to the proposed acquisition of the Conrail Railroad by Norfolk and Southern and CSX. The Broadway community of Cleveland has Conrail lines going through it, and if the sale goes forward with the current routes and proposed increase in train traffic, our community would be severely impacted in a negative way.

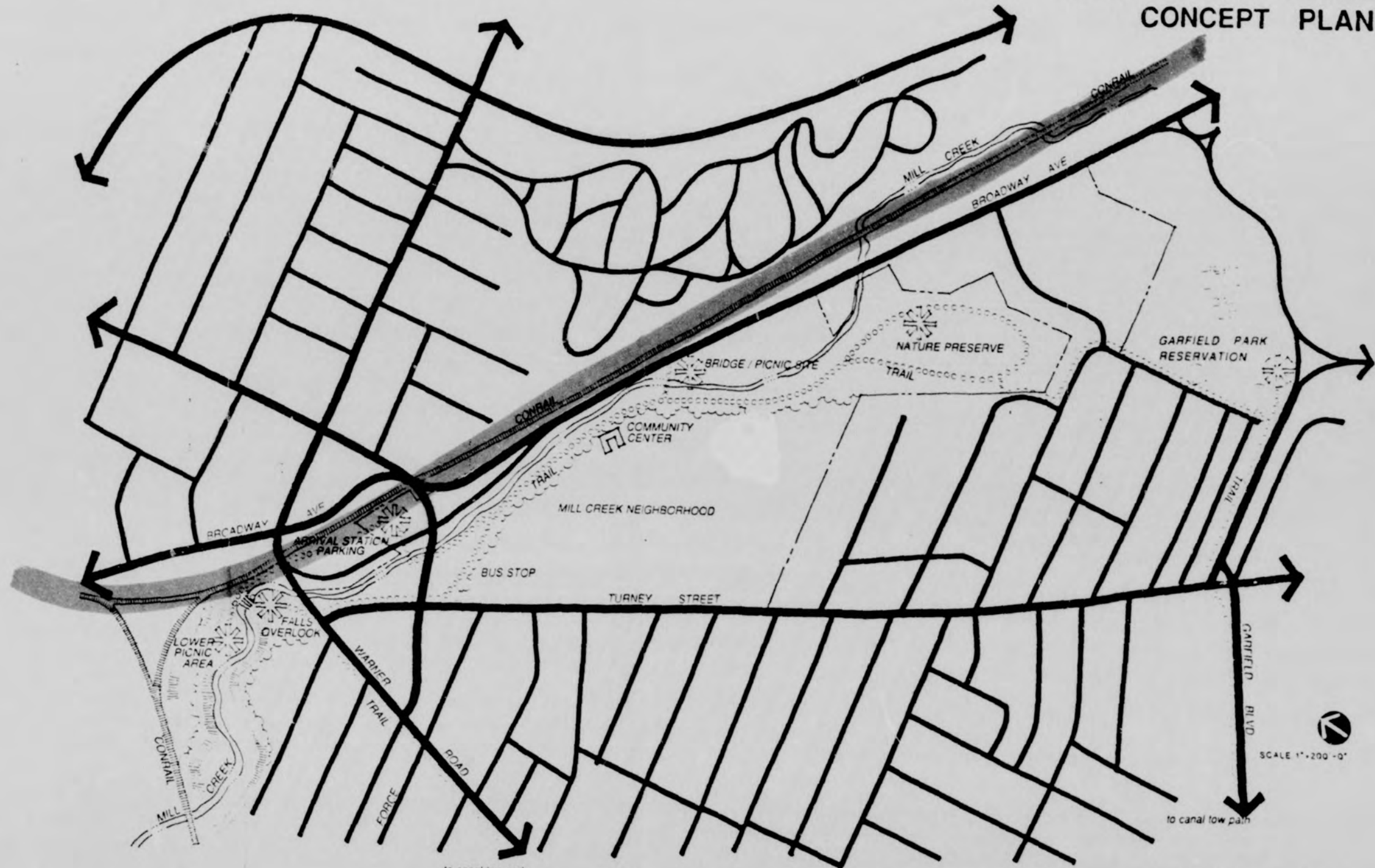
In addition to the issues that have been outlined by the City of Cleveland, there is an additional problem that would be created and an environmental impact to a scenic resource in our community. One of the current Conrail lines (which is proposed to become Norfolk Southern property) that runs north-south through the east side of Cleveland, lies only 20 feet north of the tallest waterfall in Cuyahoga County. The historic Mill Creek Falls, 45 feet high, is currently being negatively impacted by the train traffic. The land next to the tracks has been eroding and falling into the waterfall. I have enclosed photos of the situation and a map of the trail and falls plans.

