

STB

FD-33388

4-27-98

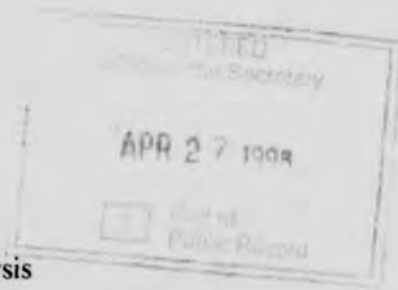
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ID-187263

187263

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

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



April 17, 1998

K

Dear Ms. Kaiser,

This letter is in reference to the section of the Conrail merger between the areas of Trenton and Camden, New Jersey. This area lies within three counties, Mercer, Burlington and Camden. Although published in the Courier Post (serving Camden county) and the Trenton Times (serving Mercer county), legal notice was not given in our local paper, the Burlington County Times of the opportunity for the public to respond with environmental comments. Even though the Burlington County Freeholders and New Jersey Transit did submit comments, those were limited in their content to the scope of the DEIS and did not include comments on any direct environmental impact the merger might have on this region. In light of this, please consider the following:

NJ Transit has been developing plans for a commuter rail along the existing Conrail ROW since before 1996, the year when their Special Study No. 2 was completed. The agency has long since been telling residents and local governing bodies along this route that these plans are definite. We understand now that there is, in fact, some environmental clearance needed before this project can proceed.

My understanding is that because the freight is not supposed to be increasing substantially along this section of track, the STB was not required to perform an environmental impact analysis here.

We would like you to consider that a potential future increase in the freight traffic combined with the introduction of 120 commuter trains *a day* does, along with other issues that have now brought to your attention, present the need for just such an environmental impact analysis to be performed *before* the authority is given for the business transaction set to occur between the freight companies and NJ Transit.

We believe that this business arrangement, allowing NJ Transit to lease the existing Conrail ROW in exchange for laying new tracks which will become part of the Shared Assets Area, will impact negatively on the local residents and townships along this passage. Furthermore, we believe this transaction is not in the best interest of the freight companies who may be subjected to restrictions on the transport of their goods in the future.

Please consider the following:

1. Environmental Justice/Socioeconomic Issues -

East Riverton is an area of Cinnaminson bordering the existing Conrail ROW that is essentially land-locked, with only two roads leading in and out of a neighborhood holding over 1000 people. The transport of hazardous materials in a compressed time slot combined with the lack of any evacuation plan at all for the area presents a potentially life-threatening situation for the residents here. The vast majority of Cinnaminson's low-income and minority residents live in the "East Riverton" section of this town with an additional 90% of the town's required "affordable housing" scheduled to be built here in the near future. (7) This affordable housing will also include many units of "assisted living" for the elderly as well. We believe this points directly to environmental justice not being served to the present and future low and fixed-income residents of this area.

We question whether legal notice of the public's opportunity for environmental comment was distributed bi-lingually throughout the impacted areas of Camden, New Jersey, home to a large Spanish-speaking population.

2. Air Quality/Water Quality -

In 1985, the East Riverton section of Cinnaminson was subjected to an air quality and water quality monitoring study. This indicates that at one time there was the need for monitoring this area for negative environmental impact, probably due to the discharge from certain industries that border and use the freight lines here and the location of two local landfills as well.

All along the 34-miles of the Conrail Bordertown Secondary Line, post-acquisition activity would include an increase of rail traffic by very significant numbers, well over 100% of what the line currently supports. The introduction of 120 diesel-powered trains a day and the resulting carcinogenic emissions flowing into an area with already questionable air-quality needs serious consideration before being given the environmental clearance to proceed.

3. Transportation Systems -

Also to be considered is the introduction of stop-lights and gates at each grade-crossing along the 34-miles, delaying vehicular traffic along the adjacent roads every 7-1/2 minutes. Adversely affecting traffic flow, including the transport of goods being trucked from the adjacent rail industries, the cumulative results of this would also include an increase in auto emission levels to this area. A necessary part of NJT's commuter-rail plan for this portion of the Shared Assets Area, these delays would be direct results of the business transaction connected with this portion of the merger, and therefore need further consideration.

4. Freight Operations

An area under consideration for a major South Jersey Food Distribution plant in Florence, New Jersey was recently purchased by a local developer who has plans to turn it into a major source of jobs and transport. Strategically located acreage between a newly constructed Turnpike Exit and the existing Conrail ROW, there is good reason to foresee the result of this development to be increased freight usage along this portion of the route.

In Cinnaminson, New Jersey, the recently constructed Ball Plant is a major Northeast Corridor distribution center for manufactured plastic goods. There may be reason to believe that

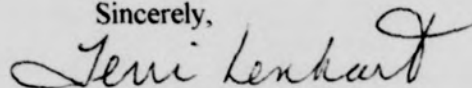
this indicates a future increase in freight traffic also.

5. Natural Resources -

Before implementation of a passenger rail line in conjunction with the compression of freight running throughout the night, an environmental impact analysis needs to be conducted with regards to habitat disruption and habitat loss in the surrounding riverfront wetlands. There are a variety of areas along the Bordentown Secondary Line where the tracks dissect swamps, wetlands and nesting areas. There are even a few places where the tracks come within feet of the Delaware River's edge.

Per my phone conversation with Mr. Steve Lee, thank you for allowing submission of these comments beyond the original deadline of February 2, 1998. We have a copy of the DEIS, and realize that the STB is capable of enacting a thorough environmental impact study on areas that warrant it. We hope to show that this riverfront area, although capable of maintaining an active freight line, would exceed the environmental thresholds imposed by the SEA if expected to accommodate such a significant increase in rail traffic that the proposed commuter rail line represents. The planning of the commuter line may not be under your jurisdiction, but the ensuing lease agreement between NJTransit and the freight companies may be.

Sincerely,

A handwritten signature in cursive script that reads "Terri Lenhart".

Terri Lenhart

Concerned Citizens of East Riverton
1220 Bannard Street
Cinnaminson, NJ 08077-1802
(609)786-3184

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4-22-98

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Secretary Vernon A. Williams
Case Control Unit
STB Finance Docket No. 33388
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

4720 Cliff Drive
Erie, PA 16511
April 19, 1998

ENVIRONMENTAL
DOCUMENT



Re: **PETITION FOR AN ALTERNATIVE RAIL ROUTE FOR
NORFOLK SOUTHERN 19TH STREET TRackage IN ERIE**

Dear Secretary Williams:

I am petitioning the Surface Transportation Board to review a request Norfolk Southern Corporation has made to relocate its current 19th Street trackage thru Erie, Pennsylvania to the existing Consolidated Rail Corporation (Conrail) right of way as part of the acquisition of Conrail by Norfolk Southern Corporation (NS) and CSX Corporation (CSX). NS has stated they will accelerate the bypass project if for a 2 year period they can increase the current 13 daily trains to 25 daily trains over 19th Street. Although the comment period for the Draft EIS ended February 2, 1998, Erie City Council never had a public meeting on this proposal until March 19, 1998. Erie City council voted to accept the NS proposal on April 8, 1998 without conducting any independent investigation and without considering public safety concerns.

I believe a better alternative is to route the extra train traffic over the former Erie Lackawanna main line thru the southern tier of New York State via Waterboro and Olean and into Pennsylvania via Corry, Union City, and Meadville and on to Youngstown, Ohio where there are direct connections to Chicago. Currently the Northwest Pennsylvania Rail Authority operates the section from Corry to Meadville, and in a February 23, 1998 Brief filed with the Surface Transportation Board under STB Docket No. 33388, the Authority offered NS trackage rights and is seeking trackage rights from Corry, Pa to Waterboro, NY so that the Authority's operator "can provide efficient single line service between the Meadville/Corry line and the New York and Lake Erie Railroad Company line at Waterboro, NY." The former Erie Lackawanna main line offers NS the following advantages:

- Provides NS an alternative route through rural areas of northwestern Pennsylvania and western New York avoiding congestion and safety problems from increased traffic density on its 19th Street line.
- Preserves an essential rail line to promote economic development in northwestern Pennsylvania.
- Provides efficient single line service to competitive connections at the Buffalo Gateway for northwestern Pennsylvania and western New York.

While the relocation of trackage off 19th Street is excellent, the increase in trains over a 2 year period can adversely affect pedestrian safety and increase noise levels. The NS main line runs thru Erie for 6.25 miles of which it is in the center of 19th Street for about 1.25 miles from Peach to Raspberry Street. There are 76 residences and 30 industrial/commercial businesses along this portion of 19th Street. A 22% increase in accidents is projected at Liberty Street crossing which has an average daily traffic of 18,284 vehicles. Estimated carbon monoxide emissions from delayed idling motor vehicles at Liberty Street will increase by 10.77 tons per year. Total daily blocked time would increase 95% from 43 to 84 minutes per day. Estimated annual carloads of hazardous materials will increase 225% from 8,000 to 26,000.

The 19th Street trackage should be removed as quickly as possible. An analysis should be made to determine the most economical and efficient method of utilizing the Erie Lackawanna line for rerouting where ever possible trains from the 19th Street tracks. This would result in the operation of rail service without detriment to public safety and health.

cc: Linda J. Morgan, Chairman
Elaine K. Kaiser, Chief, Section of Environmental Analysis
Environmental Filing

Respectfully submitted,

Kenneth C. Springirth
Kenneth C. Springirth

Secretary Veron A. Williams
Case Control Unit
STB Finance Docket No. 33388
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

ENVIRONMENTAL
DOCUMENT

2209 Parade Street, Erie, PA 16503
April 19, 1998



**Re: PETITION FOR AN ALTERNATIVE RAIL ROUTE FOR
NORFOLK SOUTHERN 19TH STREET TRACKAGE IN ERIE**

Dear Secretary Williams:

I am petitioning the Surface Transportation Board to disregard the vote taken by Erie City Council approving the relocation of NS tracks on 19th Street without considering any other alternative routes. It is my concern that the "City of Erie Governing Bodies" had in their possession the Conrail acquisition information but never shared this with the public until the March 19th meeting, which was after the February 2nd, 1998 deadline for the public comments on the Draft EIS. The City of Erie was negligent in its duty to inform its residents of the proposed changes. Furthermore, when the meeting was conducted at Erie City Hall, no notes were taken, there was no stenographer present. Consequently, concerns raised by the public in attendance were ignored! The information was presented to our community after the fact, and fell on "deaf ears"! Is this the way NS and Conrail plans on treating all of the citizens, just walk all over them and do as the please? I am requesting that the STB investigate the failure of the City Government officials to inform the public of the changes. Granted we all want to see the 19th Street tracks removed, but at what expense-----more train traffic to block some of the "main routes" into and out of our city---delay "emergency equipment"---upset people in their already "noisy and rattled homes"---pose more "safety hazards" to the entire community??

I have personally lived with-in a block, and a few blocks, of these tracks for 43 of my 58 years of life and the last 37 years have been within a 3 1/2 block area! Don't you think, maybe I have had time to think about all of this; maybe, just a "bit of time" !! One night about 15 years ago, we had a small but very damaging fire at our house. At that time there was a "fire company" just 2 1/2 blocks from us, on "our side" of the tracks---if they had been on the "other side" and had to go around, I shudder to think of the damage, that most certainly would have occurred! This is only 1 case of "what if", "what could", and "what has" happened. One of my biggest concerns is if any of these happen again because of doubling the traffic on this line for 2 years!! I worry for all families on either side of these tracks. In this busy time of ours, how would you, like to have "any type of traffic" DOUBLED where you live for the next 2 years??!! What would your quality of life be like??!!

I am also requesting that the STB review the Erie Lackawanna former main line which is in place, in the southern tier region of NY state, and in northwestern Pa. and Youngstown, OH, this provides a convenient rail connection to Chicago. There are smaller lines out there in a few smaller communities that would benefit financially from their use. Mr Springrith proposed this plan to Craig Lewis at the March 19th meeting at City Hall. It just so happens that Mr Springrith is VERY interested in Railroading and he does know what he is talking about! Won't you PLEASE consider this plan, there is everything to be GAINED and NOTHING to be lost---I BEG of you, for the PEOPLE along this line that will be greatly inconvenienced for the 2 year period, to give this your consideration, I know you will be THANKED by many anxious PEOPLE !!!!!

Respectfully submitted,

Patricia E. Coccarelli
Patricia E. Coccarelli

cc: Linda J. Morgan, Chairman

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

STB

FD-33388

4-20-98

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187/86

ARNOLD & PORTER

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DENVER
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LONDON

DENNIS G. LYONS
(202) 942-5858

April 20, 1998

BY HAND DELIVERY

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

ENTERED
Office of the Secretary

APR 20 1998

Part of
Public Record



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 -- Transfer of Railroad Line by Norfolk Southern Railway Company to CSX Transportation, Inc.

Dear Secretary Williams:

Applicants CSX and NS in the above-referenced proceeding and New Jersey Department of Transportation/New Jersey Transit Corporation ("NJDOT/NJTC") have entered into the attached letter agreement to address certain concerns of NJDOT/NJTC regarding the impact of the transactions contemplated by the Application.

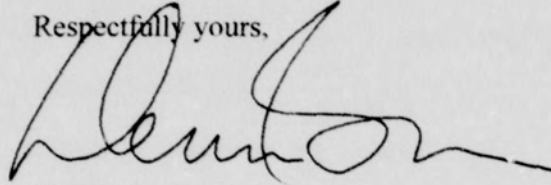
CSX and NS are furnishing this Agreement to the Section of Environmental Analysis because of its relation to various commuter and passenger issues which the Section has under consideration in connection with the Environmental Impact Statement. Applicants understand that although the attached agreement does not provide for the imposition of any conditions by the Board, the submission of this agreement may be considered by the Board as a representation

ARNOLD & PORTER

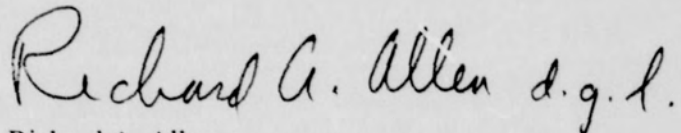
Hon. Vernon A. Williams
April 20, 1998
Page 2

by the applicants that they will comply with its terms. See UP/SP, Finance Docket No. 32760, Decision No. 44, served Aug. 12, 1996, at 12, n.14.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Dennis G. Lyons". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dennis G. Lyons
*Counsel for CSX Corporation and CSX
Transportation, Inc.*

A handwritten signature in black ink, appearing to read "Richard A. Allen d.g.l.". The signature is cursive and includes the initials "d.g.l." at the end.

