

STB FD-33388 2-4-98 K ID-CITIES

Historic
Preservation
Trust
of Lancaster County



Sehner-Ellicott-von Hess House
123 North Prince Street
Lancaster, Pennsylvania 17603
717-291-5861

January 30, 1998

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

ENVIRONMENTAL
DOCUMENT



ATTN: Elaine K. Kaiser
Environmental Project Director
Environmental Filing

SUBJECT: EIS for Proposed Acquisition of CONRAIL by
Norfolk Southern Railroad and CSX Railroad
Section 106 Compliance re: CONRAIL's Enola Branch of the Low Grade Line,
Lancaster County, PA

Dear Ms. Kaiser:

Please be advised that the Historic Preservation Trust of Lancaster County is an intervenor in the suit, FAST v. PA Public Utility Commission, in the Commonwealth Court of Pennsylvania, No. 3003 C.D. 1997, which deals with CONRAIL's abandonment of its property in Lancaster County, PA, the former Enola Branch of the Low Grade Line of the Pennsylvania Railroad.

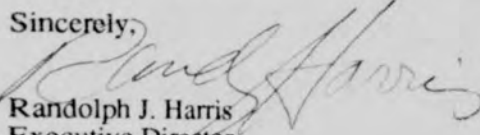
The Trust is also an "interested person," for purposes of the Section 106 process, in an administrative action relative to this property, which has been determined eligible, in total, for listing in the National Register of Historic Places by the PA SHPO in April, 1994.

Please consider the Trust an interested person, pursuant to Section 106 and 36 CFR Part 800, in the subject case before STB. This correspondence is to notify you of our interest in seeking compliance with the Section 106 process, and the protection of the historic and cultural resource, relative to the pending historic preservation condition placed by STB on its abandonment action regarding the subject property.

On January 12, 1998, I wrote to the Advisory Council on Historic Preservation, seeking a determination by the Keeper of the National Register of the eligibility for NR listing of the subject resource. There is an apparent conflict among the parties involved in this administration action as to the scope and content of the historic resource. Enclosed is my letter to the Advisory Council. Please also see the enclosed letter from the Curator of Transportation of the National Museum of American History, who attests to the significance of the subject railroad property.

Thank you for the opportunity to comment on this action, which will affect a resource of major historic and cultural significance. Please call if I can answer any questions on this matter.

Sincerely,


Randolph J. Harris
Executive Director

cc: Joyce Nettke
Alan Musselman
Brenda Barrett

Enclosures: (including required 10 copies)

Historic
Preservation
Trust
of Lancaster County



Sehner-Ellicott-von Hess House
123 North Prince Street
Lancaster, Pennsylvania 17603
717-291-5861

January 12, 1998

Ms. Charlene Dwin Vaughn
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue
Suite 809
Washington, D.C. 20004

Dear Ms. Vaughn:

SUBJECT: Request for Determination of Eligibility
Adverse Effect on Historic and Cultural Resources
Atglen-Susquehanna Branch A.K.A. Enola Low Grade Line
Formerly of the Pennsylvania Railroad, ca 1903
Lancaster and Chester County, PA
PA SHPO ER No. 89-1632-042-B
Conrail File No. MPAC-486
Pennsylvania Public Utility Commission PUC Docket No. A-00111016
Surface Transportation Board (Formerly ICC) Docket No. AB-167
(Sub-No. 1095X)

I am requesting that your office review the enclosed correspondence pursuant to CFR 800(6)(e), regarding public requests to the Council. The Historic Preservation Trust of Lancaster County is an interested person in this case, as I interpret the referenced regulations. The Trust objects to the methods being employed by Consolidated Rail Corporation, an applicant before the U.S. Surface Transportation Board, relative to the Section 106 process.

The enclosed correspondence clearly shows that the SHPO (Pennsylvania Historical and Museum Commission) revised its evaluation of the subject resource in 1994, making it more inclusive and comprehensive than an earlier 1989 analysis and evaluation. The revised evaluation was based on more extensive information made available to SHPO through site work, research, and planning analysis, performed by a qualified professional.

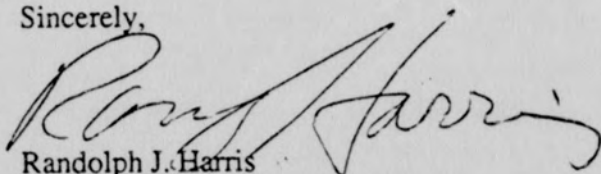
The applicant before the federal agency official, however, has refused to acknowledge the revised SHPO opinion that the entire railroad line, inclusive of all of the property that had been purchased, developed and, in essence, organized at about the turn of the 20th Century for use by the Pennsylvania Railroad, is eligible in total for listing in the National Register of Historic Places. Rather, Conrail has proceeded in this case, based on the 1989 determination by SHPO that only certain railroad bridges or crossings are eligible for the National Register.

Conrail's involvement with the Section 106 process has been limited only to those structures identified as eligible in the early evaluations and correspondence with SHPO, and for which SHPO has made a finding of adverse effect. Please also note the enclosed October 17, 1994 letter from SHPO to Conrail, which states, in part, that Conrail should notify your office of the finding of adverse effect of "contributing structures" to the resource and to begin the consultation process. We understand that the your office to date has not been officially notified in this case.

Given these issues, I believe there is an apparent conflict or discrepancy about the scope and definition of the resource in this case. Therefore, I am requesting that your office to contact the agency official and to seek a determination of eligibility regarding the resource from the Keeper of the National Register of Historic Places.

Thank you for your attention to this matter. Please contact me if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Randolph J. Harris", written in a cursive style.

Randolph J. Harris
Executive Director

Enclosures



NATIONAL MUSEUM of AMERICAN HISTORY

*...inspiring a broader understanding of our nation
and its many peoples.*

April 2, 1997

Mr. Randolph J. Harris
Executive Director
Historic Preservation Trust of Lancaster County
123 North Prince Street
Lancaster, PA 17603

Dear Mr. Harris:

Re: Former Pennsylvania Railroad 'Low-Grade' Line
Lancaster and Chester Counties, Pennsylvania

My understanding is that, as a result of a proposed agreement discussed with the Pennsylvania Public Utilities Commission, the successor to the Pennsylvania Railroad -- the Consolidated Rail Corporation -- would convey sections of the historic 'Low-grade' right of way in parcels to several local governments. I also understand that many historic bridges and crossings along this 23-mile, former rail line would be threatened.