We have been working with the Cleveland Metroparks on a plan to preserve the falls and develop them with a scenic overlook. If the sale goes forward and the train traffic increases, the erosion will worsen and the danger of the trains would make the falls development impossible. This would be a terrible blow to our community. We ask you to either oppose the sale or make Norfolk and Southern move the tracks away from the falls. If you would like additional information, please contact me at (216) 429-1182. Thank you very much,

Sincerely,

Bobbi Reichtell
Project Manager

MILL CREEK TRAIL CONCEPT PLAN



Schmidt Copeland Parker Stevens





STB

FD-33388

2-4-98

K

ID-BUSINESS

ENVIRONMENTAL DOCUMENT

OHIO CANAL CORRIDOR



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Attorney at Law

Frank Sinito

Lockkeeper's Inn

Lawrence F. Slenczka

Dollar Bank

Cheryl Stephens

National Development Council

EMERITUS

Michael Giangrande

Jeffrey Lennartz

Walter Robertson

Thomas N. Tyrrell

STAFF

Tim Donovan

Director

Ms. Elaine K. Kaiser

Chief

Section of Environmental Analysis

Surface Transportation Board

Washington, DC 20423

January 30, 1998

Dear Ms. Kaiser,

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

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

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

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

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

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

Sincerely,

Tim Donovan
Director

STB

FD-33388

2-4-98

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ID-PUBLIC

ENVIRONMENTAL
DOCUMENT

January 23, 1998



Ms. Elaine K. Kaiser,

My name is Sheila Myracle, I live in Vermilion. This letter is about my concern with the possibility of increased train traffic through our community. Our city is split by the tracks, the downtown and emergency services on the north and a large section of private homes on the south. It scares me to think of the ambulance on one side of the tracks, a person in desperate need on the other side and a train between them. There is not an alternate route that does not take at least 20 minutes, which could prove to be deadly to a person in need.

I know you are a very busy person and concerned with many issues that affect many people. Please take a moment to consider the people of Vermilion and look at an alternative to the increase in the train traffic.

Sincerely yours,

Sheila Myracle
1288 Hollyview Dr.
Vermilion, OH
44089

STB

FD-33388

2-4-98

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ID-GOV



State of New Jersey

Christine Todd Whitman
Governor

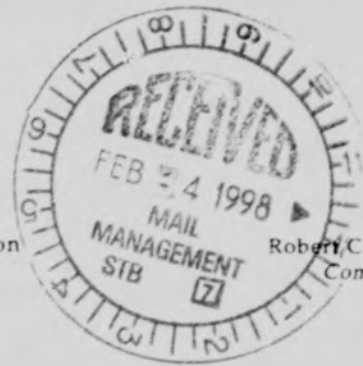
Department of Environmental Protection

Division of Parks and Forestry
Historic Preservation Office
PO Box 404

Trenton, N.J. 08625-0404

TEL: (609)292-2023

FAX: (609)984-0578



Robert C. Shinn, Jr.
Commissioner

ENVIRONMENTAL
DOCUMENT

January 29, 1998
HPO-A98-137

Ms. Elaine K. Kaiser, Chief
Environmental Analysis Section
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

**RE: Finance Docket No. 33388
Draft Environmental Impact Statement
CSX and Norfolk Southern
Control and Acquisition of Conrail
National Historic Preservation Act Consultation**

Dear Ms. Kaiser:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic properties, as published in the Federal Register on September 2, 1986 (51 FR 31115-31125), I am providing consultation comments for the above referenced Draft Environmental Impact Statement.