Richard A. Allen
*Counsel for Norfolk Southern Corporation
and Norfolk Southern Railway Company*

cc: T. Matthews, NJDOT
G.W. Herkner, NJTC

CSX CORPORATION

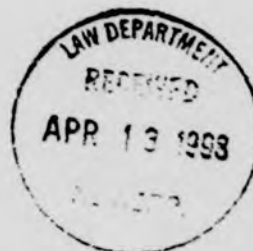
901 E. Cary Street, Richmond VA. 23219
(804) 782-1476

NORFOLK SOUTHERN CORPORATION

Three Commercial Place, Norfolk, VA. 23510
(757) 629-2677

March 20, 1998

Commissioner John J. Haley, Jr.
Department of Transportation, State of New Jersey
New Jersey Transit Corporation
1035 Parkway Avenue, CN 601
Trenton, New Jersey 08625-0601



Dear Commissioner Haley:

CSX Corporation and CSX Transportation, Inc. (collectively referred to as "CSXT"), and Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively referred to as "NSR") filed an application with the Surface Transportation Board ("STB") for acquisition and control of Conrail, Inc. and Consolidated Rail Corporation ("Conrail"), in 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** (the "Control Case"). Representatives of New Jersey Transit Corporation ("NJT") and Department of Transportation, State of New Jersey ("NJDOT") (sometimes collectively referred to as "NJDOT/NJT"), have conferred with representatives of CSXT and NSR regarding the Control Case and its impact on New Jersey. All parties agree that the transactions contemplated by the Control Case, subject to STB consideration, will result in significant benefits to the public. This letter confirms the understandings reached between the representatives of NJDOT/NJT, CSXT, and NSR regarding the transactions contemplated by the Control Case as they affect NJDOT/NJT, and represents their entire formal agreement with respect to the following aspects of the Control Case:

- I. **NJDOT/NJT Statement in Support of Conrail Merger.** NJDOT/NJT agrees to withdraw its request for conditions and release a statement of its support for the acquisition of control and division of Conrail by CSXT and NSR, based on the substantive terms of this letter.
- II. **Coordination with NJDOT/NJT in the Shared Assets Areas.** CSXT, NSR and NJDOT/NJT agree that an effective mechanism for coordination and communication among NJT, Conrail Shared Assets Operator ("CSAO"), NSR and CSXT is necessary to ensure that passenger and freight services continue to operate safely, reliably and conveniently after the consummation of the transactions contemplated by the Control Case.
 - A. The parties agree to meet regularly, in accordance with a schedule to be established by the parties, to discuss major issues necessary to ensure the smooth

operation of both the passenger and freight service within the New Jersey Shared Assets Areas. Present at these meetings will be the Commissioner of Transportation (or designee(s)), the senior CSAO official (or designee) in charge of the New Jersey Shared Assets Areas, and the senior official of each of CSXT and NSR (or designees) having responsibility for freight rail operations in New Jersey, including such operations in the New Jersey Shared Assets Areas. In the event that New Jersey representatives disagree with a solution to an issue of concern to NJDOT/NJT, arrived at by NSR, CSXT, and CSAO, the Commissioner of Transportation may confer with the President or Chief Executive Officer of CSXT and/or NSR to resolve such issues.

- B. In addition, the parties agree that close communications and cooperation at the operating level shall be maintained between NSR, CSXT, CSAO and NJT.
- III. **Automatic Train Control/Positive Train Stop ("ATC/PTS").** NSR, CSXT and CSAO trains operating over NJT owned lines will include locomotive(s) equipped with automatic train control/positive train stop ("ATC/PTS") on-board apparatus. NJDOT/NJT shall not be responsible to pay any part of the costs of acquisition, installation, maintenance or the operating expense of any such on-board apparatus; however, this does not preclude NSR, CSXT and/or CSAO from seeking recovery from any other source. The parties agree that all systems used by each party on NJT-owned properties will be compatible with Amtrak requirements and FRA regulations, or that they will adopt such alternative processes and procedures as may be mutually acceptable.
- V. **Maintenance Of Way Reimbursement.** The parties agree that, upon consummation of the transactions contemplated by the Control Case, they will enter into negotiations regarding the rates paid by either NJT or Conrail for trackage rights under the NJT and Conrail Trackage Rights Agreement, which was effective on October 1, 1984. These negotiations will include consideration of revising the method for calculation of such rates, effective after consummation of the transactions contemplated by the Control Case. The parties further agree that any change in these rates negotiated by the parties will not be effective until the next anniversary date of the Trackage Rights Agreement after the successful conclusion of negotiations.
- V. **Townley Station.** NSR and CSXT acknowledge that a new passenger rail station will be constructed by NJT on the Lehigh Line between NK and Aldene, and agree to cooperate and support NJT's effort to achieve timely construction and operation of the station, in accordance with design and operating plans to which all parties hereto agree.
- VI. **NEC Discussions.** NSR and CSXT agree that, where NJT interests may be affected and subject to Amtrak's concurrence, NJT should be given the opportunity to participate in discussions between NSR, CSXT, CSAO, and Amtrak with regard to usage of the

Northeast Corridor for freight purposes.

VII. **Operating Rules.** The parties agree that the Northeast Operating Rules Advisory Committee ("NORAC") Operating Rules on all Conrail lines within the New Jersey Shared Assets Areas (as defined in the Application) will be retained by NSR, CSXT, CSAO and NJT for three years from the date of consummation of the transaction.

VIII. **New Rail Starts.**

A. NSR and CSXT agree to work closely with NJT to examine and refine proposals for new passenger rail service on the following generally described rail lines, and to cooperate in their development where feasible.

1. The Washington Secondary between Hackettstown and Philipsburg, N.J.;
2. The Elizabeth Industrial Track between Elizabethport and Cranford, N.J.;
3. The Amboy Secondary Track between South Amboy, Jamesburg and Midway (Amtrak) and the Freehold Secondary Track between Jamesburg and Freehold,
4. The Southern Secondary between South Lakewood and Woodmansie, N.J.

B. Subject to the rights of NJDOT and NJT under contracts with Conrail, any new passenger rail service in Sections VIII A. will be developed consistent with the following principles:

1. All applicable federal and industry railroad safety laws, regulations, rules and standards,
2. The importance and necessity for growth and increasing reliability of rail freight service throughout the NSR and CSXT respective networks, including New Jersey,
3. No NSR, CSXT, or CSAO direct or indirect subsidy of passenger rail operations;
4. A level of tort liability indemnity and/or insurance acceptable to NSR and CSXT, and taking into account federal and state law, for those areas of rail operation under the control of NSR, CSXT, or CSAO, and
5. The importance and necessity of rail passenger service as a tool to help

solve mobility, transportation congestion, and air quality problems, consistent with the needs of the privately owned rail freight systems.

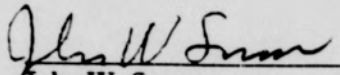
- IX. **NYS&W.** NSR and CSXT (i) acknowledge that the Delaware-Otsego Corporation and/or New York, Susquehanna & Western Railroad (collectively referred to herein as "NYS&W") have authority, subject to NYS&W's agreements with NSR and CSXT, to negotiate for the sale to NJDOT/NJT of the NYS&W right-of-way (or the grant of some other interest therein), and (ii) represent that, to the extent permitted by their agreements with NYS&W, NSR and CSXT will support the negotiations between NYS&W and NJDOT/NJT.
- X. **Bordentown Secondary.**
- A. NJT is designing and planning to construct and operate a new light rail service between Trenton and Camden along and in the right-of-way constituting the Bordentown Secondary Track. NSR and CSXT agree to give this project their early and particular attention. In addition to application of the principles set forth in Section VIII B, NJDOT/NJT will continue to develop plans for this service with Conrail consistent with:
1. Passenger and freight safety,
 2. The continuation and growth in consistent and reliable local freight service that meets the needs of New Jersey shippers;
 3. Allowance for the route's continued use as a detour route for railroad through-freight service in the case of a major failure in the normal CSXT or NSR routes; and
 4. To the extent required by law and FRA regulations, or by Conrail and industry standards, the need to keep passenger rail separate from freight rail operations
- B. From the present time until approval of the Conrail acquisition, NSR and CSXT agree to assist with the project only to the extent of keeping abreast of the discussions and providing such relevant information regarding engineering and operating standards and practices as will facilitate the project development. In addition, refinements to the NSR's and CSXT's plans that may affect the project, such as changes in routings or freight volumes, will be shared with NJDOT/NJT as they are developed.
- C. Consistent with the foregoing, upon approval of the Conrail acquisition, and to the

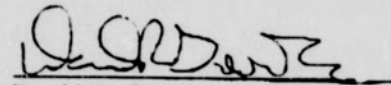
Commissioner Haley
March 20, 1998 - Page 5

extent that issues are unresolved and agreements not concluded, NSR and CSXT will give the light rail project priority attention and assist NJT in developing a mutually agreeable project.

If the above accurately reflects our understandings, please sign in the appropriate place below and return an original copy to us

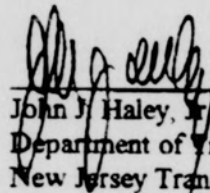
Sincerely,


John W. Snow
Chairman, President and
Chief Executive Officer
CSX Corporation


David R. Goode
Chairman, President and
Chief Executive Officer
Norfolk Southern Corporation

Agreed to:

By:


John J. Haley, Jr. Commissioner
Department of Transportation, State of New Jersey
New Jersey Transit Corporation

STB

FD-33388

4-17-98

K

ID-PUBLIC

ENVIRONMENTAL DOCUMENT

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,

Mr. Charles Goringo
Ms. Theresa Carrijo



Service Transportation Bureau
1925 K Street NW
Washington DC 20423-0001
Attention Elaine K Kaiser

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EVALUATING



ENVIRONMENTAL
DOCUMENT



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.

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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,

Mrs Doris K Ewing

D. K. Ewing
312 Herrick Avenue West
Wellington, Ohio 44090

*also we have a excellent
Ambulance service But
it is on East side of town
and we live on West side
of town just 5 houses west of
the Train track. Please
help us.*

ENVIRONMENTAL
DOCUMENT

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.

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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,

John Farrow

STB

FD-33388

4-17-98

K

ID-PUBLIC

April 11, 1998

ENVIRONMENTAL DOCUMENT



Elaine K. Kaiser

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

Dear Elaine K. Kaiser,

I know my comments are late, however I hope they can still be considered. Public notice was not given to those of us in Burlington County via the Burlington County Times. We believe that we have pertinent information that has been overlooked regarding the proposed Camden to Trenton Light Rail Line that NJ Transit is planning to operate on the existing Conrail right of way that runs through the NJ river front towns of Camden, Pennsauken, Palmyra, Riverton, Cinnaminson, Delran, Riverside, Delanco, Edgewater Park, Beverly, Burlington City, Burlington Twp., Florence, Roebling, Fieldsboro, Bordentown and Trenton.

- Water Issues and Biological Resources: According to NJT's Special Study No.2, pgs. 38 and 39, and pg. 6 of Appendix I, there is much development planned around the proposed station stops. {see enclosure 1} We question the wisdom of a plan that would encourage development in wetlands and 100 year flood plain areas around the Delaware River and the many creeks and tributaries that intersect the tracks. We already have flooding problems due to overdevelopment all along the Riverfront towns {see encl. 2} Was a study done to address the effects of NJT's plan and its potential harm to what is left of the River front wetlands? NJT is planning to upgrade the track bed and lay down new tracks. Was a study done to determine the impact of such a major construction project on State and federally endangered /threatened species and their habitats? Right below Trenton is Duck Island State Park which is a large wetland reserve through which the tracks run. Was a study done to determine the effects of a construction project through these sensitive areas?

-Air Quality : NJT is planning to run approximately 120 passenger trains daily through our towns. Every grade crossing will be fully signalized and that means traffic will be halted not only every time a train passes but every time a car needs to cross the tracks as well. Was a study done to determine the air quality effects of 120 diesel trains passing through our towns and the effects of halting the traffic flow a few hundred times a day? {see enc. 3}

-Safety: The proposed passenger trains will be a hazard to the many children who live along the tracks. Our town of Cinnaminson has requested fencing {among other things} from NJT but received a non-committal reply from them. We also have a problem with being landlocked due to Pompeston creek to our south, Hunter's farm to our east and the tracks to our west. Our only way out is over the Read St. grade crossing or Union Landing Rd. In the event of an accident or emergency situation we need to know if there will be an emergency plan for us. This question was also asked of NJT by Cinnaminson and again NJT gave a non-committal reply. In the Industrial Park on River Rd. and Union Landing Rd. is a company called Airco which stores compressed gases. Will the increased vibration due to 120 passenger trains passing through town daily be cause for concern of an explosion? What will be our evacuation plan in that event? Will the residents of all the 450 or so homes of East Riverton have to cross the Read St. grade crossing to escape? Once the tracks are upgraded and the freight trains can go faster will we be in danger of an accident involving a freight train hauling vinyl chloride? Also, at least 10 school buses cross the Read St. grade crossing daily and many trucks also need to cross the tracks at Union Landing as well as Read St. to gain access to the Industrial Park.

-Noise: Along with the proposed 120 passenger trains will come the 120 times per day the horns will be sounded. Due to the probable time separated schedule the 3 freight trains currently operating will be running at night. The anticipated additional daytime as well as nighttime noise will be excessively loud for the many residential neighborhoods it will run through. {see encl. 4} NJT has determined that horn levels be set at 110 decibels, which is equal in perceived sound to an airplane taking off. We feel this is unacceptable, and we would like them to be required to install the gates and concrete barriers being studied by the Federal Railway

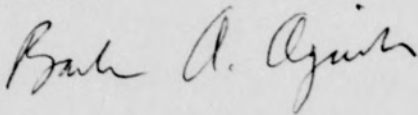
April 11, 1998

Administration that could eliminate the need for horns.

-Environmental Justice: A demographic study needs to be done to determine the health and environmental impact on our Riverfront towns because the trains and the construction of new tracks will be affecting many minority and low income areas, particularly in Palmyra, Cinnaminson,{East Riverton section} Beverly, Burlington City and Fieldsboro.

Finally, I want to stress to you that NJT finished it's study of this proposed passenger line in June of 1996 {see encl. 1, first page} and the project is being "Fast-Tracked" by the State of NJ. The bids for contractors are already out and will be awarded in Sept. according to NJT. We residents of the Riverfront towns that stand to be so adversely affected by this project are being told that we have no say in what is happening to us. I suspect that the "Fast-Tracking" is being done to get this project built before anyone takes a close look at the wetlands implications.

Sincerely,



Barbara A. Aguilar
1134 Bannard St.
Cinnaminson, N.J., 08077

{609} 829-0373

c.c.-Norfolk Southern, CSX, Conrail, Federal Railroad Administration, National Transportation Safety Board,
State and Federal Environmental Protection Agencies



BURLINGTON-GLOUCESTER TRANSIT SYSTEM

Special Study No. 2
CAMDEN - TRENTON RAIL CORRIDOR

Prepared by

BGTS DBOM General Design Assistance Consultants

Daniel, Mann, Johnson, & Mendenhall

Booz Allen & Hamilton, Inc.

enclosure 1

June 1996

There is a basis for believing that Conrail will require the sale of land as a condition for agreeing to passenger service. First, Conrail wants the largest return for their consideration, and this is clearly a land sale. By selling the land, Conrail obtains a large cash settlement that can be used for a major acquisition they are currently considering, and thus eliminates real estate taxes from their operating cost. Conrail puts responsibility for maintenance on the landowner and operates under trackage rights agreements which preserve their right to operate but eliminates the major costs associated with rehabilitation of the line that has a history of deferred maintenance. It is reasonable to assume that Conrail will want to sell the land for a large cash settlement for either of the LRT alternatives.

On past transit projects, Conrail has required either crash walls or a minimum separation distance to guarantee that, in a derailment, their liability will be limited to their own facilities and personnel.

7.2 ROW TAKINGS

The LRT alternatives require a new track in the area between CP Hatch and Pavonia Yard. This additional track will result in the encroachment and possible takings of seven residences on Sherman Avenue (between 27th Street and Von Neida Park) in Camden. In addition, one abandoned building may need to be taken on Cleveland Avenue in Camden. The DMU alternative will operate on the existing track and will not require any takings.