Of course, I can take no formal position in such a legal proceeding. But, frankly, I fully support the development of the line, intact, as a recreational and educational trail, as the Friends of the Atglen-Susquehanna Trail have proposed. As a resource for both citizens and tourists to Lancaster and Chester Counties, such a trail would be unique.

With the line's great stone arch bridges, its level grade over such an expanse of land, and the stunning views of Lancaster County farms along the way, the 'Low-grade line' would become one of the premier hiking and biking trails in all of North America. Segmented and destroyed, the line would become nothing more than a monumental earthworks.

The 'Low-grade line' was part of an enormous civil engineering project of the late 19th and early 20th centuries, initiated by Alexander Cassatt (brother of the painter, Mary Cassatt), then president of the Pennsylvania Railroad. Penn Station in New York, the Hudson River Tunnels, and the 'Low-grade line' were all part of this vast program. The historic significance of the line is unquestioned.

I urge you and your colleagues in Lancaster County to continue to work to save this corridor in its entirety, including its bridges and crossings. We should be conserving and developing this great legacy as a unique national resource for future generations. And in the wonderful setting of Lancaster County, future generations will thank you for preserving this trail -- in contrast to the commercial shopping developments threatening to blanket other parts of the county. Balance is critical.

If I can be of any further help in this effort, please call. The phone is 202/357-2025, and the fax is 357-4256.

Cordially,

William L. Withuhn
Curator of Transportation

STB

FD-33388

2-4-98

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Eastgate Development and Transportation Agency

ENVIRONMENTAL DOCUMENT



January 26, 1998

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

Dear Ms. Kaiser:

The Citizens Advisory Board of the Eastgate Development and Transportation Agency (EDATA), serving Mahoning and Trumbull Counties, Ohio as an advisory board to the General Policy Board of EDATA, the regional metropolitan planning organization, is concerned with the proposed acquisition of Conrail and the impact it will have on the Youngstown-Ashtabula (Youngstown Branch of Conrail) Railroad Line.

The increase in trains per day along this line will exceed 100 percent and could create the following environmental impacts: noise (engine, wheels and horn) from increased traffic on the line; safety from at-grade crossings that have inadequate monitoring controls; environmental justice which will impact minority and low-income communities that are located in close proximity to the line; and hazardous materials transportation where the Youngstown-Ashtabula Line has been identified as a Major Key Route.

The transportation of hazardous materials is probably the most important environmental issue due to the residential development in close proximity to the railroad line. This issue must be thoroughly addressed by the Board's Section of Environmental Analysis to insure that appropriate response procedures are in place in the event of a train accident (derailment) or hazardous materials release, and that these procedures are acceptable to local emergency response organizations located in the vicinity of this railroad line.

Your consideration of these environmental issues would be appreciated.

Sincerely,

Nancy D. Brundage
Chairman, Citizens Advisory Board

STB

FD-33388

2-4-98

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Township of Woodbridge

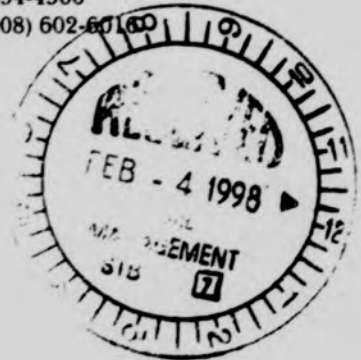
Department of Administration and Finance
Office of the Business Administrator
James M. Davy

JAMES E. McGREEVEY, MAYOR

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. 33386
1325 K Street N.W.
Washington, DC 20423-0001

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

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

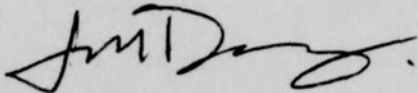
Additionally, the Port Reading section of Woodbridge has not been mentioned at all in the DEIS analysis regarding noise impacts of the planned merger (NJ-26). Woodbridge hereby requests that the Port Reading section be analyzed prior to the final environmental impact statement being prepared. We are 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,



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

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Northern Virginia Planning District Commission

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(as of August 25, 1997)

EMAIL ADDRESS
info@nvpdc.state.va.us

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

M•E•M•O•R•A•N•D•U•M

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

FROM: James Van Zee
Senior Planner

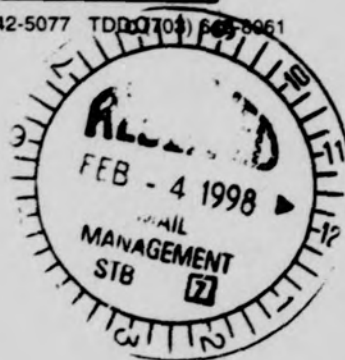
DATE: February 2, 1998

SUBJECT: INTERGOVERNMENTAL REVIEW AND COMMENT

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

Description: Control and Acquisition

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



ENVIRONMENTAL
DOCUMENT

Signature

James Van Zee
Senior Planner

STB

FD-33388

2-4-98

K

ID-CITIES



Lord Fairfax Planning District Commission

"Serving local governments of the Northern Shenandoah Valley"

103 East Sixth Street - Front Royal, Virginia 22630-3499

Phone: (540) 636-8800 • Fax: (540) 635-4147 • E-Mail: lfpdcs@shentel.net

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PLEASE RECYCLE

January 29, 1998

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

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

Re: Your letter dated December 12, 1997 - Draft Environmental Impact Statement (EIS) on the proposed acquisition of Conrail by Norfolk Southern Railroad and CSX Railroad - Submission of Comments by Resolution

Dear Ms. Kaiser:

The Lord Fairfax Planning District Commission's Transportation Planning Technical Committee met to review the Draft Environmental Impact Statement. The concerns of the region, relative to the environmental impacts, are that they can not all be accurately predicted at this time and therefore it is requested that the Final Environmental Impact Statement include a requirement for a five year review period from the effective date of the final decision for the assessment of environmental impacts and remediation options. This is set out in the enclosed resolution.