SUMMARY: The initial activities proposed by Norfolk Southern Railroad and CSX Railroad as part of the proposed acquisition of Conrail will not have an effect on historic properties. Proposed projects at Elizabeth (Union County) and Flemington Junction (Hunterdon County) may have an effect upon historic resources listed in or eligible for listing in the National Register of Historic Places (NRHP). Additional information regarding the scope of these two proposed projects is needed before an assessment of effect can be completed. Abandonment of right of way and modification or replacement of railroad structures, such as bridges, tunnels, stations, signal and interlocking towers, are the types of activities that have, in the past, effected historic railroad properties in New Jersey and have been the subject of Section 106 consultation.

These comments are in response to your initial letter of October 23, 1997 to Mr. Robert Shinn, Commissioner, Department of Environmental Protection, and the Draft Environmental

Ms. Elaine K. Kaiser
HPO-A98-137
January 29, 1998
Page 2 of 3

Impact Statement (DEIS), Finance Docket No. 33388, Proposed Conrail Acquisition, dated December 12, 1997.

Based upon the information in your letter and the DEIS, I concur that, with the possible exception of projects at Elizabeth (Union County) and Flemington Junction (Hunterdon County), the proposed Conrail acquisition will not have an effect on historic properties. My concurrence with this assessment of no effect is based upon the DEIS conclusion that no abandonment of railroad right of way is proposed for within New Jersey and that construction activities associated with changes to existing Conrail New Jersey operations are currently limited to construction of track connections in Ridgefield and Little Ferry (Bergen County).

The Historic Preservation Office is pleased to know that the Environmental Analysis Section has requested additional information regarding the proposed projects at Elizabeth and Flemington Junction and looks forward to participating in further consultation in accordance with Section 106 requirements. Although the shops of the former Central Railroad of New Jersey (CRRNJ) in Elizabeth (Union County) have been demolished, the right of way, yard trackage, and shop site are part of the NRHP eligible CRRNJ Main Line Historic District.

Although the proposed Conrail acquisition, with the two potential exceptions noted above, will not effect historic resources, the historic significance and NRHP eligibility of numerous resources being acquired from Conrail should be acknowledged. Over the past few years the Historic Preservation Office has participated in Section 106 consultation that has identified railroad rights of way eligible for listing in the National Register of Historic Places as linear historic districts. Although not all NRHP eligible or potentially eligible railroad rights of way have been identified, a number of the rights of way evaluated by the SHPO as eligible for the NRHP are among the assets to be transferred from Conrail to Norfolk Southern and CSX. The former Central Railroad of New Jersey right of way from Elizabeth (Union County) to Phillipsburg (Warren County) cited above received a Determination of Eligibility (DOE) from the Keeper of the NRHP on November 30, 1995. Consequently, future activities resulting in substantial alteration or abandonment, either partial or complete, of these rights of way would have an effect on historic properties.

Additionally, as part of survey and planning activity, Section 106 consultation, and the processing of National Register of Historic Places nominations, numerous railroad and related resources have received SHPO opinions of NRHP eligibility or have been listed in the National Register of Historic Places. These historic resources include bridges (overhead and undergrade), stations (passenger and freight), and other structures associated with railroad operations (signal and interlocking towers, tunnels, and civil engineering features such as cuts and fills). Although many of these historic resources are owned by New Jersey Transit or other public agencies, NRHP eligible bridges and other structures are among the assets being acquired

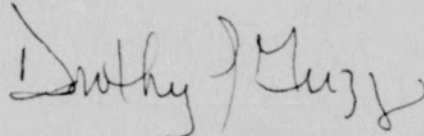
Ms. Elaine K. Kaiser
HPO-A98-137
January 29, 1998
Page 3 of 3

from Conrail. Here also, future activities, such as the substantial alteration or demolition of these bridges, structures or buildings, would have an effect on historic properties.

The Historic Preservation Office hopes that, after recognizing the historic significance and NRHP eligibility of particular railroad resources, continued use and operation will ensure appropriate preservation.

The Historic Preservation Office appreciates having an opportunity to offer these comments on the Draft Environmental Impact Statement as part of the Section 106 consultation process. If you have any questions regarding these comments or the identification and evaluation of railroad related historic resources, please contact HPO staff Charles Scott at (609) 633-2396.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dorothy P. Guzzo".