7.3 REDEVELOPMENT POTENTIAL

The Corridor is home to a series of cities and towns, each under 50,000 persons in population, most which date back to the eighteenth and nineteenth centuries. Eight of these cities and towns envision the rail link as helping to revitalize or stabilize a traditional downtown area. Burlington City, for example, envisions a downtown station that will help the downtown redevelopment process already underway, while elected officials in Riverside see rail as helping the downtown and waterfront projects of housing and retail. In Beverly and Roebling, the rail is seen as redeveloping communities hit by the closing of a large steel mill and the decline of a resort community. Another township, Cinnaminson, has plans for a new neo-traditional town center in the East Riverton area.

Drawing on the experiences of other suburban and commuter rail systems in the United States, the following observations on redevelopment on Camden-Trenton might be made:

- The Camden-Trenton Rail Corridor stands out among suburban rail projects nationwide by the interest on the part of the cities and towns in linking the rail to new development or redevelopment, and the planning already undertaken. Other suburban rail projects generally have ignored development considerations until after the line has been built and in operation. This advance planning and interest in land development by the Camden-Trenton communities will be a key factor in enabling development plans to move forward from the realm of theory.
- Because the Corridor already is one of high auto accessibility, the introduction of the rail by itself will not dramatically spur development or redevelopment at the station areas. In fact, much of the new commercial and residential development in the region will continue

to flow to locations easily served by the auto. However, the rail line will provide a competitive boost to the Corridor municipalities, as it adds mobility options for residents and workers, and alternatives to auto-dependence in a suburban setting.

- Of particular promise is the niche market for suburban transit-based housing--that is, the market of persons seeking to live outside of the main business centers, for reasons of lifestyle or economics, and yet have transit access to jobs in these centers. This transit-based housing market is present in other regions served by rail and there is reason to think that it will be present in this Corridor. Good candidates for this niche market are persons who work in Trenton or Princeton, or in Philadelphia, and seek to live in a smaller-town setting, that is also less expensive. These persons likely will want to own a car, but use transit for the commute. The elderly, who want or need alternative to driving and a growing portion of Corridor residents, are other good candidates for this transit-based housing.
- The rail link is not likely to attract major suburban office and commercial developments to the Corridor cities and towns. These are likely to continue to locate along the auto-accessible locations in the region. The transit-based housing, though, should help to spur local neighborhood-serving businesses. Further, based on experiences elsewhere, the rail will bring some increased tourist traffic to these cities and towns.
- The park and ride lots offer some opportunities for adjacent retail, as, say, the adjacent retail development at the suburban Metra stations outside Chicago, where park and ride stations feature commuter-oriented convenience-retail services (newsstands, coffee shops, photo-finishing shops, video rental stores, flower shops, dry cleaning stores, day care centers, automotive services, banking/ATM facilities).

Appendix I presents additional analysis regarding redevelopment potential.

7.4 SAFETY

All three alternatives present potential impacts to safety at grade crossings. This issue is proposed to be addressed by providing and upgrading the crossing protection. All three alternatives will provide upgrades and protection at 52 crossings.

Additional safety issues are presented by the Electrified LRT alternative due to the use of electric power. The catenary and substations required for the Electrified LRT alternative may pose perceived or real impacts to public health from electro-magnetic fields (EMF) generated by the power system. The latest scientific data are inconclusive on the potential harm of EMF, but public perception may be a larger problem surrounding this issue.

7.5 HAZARDOUS MATERIALS

The possible demolition of the seven residences on Sherman Avenue and the abandoned building on Cleveland Avenue may require the assessment and remediation of asbestos-containing building materials and lead-based paint. These impacts are only present in the LRT alternatives. In general, track replacement and passing siding construction may require remediation of contaminated soils. At this level of analysis, no data has been found to suggest any problems other than those typically associated with railroad operations.

APPENDIX I - ADDITIONAL ANALYSIS REDEVELOPMENT POTENTIAL

Redevelopment Potential - Additional Analysis

Section 3: Redevelopment Potential of the Trenton-Camden Line

The transit-based housing niche market is not an unrealistic one for the Trenton-Camden Corridor cities and towns, for several reasons:

- These cities and towns are within commuting distance to some of the major employment centers in the region, including Trenton, Princeton and Philadelphia.
- With the rail nexus, these cities and towns will offer a suburban setting, that also is within easy transit access of the regional urban centers, and offer an alternative to the surrounding auto-oriented suburbs.
- The rail commute offers one of the most pleasant rail commutes in the United States, with frequent views of the Delaware River.
- The housing costs in these cities and towns are some of the most affordable in the region.

This is not to say that the majority of individuals or families who seek to live in the suburbs will want to live in the Corridor, or within walking distance of the rail line. However, as in other regions with rail, a niche market of even ten percent of regional residents will be more than enough to create housing demand in these Corridor station areas.

This niche market for transit-based housing will not spur major office or commercial locations in these Corridor cities and towns. It will help to support local neighborhood-serving businesses. Further, based on experiences in St. Louis and San Diego in particular, the rail will bring some increased tourist traffic to these cities and towns.

Further, as at Chicago's suburban stations, the park and ride lots offer some opportunities for adjacent retail, with commuter-oriented services, such as the dry cleaner, flower shop, photo-finishing, and automotive service.

Wet weather means flood worries

Runoff into creek, overdevelopment are blamed for chronic problems

By John Reitmeyer
BCT staff writer

Heavy rains, silt-clogged creek beds and homes built in flood plains have all contributed to widespread flooding across the county during this sodden winter.

Yesterday, downpours sent the tidal waters of the Rancocas Creek's north branch surging once again, causing damage to bulkheads and basements from Mount Holly to

Southampton, county Emergency Management Coordinator Ed Reynolds said.

Creek flooding was causing headaches in other areas, as well. The entrance road to the Medford Leas adult community on Route 70 in Medford was covered by water yesterday. And in neighboring Lumberton, flood waters had crept up to the back yards of homes along Route 541.

"Anywhere there are creeks flowing, that's where we are having

problems," said an exasperated Reynolds, who was working overtime yesterday to help flood victims.

Over an inch of rain fell during last weekend's rainstorm, and with groundwater levels already near the point of saturation, all the rain simply had no place to go but over the banks.

That phenomenon was most evident yesterday when a moonlit high tide led to flooding in

See FLOODING A1

Storms again raise flood jitters

FLOODING From A1

Eastampton, the Browns Mills section of Pemberton Township, Springfield, Mount Holly, Southampton, and Lumberton.

Reynolds was gearing up yesterday afternoon for the possibility of heavy thunderstorms forecast for last night.

He was most concerned about the homes in the Ewansville area of Eastampton and Southampton, and had already made evacuation arrangements with local fire stations.

"We're going to be in a lot of trouble," he said, after hearing a late-afternoon forecast. But as of late last night, those storms had not materialized and evacuations were not necessary.

Reynolds has tried to solve flooding problems on the north branch of the Rancocas Creek by working out an agreement with Mount Holly to keep the gates of the dam in that township open this winter.

In the past, flooding between the Mount Holly and Smithville dams has been alleviated by opening the gates, something rarely needed.

But this year, the gates have been open all winter, and flooding has still occurred.

"Usually it empties, but the (creek) bed is so full of silt," he said.

For years, runoff from areas surrounding the creek, especially the farmlands of Eastampton, have clogged its waters with heavy silt. Eventually, the silt sinks and raises the creek's bottom.

Layers of settling silt give flood waters a ever-shallower channel, inevitably sending them cascading over the creek banks, onto roads and into neighboring homes built

Wetters along Rancocas Creek

too close to the creek's flood plain.

"It's been going on for 50 or 60 years, and no one seems to be paying any attention," Reynolds said.

Appropriate attention, Reynolds said, could come from two sources — the county's politicians and its homeowners.

"The answer I have, and it costs a lot of money, is to lower the beds of the creeks," he said. That would mean dredging the creeks and

removing the accumulated silt build up.

"Somebody has to find the money to do it," he said.

Another solution would be to prevent builders from putting homes near the creek banks in the first place, or for homeowners to spend the extra money to secure their homes against rising waters.

Just as at the shore, where exposed beachfront property was

damaged by a series of winter nor'easters, homeowners should know the price they could be forced to pay for living in scenic — but sometimes treacherous — waterfront areas, he said.

Until any action is undertaken in either direction, the county's emergency services will continue to plan and react to nature.

"There's not much else I can do about it," said Reynolds.

enclosure 2

Cancer risk is found in diesel fuel emissions

enclosure
3

By Vicki Allen
HEUTERS

WASHINGTON -- Exhaust fumes from diesel fuel -- regarded as a more environmentally benign alternative to gasoline -- may pose a significant cancer risk, according to a draft government report released yesterday.

The Environmental Protection Agency said exposure to diesel exhaust was likely "at low levels, as well as high levels" to pose a risk of lung cancer and other respiratory diseases.

"As the exposure instances increase, changing from episodic to more continuous and increasing from weeks to months to years, it is clear that too much exposure increases the likelihood of noncancer respiratory system damage or risk of lung cancer," the EPA draft said.

The draft stressed that information about diesel fumes' effect on people was extremely sketchy. But from animal studies and other work, it offered what it termed "crude risk estimations" for cancer, and cautioned that effects even from low exposure were expected "given our knowledge about the [diesel exhaust] mixture components."

It estimated that the risk of getting cancer from diesel exhaust -- even at concentrations deemed too low to cause other respiratory problems -- ranged from one in 20,000 to one in 100, and that the true risk could be greater.

Although diesel fumes are viewed as a distasteful result of truck- and bus-clogged city streets, manufacturers are looking at using more of the higher-mileage diesel power in cars to reduce the emissions of carbon gases that contribute to global warming.

But compared with gasoline, diesel produces 60 to 100 times the amount of tiny air particles that may penetrate deep into lung tissue, carrying toxins and cancer-causing agents, said Frank O'Donnell, executive director of the Clean Air Trust health advocacy group.

The EPA last year clamped tighter standards on air-particle concentrations.

"At the very least, this study raises a huge warning about a headlong rush into increased diesel production," O'Donnell said. "It also underlines the fact that we need to reduce -- not increase -- our exposure to these dangerous fumes."

But in a statement, the EPA said its standards for buses, trucks and other diesel-powered vehicles had cut emissions from new models by 90 percent compared with earlier models.



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Residents blow stacks over noise from trains

NJ Transit concedes,
lowers horns slightly

By Kristen Alloway
STAR-LEDGER STAFF

Although it's barely winter, Tracey and Dave Hedden of Denville already are dreading the spring.

Once the temperatures climb, the couple will be forced to open their windows to cool down their home, which means a return to sleepless nights for the family of five.

The Heddens and dozens of other Morris County residents complained over the summer to NJ Transit that its Midtown Direct service — which started last year — was keeping them awake nights. As a result of the new service, NJ Transit runs 117 trains

But it was not simply the addition of 34 trains that bothered residents. Those who live close to the tracks say the train horns — which engineers blow at all grade crossings — are excessively loud.

It turns out they are right.

After meeting with residents and township officials in the fall, NJ

Transit inventoried its trains and learned that many horns were sounding at 115-120 decibels, considered harmful to human ears. There also were some engineers who tended to blow the horns longer than others, said Herman Volk, NJ Transit's senior director of community relations.

As a result, the agency has reset its horns to be about 109-111 decibels — equal in perceived sound to an airplane taking off — and says that is as low as it can go. To reduce the noise any further would be a safety risk, Volk said.

"That decibel reduction, we feel, is significant," Volk said, adding that for each increase of 7-8 decibels, the perceived sound doubles.

Although the Federal Railway Administration has set a minimum of 96 decibels for train horns, the National Transportation Safety Board recently did its own study and found that level to be inadequate, Volk said. The NTSB, which oversees transportation services, determined a setting of 110 decibels was more effective in preventing accidents, and NJ Transit sticks to that level.

In addition to lowering the volume, the transit agency also

Those who
live close to
the tracks
say the
horns are
excessively
loud.

Trains

CONTINUED FROM PAGE 33

Residents argued over horn noise

its engineers, to be sure that they respect the surrounding communities, Volk said.

To ensure that the horns are reasonable and within the 109-111 decibel range, NJ Transit has sent a consultant into the field to monitor the sounds. Those results will be discussed with residents and municipal officials next month, Volk said.

The agency also is keeping an eye on federal tests of two horn alternatives. The Federal Railway Administration is studying how effective additional gates and concrete barriers are in keeping cars from crossing the tracks at grade crossings. If those options work, they could eliminate the need for horns, Volk said.

In the meantime, Denville Mayor Carol Spencer would like the township council to consider passing an ordinance similar to those in Montclair, Bloomfield and Glen Ridge that ban train whistles between 7 p.m. and 7 a.m.

"Citizens are asking to get a good night's sleep, they are not calling for an out-and-out ban (on the whistles)," Spencer said. "I find this to be a serious quality of life issue."

Council members, however, said they were reluctant to consider such an ordinance because they worry about residents' safety and the township's liability.

"There's a lot of kids in the area. I want to know that we're not putting the town and anyone else at risk," Council President Vito Bianco said.

The debate in Denville may be moot. As a state entity, NJ Transit does not have to abide by municipal ordinances, though it obeys those in the Essex County communities as a courtesy because the laws predate the agency.

"While we would consider any ordinance that they would pass, it is unlikely we would adhere to a new ordinance that had a whistle ban," Volk said. "Based upon information we have seen developed by the Federal Railway Administration, when horn blowing stopped, there was a dramatic increase in vehicle accidents at grade crossings."

Although the Heddens don't think the noise has decreased significantly since NJ Transit lowered the decibel level, they recognize the Catch-22 the township and NJ Transit face.

"They're trying to please the communities they run through and they're trying to adhere to safety rules," Dave Hedden said. "I don't know what the answer is."

Added Tracey Hedden, "Next summer will be the true test."

Encl. 4

STB

FD-33388

4-15-98

K

ID-CITIES

ROBERT HERRON
CITY MANAGER

City of Conneaut

Ohio's Sharpest Corner

A Resort Area

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ENVIRONMENTAL
DOCUMENT

April 14, 1998

Ms. 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 K Street, N.W.
Washington, DC 20423-0001



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

Dear Ms. Kaiser:

I am writing on behalf of the City of Conneaut to offer comments on the above referenced Draft Environmental Impact Statement. The City agrees with your letter of February 27, 1998, in which the SEA has identified potential environmental effects which include hazardous materials, transportation safety, noise and highway/rail at-grade crossing safety and delay impacts which will result from increased train traffic along the N-070 rail line from Ashtabula, Ohio to Buffalo, New York. Your conclusion that these potential environmental impacts may have high, adverse and disproportionate effects on low income residents is correct and accurate.

The City of Conneaut is a community of 13,241 encompassing 27.5 square miles. Currently the Norfolk and Southern has a yard in the central city with approximately six miles of railroad track running across the City in a east and west direction. Conrail also has approximately six miles of railroad dissecting the City on two tracks. Currently nearly 50 trains a day stop or pass through our community on the N&S and Conrail tracks.

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

Ohio Starts Here At Its Sharpest Corner

Ms. Elaine K. Kaiser

April 14, 1998

Page 2

Several areas of concern exist with this proposed merger, most of which deal with the N&S portion of the acquisition. They are as follows.

1. The Draft Environmental Impact Statement indicates an increase of 12 trains per day which represents a 95% daily increase on the N&S lines. Based on the fact that the N&S has a yard in the City, these trains travel through the City at a slow rate, many times stopping. This disrupts vehicular traffic and pedestrian traffic and causes serious safety concerns. The N&S yard and tracks are located adjacent to Conneaut High School and one block south of Southeast Elementary School. Nearly 1200 children attend classes at these two schools located in the central part of our City.