Sincerely

Thomas J. Christoffel
Executive Director

Enclosure

cc: Mr. Harold E. Neale, Commonwealth Transportation Board
Mr. Dennis Morrison, Staunton District Engineer
The Honorable John Warner
The Honorable Frank Wolf
Mr. George Conner, Department of Rail and Public Transportation

1/2/2 LN



Lord Fairfax Planning District Commission

"Serving local governments of the Northern Shenandoah Valley"

103 East Sixth Street - Front Royal, Virginia 22630-3499

Phone: (540) 636-8800 • Fax: (540) 635-4147 • E-Mail: lfcdc@shentel.net

RESOLUTION

NUMBER 98-03

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Harry S. Smith
Timothy A. Youmans

*Executive Committee



PLEASE RECYCLE

SURFACE TRANSPORTATION BOARD FINANCE DOCKET NO. 33388 – CSX AND NORFOLK SOUTHERN – CONTROL AND ACQUISITION OF CONRAIL: DRAFT ENVIRONMENTAL IMPACT STATEMENT COMMENTS SUBMISSION

WHEREAS, in the Lord Fairfax Planning District, Virginia's Northern Shenandoah Valley, Clarke County and the Towns of Berryville and Boyce; Warren County and the Town of Front Royal; Page County and the Towns of Luray, Shenandoah and Stanley; and Shenandoah County and the Town of Strasburg, are currently served by the Norfolk-Southern Railway; and the Shenandoah County Towns of Toms Brook, Woodstock, Edinburg and Mt. Jackson have Norfolk-Southern Railway access; and Frederick County and the Towns of Middletown and Stephens City, and City of Winchester are served by CSX; and

WHEREAS, in the last fifteen years, the Northern Shenandoah Valley has emerged as a multi-modal transportation hub with telecommunications infrastructure, these being key factors in local economic development promotion; and

WHEREAS, Warren County and the Town of Front Royal have experienced a significant increase in rail traffic as a result of express freight traffic on the line from Riverton Junction to Manassas with citizens experiencing impacts due to noise, air quality and significant traffic conflicts at grade crossings during this period; and

WHEREAS, industrial development in the region, including the Virginia Inland Port, has occurred because of the availability of local rail service, but has not been the main cause of traffic increases; and

WHEREAS, the DRAFT ENVIRONMENTAL IMPACT STATEMENT dated December 12, 1997 notes significant capacity improvements on its Shenandoah Corridor, including raising clearances between Riverton and Roanoke and new expedited coal service rerouting via Hagerstown and the Shenandoah Valley; and

WHEREAS, the DRAFT ENVIRONMENTAL IMPACT STATEMENT concludes there is only minimal impact for air quality, noise, grade crossing conflicts and accidents for areas of the region, despite the fact that air quality and noise impacts exceeded the Surface Transportation Board's thresholds; and

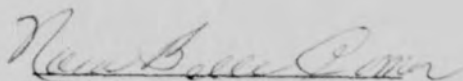
WHEREAS, the train traffic projections are highly speculative given the strategic location of Riverton Junction for east coast and Midwestern rail traffic and high probability of increased freight through traffic, and

WHEREAS, significant through traffic may interfere with local service to industry and efforts to expand local service for existing and new users, including passenger rail for Civil War Battlefield tourism, and therefore the economic base of the region;

NOW THEREFORE BE IT RESOLVED THAT the Lord Fairfax Planning District Commission petitions the Surface Transportation Board to consider the high probability of more significant environmental impacts on this region and its communities due to increases in rail traffic volume as a result of the proposed acquisition; and

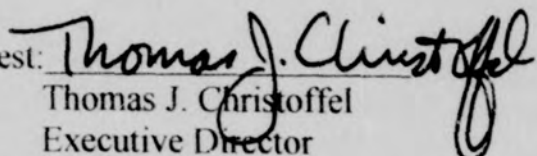
BE IT FURTHER RESOLVED that the Final Environmental Impact Statement include a requirement for a five year review period from the effective date of the final decision for the assessment of environmental impacts and remediation options.

Adopted this 22nd day of January, 1998.



Nora Belle Comer
Chairman

Attest:



Thomas J. Christoffel
Executive Director



Lord Fairfax Planning District Commission

"Serving local governments of the Northern Shenandoah Valley"

103 East Sixth Street - Front Royal, Virginia 22630-3499

Phone: (540) 636-8800 • Fax: (540) 635-4147 • E-Mail: lfpsc@shentel.net

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January, 1997

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PLEASE RECYCLE

February 2, 1998

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

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

Re: Your letter of December 12, 1997, Draft Environmental Impact Statement (EIS) on the proposed acquisition of Conrail by Norfolk Southern Railroad and DSX Railroad - Submission of Comments by Resolution

Dear Ms. Kaiser:

Enclosed are the required original and ten copies of a resolution adopted by the Town of Stanley, Virginia which was forwarded to our office. We hope that this will meet the requirements of the Surface Transportation Board.

Sincerely

Thomas J. Christoffel
Executive Director

Enclosures

cc: Ms. Martha M. Graves, Town of Stanley
Mr. Harold E. Neale, Commonwealth Transportation Board
Mr. Dennis Morrison, Staunton District Engineer
The Honorable John Warner
The Honorable Frank Wolf
Mr. George Conner, Department of Rail and Public Transportation



ENVIRONMENTAL
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Town of Stanley

P.O. BOX 220

STANLEY, VIRGINIA 22851

TELEPHONE 540-778-3454

January 28, 1998

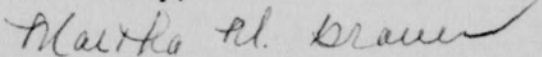
Tom Christoffel, Executive Director
Lord Fairfax Planning District Commission
103 East Sixth Street
Front Royal, Virginia 22630

Dear Tom:

Please find enclosed the Resolution regarding the
CSX & Norfolk Southern Control/Environmental Impact which
the Town Council adopted in their January meeting.

Should you have any questions or if we can be of
any further assistance in this matter, please do not
hesitate to contact us.

Sincerely,



Martha M. Graves
Town Manager

Enclosure

RESOLUTION

WHEREAS, in the Lord Fairfax Planning District, Virginia's Northern Shenandoah Valley, Clarke County and the Towns of Berryville and Boyce; Warren County and the Town of Front Royal; Page County and the Towns of Luray, Shenandoah and Stanley; and Shenandoah County and the Towns of Toms Brook, Woodstock, Edinburg and Mt. Jackson have Norfolk-Southern Railway access; and Frederick County and the Towns of Middletown and Stephens City, and City of Winchester are served by CSX; and

WHEREAS, in the last fifteen years, the Northern Shenandoah Valley has emerged as a multimodal transportation hub with telecommunications infrastructure, these being key factors in local economic development promotion; and

WHEREAS, Warren County and the Town of Front Royal have experience a significant increase in rail traffic as a result of express freight traffic on the line from Riverton Junction to Manassas with citizens experiencing impacts due to noise, air quality and significant traffic conflicts at grade crossings during this period; and