Dorothy P. Guzzo
Deputy State Historic
Preservation Officer

DG/CS
Log #98-394 - A98-137
C: NJDEP, Office of Program Coordination

STB

FD-33388

2-4-98

/

K

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Northern Virginia Planning District Commission

7535 Little River Turnpike Suite 100 Annandale, Virginia 22003-2937 (703) 642-0700 FAX: (703) 642-5077 TDD: (703) 642-8061



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Hon. Albert J. Boudreau

(as of August 25, 1997)

TO: Elaine K. Kaiser
Environmental Project Director
Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W. Fifth Floor
Washington, D.C. 20423-0001

FROM: James Van Zee
Senior Planner

DATE: February 2, 1998

**ENVIRONMENTAL
DOCUMENT**

SUBJECT: INTERGOVERNMENTAL REVIEW AND COMMENT

Project Title: CSX and Norfolk Southern
Finance Docket No. 33388

Description: Control and Acquisition

- ☒ The NVPDC staff has no major concerns with this project. We find it generally in accord with regional programs, plans, and policies.
- ☐ The NVPDC staff has no major concerns with this project; however, see comment(s) below.

Signature James Van Zee
James Van Zee
Senior Planner

EMAIL ADDRESS
info@nvpdc.state.va.us

HOME PAGE
http://www.nvpdc.state.va.us

STB

FD-33388

2-4-98

K

ID-GOV



MARYLAND DEPARTMENT OF THE ENVIRONMENT

2500 Broening Highway • Baltimore Maryland 21224
(410) 631-3000 • 1-800-633-6101 • <http://www.mde.state.md.us>

Parris N. Glendening
Governor

Jane T. Nishida
Secretary

January 29, 1998

ENVIRONMENTAL
DOCUMENT



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

RE: Maryland Office of Planning Identification Number: MD971222-1116
Project: Draft EIS - CSX Railroad

Dear Ms. Kaiser:

Thank you for the opportunity to review the above referenced project. The document was circulated throughout the Maryland Department of the Environment (MDE) for review, and the following comments are offered for your consideration.

1. Construction, renovation and/or demolition of buildings and roadways must be performed in conformance with State regulations pertaining to "Particulate Matter from Materials Handling and Construction" (COMAR 26.11.06.03D), requiring that during any construction and/or demolition work, reasonable precaution must be taken to prevent particulate matter, such as fugitive dust, from becoming airborne.
2. If boilers or other equipment capable of producing emissions are installed as a result of this project, the applicant is requested to obtain a permit to construct from MDE's Air and Radiation Management Administration for this equipment, unless the applicant determines that a permit for this equipment is not required under State regulations pertaining to "Permits, Approvals, and Registration" (COMAR 26.11.02.). A review for toxic air pollutants should be performed. Please contact Dr. Justin Hsu, Ph.D., P.E., New Source Permits Division, Air and Radiation Management Administration at (410) 631-3230 to learn about the State's requirements and the permitting processes for such devices.
3. Fossil fuel fired power plants emit large quantities of sulfur oxide and nitrogen oxides, which cause acid rain. In addition, nitrogen oxide emissions contribute to the problem of global warming and also combine with volatile organic compounds to form smog. The MDE supports energy conservation, which reduces the demand for electricity and therefore, reduces overall emissions of harmful air pollutants. For these reasons, MDE recommends that the builders use energy efficient lighting,

Ms. Elaine K. Kaiser

January 29, 1998

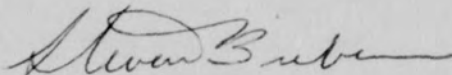
Page Two

computers, insulation and any other energy efficient equipment. Contact the U.S. EPA at (202) 233-9120 to learn more about the voluntary Green Lights Program which encourages businesses to install energy-efficient lighting systems.

4. The applicant should be advised that no cutback asphalt should be used during the months of June, July and August.
5. Lighting for security and parking needs to be shielded from nearby residences.
6. The EIS needs to include an air quality analysis for Harford County. Harford County has been designated by the U.S. EPA as a severe nonattainment area for ozone.
7. The EIS should cover impacts of the proposed merger on planning transit-oriented development-increasing night-time freight operations could make living near the rail stations less attractive from a noise standpoint.