Currently at-grade crossings exist at Buffalo, Sandusky, Mill and Chestnut Streets. Each one of those crossings is no more than two blocks from the schools. Trains block these intersections routinely, which has caused serious concerns with children in the neighborhood and when school is beginning and ending. While certainly the City recognizes that it is clearly trespassing to crawl under, over or on trains as they sit at these crossings, the reality of the matter is that the area cannot be watched at all times and children do attempt to cross the tracks.

In addition, the neighborhood around this area is 70% low and moderate income. Increased train traffic will, in the City's opinion, potentially diminish property values with a substantial increase in pollution, noise and general distributions. Noise Sensitive Receptors in this area which exceeds 65 dBA L_{DN} will increase by over 100% in areas around the Conneaut yard

The City feels strongly that the railroad, the Federal and State governments should provide funding to minimize the impacts to the low and moderate income neighborhoods, to address the safety issues with the two schools and reduce the overall noise, pollution and traffic disruptions that will occur in the central city.

2. The Conneaut N&S yard will remain as part of the acquisition, which is welcomed, as the N&S is an important employer in our City. However, it will handle an additional 44 cars per day or an increase of 147% over pre-acquisition levels. All of the aforementioned concerns listed in item 1, pertain to this aspect of the Environmental Impact Statement, only they should be multiplied tenfold for the environmental impacts from the additional cars handled per day.

Currently the railroad assembles trains by pulling them in and out of the yard, blocking at least five at-grade crossings in the aforementioned neighborhood. This assemblage and the additional cars handled will cause delays, more pollution, and

noise as the engines are backing, stopping and restarting many times in this area of the City.

Steps need to be taken to address this dramatic increase of car handling.

3. It has been represented that additional hazardous materials will be handled by the N&S in the Conneaut yard. Obviously this raises public safety concerns for not only the neighborhood around the yard, but the entire City. The City public safety forces are not equipped to handle this type of increase and the City simply does not have the funds available to provide for this protection. The pre-acquisition accident rate of one accident every 244 years to a post acquisition rate of one accident every 25 years further highlights this point.
4. The relocation of Engineers (railroad employees) boarding the trains in the Conneaut yard has been expressed to the City, a reality of the acquisition. Part of the benefits of having the railroad yard located in the City is the good jobs that it provides. To have the Engineers board the trains in Cleveland or Buffalo, clearly constitutes a relocation of jobs from our City which will have a negative impact on City government and local economy. The estimated impact on the local government is at least \$50,000 per year in revenue, with the estimated impact on the local economy of this small city estimated at \$150,000 per year.
5. The current Conrail vehicular grade separation at Broad Street is in deplorable condition. There appears to be no indication of any improvements to address this issue.
6. The areas of the City, west of the N&S yard will also be impacted by the additional trains and car handling in the Conneaut yard. While not as densely populated, the City's Industrial Park and other industries that are located in the area will be adversely impacted. General Aluminum Corporation - 440 employees, CW Ohio - 260 employees, the Bailey Corporation - 400 employees, Foseco Corporation - 67 employees, Wayne Dalton - 100 employees, Polycom Huntsman - 60 employees, and Allied Resinous - 60 employees, are all located in close proximity to each other, west of the yard and within two blocks of both the N&S and current Conrail tracks. Crossing delays will impact deliveries, employee access, and the response of emergency vehicles to this industrial area. The increase in response time for emergency vehicles could routinely be as high as 10 minutes. As I am sure you are aware, this could be critical in an industrial accident.
7. The two railroads dissect the City of Conneaut nearly across the middle, having the potential to split it in two. Currently on Broad Street, underpasses each exist for both

Ms. Elaine K. Kaiser

April 14, 1998

Page 4

tracks, however, with the proposed acquisition the two underpasses will not be able to be utilized to minimize the environmental impact on the community caused by this acquisition, particularly as it relates to the N&S.

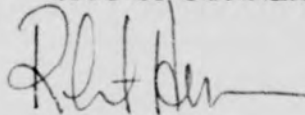
8. If the acquisition is to move forward, the City offers the following suggestions to minimize the environmental impact on the City. These suggestions will assist with noise pollution, air pollution, public safety issues, pedestrian safety and traffic congestion. Please note that this list is preliminary.
 - A. A pedestrian overpass walkway be constructed at Mill Street over the N&S tracks.
 - B. A vehicular grade separation at Parrish Road for both the N&S and Conrail tracks.
 - C. Crossing signalization upgrades on all at-grade crossings for both N&S and Conrail to provide for complete crossing protection. This would enable the City and railroad to eliminate horns.
 - D. Renovation of the Conrail/Broad Street underpass. This underpass was built in 1929 and is in serious need of rehabilitation.

The City of Conneaut appreciates the opportunity to comment on this proposed acquisition. We have a rich and storied history as a railroad town and as such, we support and appreciate the railroads as they are still an important employer. However, our concerns and comments on this proposed acquisition are very important to consider, as the impacts of this action will if not addressed, have a negative impact on the economic, social and the overall environment of the City of Conneaut.

If you have any questions, please feel free to contact me.

Sincerely,

CITY OF CONNEAUT



Robert Herron
City Manager

RDH/pb

cc: City Council
Ohio Rail Commission
Congressman Steven LaTourette
Senator Robert Gardner
Representative Ross Boggs

STB

FD-33388

4-15-98

K

ID-GOV

SLOVER & LOFTUS

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April 15, 1998

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BY HAND DELIVERY

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Finance Docket No. 33388
Surface Transportation Board
ATTN: Elaine K. Kaiser
Environmental Project Director
Environmental Filing
1925 K Street, N.W.
Washington, D.C. 20423-0001



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

Dear Ms. Kaiser:

Pursuant to the Board's Decision No. 69 in the above-referenced proceeding, enclosed for filing please find an original and ten (10) copies of the Supplemental Comments of the State of New York on Draft Environmental Impact Statement (NYS-28).

We have included an extra copy of the filing. Kindly indicate receipt by time-stamping this copy and returning it with our messenger.

Thank you for your attention to this matter.

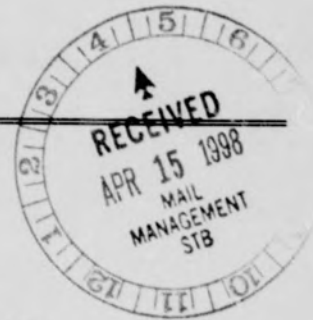
Sincerely,

A handwritten signature in cursive script that reads 'Jean M. Cunningham'.

Jean M. Cunningham
Attorney for the State of New York

Enclosures

Finance Docket No. 33388



Attorneys and Practitioners

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



| | | |
|------------------------------------|---|--------------------------|
| CSX CORPORATION AND CSX |) | |
| TRANSPORTATION, INC., NORFOLK |) | |
| SOUTHERN CORPORATION AND |) | |
| NORFOLK SOUTHERN RAILWAY |) | Finance Docket No. 33388 |
| COMPANY -- CONTROL AND OPERATING |) | |
| LEASES/AGREEMENTS -- CONRAIL, INC. |) | |
| AND CONSOLIDATED RAIL CORPORATION |) | |

**SUPPLEMENTAL COMMENTS
OF THE STATE OF NEW YORK
ON DRAFT ENVIRONMENTAL IMPACT STATEMENT**

Pursuant to the Board's Decision No. 69 issued February 27, 1998 in the above-captioned proceeding,¹ the State of New York by and through its Department of Transportation ("New York") hereby submits these Supplemental Comments on Draft Environmental Impact Statement. These Comments address issues raised by "new information" the Board's Section of Environmental Analysis ("SEA") has identified concerning potentially significant

¹See Finance Docket No. 33388, CSX Corp. and CSX Transportation, Inc., Norfolk Southern Corp. and Norfolk Southern Ry. -- Control and Operating Leases/Agreements -- Conrail, Inc. and Consolidated Rail Corp., Decision No. 69, STB served Feb. 27, 1998.

environmental effects of the transaction² under review in this proceeding.

IDENTITY AND INTEREST

New York is a sovereign state, and a full party of record in this proceeding. The New York State Department of Transportation is the executive department responsible for supervising and administering State policies and interests relating to rail transportation through, within, or affecting New York.

New York has an obvious and substantial interest in protecting and enhancing the environment of its citizens. As SEA's environmental review process recognizes, transactions like the Applicants' proposed division of Conrail have the potential to drastically alter and permanently degrade the environmental resources they affect. For this reason, and as required by governing law, SEA has undertaken an extensive and on-going examination of the proposed transaction's impact on a wide range of environmental issues.

²For purposes of these Comments, the term "transaction" refers to the division and acquisition of CRR, CRC, and their wholly-owned subsidiaries (collectively "Conrail"), by CSXC, CSXT and their wholly-owned subsidiaries (collectively "CSX") and NSC, NSR, and their wholly-owned subsidiaries (collectively "NS"). For purposes of these Comments, the term "Applicant(s)" refers to either or both CSX and NS; the term "Application" or "Primary Application" refers to CSX/NS-18-25, submitted by the Applicants on June 23, 1997, and accepted by the Board on July 23, 1997 in its Decision No. 12.

Of particular relevance to these Supplemental Comments, SEA has reviewed the transaction's likely impact on highway/rail crossing safety and hazardous materials transportation. In addition, SEA has studied the manner in which these -- and all other environmental impacts considered -- will affect minority and low-income populations as compared to the general population.

Since releasing the original Draft EIS last December,³ SEA has supplemented its findings on safety and environmental justice issues several times. In particular, the Board's Decision No. 69 announces SEA's recent determination that the Applicants' plan to substantially increase freight traffic over a line running through western New York could have significant adverse safety and environmental justice impacts in that region.⁴ Specifically, SEA found that a near-doubling of freight train traffic on NS' line from Ashtabula, Ohio, to Buffalo, New York,⁵ could significantly compromise at-grade crossing and hazmat transportation safety, and, at the same time, raise environmental justice concerns.

³See Finance Docket No. 33388, CSX Corp. and CSX Transportation, Inc., Norfolk Southern Corp. and Norfolk Southern Ry. -- Control and Operating Leases/Agreements -- Conrail, Inc. and Consolidated Rail Corp., Draft Environmental Impact Statement, SEA served Dec. 12, 1997.

⁴See Decision No. 69, supra, note 1 at 4.

⁵The DEIS identifies the NS line segment as "N-070." See DEIS, Executive Summary, Attach. ES-B.

Because NS' Ashtabula-Buffalo line runs through the City of Dunkirk, New York, the substantial projected increase in traffic on this line causes the Mayor and people of Dunkirk, as well as the State of New York, grave concern. Dunkirk and New York agree with SEA that NS' post-transaction operations may threaten substantial harm to the safety of Dunkirk's citizens generally, and its minority and low-income populations in particular. To inform the Board of the specific hazards NS' projected traffic flow will create in Dunkirk, and to request mitigation of such hazards in the form of a Board-ordered condition re-routing NS traffic, New York submits these Supplemental Comments and the attached Verified Statement of Robert D. Kesicki, Mayor of Dunkirk.

COMMENTS OF THE STATE OF NEW YORK

The National Environmental Policy Act of 1969 ("NEPA") governs the Board's decision-making in this proceeding, as the transaction under review proposes "major Federal action significantly affecting the quality of the human environment."⁶ Pursuant to NEPA and its implementing regulations,⁷ the Board must follow prescribed procedures designed to ensure its thorough

⁶See The National Environmental Policy Act of 1969, 42 U.S.C. § 4332(2)(C).

⁷See id. 42 U.S.C. §§ 4321 et seq.; 40 C.F.R. Pts. 1500-1508; 49 C.F.R. Pts. 1105 et seq.

examination of environmental considerations as it determines whether to approve or disapprove the pending Application. In particular, NEPA directs that the Board's environmental analysis, as set forth in its Draft and Final Environmental Impact Statements, evaluate not only the environmental impact of the proposed transaction, but also the effects of "alternatives to the proposed action."⁸ NEPA-implementing regulations require that the Board "[r]igorously explore and objectively evaluate all reasonable alternatives" to the action under review, and "[d]evote substantial treatment" in the EIS to "each alternative."⁹ Indeed, this comparative analysis of the proposed action and other alternatives "is the heart of the environmental impact statement;"¹⁰ it both facilitates and encourages judicious resolution of inevitable "conflicts concerning alternative uses of available resources."¹¹

Neither SEA nor the Applicants have considered alternatives to certain planned, post-acquisition activities that threaten substantial harm to Dunkirk citizens. As the Applicants' Operating Plans make clear,¹² and SEA has

⁸42 U.S.C. §§ 4332(2)(C)(iii), (E).

⁹See 40 C.F.R. §§ 1502.14(a), (b).

¹⁰Id. § 1502.14.

¹¹See 42 U.S.C. § 4332(2)(E); 40 C.F.R. § 1507.2(d).

¹²See Application CSX/NS-20, vol. 3B.

acknowledged,¹³ NS intends to increase freight train traffic running through Dunkirk by more than 100% upon approval of the proposed transaction. This additional traffic on NS' at-grade line will severely compromise the safety of Dunkirk residents, by increasing risks to schoolchildren at railroad crossings; interfering with emergency vehicle response efforts; and increasing the risks of train-related hazardous materials accidents. (See Kesicki V.S. at 1-8 (describing the effects of NS' projected traffic increase).) Each of these impacts, in addition, will particularly affect Dunkirk's minority and low-income populations. (See id.)

The Applicants have not suggested, nor has SEA considered, alternatives to NS' planned, dramatic increase in traffic over its at-grade line through Dunkirk. As means of assisting the Board's evaluation of "alternatives to the proposed action," New York submits the attached Verified Statement of Mayor Kesicki describing an alternate arrangement that both accommodates NS traffic moving through Dunkirk, and protects Dunkirk citizens from the adverse safety impacts NS' present plans for such traffic entail. Specifically, Mayor Kesicki outlines and requests a condition on the proposed transaction requiring that Applicants revise their Operating Plans to re-route some or all NS traffic across Dunkirk over the existing,

¹³See DEIS, Executive Summary, Attach. ES-B at 9.

grade-separated Conrail tracks in northern Dunkirk. (Kesicki V.S. at 8-10.) Mayor Kesicki urges that diverting traffic from NS' at-grade track to this grade-separated line in downtown Dunkirk will alleviate the adverse and disproportionate safety impacts the Applicants' transaction will otherwise have on the Dunkirk community. (Id.)

New York supports Mayor Kesicki's requested re-routing measure as an alternative preferable to the Applicants' planned increase in train traffic on NS' at-grade line. The dangerous consequences of doubling operations over NS' line, and the particular impact such consequences will have on Dunkirk's minority and low-income populations, require that the Board adopt "alternative" arrangements without such severe safety and environmental justice impacts. To this end, New York urges that

the Board use its broad conditioning power in this proceeding to implement the re-routing mitigation Mayor Kesicki requests.