WHEREAS, industrial development in the region, including the Virginia Inland Port, has occurred because of the availability of local rail service, but has not been the main cause of traffic increases; and

WHEREAS, the DRAFT ENVIRONMENTAL IMPACT STATEMENT concludes there is only minimal impact for air quality, noise, grade crossing conflicts and accidents for areas of the region, despite the fact that air quality and noise impacts exceeded the Surface Transportation Board's thresholds; and

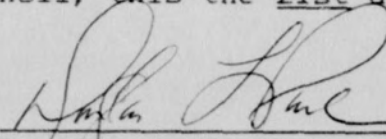
WHEREAS, the train traffic projections are highly speculative given the strategic location of Riverton Junction for east coast and Midwestern rail traffic and high probability of increased freight through traffic, and

WHEREAS, significant through traffic may interfere with local service to industry and efforts to expand local service for existing and new users, including passenger rail for Civil War Battlefield tourism, and therefore the economic base of the region:

NOW THEREFORE BE IT RESOLVED THAT the Lord Fairfax Planning District Commission petition the Surface Transportation Board to consider the high probability of more significant environmental impacts on this region and its communities due to increases in rail traffic volume as a result of the proposed acquisition; and

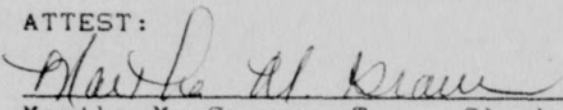
BE IT FURTHER RESOLVED that the Final Environmental Impact Statement include a requirement for a five year review period from the effective date of the final decision for the assessment of environmental impacts and remediation options.

Adopted by the Stanley Town Council, this the 21st day of January, 1998.



Douglas L. Purdham, Mayor

ATTEST:



Martha M. Graves, Temp. Clerk

STB

FD-33388

2-6-98

K

ID-CITIES

ENVIRONMENTAL
DOCUMENT

RESOLUTION NO. 1998-7

A RESOLUTION EXPRESSING CONCERNS OF THE MEMBERS OF THE HURON CITY COUNCIL REGARDING THE CSX/NS PROPOSED RAILROAD MERGER.

WHEREAS, members of the Huron City Council recognize there are many environmental issues in Erie County, Ohio that have not been resolved regarding the CSX/NS proposed railroad merger, and;

WHEREAS, members of the Huron City Council are concerned about the maintenance of the railroad crossings within the corporation limits, and;

WHEREAS, members of the Huron City Council are extremely concerned about the increased transportation of hazardous waste material through the City of Huron, Ohio.


NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

Section 1. That this Council will not support the merger of CSX/NS unless all environmental issues and concerns in Erie County, Ohio have been addressed and resolved.

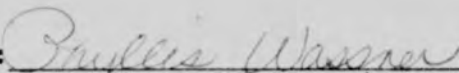
Section 2. That this Council will not support the merger unless they are provided with written assurance that regular maintenance of the railroad crossings within the corporate limits will be done with specific attention being given to the Rye Beach Road, Main Street, River Road and Berlin Road grade crossings.

Section 3. That this Council will not support the merger until they are satisfied that safety measures have been implemented to assure the safe transport of shipments of all hazardous waste materials throughout Erie County, Ohio.

Section 4. That the Clerk of Council be, and she hereby is, directed to forward a copy of this Resolution to the Erie County Commissioners, the Surface Transportation Board and the U. S. Representative and Senator from this district.


Edward Asher, Mayor

ATTEST:


Cynthia Wassner
Clerk of Council

ADOPTED: JAN 26 1998, 1998

STB

FD-33388

2-4-98

K

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

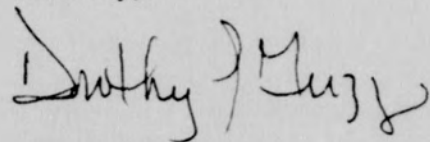
Ms. Elaine K. Kaiser
HPO-A98-137
January 29, 1998
Page 3 of 3

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,



Dorothy P. Guzzo
Deputy State Historic
Preservation Officer

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

STB FID-33388 2-4-98 K ID-BUSINESS



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. Colliwood 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	<i>[Signature]</i>	1/31/98
JAMES D. DUNSON SR	<i>[Signature]</i>	1/31/98
ROMEO COLEMAN	<i>[Signature]</i>	1/31/98
FRANKIE NOWDEN	<i>[Signature]</i>	1/31/98
FRANKIE NOWDEN		
KIM GREENWOOD	<i>[Signature]</i>	1/31/98
RUTHIE CLAYTON	<i>[Signature]</i>	1/31/98
JESSIE DIX	<i>[Signature]</i>	1-31-98
GANSY R. COLEMAN	<i>[Signature]</i>	1-31-98
MERLESS H. ROBERSON	<i>[Signature]</i>	1-31-98
KAYE D. TRIMBLE	<i>[Signature]</i>	1-31-98
Temple Greenwood Jr.	<i>[Signature]</i>	1-31-98
<i>[Signature]</i>		
PHYLLIS JACKSON	<i>[Signature]</i>	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	Evelyn Landrum	2/1/98
EVELYN LANDRUM	Yvette S. Croom	2/1/98
YVETTE S. CROOM	Donna Travaglini-Jenkins	2/1/98
DONNA TRAVAGLINI-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	Lee LETHA WATLEY	2/1/98
LEE LETHA WATLEY	Gina C. Miller	2/1/98
GINA C. MILLER	Terrell Doleida Howard	2/1/98
TERRELL DOLEIDA HOWARD	Rubin Cockrell	2/1/98
RUBIN COCKRELL	Semone Wallace	2-1-98
SEMONA WALLACE	Napoleon Harris	2-1-98
NAPOLEON HARRIS	Lula C. May	16713 S. 1st St 1300 S. 1st St 2-1-98
LULA C. MAY	Catherine Philpot	12600 Arlington Ave 44108
CATHERINE PHILPOT	Martha Coleman	4128-E-544
MARTHA COLEMAN	Kenneth Martin	5035 E 141ST
KENNETH MARTIN	Dorci Freeman	Maple HT 2-1-98
DORCI FREEMAN	JANICE FREEMAN	

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

Page 2

PRINT NAME	SIGNATURE	DATE
Allen Williams	Allen Williams	2-1-98
Dessie Stevens	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
Danna Spotts	Danna Spotts	2/1/98
Deborah Probst		
Harold Probst		