Again, thank you for giving MDE the opportunity to review this project. If you have any questions, please feel free to call me at (410) 631-3656.

Sincerely,



Steven Bieber
Clearinghouse Coordinator

cc: Jane T. Nishida, Secretary, Maryland Department of the Environment
La Verne Gray, Maryland Office of Planning

STB

FD-33388

2-4-98

K

ID-CITIES

ENVIRONMENTAL
DOCUMENT

ERIE COUNTY
DEPARTMENT OF ENGINEERING
2700 COLUMBUS AVENUE
SANDUSKY, OHIO 44870

PHONE: (419) 627-7710
FAX: (419) 625-9622

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

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

February 2, 1998

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



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

Dear Ms. Kaiser:

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

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

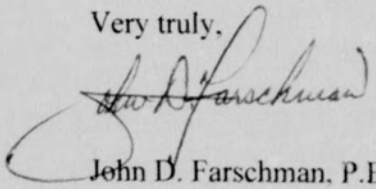
Please note that there is an existing underpass on Miller Road which was not addressed. It lies about midway between the Cities of Sandusky and Bellevue, Ohio and will provide the only means of emergency access between the east and west side of the N & W Railroad. Without it emergency equipment will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

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

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

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

Very truly,



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

JDF/crc

xc Project File
Corres. File

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2-4-98

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MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Parris N. Glendening
Governor

Jane T. Nishida
Secretary

ENVIRONMENTAL DOCUMENT

January 29, 1998

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



RE: Maryland Office of Planning Identification Number: MD971222-1116
Project: Draft EIS - CSX Railroad

Dear Ms. Kaiser:

Thank you for the opportunity to review the above referenced project. The document was circulated throughout the Maryland Department of the Environment (MDE) for review, and the following comments are offered for your consideration.

1. Construction, renovation and/or demolition of buildings and roadways must be performed in conformance with State regulations pertaining to "Particulate Matter from Materials Handling and Construction" (COMAR 26.11.06.03D), requiring that during any construction and/or demolition work, reasonable precaution must be taken to prevent particulate matter, such as fugitive dust, from becoming airborne.
2. If boilers or other equipment capable of producing emissions are installed as a result of this project, the applicant is requested to obtain a permit to construct from MDE's Air and Radiation Management Administration for this equipment, unless the applicant determines that a permit for this equipment is not required under State regulations pertaining to "Permits, Approvals, and Registration" (COMAR 26.11.02.). A review for toxic air pollutants should be performed. Please contact Dr. Justin Hsu, Ph.D., P.E., New Source Permits Division, Air and Radiation Management Administration at (410) 631-3230 to learn about the State's requirements and the permitting processes for such devices.
3. Fossil fuel fired power plants emit large quantities of sulfur oxide and nitrogen oxides, which cause acid rain. In addition, nitrogen oxide emissions contribute to the problem of global warming and also combine with volatile organic compounds to form smog. The MDE supports energy conservation, which reduces the demand for electricity and therefore, reduces overall emissions of harmful air pollutants. For these reasons, MDE recommends that the builders use energy efficient lighting,

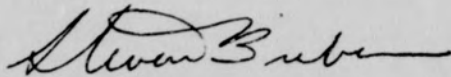
Ms. Elaine K. Kaiser
January 29, 1998
Page Two

computers, insulation and any other energy efficient equipment. Contact the U.S. EPA at (202) 233-9120 to learn more about the voluntary Green Lights Program which encourages businesses to install energy-efficient lighting systems.

4. The applicant should be advised that no cutback asphalt should be used during the months of June, July and August.
5. Lighting for security and parking needs to be shielded from nearby residences.
6. The EIS needs to include an air quality analysis for Harford County. Harford County has been designated by the U.S. EPA as a severe nonattainment area for ozone.
7. The EIS should cover impacts of the proposed merger on planning transit-oriented development-increasing night-time freight operations could make living near the rail stations less attractive from a noise standpoint.

Again, thank you for giving MDE the opportunity to review this project. If you have any questions, please feel free to call me at (410) 631-3656.