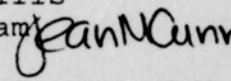
Respectfully submitted,

THE STATE OF NEW YORK BY AND
THROUGH ITS DEPARTMENT OF
TRANSPORTATION

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State of New York
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(202) 347-7170

Dated: April 15, 1998

Attorneys and Practitioners

VERIFIED STATEMENT
OF
ROBERT D. KESICKI

My name is Robert D. Kesicki, and I am the Mayor of the City of Dunkirk, New York. Dunkirk is located in Chautauqua County, New York, approximately 70 miles southwest of Buffalo, and 50 miles east of Erie, Pennsylvania. Dunkirk is bordered on the north by Lake Erie, and traversed by two major railroad lines: Conrail operates over elevated track running through the northern portion of the City; Norfolk Southern ("NS") operates over an at-grade line through the southern portion of the City.¹ Both railroad lines pass through Dunkirk en route from Ashtabula, Ohio and other locations, to Buffalo, New York and other locations.²

In the event the Board unconditionally approves CSX/NS' pending application to divide and acquire Conrail's assets, the City and people of Dunkirk will suffer significant adverse environmental impacts in the form of increased safety hazards caused by changes in rail traffic through the City. As the SEA's Draft EIS recognizes, the Applicants anticipate an almost two-fold increase in post-transaction traffic over NS' at-grade line

¹See Map of Dunkirk, Ex. RDK-1.

²The DEIS identifies these Conrail and NS lines segments as "C-690" and "N-070" respectively. See DEIS, Executive Summary, Attach. ES-B.

across southern Dunkirk.³ NS plans to add 13.2 trains per day -- up from 12 trains per day -- to its freight train traffic already traveling through the southern part of the City.⁴ As detailed below, this added train traffic will compromise the safety of Dunkirk's schoolchildren, impede the City's emergency response operations, and increase the risk of disaster from hazardous materials spills or leaks. Each of these effects, in addition, will have a particular impact upon Dunkirk's minority and low-income populations. The purpose of this Verified Statement is to inform the Board of these hazards and concerns, and to urge that the Board provide for their mitigation by imposing a condition on the proposed transaction, re-routing NS freight train traffic from NS' at-grade line to the elevated Conrail line through Dunkirk's downtown area.

1. Increased and Disproportionate Safety Hazards:
Danger to Dunkirk Schoolchildren Crossing
Railroad Tracks

Chautauqua County has a population of 141,895 people.⁵ The County includes the cities of Jamestown and Fredonia, among others, in addition to Dunkirk. Dunkirk is a city of 13,989

³DEIS, Executive Summary, Attach. ES-B at 9.

⁴Id.

⁵1990 U.S. Census Data, Database: C90STF1A, Chautauqua County.

people, approximately 63% of which qualify as ethnic "minorities," or belong to "low-income" households.⁶ A portion of Dunkirk's minority and low-income population resides in the Courtney Street Apartments housing project located just north of NS' tracks, on Courtney Street and Maple Avenue. Other low-income families in Dunkirk live south of NS' line, in neighborhoods near the recently closed elementary School No. 6.

Until the Spring of 1997, children living near School No. 6 attended that elementary school; they generally walked to school each day, as the City did not provide buses to transport them the short distance from their homes to the elementary school. School No. 6 closed permanently at the end of last school year. As a result, students formerly assigned to School No. 6 now attend School Nos. 3, 4, 5, and 7.

School Nos. 3-5 and 7 are located on the opposite side of NS' railroad tracks from School No. 6. Most children living near the closed School No. 6 have continued walking to their new schools. These children, therefore, must cross NS' railroad tracks twice each day on their way to and from school. At present, children may cross the NS tracks at several different points where the line intersects with Dunkirk city streets. These at-grade crossings are open to vehicular and pedestrian

⁶See Ex. RDK-2.

traffic, and are equipped with signs warning cars and pedestrians that trains pass over those city streets. Signs also warn train locomotive drivers as they approach these open crossings, and alert them of possible vehicular or foot traffic in the area.

Children who now travel over NS' tracks daily rely on the open at-grade crossings to safely cross the railroad line. Though trains run over the NS line on a regular basis, children are protected -- at least to some degree -- by the signs at these road crossings, and train operators' awareness that such crossings are open and in use. The CSX/NS Application under review in this proceeding, however, indicates that train traffic on NS' line through Dunkirk will increase dramatically upon approval of the proposed transaction. The contemplated, near-doubling of train traffic on NS' line means that schoolchildren will far more likely encounter trains during their journey across the tracks; increased encounters with trains translate into increased risk of train-related accidents.

NS and CSX have not undertaken any action to effectively mitigate such an unacceptable, adverse impact of their proposed plan. Instead, NS has indicated its intent to take steps exacerbating the adverse safety impacts its increased train traffic will have upon Dunkirk's pedestrians. Specifically, NS seeks to close six at-grade crossings in the

area near old School No. 6; children used to traversing NS' track at such crossing points will likely continue to do so after their closure, yet those crossings will no longer be designated or protected as vehicular and pedestrian crossings.⁷

Dunkirk strongly opposes NS' proposed crossing closings in light of the diminished level of protection such closings will portend for children walking to school across the tracks,⁸ and in particular, low-income children from the old School No. 6 neighborhoods.⁹ More fundamentally, however, Dunkirk objects to NS' projected, drastic increase in freight traffic running through the old School No. 6 area and across the entire southern portion of Dunkirk. To alleviate the impact of this increased train traffic on pedestrian safety, and for the additional safety-related reasons discussed below, Dunkirk urges that the

⁷NS' position on the closing issue has changed several times; in April, 1997, NS indicated its intent to heed the wishes of Dunkirk citizens, and keep the crossings open. See Ex. RDK-3 (newspaper article from Dunkirk's Evening Observer).

⁸Indeed, the Chautauqua County Legislature unanimously adopted a resolution last April opposing NS' proposed closings and the adverse consequences such closings would have on the "safety, health, and convenience" of Dunkirk citizens. See Emergency Motion No. 23-97, Ex. RDK-4.

⁹Dunkirk fears that even more children will be endangered in the future, as several youth-oriented organizations have expressed interest in occupying the old School No. 6 building. See Ex. RDK-5 (newspaper article from Dunkirk's Evening Observer describing interested groups).

Board adopt the mitigation measure described infra, requiring Applicants to divert trains from NS' track to the elevated line passing through downtown Dunkirk.¹⁰

2. Increased and Disproportionate Safety Hazards:
Impaired Emergency Response Operations

In addition to compromising the safety of pedestrian schoolchildren, NS' increased freight train traffic will gravely impair the ability of emergency response vehicles to reach Dunkirk residents in need of help. More traffic on NS' at-grade line means more frequent blockage of Dunkirk's city streets while trains pass through 25 times each day. Such increased blockage translates into a greater likelihood that police, fire trucks, and ambulances will encounter trains en route to emergency situations or hospitals, and lose precious time waiting for the tracks to clear.

NS' plan to close a number of crossings along its line will further impede and critically compromise Dunkirk's emergency response operations. NS' contemplated closings will reduce the number of crossing points over its track, forcing vehicular traffic to wait longer at the crossings that remain open. Fewer

¹⁰In the event the Board declines to adopt Dunkirk's requested re-routing mitigation measure, Dunkirk asks that the Board protect Dunkirk pedestrians by requiring NS to, at the very least: (1) leave all grade crossings through residential Dunkirk open; and (2) equip those crossings with the most advanced warning and crossing protection devices available.

available crossing points, in addition, will detour emergency vehicles over indirect and round-about routes to access emergency situations, as dictated by the location of open crossings. Again, this will dangerously increase response times, and imperil the lives of Dunkirk citizens in need of emergency services.

As mentioned above, some of Dunkirk's low-income population resides on the southern side of NS' tracks. It is these people who will bear the potentially life-threatening consequences of impaired emergency service caused by train traffic delays. The Board must consider this disproportionate impact in evaluating the grave effects the Applicants' plans will have upon the Dunkirk community as a whole.

3. Increased and Disproportionate Safety Hazards:
Danger From Hazardous Materials Transportation

NS' proposed increase in traffic through Dunkirk poses yet another threat to the health and welfare of Dunkirk's citizens. The additional traffic NS intends to move includes 18,000 more carloads per year of hazardous materials than presently travel over the NS line.¹¹ This represents a more than three-fold increase in hazmat transportation through Dunkirk -- a jump from 8,000 carloads per year to 26,000 per year. This dramatic increase creates a hazard for Dunkirk residents living

¹¹See DEIS, vol. 3B at NY-13.

near the NS line, in the form of increased risks of exposure to toxic substances emitted or spilled from the trains.¹² Once again, this consequence of the Applicants' plan has an unacceptably disproportionate effect on minority and low-income Dunkirk citizens. As mentioned above, a part of Dunkirk's low-income population lives in the old School No. 6 area. Minority and low-income citizens also reside along NS' line in and near the Courtney Street Apartment complex. These citizens -- living close to NS' line and crossing it frequently -- will most directly suffer the effects of hazmat leaks or accidents from NS trains passing through 25 times each day. Environmental justice concerns mandate particularly close attention to and appropriate mitigation of this safety impact resulting from NS' projected increased traffic.

4. Re-routing NS Traffic to CSX's Elevated Track Will Effectively Mitigate Transaction-Related Harm to the Dunkirk Community

Taken together, the safety and environmental justice issues described above -- relating to grade-crossing problems, emergency vehicle delays, and hazmat transportation hazards -- require that the Board use its broad conditioning power in this proceeding to ameliorate the impact of these effects on Dunkirk

¹²See Ex. RDK-6 (newspaper article from Dunkirk's Evening Observer describing concern over train transportation of hazardous materials through the City).

generally, and its minority and low-income populations in particular. As the Chautauqua County Legislature unanimously agreed last April,¹³ and dozens of petitioning Dunkirk residents have urged,¹⁴ CSX and NS can and must take steps to eliminate the dangerous effects their proposed transaction will have on the people of Dunkirk. Either voluntarily or by Board Order, the Applicants must modify their present Operating Plans, and move some or all current and prospective traffic from NS' at-grade line onto the existing, grade-separated Conrail track through downtown Dunkirk. This diversion of NS traffic will dramatically improve safety for Dunkirk citizens residing near or along-side NS' line, as crossing safety problems and delays will decline, and the risk of hazardous materials accidents affecting residential neighborhoods will diminish. This reassignment of traffic to the elevated track will not significantly increase hazards in the downtown area, as the grade separations eliminate crossing concerns, and distance hazardous materials leaks or accidents from homes and businesses. This northern, downtown section of Dunkirk, moreover, is far less residential than the

¹³See Resolution No. 58-97, Ex. RDK-7; see also Ex. RDK-8 (newspaper article from Dunkirk's Evening Observer describing county legislative support for re-routing mitigation).

¹⁴See Petition Supporting Relocation of Railroad Lines Out Of The Fouth Ward, Ex. RDK-9 (sample page).

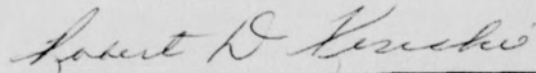
area surrounding NS' line in the southern part of town.

To avoid the intolerable and disproportionate impacts the Applicants' proposed transaction will have on the safety of Dunkirk citizens, Dunkirk asks that the Board adopt the re-routing measure described above. Dunkirk does not seek to foreclose train traffic from crossing through the City, but only asks that such traffic travel the safest route possible, elevated above the City, rather than on at-grade tracks cutting through city streets and residential neighborhoods.

VERIFICATION

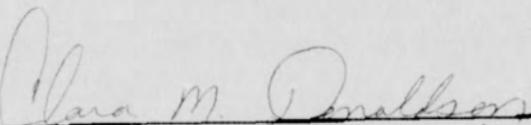
State of New York)
)
) ss:
)
County of Chautauqua)

Robert D. Kesicki, being duly sworn, deposes and says that he has read the foregoing Statement, knows the contents thereof, and that the same are true as stated to the best of his knowledge, information and belief.



Robert D. Kesicki
Mayor of the City of Dunkirk

Subscribed and sworn to before
me this 14th day of April,
1998:



Notary Public in and for the State
of New York **CLARA M. DONALDSON**
Notary Public, State of New York
No. 01DO6063080
Qualified in Chautauque County
Commission Expires December 11, 1999