Bernady 10/2/98

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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 Tereell		
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 Thomas		4-1998
Mae Wilson		
STEPHANIEL CLEVELAND	Stephaniel Cleveland	2-1-98
WENDELL JONES JR	Wendell Jones	2-1-98
Donald Wilkes	Donald Wilkes	2-1-98
Lola A. Whately	Lola A. Whately	2-1-98
Shavonnita Ward	Shavonnita Ward	2-1-98
SHARON L. SPELOW	Sharon L. Spewer	2-1-98
RYANNE BRUCE	Ryanne Bruce	2/1/98
ROBERT BERTON	Robert Berton	2-1-98
FRANK L. BIBBI JR.	Frank L. Bibb Jr.	2-1-98

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KOSUKE HOWARD	Kosuke 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	2-1-97
Rashana Bates	Rashana Bates	2-1-97

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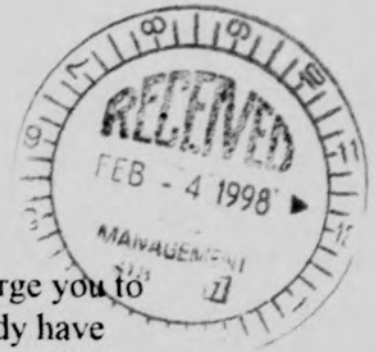
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ENVIRONMENTAL
DOCUMENT

January 1998



Dear Ladies and Gentlemen,

I oppose the acquisition of Conrail by NS and CSX railroad, and urge you to do so also. I am a resident of Olmsted Falls, Ohio where we already have between 80 and 100 train crossings per day, and our current track system supplies no overpass or underpass to relieve automobile or train traffic. The acquisition would increase the number of train crossings in our City.

The increase in daily train use would create additional health and safety concerns for the City of Olmsted Falls residents due to the fact that emergency paramedics trips to the hospital could be prevented or delayed due to stopped or slowing trains blocking all crossings in the City.

There are other safety concerns at all rail crossings due to increased rail traffic which would increase the risk of collisions between trains and cars, trucks and pedestrians. I also have concerns over health and safety matters due to potential increase in the transporting of hazardous materials, which in the case of a derailment would necessitate the evacuation of many residents of Olmsted Falls as well as an elementary school with a student body of our 700 pupils near the tracks.

I believe an increase in daily train use would add to environmental concerns with regard to noise and air pollution that are already bad due to the proximity of Cleveland Hopkins Airport. I also feel an increase in rail traffic would have a negative impact on property values which directly affects both the City and School budgets.

Please use your influence to discourage the acquisition of Conrail by CSX and NS.

Thank you,

Residents opposing the acquisition of Conrail by NS and CSX.

Name	Address
1. <i>[Signature]</i>	24646 W 157th St. - R11.
2. <i>William Lombardi</i>	24646 Nobottom Rd
3. <i>[Signature]</i>	25074 Mill River Rd.
4. <i>Bruce Johnson</i>	7322 River Rd
5. <i>Julie Jackson</i>	7112 River Rd
6. <i>Emily Vickson</i>	" "
7. <i>Henri J. Rigo</i>	8458 Columbia Rd.
8. <i>Judy McDonald</i>	8456 Brentwood Dr.
9. <i>Emma B Hall</i>	7555 Inland Drive
10. <i>Suzanne Owens</i>	7473 River Road
11. <i>Dolores Tate</i>	7461 River Road
12. <i>[Signature]</i>	23817 Cooper Lane
13. <i>Judy Piatak</i>	26745 Lake Park Falls
14. <i>Carol D Korman</i>	25353 Lyndall Falls Dr.
15. <i>Marilyn Vance</i>	8167 Brookside
16. <i>Marilyn Clark</i>	4707 Columbia
17. <i>Arch Moldarsky</i>	9541 Ponderosa Ln.
18. <i>Joanne Bangor</i>	1765 Foxhollow Trail
19. <i>Mary Lou Lawski</i>	9581 Dreftwood Dr.
20. <i>Heidi Alexander</i>	26105 Hickory Ln
21. <i>Erin A. Holmes</i>	4278 Bradford's Gate
22. <i>Janet Smith</i>	8454 Bradford's Gate
23. <i>Mary Dehon</i>	22488 Westwood Dr. 44136
24. <i>[Signature]</i>	4679 W 157 44135
25. <i>Diana Makitaki</i>	4679 W 157 44133
26. <i>Julie Burt</i>	7336 ARBOR OT.
27. <i>[Signature]</i>	4463 West 17th St.

Residents opposing the acquisition of Conrail by NS and CSX.

Name	Address
1. Robert E. Choate	7105 Columbia Rd.
2. Ronald G. Torach	25748 Mill St.
3. Lew Bedina	7400 River Rd.
4. Wilson R. Ringer	7400 River Rd.
5. Stanley Wares	24610 Sprague Rd
6. James Davis	25588 Water St
7. Doug Hogan	10299 Merriam Turnpike, Ct
8. Jack Freeman	8472 Wisk Rd, Olmsted Falls, OH
9.	
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Residents opposing the acquisition of Conrail by NS and CSX.

Name	Address
1. Steve Mitchell	7571 Columbia Rd. Chastel PA
2. Orville D. St. Amant 7370 Lewis Rd. Olm Twp	
3. Frank J. St. Amant	
4. William Stoltz	
5. D. Carr	29249 Lomax Rd
6.	
7.	
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North Carolina
Department of Administration

James B. Hunt, Jr., Governor

January 29, 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

ENVIRONMENTAL
DOCUMENT

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. No comments were made by any state or local agency in the course of this review.

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

STB

FD-33388

2-3-98

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ENVIRONMENTAL DOCUMENT

Cecil H. Underwood, Governor



WEST VIRGINIA DEVELOPMENT OFFICE

1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25306-0311

January 28, 1998



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

Dear Ms. Kaiser:

The State of West Virginia has reviewed the draft environmental impact statement for finance document no. 33388-Proposed Conrail Acquisition. We find no deficiencies in this report. I appreciate the level of effort undertaken to assess the impact of the purchase of the Conrail lines in West Virginia.

Please feel free to contact me if additional questions arise regarding this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Fred Cutlip".