Sincerely,



Steven Bieber
Clearinghouse Coordinator

cc: Jane T. Nishida, Secretary, Maryland Department of the Environment
La Verne Gray, Maryland Office of Planning

STB

FD-33388

2-4-98

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ID-CITIES

NEFCO

185524

NORTHEAST OHIO FOUR COUNTY REGIONAL PLANNING & DEVELOPMENT ORGANIZATION

969 Copley Road, Akron, Ohio 44320-2992

(330) 836-5731 • Fax (330) 836-7703

Gayle Jackson, Chair

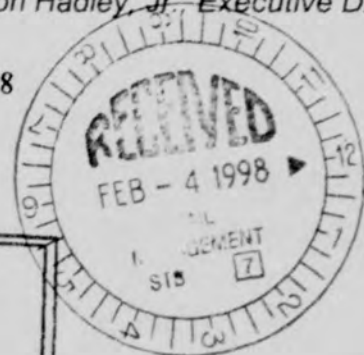
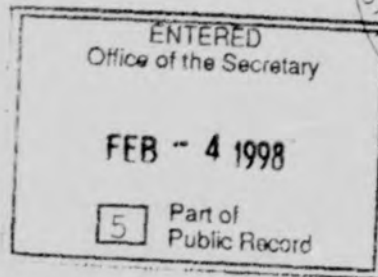
Joseph Hadley, Jr., Executive Director

ENVIRONMENTAL
DOCUMENT

January 28, 1998

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

Attn: Elaine K. Kaiser
Environmental Project Director
Environmental Filing



Dear Ms. Kaiser:

The Northeast Ohio Four County Regional Planning and Development Organization (NEFCO) has completed its intergovernmental review of the Draft Environmental Impact Statement. As a result of comments received in this review, the NEFCO General Policy Board passed a resolution recommending that clearance of this project be delayed until the reviewers' comments have been satisfactorily addressed.

A statement by the Akron Metropolitan Area Transportation Study (AMATS), the Metropolitan Planning Organization for Summit and Portage Counties, notes that the STB disregarded AMATS' recommendations stated in August 1997 to evaluate the impacts of the acquisition on **proposed** passenger rail service. An additional comment was received by METRO Regional Transit Authority, an active participant in developing commuter rail operations in northeast Ohio. METRO also stated concerns about the lack of an analysis in the Draft EIS of the effects of the takeover on proposed passenger rail operations and the possibility of freight railroads rejecting the idea of commuter service on their lines. Copies of these comments are enclosed.

Should you have any questions regarding the intergovernmental review process or this letter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Sylvia R. Chinn-Levy".

Sylvia R. Chinn-Levy,
Intergovernmental Review Coordinator

Enclosures

pc: Kenneth Hanson
Robert Pfaff
Kirt Conrad

Cooperation and Coordination in Development Planning
among the Units of Government in Portage, Stark, Summit and Wayne Counties

Intergovernmental Review
Resolution Number: FY 1998-012



**RESOLUTION OF THE
NEFCO BOARD**

WHEREAS, NEFCO has been designated by the Governor of the State of Ohio as the Area Clearinghouse for Summit County, effective March 28, 1984, and has accepted the responsibility for the review of all applications for federal or state funding that originate in the NEFCO Region which require Intergovernmental Review in accordance with Executive Order 12372; and

WHEREAS, it is the responsibility of the NEFCO Board to solicit review and comments from units of local government and interested parties through the Project Review Notification and Review System procedures which were formally adopted March 28, 1984; and

WHEREAS, the NEFCO Intergovernmental Review Committee has reviewed the following Statewide project:

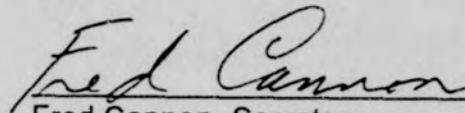
STATEWIDE PROJECT

1. Proposed Conrail Acquisition - Draft EIS (OH971217-0198-DEIS)

NOW, THEREFORE, BE IT RESOLVED, by the NEFCO Board:

- I. NEFCO recommends that clearance of this project should be delayed until the applicant has satisfactorily addressed the concerns stated in the enclosed comments.
- II. Be it further resolved that the Executive Director is hereby authorized to transmit a certified copy of this resolution, and any comments, to the applicants and the funding agency, as is appropriate.