Exhibit RDK-1

DUNKIRK NORTH CHAUTAUQUA COUNTY

1978 EDITION

■ CONRAIL/CSX
□ NORFOLK SOUTHERN

LAKE ERIE

CITY

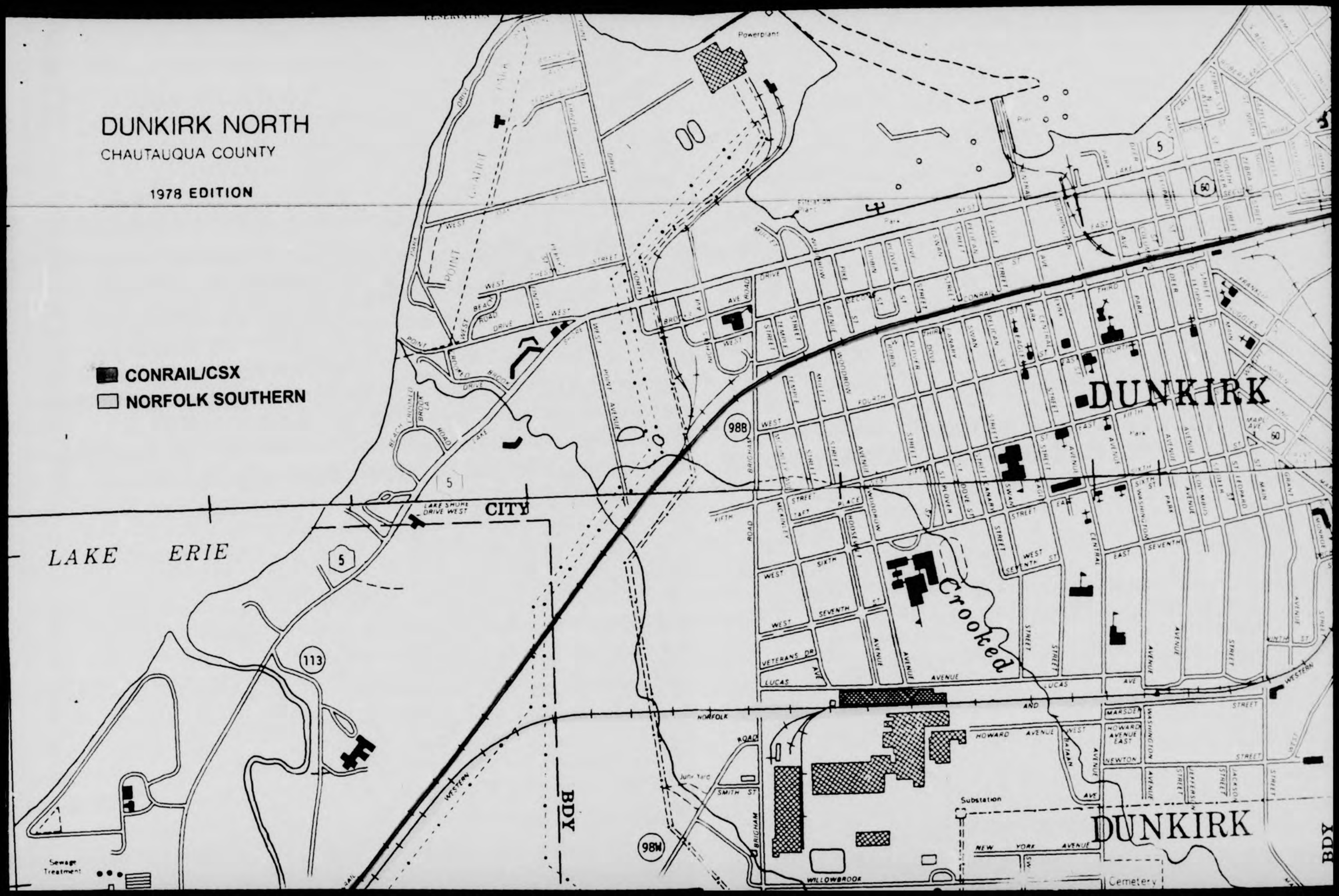
DUNKIRK

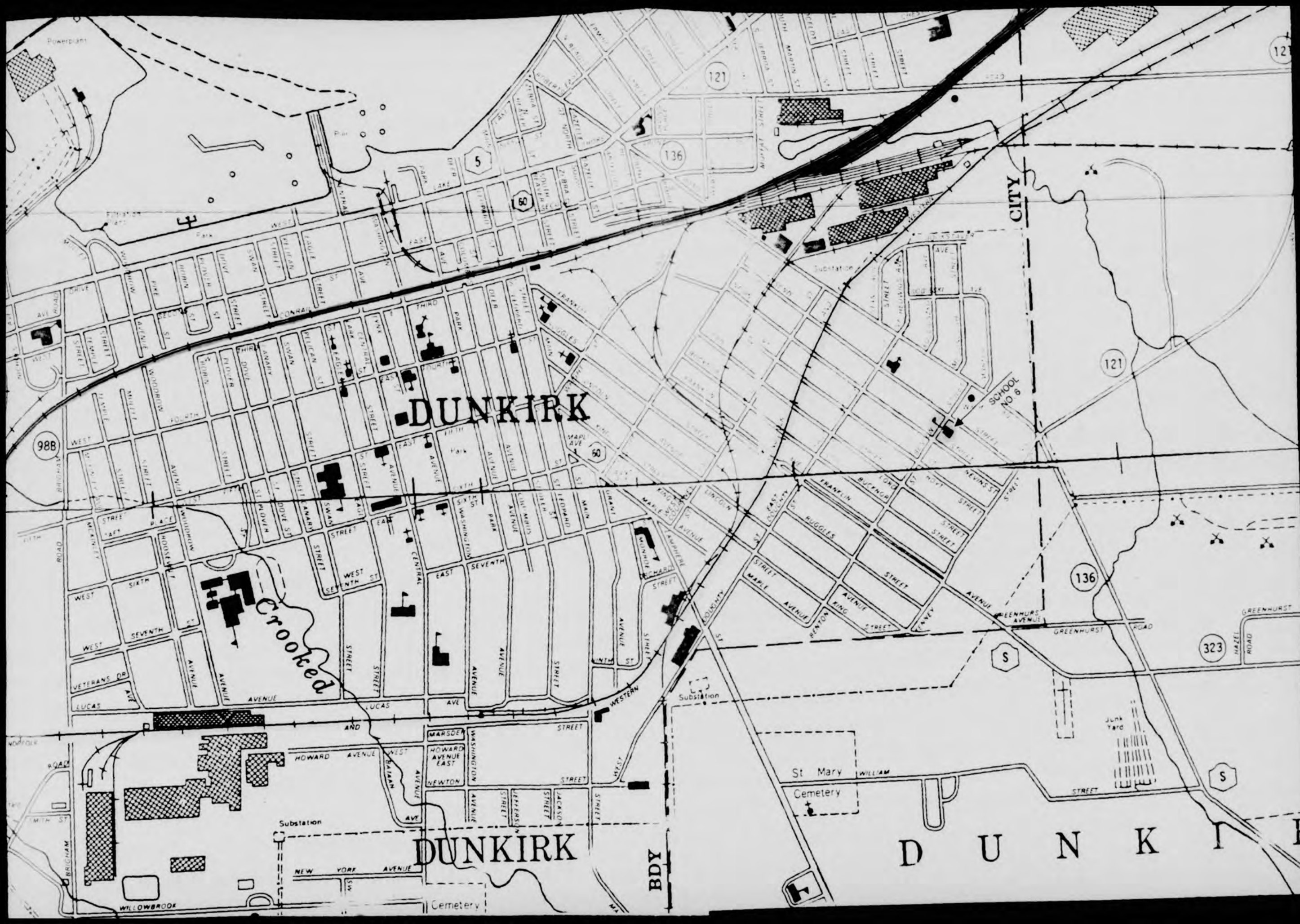
DUNKIRK

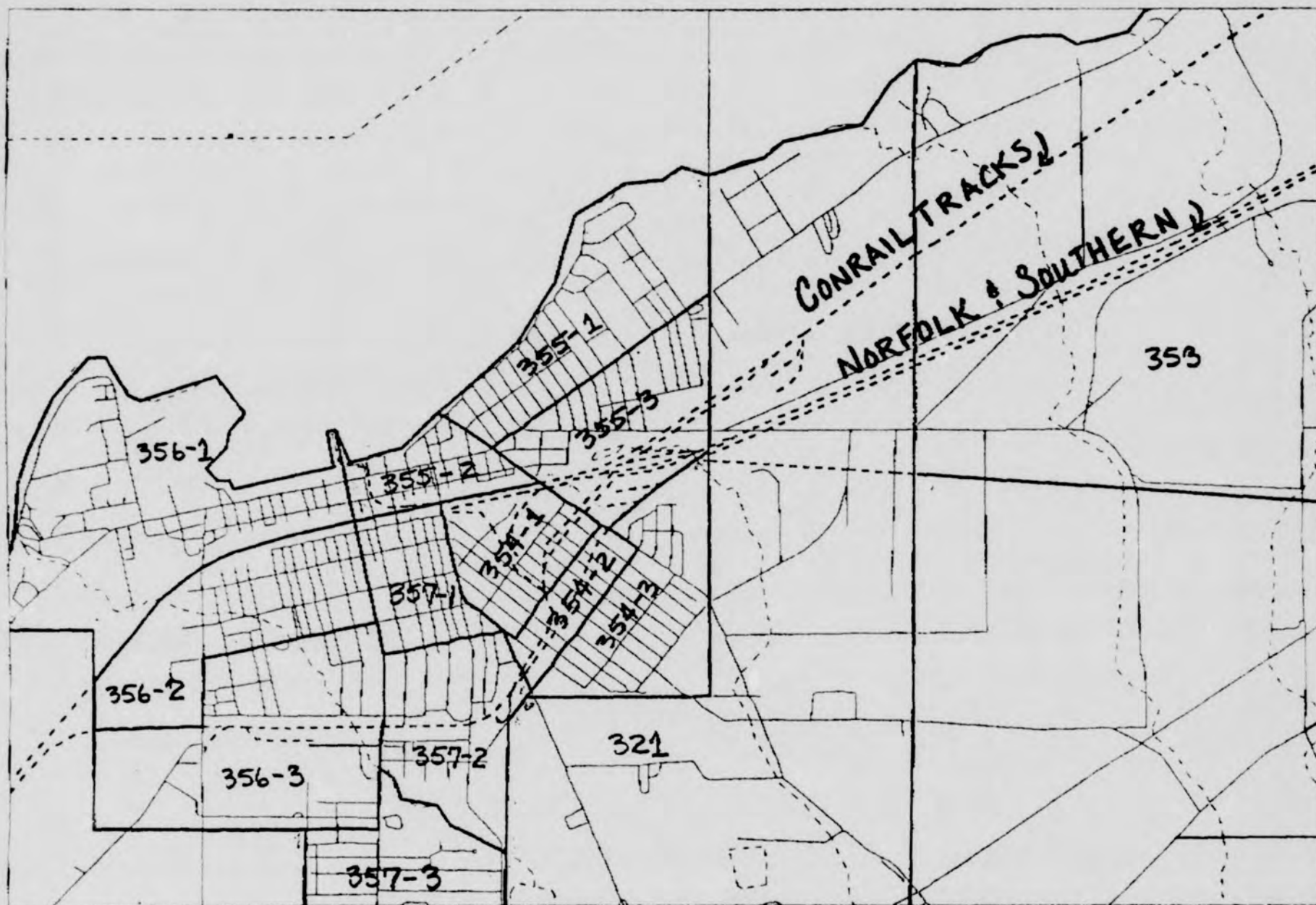
Sewage
Treatment

BDY

BDY







DUNKIRK CENSUS DATA COLLECTION AREAS

| | City Total | | Census Tract 354 | | Census Tract 355 | | Census Tract 356 | | Census Tract 357 | |
|------------------|------------|---------|------------------|---------|------------------|---------|------------------|---------|------------------|---------|
| | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| Total population | 13,989 | 100.0% | 3,377 | 100.0% | 3,396 | 100.0% | 3,822 | 100.0% | 3,384 | 100.0% |
| Non-Hispanic | | | | | | | | | | |
| White | 11,417 | 81.6% | 2,676 | 79.2% | 2,539 | 74.8% | 3,287 | 86.0% | 2,915 | 85.9% |
| Black | 462 | 3.3% | 85 | 2.5% | 205 | 6.0% | 96 | 2.5% | 76 | 2.2% |
| American Indian | 19 | 0.1% | 14 | 0.4% | 0 | 0.0% | 6 | 0.1% | 0 | 0.0% |
| Asian | 35 | 0.3% | 10 | 0.3% | 0 | 0.0% | 8 | 0.2% | 17 | 0.5% |
| Hispanic Origin | 2,056 | 14.7% | 592 | 17.5% | 652 | 19.2% | 426 | 11.1% | 366 | 11.4% |

Source: Bureau of the Census

DUNKIRK CENSUS DATA (1990)

DEPARTMENT OF HOUSING & URBAN DEVELOPMENT
PERCENT OF LOW AND MODERATE PERSONS BY BLOCK GROUP AND CENSUS TRACT

OR: DUNKIRK

LOW AND MOD INCOME LEVEL USED: 4-PERSON INCOME LIMIT 25300
FIRST QUARTILE THRESHOLD: 55.40

METRO CODE 3610
COUNTY CODE 013
REGION: 02

| LVL NAME | PLACE | MCD | CENSUS TRACT | BLK GRP | TOTAL PERSONS | TOTAL LOW-MOD PERSONS | PERCENT LOW-MOD |
|---------------------------------|-------|-----|--------------|---------|---------------|-----------------------|-----------------|
| 080 Tract 354 | 955 | 40 | 0354 | | 3292 | 1572 | 47.75 |
| 090 BG 1 | 955 | 40 | 0354 | 1 | 1279 | 776 | 60.67 |
| 090 BG 2 | 955 | 40 | 0354 | 2 | 775 | 429 | 55.35 |
| 090 BG 3 | 955 | 40 | 0354 | 3 | 1239 | 367 | 29.64 |
| 080 Tract 355 | 955 | 40 | 0355 | | 3336 | 1878 | 56.29 |
| 090 BG 1 | 955 | 40 | 0355 | 1 | 1151 | 493 | 42.83 |
| 090 BG 2 | 955 | 40 | 0355 | 2 | 1103 | 856 | 77.61 |
| 090 BG 3 | 955 | 40 | 0355 | 3 | 1082 | 529 | 48.89 |
| 080 Tract 356 | 955 | 40 | 0356 | | 3677 | 1481 | 40.28 |
| 090 BG 1 | 955 | 40 | 0356 | 1 | 1146 | 514 | 44.85 |
| 090 BG 2 | 955 | 40 | 0356 | 2 | 1423 | 477 | 33.52 |
| 090 BG 3 | 955 | 40 | 0356 | 3 | 1108 | 490 | 44.22 |
| 080 Tract 357 | 955 | 40 | 0357 | | 3294 | 1378 | 41.83 |
| 090 BG 1 | 955 | 40 | 0357 | 1 | 1074 | 595 | 55.40 |
| 090 BG 2 | 955 | 40 | 0357 | 2 | 1222 | 493 | 40.34 |
| 090 BG 3 | 955 | 40 | 0357 | 3 | 998 | 291 | 29.16 |
| 080 Tract 360 (pt.) | 955 | 40 | 0360 | | 0 | 0 | 0.00 |
| 090 BG 4 (pt.) | 955 | 40 | 0360 | 4 | 0 | 0 | 0.00 |
| EC ENTITLEMENT COMMUNITY TOTALS | | | | | 13599 | 6309 | 46.39 |

SOURCE: 1990 CENSUS SPECIAL TAB TAPE, STATE OF NEW YORK

DATE 05/18/93
PAGE 001

EVENING OBSERVER

April 9, 1997

Plan to close 4th Ward rail crossings abandoned after packed info session

By DOUG COY
OBSERVER Staff Writer

A proposal to close six railroad crossings in the 4th Ward of the city of Dunkirk has been dropped by the Norfolk Southern Corp.

The decision follows an informational meeting held Tuesday night at Dunkirk City Hall among railroad officials, local elected officials and members of the public.

About 60 people attended the session, the majority of whom were 4th Ward residents opposed to the plan, which would have closed crossings on King Street, Lincoln Avenue, and Lord, Hoyt, Nevins and Townsend streets.

After a session that lasted more than an hour, Bill Hughes, a manager with Norfolk Southern, said the railroad would drop its proposal.

"We're not going to push the issue," he said. "If you don't want it, we're not going to do it."

When asked directly by an audience member if the crossings would be closed, Mr. Hughes said, "The answer is no."

However, Mr. Hughes said that does not mean the railroad won't bring the issue up again in the future.

During a presentation on the proposal — termed the "Dunkirk Safety Corridor Project" — Mr. Hughes said safety reasons were behind the Norfolk Southern

CSX, Norfolk Southern reach plan for splitting up Conrail track lines

Page B6

plan.

While the railroad has the safest employee work record, it is among the worst for at-grade crossing accidents, Mr. Hughes said.

As a result, the railroad has proposed closing as many of its at-grade crossings as possible.

Mr. Hughes said this section of track was targeted because there are 9 crossings within 6/10ths of a mile.

"From a logistic standpoint, there's no need for that many crossings," he said.

However, residents expressed concerns over the safety of pedestrians — especially children — should the crossings be closed.

Police Chief John Yannie also cited similar concerns.

"I don't support the closing of those grade crossings," Chief Yannie said. "My concern is for the safety of kids in the area."

Fire Chief Mike Edwards also said he had "major

See CROSSINGS, Page A2

Crossings

Continued from Page 1

concerns" related to response times and water supply.

Another concern raised was that closing the six crossing would create traffic congestion at the remaining crossings.

The city council also went on the record opposed to the proposal.

"We have had several weeks of conversations with people on this issue," Councilman-at-large Frank Gawronski said. "There will be a resolution at our next meeting the answer is no."

Based on the concerns and opposition, Mr. Hughes said the proposal will be dropped at this time.

PLEASE TYPE

EMERGENCY

MOTION NO. 23-97

TITLE: OPPOSING NORFOLK SOUTHERN RAILROAD'S PROPOSAL TO CLOSE RAILROAD CROSSINGS
IN DUNKIRK

BY: Legstr. Tarnowski; & Legstr. Szot;

AT THE REQUEST OF:

WHEREAS, the Norfolk Southern Railroad has contacted the City of Dunkirk to propose the closing of a number of railroad crossings in the Fourth Ward, and

WHEREAS, a recent public meeting with residents made it clear that such closings present serious problems with health, safety and convenience of residents, and

WHEREAS, better alternatives should be examined by Norfolk Southern Railroad, such as relocation of the tracks, therefore

LET IT BE KNOWN, That the Chautauqua County Legislature here expresses its opposition to the closing of any railroad crossings by Norfolk Southern Railroad in the Fourth Ward of Dunkirk, it is therefore

MOVED, That the Clerk of the Legislature forward copies of this motion to the Mayor of Dunkirk and the Common Council, Senator Jess J. Present, Assemblyman William Parment, Assemblywoman Patricia McGee, and the NYS Department of Transportation

Charles L. Tarnowski

Ronald ASJ

EVENING OBSERVER

December 12, 1997

Three groups still have interest in School 6

By DOUG COY
OBSERVER Staff Writer

Three different groups have expressed interest in the vacant School 6 building, according to Dunkirk School Board President Robert Barlette.