Fred Cutlip
Director
Community Development Division

FC:dl

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FD-33388

2-3-98

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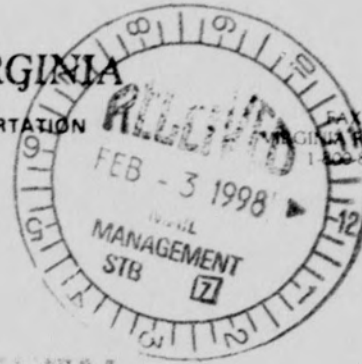


COMMONWEALTH of VIRGINIA

LEO J. BEVON
DIRECTOR

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, 23219-1939

January 28, 1998



(804) 786-8410
FAX (804) 786-7286
VIRGINIA RELAY CENTER
1-800-428-1120 (TDD)

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

ENVIRONMENTAL DOCUMENT

To Whom It May Concern:

The Commonwealth of Virginia has reviewed the Draft Environmental Impact Statement developed by the Section of Environmental Analysis which concerns the proposed acquisition of Conrail by Norfolk Southern and CSX.

In accordance with the Section of Environmental Analysis' letter dated December 12, 1997, we are attaching the original and ten copies of our specific comments. These comments include an update of the information concerning one crossing.

Thank you for the opportunity to comment on the draft.

Sincerely,

Leo Bevon

Attention: Elaine K. Kaiser
Environmental Project Director
Environmental Filing

cc: Shirley J. Ybarra
Paul Reistrup
Robert Shinn
Richard Walton
Bill Schafer
Steve Roberts
George Conner
Thomas J. Christoffel

Commonwealth of Virginia
Comments
Draft Environmental Impact Statement
STB Finance Docket No. 33388

1. Clarke County, 5-VA.6.1, Pg. VA-10 – The report indicates that there is a significant affect at the crossing of Route 7. It recommends (Table 5-VA-5, Pg. VA-12) that four – quad gates or median barriers be installed. The present crossing has lights and gates and a new rubber surface. When other crossings which have more highway traffic and higher train speeds are compared, it does not appear that four quad gates are required. The Department is planning to review all the crossings to identify the needs or changes in priorities.
2. Warren County, 5-VA.6.1, Pg. VA-11 – Flashing lights and gates are scheduled to be installed. This is Route 658, DOT 468-6345.
3. Page County, Table 5-VA-13, Pg. VA-23 – This table does not include a line for truck diversions. Mr. Mark Wollschlager explained that the diversions would be from Interstate 81 and that route is not located in Page County. While this is true, I-81 does lie in the valley between the two mountain ranges and it would appear that there would be some positive affect caused by the diversions.
4. Track clearance, Pg. ES-17, Chapter 7; Pg. 7-12 – It is stated that SEA intends to recommend that all trains moving in the same or opposite directions on the same track would be clear of the track at least 15 minutes before and 15 minutes after the expected arrival of a passenger train at any point. The Commonwealth has been advised that this is not present day practice. It is anticipated that this would reduce the capacity of the line. Future improvements will allow the trains to switch to parallel tracks; however, this work will not be completed in the near future. More information is needed on what the writers desire to achieve, and if other options can be used. It is suggested that this recommendation be given more study, before final actions are taken.

STB FD-33388 2-3-98 K ID-CITIES

TRI-COUNTY REGIONAL PLANNING COMMISSION



Dauphin County Veterans Memorial Office Building
7th Floor, Harrisburg, Pennsylvania
Telephone 717-234-2639

January 30, 1998



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

**ENVIRONMENTAL
DOCUMENT**

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

RE: Draft Environmental Impact Statement for Proposed Conrail Acquisition

Dear Ms. Kaiser:

On January 22, 1998 the Tri-County Regional Planning Commission had the opportunity to review the Draft Environmental Impact Statement in STB Finance Docket No. 33388 and the Errata sheet. We offer the following comments.

We wish to formally register our exception to the Draft EIS due to the regional method used to treat air quality and intermodal terminal access. These issues should be addressed on a local level to assure compliance with existing air quality and congestion mitigation goals that have been established to meet federal CAAA (1990) and ISTEPA (1991) requirements. The potential impacts have not been adequately delineated in the DEIS because the regional assessment used is not appropriate for assessing the local and corridor impacts. Additional details of our review and concerns of the DEIS document follow.

With regard to the recommended mitigation to improve safety at Highway/Rail at-grade crossings, we are pleased that those intersections in our area identified under Category A will be improved to a safer status. We continue to point out, as in our earlier correspondence (9/25/97), the Duke St. intersection in Hummelstown Borough, currently under the 5,000 vehicle threshold, is growing due to recent subdivision approvals. The crossing currently has no gate and is controlled by flashing lights only. We encourage additional safety measures be considered at this location. Also, the report does not mention speed limits. Several of our municipalities desired reduction in speed through their jurisdictions.

Section 5-PA.8 Passenger Rail Service fails to indicate under the "Future Services Under Study" subsection, the pending Major Investment Study currently being financed in the Harrisburg

region. The proposed corridor for rail service runs from Carlisle Borough in Cumberland County, through Harrisburg City in Dauphin County, to Lancaster City in Lancaster County. As mentioned previously, we would like the opportunity to have meaningful discussion with the freight operator should the issue present itself in the future.

Based upon our review of the Draft EIS, the issue of the proposed intermodal facility at Rutherford Yard has the largest impact on the area of any acquisition effect. We do not concur with the described traffic flow into the facility. Currently, truck traffic into the Triple Crown Facility has two options as the report indicated. The Rupp Hill Road route while incorrectly delineated was correct as an option. We agree it is a difficult route to negotiate in a tractor trailer. The second route accessing Grayson Road we feel was incorrectly portrayed. Our experience with traffic in that area is that trucks traveling Route 322 in an eastbound direction would bypass the facility, turn left onto Mushroom Hill Road proceed northerly to a left turn on Grayson Road, then backtrack to the facility. Mushroom Hill Road, is in fact the critical path of this travel route. Currently, the Mushroom Hill Road intersection is severely congested due to Big Box retail and strip mall development. An additional 660 truck trips would only further aggravate the existing congestion. We do, however, request the site developer consider the plan previously submitted to Swatara Township by Conrail for a similar facility at the location. By exiting Route 322 eastbound at PenHar Drive and turning right onto PenHar Drive, the proposed entrance would form the fourth leg of a current "T" intersection and allow very easy access to the site, while avoiding altogether the Mushroom Hill intersection and the "serpentine" Rupp Hill Road.

It appears a thorough review of air quality emissions was completed, although as a marginal non-conformity area we would like to see efforts put into mitigating facility emissions instead of reliance upon "Systemwide, the diversion would outweigh the increased emissions from increased rail activity." as a disclaimer. While we agree this is a probable statement, we are obligated to support the health, safety and welfare of all our local constituents and would request local impacts be measured.