Certified as action taken by the NEFCO
General Policy Board at its meeting of
January 21, 1998


Fred Cannon, Secretary
NEFCO General Policy Board

PROJECT TITLE: Proposed Conrail Acquisition - Draft EIS

APPLICANT: Office of the Secretary

FEDERAL FUNDING SOURCE: N/A

RAI NUMBER: OH971217-0198-DEIS



PROPOSED FUNDING

PROGRAM: N/A

FEDERAL: \$N/A

APPLICANT: \$N/A

STATE: \$N/A

LOCAL: \$N/A

OTHER: \$N/A

TOTAL: \$N/A

86 9 1 NVT

PROJECT DESCRIPTION: The Surface Transportation Board has issued its Draft Environmental Impact Statement. To review the entire document, please call NEFCO. Economic/cultural comments may be made in addition to environmental ones.

Please check the appropriate comment and provide supporting information. Comments may be attached or printed at the bottom of this page.

☐ No Comment

☐ Clearance of this project should be granted

☐ Clearance of this project should not be delayed, but applicant should answer the reviewer's questions or concerns

☐ Clearance of this project should only be granted on the condition that the applicant use the recommendations in the enclosed comments

☒ Clearance of this project should be delayed, until the applicant has satisfactorily addressed the concerns stated in the enclosed comments

Signature 2 J. Smith

Agency AMATS

Date 1-3-98

Please Return To:
Sylvia Chinn-Levy, IGR Coordinator
NEFCO
969 Copley Road
Akron, OH 44320-2992

Thank you for your participation in this valuable review and comment process.

COHEN
JAN 15 98

AMATS
January 13, 1998

**Comments on OH971212-0198-DEIS
Proposed Conrail Acquisition - Draft EIS**

The Surface Transportation Board (STB), in preparing its Draft Environmental Impact Statement (DEIS), decided to limit the scope of its assessment of the Conrail takeover by CSX and NS to actual and potential impacts on existing services and activities. This STB decision effectively rejected the concerns raised by AMATS in its August 5, 1997 submission and the similar concerns submitted by METRO RTA regarding the Conrail takeover impacts on proposed rail passenger services in northeast Ohio. Approval of the CSX/NS takeover of Conrail without addressing the takeover's potential long range impacts may further complicate implementation of such proposals as Canton-Akron-Cleveland, and Aurora-Solon-Cleveland commuter rail service. Similar impacts may be felt on proposed Youngstown-Akron-Columbus intercity rail passenger service. AMATS therefore requests that clearance on this project be delayed until the applicant has satisfactorily addressed these concerns.

F:\WPDOC\RAIL\CSX\EIS\NEFCO.LTR

JAN 15 98

PROJECT TITLE: Proposed Conrail Acquisition - Draft EIS

APPLICANT: Office of the Secretary

FEDERAL FUNDING SOURCE: N/A

RAI NUMBER: OH971217-0198-DEIS



PROPOSED FUNDING

PROGRAM: N/A

FEDERAL: \$N/A

APPLICANT: \$N/A

STATE: \$N/A

LOCAL: \$N/A

OTHER: \$N/A

TOTAL: \$N/A

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Signature

Agency

Date

Please Return To:

Sylvia Chinn-Levy, IGR Coordinator

NEFCO

969 Copley Road

Akron, OH 44320-2992

Thank you for your participation in this valuable review and comment process.

JAN 13 98

NEFCO

METRO
METRO REGIONAL TRANSIT AUTHORITY
416 Kenmore Boulevard
Akron, Ohio 44301
330/762-7267
330/762-0854 FAX

January 13, 1998

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

JAN 14 98

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

Dear Ms. Kaiser:

On behalf of METRO Regional Transit Authority, I would like to thank the Surface Transportation Board for expanding the final Scope of the Environmental Impact Statement of the Proposed Acquisition of Conrail by CSX and Norfolk Southern last fall.