During a board meeting on Tuesday, Mr. Barlette said the Northern Chautauqua Boys & Girls Club has an interest in leasing the facility, which closed in June.

The club is currently located in the Masonic Temple Building on Central Avenue.

On Thursday, the school board president said the Randolph Children's Academy is also interested in the building and is working to obtain a grant.

The board president said representatives of both the Boys & Girls Club and the Randolph Academy have toured the building.

Mr. Barlette also said Chautauqua Opportunities Inc. also has an interest but has not presented anything to the district in writing.

During a meeting in September, Superintendent

Terry Wolfenden said both the Randolph Academy and COI had made preliminary inquiries regarding the building.

The board of education decided to close School 6 last March in an effort to consolidate and possibly reconfigure the district's elementary schools.

A large number of parents and other residents opposed the move.

During Tuesday's meeting, the board was asked what will become of the "personal items" from the school, such as photographs and videotapes of events at the school.

Superintendent Wolfenden said she would schedule a meeting with the former School 6 PTO officers to discuss the matter, noting there has been discussion of donating some items to the Dunkirk Historical Society.

A parent also suggested some of the items also be donated to the Dunkirk Free Library so parents would have access to them.

EVENING OBSERVER

October 14, 1997

Resident asks for closer look at train speeds through city

By DOUG COY
OBSERVER Staff Writer

The speed of trains passing through the city of Dunkirk will receive some attention in the wake of a recent major derailment in the area.

A letter from Nevins Street resident Joseph Skubis asking city officials to look into the matter was received during a common council meeting last week.

In September, 39 cars on a Conrail train derailed just west of the city.

"In light of the recent train derailment, recent pedestrian-train accidents and the reported 43-year history of train derailments, I think it's time we take a look at the speed at which trains travel through our city," Mr. Skubis wrote.

The letter also noted a newspaper article on the recent derailment indicated trains carrying

flammable and toxic chemicals are passing through the city.

"Slowing down while passing through a city this size doesn't seem like too much to ask," Mr. Skubis wrote. "Will someone try asking?"

Police Chief John Yannie said there is a speed limit for trains on the books.

"We have a local law that sets the speed at 40 mph at grade crossings," he said.

However, enforcement of the speed limit for trains is not within the city's jurisdiction.

Chief Yannie said he has contacted railroad officials on the matter and they are willing to work with the city to address train speeds.

Councilman-at-large Frank Gawronski also asked Chief Yannie to consider using radar to check train speeds as they pass through the city.

RESOLUTION #58-97
New Business

W010624M
By ~~Entire Council~~:
Second by *Stroyle*

**IN SUPPORT OF RELOCATION OF
NORFOLK SOUTHERN TRACK FROM
THE FOURTH WARD TO THE ELEVATED
RAIL CORRIDOR**

RECEIVED
CITY CLERK'S OFFICE
NEW YORK, N.Y.
97 APR 15 PM 4:13

WHEREAS, the Norfolk Southern tracks that run through the Fourth Ward cause a number of safety and other problems for the residents, and

WHEREAS, after a recent public meeting with residents, Mayor Wuerstle has contacted various organizations for their support for a plan to relocate the tracks to the elevated rail corridor as a condition of the current merger plans, and

WHEREAS, a petition drive has begun in support of such relocation, and

WHEREAS, the Common Council supports a plan to relocate the tracks, now, therefore, be it

RESOLVED, that the Common Council hereby expresses its support for the relocation of the Norfolk Southern tracks that run through the Fourth Ward to the elevated corridor as a condition of the current merger. Such support, however, should take into consideration a plan to meet the needs of those companies presently using this service.

Carried, all voting aye.

EVENING OBSERVER

April 28, 1997

County legislator from Dunkirk lends support for plan to reroute rail traffic

By DOUG COY
OBSERVER Staff Writer

A local county legislator has announced he is on board with a plan to reroute the majority of railroad traffic out of the 4th Ward in the City of Dunkirk.

Chester L. Tarnowski, representative for Legislative District 3, has sent a letter to the Norfolk Southern Corp. supporting a plan to reroute the majority of its rail traffic through the city to the elevated Conrail line along Third Street.

"Nearly 15 years ago, I was appointed by then Mayor Edwin Gregoreski, to a committee to review the possibility of rerouting the Norfolk Southern traffic to the Conrail corridor to the north," Mr. Tarnowski stated in his letter.

"This proposition would nearly eliminate all main-line traffic with the exception of delivery spurs to local industry... I have included a sketch which was presented 15 years ago by Conrail indicating the proposed interconnection of Norfolk Southern and Conrail alignments."

Mr. Tarnowski noted in his letter that a similar relocation project is being considered in Erie, Pa.

The city is currently organizing a campaign to have the rail traffic rerouted. It includes an ongoing petition drive.

Mayor Margaret Wuerstle said merger talks between

Chester Tarnowski, representative for Legislative District 3, has sent a letter to the Norfolk Southern Corp. supporting a plan to reroute the majority of its rail traffic through the city to the elevated Conrail line along Third Street.

CSX and Norfolk Southern that include the takeover of Conrail lines may provide an opportunity to accomplish the goal.

Norfolk Southern had proposed closing six at-grade rail crossings in the 4th Ward. Railroad officials cited safety concerns as the reason for the proposal.

However, the plan was dropped earlier this month based on opposition from 4th Ward residents. The plan was also opposed by Police Chief John Yannie and Fire Chief Mike Edwards.

Concerns over pedestrian safety and emergency response times were among the issues.

Mayor Wuerstle said the city plans to use the safety information presented by Norfolk Southern along with the petitions it gathers in its proposal to reroute the traffic. The city council recently passed a resolution in support of the plan to reroute train traffic

PETITION SUPPORTING RELOCATION OF RAILROAD LINES OUT OF THE FOURTH WARD

We, the undersigned, strongly urge that the Norfolk Southern railroad tracks that presently run through the Fourth Ward be relocated to the elevated track that runs through the downtown area, and that relocation of these tracks be made a condition of the proposed merger. We feel that such relocation will improve safety and will enhance the Fourth Ward.

| Name | Address |
|---------------------------|----------------------------------|
| <u>Richard A. Polaski</u> | <u>110 NEVINS ST DK</u> |
| <u>Frances Rycko</u> | <u>445 Nevins St.</u> |
| <u>Nank Belafair</u> | <u>51 N Martin St.</u> |
| <u>Michael J. Rhode</u> | <u>222 King St DK</u> |
| <u>J. M. Boss</u> | <u>677 J. Roberts DK</u> |
| <u>B. A. Campio</u> | <u>434 Swan St DK</u> |
| <u>Clement Polaski</u> | <u>418 Temple St.</u> |
| <u>Paul Bracken</u> | <u>414 Mallet Street DK</u> |
| <u>Edward Zaleski</u> | <u>820 Hall St. Dk.</u> |
| <u>Lamie Carlson</u> | <u>271 Lenox Ave.</u> |
| <u>Richard F. Butler</u> | <u>327 CANARY ST. DUNMIRE</u> |
| <u>Michael Kuchel</u> | <u>227 Maple, DK. N.Y.</u> |
| <u>Joe Szyganski</u> | <u>616 Brighton, DK. N.Y.</u> |
| <u>Donald B. Brown</u> | <u>406 Townsend DK N.Y.</u> |
| <u>Robert J. Sullivan</u> | <u>105 Spring St DK N.Y.</u> |
| <u>Arthur R. Co</u> | <u>249 Paul St. Dunmire N.Y.</u> |
| <u>Frances N. Dow</u> | <u>720 Washington Dunmire</u> |
| <u>Norma Cole</u> | <u>228 Kuggles St Est</u> |
| <u>Mary Lewis</u> | <u>Dunmire, N.Y.</u> |

STB

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187140

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April 13, 1998

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VIA OVERNIGHT MAIL

Surface Transportation Board
Office of the Secretary
The Honorable Vernon A. Williams
1925 K Street, N.W.
Washington, D.C. 20423



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

Dear Secretary Williams:

In accordance with the February 27, 1998 Decision No. 69 of the Surface Transportation Board in the captioned docket, enclosed for filing is AHSTA Chemicals Inc. comments on the Draft Environmental Impact Statement (ASHT-15). One original and twenty-six copies of the ASHT-15 pleading are enclosed. Please return the extra copy to us date-stamped in the enclosed self-addressed envelope. Copies of ASHT-15 are being served via first-class mail, postage prepaid, on the Honorable Jacob Leventhal, counsel for Applicants, and all parties of record.

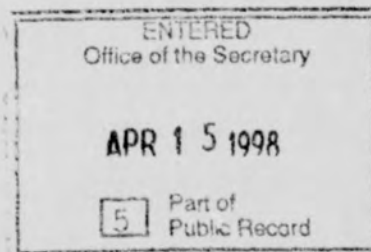
Very truly yours,

Inajo Davis Chappell
Inajo Davis Chappell

114/774486/D1

Enclosures

cc: All Parties on Official Service List (w/encl.)



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket No. 33388

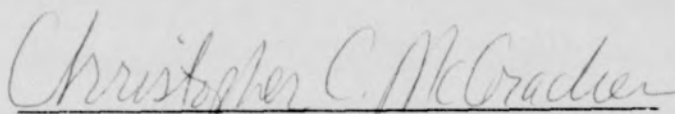


**CSX CORPORATION AND CST TRANSPORTATION, INC.
NORFOLK SOUTHERN CORPORATION AND
NORFOLK SOUTHERN RAILWAY COMPANY
--CONTROL AND OPERATING LEASES/AGREEMENTS--
CONRAIL INC. AND CONSOLIDATED RAIL CORPORATION**

**ASHTA CHEMICALS INC.
COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT**

Now comes ASHTA Chemicals Inc. by and through counsel and, pursuant to Decision No. 69 in the above-captioned matter, respectfully submits Comments on the Draft Environmental Impact Statement of the Section of Environmental Analysis.

Respectfully submitted,



**CHRISTOPHER C. MCCRACKEN, ESQ.
INAJO DAVIS CHAPPELL, ESQ.
ULMER & BERNE
1300 East Ninth Street, Suite 900
Cleveland, Ohio 44114
216-621-8400**

Attorneys for ASHTA Chemicals Inc.

COMMENT

I. INTRODUCTION

ASHTA Chemicals Inc. ("ASHTA") is an Ashtabula, Ohio-based manufacturer and shipper of sensitive chemical material classified as hazardous under applicable state and federal law. The present acquisition, if approved as proposed, would involve an increase in the rail shipment of this hazardous material from Ashtabula, Ohio to Buffalo, New York, where it would then be switched and rerouted back in the direction from which it came, and along to southern and western destinations throughout the United States. The mere identification of this route as having potentially significant environmental impacts requires heightened scrutiny by the Surface Transportation Board (the "Board") relative to ASHTA's concerns and its request for relief. Indeed, one of the reasons underlying ASHTA's request for conditions concerned public safety and the hazards posed by increased traffic of chemical products inefficiently transported on this rail segment.¹

As discussed in ASHT-11, the circuitous routing of hazardous material threatens the public interest by needlessly increasing the amount of hazardous material transported by rail. Indeed, this material could be shipped more safely and more efficiently to its southern and western

¹The Draft Environmental Impact Statement ("EIS"), inclusive of the Additional Environmental Information set forth in this Board's February 27, 1998 Decision No. 69 ("Decision No. 69"), identifies the Ashtabula, Ohio -- Buffalo, New York line ("N-070") along which these hazardous materials would be shipped northward as a key route, a major key route, and a segment with potential hazardous material transport impacts on minority and low-income populations, thus requiring mitigation strategies. EIS Volume 3B, Ch. 5-OH, Tables 5-OH-1 and 5-OH-10; Decision No. 69 at p. 4. Specifically, N-070 is expected to see an increase from 8,000 to 26,000 hazardous material carloads shipped upon it annually, a greater than three-fold increase. EIS Volume 3B, Ch. 5-OH, Table 5-OH-10. N-070 is also expected to see an estimated change in years between accidents from one every 349 years pre-Acquisition to one every 175 years post-Acquisition. EIS Volume 3B, Ch. 5-OH, Table 5-OH-6.

destinations via a direct rail route, rather than up to and back from Buffalo. ASHTA requested this Board to condition approval of the present transaction upon Applicants' implementation of an existing switch in the West Yard area of Ashtabula, Ohio, so that ASHTA and any other captive shippers of chemical product in the Ashtabula, Ohio area may ship their products more directly and hence more safely to ultimate southern and western destinations.

In light of the recent identification of the N-070 line as a route having significant environmental impacts, this Board has a duty to consider the impacts identified, fashion an appropriate remedy, and to mitigate the environmental harm posed by the transaction. In so doing, it would be impossible for this Board to issue a Final Environmental Impact Statement (the "Final EIS") on May 1, 1998. Because of the gravity of the environmental issues involved, the deliberative process undertaken by this Board in considering the impacts to public safety must not be hurried. Comments on the Additional Environmental Information set forth in Decision No. 69 are due April 15, 1998 with the Board scheduled to issue the Final EIS on May 1, 1998. Three (3) weeks does not give the Board adequate time to review, analyze and ameliorate the environmental effects. Therefore, ASHTA hereby underscores the need for careful review of the identified harmful environmental impacts, and requests that this Board pause to examine and redress each such adverse impact. The Board must not rush to bring closure to these issues, but must allow itself an opportunity for a thorough and deliberate environmental review process.

II. DISCUSSION

The Board should mitigate against the environmental impacts along the N-070 rail line by conditioning approval of the proposed transaction upon the implementation of a reciprocal switching arrangement or other competitive access remedy in the West Yard. Two primary

considerations compel this conclusion: first, switching is an appropriate mitigation strategy which will reduce the risk of hazardous material incidents; and second, reciprocal switching should be ordered by the Board, because no other meaningful mitigation strategies have been identified that would reduce the amount of hazardous material transport in a practical and feasible manner.

A. Reciprocal switching is an appropriate mitigation measure which will reduce the risk of hazardous material incidents.

Reciprocal switching in the West Yard area of Ashtabula, Ohio is an appropriate mitigation measure. Switching will allow captive shippers in the area to route hazardous material product more directly to its southern and western destinations. This, in turn, will reduce the risk of hazardous material incidents.

That reduced rail transport of hazardous material reduces the risk of hazardous material incidents is beyond dispute. Indeed, throughout the EIS, the Section of Environmental Analysis ("SEA") appears to affirm this fact, observing that even a one percent decrease in "car miles per day of cars carrying hazardous material . . . should result in a . . . decrease in hazardous material releases from derailments." EIS, Volume 1, Ch. 4, Section 4.5, p. 4-21. Likewise, in the EIS Executive Summary, p. ES-19, the SEA acknowledges that "one percent fewer rail car-miles of hazardous materials [] should result in a . . . decrease in hazardous materials releases due to derailments."