The issue of noise has been discussed frequently by our local municipalities. We understand the safety issue involved with horn-blowing and will direct our municipalities to apply for "quiet zone" status once FRA regulations have been put in place.

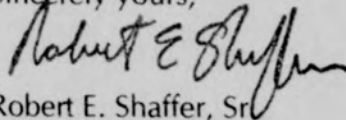
In addition to the factors addressed in this draft EIS, we have other concerns. Cumberland and Perry Counties have active railways that may be impacted by additional rail traffic, yet received very little notation in this document. Most of the municipalities have developed with the rail line in mind and have zoned appropriately. Some have historically benefitted from the railroad's existence, however, the railroad must act in a responsible and even neighborly fashion when traveling through these municipalities. We are concerned also with the maintenance, repair and upgrade of facilities in response to the proposed increased traffic. This especially comes to light with last year's freight derailment on the Rockville bridge and fatal accident in Hummelstown Borough. Please keep these issues in mind when preparing the acquisition agreement.

We further appreciate the effort in mitigating the potential environmental justice impacts in our Harrisburg-Rutherford area. We offer our assistance in alleviating this situation.

While much effort has been put into the preparation of the Draft EIS and review, and the analysis of the situation is ongoing, the materials in the Draft EIS concerning air quality and highway traffic impacts do not accurately reflect the conditions and should be revised before local concurrence can be given. Further, comments provided locally relating to the Rutherford Intermodal facility appear to contradict materials contained in the DEIS. A full disclosure on the Rutherford and/or Harrisburg sites is needed prior to assessing the impact on the local environment and a specific written clarification of proposed action is requested. Additional facts and analyses need to be acquired and completed so that proposed future changes to the highway infrastructure and traffic flow/mode split can be properly evaluated. Currently, this is not possible using the information within the Draft EIS.

Given our analysis of the Draft EIS for the proposed Conrail Acquisition, we formally withhold our agreement with the program as presented pending receipt of additional details and clarifying analyses of the issues as stated above. We thank you for the opportunity to review this document and express our local concerns. Should there be any questions concerning this review please contact, Tim Reardon, Associate Executive Director, at the staff office. We look forward to working with the eventual operators in our area on common issues.

Sincerely yours,



Robert E. Shaffer, Sr.
Chairman

cc: US Senator Arlen Specter
US Senator Rick Santorum
US Representative George W. Gekas
US Representative William F. Goodling
Honorable Stephen R. Reed, Mayor, City of Harrisburg
Mr. Daniel Leppo, Planning Director, City of Harrisburg
Mr. Nicholas Dininni, Commissioner, Swatara Township

STB

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The City of Fort Wayne

Paul Helmke, Mayor

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

ENVIRONMENTAL
DOCUMENT



January 30, 1998

Attention: Elaine K. Kaiser
Environmental Project Director

Re: Conrail Acquisition Impacts on Fort Wayne, Indiana

Dear Director:

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

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

We strongly support the SEA's recommendation to improve crossing warning equipment at Anthony Blvd. and Engle Rd. We also support the Federal safety requirements which come with the creation of Major Key Routes through Fort Wayne. We support the training and simulations with our emergency preparedness teams to enhance their ability to mitigate hazardous material discharges, and the preparation of an emergency preparedness plan for such occurrences.

Our Hazardous Materials Emergency Team advises me that they will need some equipment upgrades involving computer and metering/testing equipment to handle the fivefold increase in rail cars containing hazardous materials coming through this densely populated area. This is expected to cost between \$5,000 and \$10,000. We would like this cost to be borne by the railroads.

Surface Transportation Board
January 30, 1998
Page 2

Rail noise is a concern in Fort Wayne, particularly from train horns in the near east and southwest neighborhoods bordering affected lines where there are grade crossings. The SEA impact statement notes that the Federal Rail Administration is mandated, under the Swift Rail Act of 1994, to develop "Whistle Ban" regulations. It is stated that the Notice of Proposed Rule-Making is expected to be published in the first half of 1998. We hope these rules will create opportunities to safely reduce train horn sounding at grade crossings like those found in Fort Wayne.

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

Lumbard Street
Wabash Avenue
Fletcher Avenue

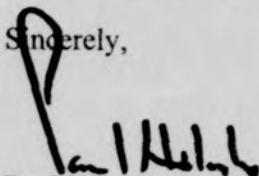
Winter Street
Brooklyn Avenue
Nuttman Avenue

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

The residents most affected by noise are heavily minority and of low income at these locations, especially the first four, as noted in the SEA study. While we applaud the STB's efforts to inform these populations, mitigation will be more meaningful to the quality of life in these neighborhoods.