From our understanding of the Draft Environmental Impact Statement (DEIS), the effects of the transaction on proposed passenger rail operations were determined to be not significant enough to evaluate. We understand that the primary role of the STB (and its predecessor, the ICC) is to regulate business concerns. However, we are concerned that this proposed merger will leave permanent, unchangeable constraints on both existing and potential passengers rail services in the country.

Under the Draft EIS, the STB chose not to examine many possible problems:

"If the analysis indicated that the rail line segments could accommodate the higher volumes, SEA's preliminary conclusion was that the proposed Acquisition would have no adverse impact on passenger train operations." (DEIS, Volume 1: page 3-14)

The SEA has established a tight time line to review the most significant rail merger in the history of the United States. By deciding not to look at future interactions of the applicants with commuter rail providers, even those with existing agreements, the STB has remained silent concerning the responsibility the railroads have as a public utility. This is the same responsibility the phone industry, electric providers, and gas companies have to individuals citizens.

"SEA determined that impacts of freight operations on passenger rail service would be significant if the anticipated post-Acquisition increases in freight operations resulted in the need to reduce passenger service. . . However, the current operating agreements preclude any reduction in service. Any significant impact that would result from increased post-Acquisition freight operation could occur only after expiration of a current agreement." (DEIS, Volume 1: page 3-16)

The STB has decided not to be involved in the relationship between the railroad and passenger services after the expiration of existing contracts. Potentially, the uncooperative freight railroads could leave existing or potential passenger operators unable operate, thereby stranding thousands of rail passengers. Displaced commuters will create a greater demand on the over-burdened highway system. In total, higher energy consumption and greater public investment in road construction will be created.

Many agencies in the State of Ohio expressed concerns about passenger service. The STB did review these requests and commented:

"SEA has determined that evidence exists of a potential cumulative effect associated with commuter rail planning and funded activities in Northern Ohio including, but not limited to Toledo, Akron, Lorain, and Cleveland." (DEIS, Volume 3B: page OH-129).

According to the SEA's review, METRO's trackage rights request (MRTA-1) could produce traffic above the level considered significant. (DEIS, Volume 5C: page U-15)

However, the SEA states that it has not found any activities that will be impacted:

"At this point in its investigation, SEA is unaware of any other activities that would require a cumulative analysis." (DEIS, Volume 3B: page OH-129).

The SEA concludes its investigation in Ohio by making the following comment:

"Therefore based on its independent analysis and all information available to date, SEA has made a preliminary conclusion that there would be no other significant cumulative effects associated with the proposed Acquisition in the State of Ohio." (DEIS, Volume 3B: page OH-129).

This merger presents an opportunity for passenger rail services to be expanded in the United States. The SEA has performed a detailed analysis of the diversion of freight between highway and rail transportation modes. A similar analysis should be conducted as it involves passenger movement.

We feel the following recommendation of the SEA should be strengthened:

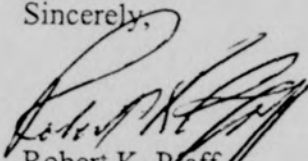
"The SEA encourages the Applicants to meet with the agencies responsible for the commuter rail studies to ensure that the proposed Acquisition can be accomplished without negative effect to commuter rail plans." (DEIS, Volume 3B: page OH-129).

This position assumes that the railroads will negotiate in good faith with passenger agencies. The scope of the review needs to be expanded to include having the Applicants address the potential negative impact on passenger rail operations caused by the merger. SEA needs to actively retain jurisdiction in this matter to assure that the Acquisition can be accomplished without negative consequences on passenger rail operations.

We understand the STB is under a very tight schedule; however, we must ask one point to be changed in the Draft Environmental Statement. Table 5-OH-51 indicates METRO Regional Transit Authority commented on the abandonment in Toledo, Ohio. It appears the SEA misunderstood our comment. Our comments do not concern Toledo. The scope of our letter concerned only Akron, Cleveland, and Canton, Ohio.

In closing, we ask the SEA to view passenger access on an equal basis as freight access to this large multi-modal transportation utility. If you have any questions regarding this statement, please do not hesitate to contact Kirt Conrad, Planner, or myself at (330) 762-7267.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Robert K. Pfaff', written over a horizontal line.

Robert K. Pfaff
General Manager, Secretary-Treasurer