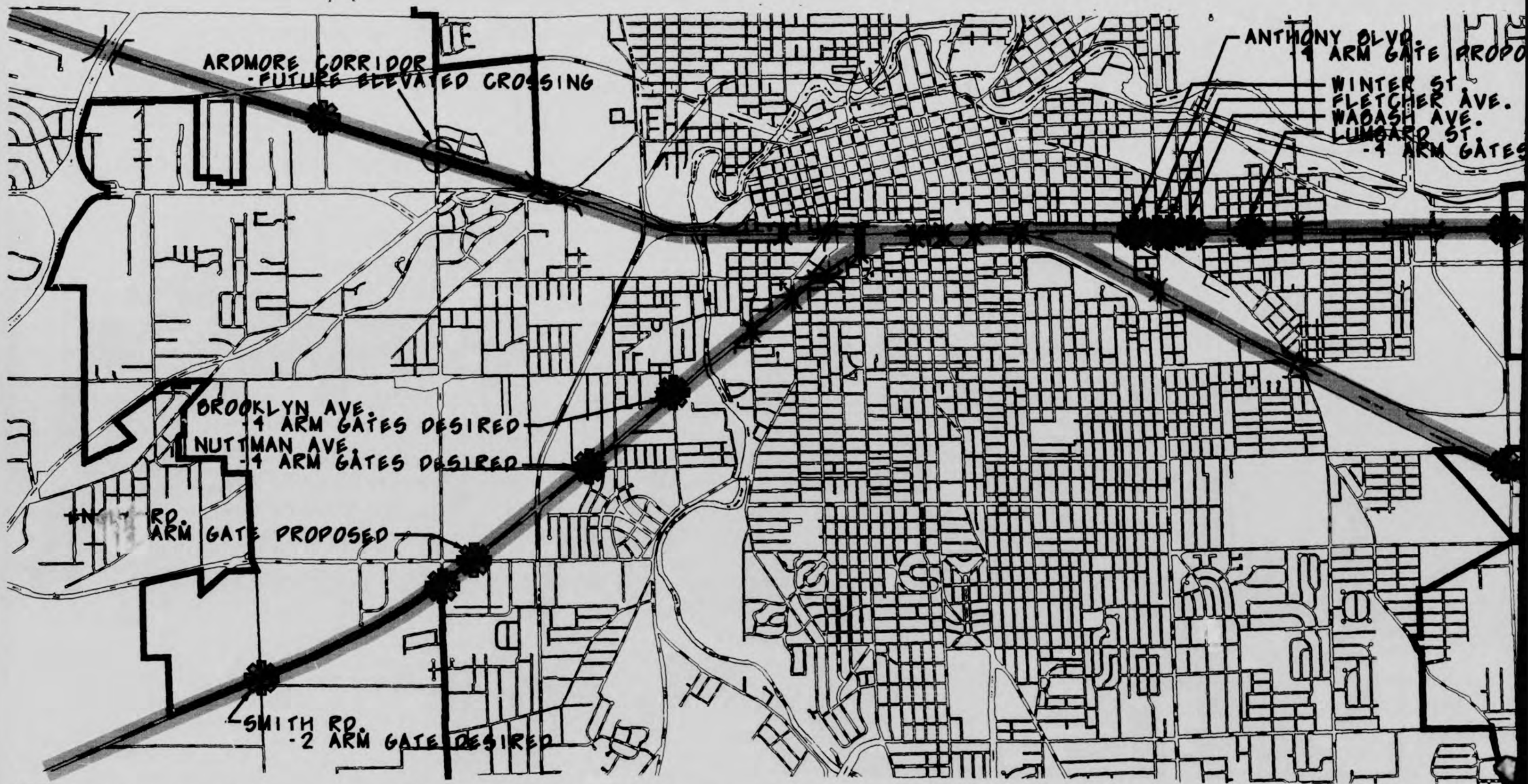
I hope that the SEA will seriously consider including these mitigations in their final draft impact statement to the Surface Transportation Board. This acquisition represents great economic opportunity for many. We hope that opportunity comes at a fair price.

Sincerely,



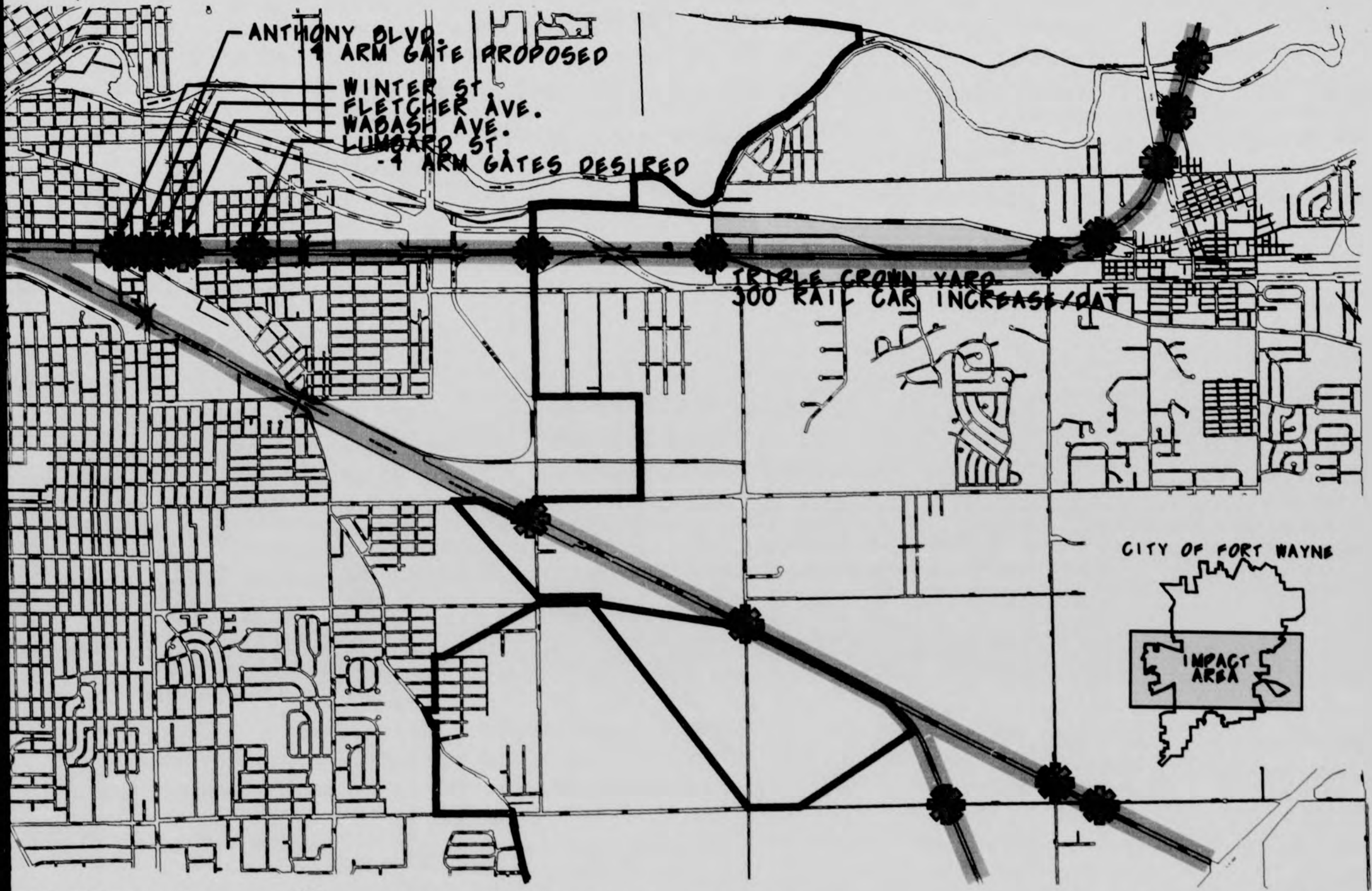
Paul Helmke
Mayor

PH/tc



RESIDENTIAL AREAS
 AT GRADE RAILROAD CROSSINGS
 ELEVATED RAILROAD CROSSINGS
 PROPOSED ELEVATED CROSSING

CONRAIL ACQUISITION IMPACT MITIGATION RECOMMENDATIONS



ATION RECOMMENDATIONS