Moreover, the methodology employed by the SEA in identifying key routes, major key routes, and segments having potential impacts upon minority and low-income populations due to hazardous material transport implicitly recognizes the axiomatic fact that less hazardous material transport results in less hazardous material incidents. Indeed, routes are identified as "key" and

"major key" routes which require mitigation because of an expected increase in the amount of hazardous materials transport thereon:

SEA applied two different criteria to determine if the effects of rerouting hazardous material car load are potentially significant:

1. The volume of hazardous material transported on a rail line would be 10,000 or more car loads per year. The Acquisition-related change in volume of hazardous material car loads would upgrade a rail line segment to a key route designation.
2. The volume of hazardous material car loads doubles, and exceeds 20,000 or more car loads per year. SEA has termed rail line segments [sic] which meet these criteria as a "major key route."

Rail line segments that meet the first criteria are considered "key routes" and warrant the base level mitigation. Rail line segments that meet the second criteria are considered "major key routes" and warrant expanded mitigation See Volume 3B, Volume 5-OH, pp. 29 (emphasis added). Stated more concisely:

SEA considered the rerouting of hazardous material car loads to be potentially significant if the change in volume would make a rail line segment a key route post-Acquisition although pre-Acquisition volume did not warrant key route designation.

Volume 1, Ch. 4, Section 4.5, p. 4-16.² Likewise, in assessing environmental justice impacts of the proposed Acquisition, the SEA recognized "a broad range of potential health and environmental effects . . . including effects on safety [and] hazardous materials transport [that] might result from . . . increases and decreases in rail traffic." Vol. 1, Ch.3, Section 3.17.1, p.3-48. The SEA's analysis, itself, requires action to mitigate the likely environmental harms.

²See also Volume 1, Ch.4, Section 4.5, p. 4-16 (explaining key and major key route designations); Volume 3B, Ch. 5-OH, pp. 28-29 (same).

Clearly, the foregoing recognizes that a reduction in hazardous material transport will decrease the amount of hazardous material incidents. The SEA's identification of N-070 as a route warranting hazardous material transport mitigation measures therefore justifies heightened Board scrutiny of the proposed Acquisition. Because a reciprocal switch in the West Yard area will allow more direct routing of hazardous material, it is an appropriate and necessary mitigation measure, and the Board should condition its approval of the proposed transaction on the implementation of such a switch.

Because the N-070 Route has been identified as likely to experience an increase in hazardous material traffic, it is incumbent on this Board to take steps to reduce the volume of hazardous material traffic on this N-070 rail line. Since a decrease in the volume and density of hazardous material transport on N-070 will reduce the risk of hazardous material incidents, and reciprocal switching in the West Yard will allow direct routing of more than 1/3 of the hazardous material product shipped annually by ASHTA out of Ashtabula, the Board should be compelled to implement reciprocal switching as an mitigation measure.

B. The Board should order reciprocal switching conditions because the need for and possibility of reducing hazardous material transportation has not been adequately addressed.

There is an acute need for Board-ordered conditions in this proposed transaction. Applicants, in their Safety Integration Plans, have failed to acknowledge the fact that decreased hazardous materials traffic will decrease the risk of hazardous material incidents. More importantly, direct routing has not been identified as a possible mitigation strategy in the portions of their Safety Integration Plans relating to hazardous materials.

Applicants' silence with respect to the need for direct routing is not surprising. Despite all the arguments about the operating efficiencies to be yielded if the transaction is approved, it is clear that efficiency, safety and protection of the environment are issues not fully being addressed. Applicants have no incentive, and clearly are not inclined, to take any measures which would reduce the amount of hazardous material transport.³ The Board should step in and order the mitigation measures and remedial conditions necessary to achieve direct routing and a reduction in risk of harm to the public and environment.

Safety-related reciprocal switching cannot be opposed on grounds that it is not feasible. See ASHT-11 at 6, 21, 24. Indeed, a usable switch already exists in the West Yard. ASHT-11 at pp. 6. Any argument that switching in the West Yard area is not feasible therefore fails. Reciprocal switching predicated on mitigating environmental impacts should be ordered by this Board given the findings of the SEA. Any argument that there is no basis for such a remedy is specious. The claim that ASHTA's chemical product was shipped along N-070 pre-acquisition and, therefore, that there is no harm flowing from the transaction simply fails. Such an argument is simplistic, and ignores the fact that the proposed acquisition will radically change the N-070 rail line as well as hazardous material traffic throughout the United States. As the SEA itself has warned:

As a result of the proposed Conrail Acquisition, the railroads would change the routing of many car loads of hazardous material. The designation of key routes would change as the railroads shift hazardous material traffic from one rail line to another.

³Both NS and CSX have refused to commit to a switching arrangement in the West Yard area which would make direct routing of hazardous materials possible. See ASHT-11, at p. 7.

Draft EIS, Volume 3b, Ch. 5-OH, p. OH-29.

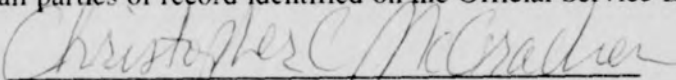
Indeed, the very route at issue, N-070, is expected to see an increase from 8,000 to 26,000 hazardous material carloads shipped upon it annually, a greater than three-fold increase. EIS Volume 3B, Ch. 5-OH, Table 5-OH-10. N-070 is also expected to see an estimated change in years between accidents from one every 349 years pre-Acquisition to one every 175 years post-Acquisition. EIS Volume 3B, Ch. 5-OH, Tables 5-OH-6. Thus, any argument against the imposition of safety-related switching conditions to mitigate against the environmental impacts is untenable.

CONCLUSION

For all of the foregoing reasons, ASHTA respectfully requests that the Board order remediation of the environmental impacts on N-070 by conditioning approval of the proposed transaction on the establishment of a reciprocal switching arrangement or other competitive access remedy at the West Yard in Ashtabula, Ohio and at other feasible locations along the N-070 rail line.

CERTIFICATE OF SERVICE

I hereby certify that copies of ASHTA Chemicals Inc. Comments on the Draft Environmental Impact Statement (ASHT-11) have been served this 14th day of April, 1998, by first-class mail, postage prepaid on the Honorable Jacob Leventhal, all Counsel of Record in Finance Docket No. 33388, and on all parties of record identified on the Official Service List.



CHRISTOPHER C. MCCRACKEN, ESQ.

One of the Attorneys for ASHTA Chemicals Inc.

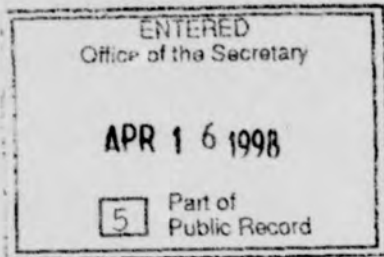
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BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 33388



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

RESPONSIVE COMMENTS SUBMITTED ON BEHALF OF
THE OHIO ATTORNEY GENERAL,
OHIO RAIL DEVELOPMENT COMMISSION AND
THE PUBLIC UTILITIES COMMISSION OF OHIO
TO STB DECISION NO. 69

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DATED: APRIL 15, 1998

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BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 33388

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

RESPONSIVE COMMENTS SUBMITTED ON BEHALF OF
THE OHIO ATTORNEY GENERAL,
OHIO RAIL DEVELOPMENT COMMISSION AND
THE PUBLIC UTILITIES COMMISSION OF OHIO
TO STB DECISION NO. 69

On February 27, 1998, the Section of Environmental Analysis (SEA) of the Surface Transportation Board (STB) issued a supplement to its December 12, 1997, Draft Environmental Impact Statement (DEIS). The supplement provided information about significant increases in the amount of hazardous materials that would move on select corridors after the acquisition of Conrail by Norfolk Southern and CSX. To ensure that affected parties would have an opportunity to comment on the new information, SEA provided a 45 day comment period with a deadline of April 15, 1998. The Ohio Attorney General (OAG), the Ohio Rail Development Commission (ORDC) and the Public Utilities Commission of Ohio (PUCO) (collectively Ohio) join in filing this response to Decision No. 69.

The supplemental information identifies three rail routes in Ohio traversing with eight Ohio counties as having potential hazardous materials safety impacts that could warrant mitigation measures. The rail lines in question and the Ohio counties they traverse are listed below:

| RAIL LINE SEGMENT | OHIO COUNTIES AFFECTED |
|---|---------------------------------------|
| CSX Cabin, KY (Portsmouth/New Boston, OH) to Columbus | Scioto, Pike Ross, Pickaway, Franklin |
| CSX Deshler, OH to Toledo | Henry, Wood |
| NS Ashtabula, OH to Buffalo | Ashtabula |

Notices were sent to the Emergency Management Agencies of the eight affected Ohio counties advising them of the potential increases in hazmat traffic. Emergency management personnel from four of the eight counties (Franklin, Pike, Henry and Ross Counties) and Commissioners from one county (Ross County) responded. The comments heard from the local emergency management personnel and County Commissioners have been very useful in helping Ohio develop the comments herein.

GENERAL COMMENTS

Need for NS and CSX to Better Coordinate with Local Emergency Response Officials

The information SEA provided raises an issue about the overall scope of the DEIS and Final EIS in regard to hazardous materials. The carload information, while valuable to know, raises many questions which the data supplied does not answer.

What hazardous commodities are moving in communities now? Some Ohio counties are having difficulty coordinating with

rail carriers about what is moving through their communities now even before levels of hazardous material traffic are projected to increase significantly.

What hazardous commodities will be carried after the Conrail sale? Many commodities are hazardous but some much more than others. Community concern, and more importantly community preparedness, require that local emergency agencies should be informed as to what might be passing through communities as a result of the Conrail transaction.

What will be done with the rail cars while they are in the community? Communities need to understand whether the hazmat cars are merely passing through or whether they will be spotted at local industries or switched in local yards. The more hazmat cars are handled within a community the more chance a local emergency response may one day be required.

With the thousands of communities which will experience a significant increase in hazardous materials traffic by rail, the need for effective coordination with CSX and NS will grow tremendously. The need to communicate effectively will require both CSX and NS to significantly increase their efforts to coordinate with local emergency response officials. In addition, CSX and NS and local officials will not only need to talk more about what hazmat is moving by rail, they will also need more coordination for essential training in emergency responses to meet new challenges. The concern arising from moving more hazmat through communities is not restricted to "how much more" but also

extends to the need for preparedness by all involved to deal with the specific challenges each different hazardous materials might present.

The potential issues NS and CSX need to deal with on the Ohio corridors are representative of the general problem outlined above. Communities long the Desher to Toledo line of CSX, which now see only 365 hazmat cars go by each year, could have a significant learning curve in getting prepared for the projected additional 13,635 annual carloads of hazmat that will be passing through the area. Similarly, communities on the CSX Columbus to Cabin rail line will face the challenge of an additional 6,000 carloads of hazmat (in excess of the current 4,000 carloads per year) while those along the NS line between Ashtabula and Buffalo will face an 18,000 carload increase (in excess to the current 8,000 carloads per year).

Ohio urges the STB to require that NS and CSX invest sufficient effort and resources to adequately support local emergency response agencies in meeting substantially increased responsibility that will be caused by transaction related increases in movements of hazmat by rail.

in the amount of hazmat being moved by rail.

Need for STB Continued Involvement in Hazmat Issues

The amount of work faced by all concerned parties in regard to environmental issues is truly astounding. The task of assessing the possible environmental impacts of a rail

transaction encompassing the entire eastern United States is monumental.

The magnitude of the environmental issues at hand does not lend itself to one time evaluation and solution. It is clear that railroad personnel and emergency response personnel will be uncovering many more issues and finding added dimensions to the issues that are already on the table.

If ever there was an area that required periodic review, it is the ongoing progress in addressing preparedness for possible hazmat incidents. Ohio urges the STB to retain jurisdiction over the area of transaction related hazmat accident preparedness to ensure that the applicants effectively deal with significant increases in hazmat carloadings.

ASHTA CHEMICAL HAZMAT MOVES

One of the corridors which will witness an increase in hazmat materials is the Ashtabula to Buffalo corridor to be acquired by CSX. SEA expressed concern that the impacts to low income and minority residents which would result when the number of hazmat cars increased from 8,000 to 26,000 in this corridor had not been adequately evaluated.

Ohio believes that a large part of the projected increase in the number of hazmat cars moving on this corridor results from the double handling of rail cars by CSX. ASHTA Chemicals of Ashtabula, OH, reports that CSX plans to move ASHTA hazmat chemical traffic bound for south and west of Ashtabula east to Buffalo first, and then back down through Ashtabula on

its way to its final destination. This Ashtabula to Buffalo to Ashtabula movement doubles the amount of ASHTA hazmat on the line.

Ohio urges the SEA and STB to consider the wisdom of earlier requests of ASHTA and Ohio to allow ASHTA to pay for a reciprocal NS switch in the West Yard in Ashtabula so that NS could carry traffic directly south and west without any increase to the amount of hazmat carried in the Ashtabula to Buffalo corridor.

CONCLUSION

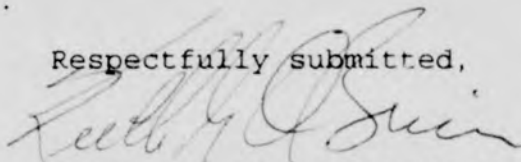
As appropriate in connection with the additional Ohio line segments found to have a substantial potential for serious hazardous materials transportation safety impacts, Ohio renews the recommendations in its February 2 filing. Specifically:

Joint Applicants should be required to expand current employee and public emergency response training and to report annually for the next five years regarding the frequency and nature of classes conducted and persons trained. In addition, the Joint Applicants should be required to fund equipment purchases, travel and tuition expenses for advanced training, and the costs associated with development and implementation of community emergency response plans for public agency emergency responders which will be necessitated by substantial increases in hazardous materials traffic over specific routes. Given the heavy volumes of hazardous material train traffic that certain Ohio rail segments will experience and the fact that many areas

must rely upon volunteer emergency services, requiring such funding by the Board will provide an essential supplement to minimal local resources that are available and is critical to ensure the availability of effective response to emergencies.

Adequate sanctions should be established for patterns of violations on both key and major key routes. As a condition to approval of the Acquisition, the Applicants should be subject to continuing Board oversight for a period of not less than five years and the Board should urge development of specific monetary sanctions for patterns of violations of key route and major key route conditions established by the Board. Money raised by these payments should be set aside to fund community emergency response training and equipment grants. And, finally, the Board should act to minimize hazmat carloads over the Ashtabula-Buffalo line segment by providing ASHTA Chemical its requested reciprocal switch in the public interest.

Respectfully submitted,



THOMAS M. O'LEARY
Executive Director
Ohio Rail Development
Commission
50 West Broad St., 3rd Floor
Columbus, OH 43216
(614) 644-0306
FAX: (614)-728-4520

ALFRED P. AGLER
Director of Transportation
Division
Public Utilities Commission
of Ohio
180 East Broad St, 5th Floor
Columbus, OH 43215-3793

**ATTORNEYS FOR STATE OF OHIO
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Assistant Attorneys General
Antitrust Section
30 East Broad Street, 18th Floor
Columbus, OH 43266-0410
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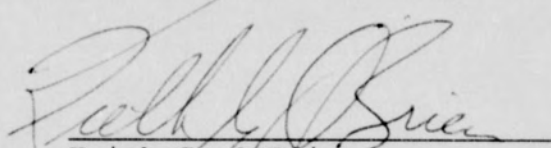
KEITH G. O'BRIEN
JOHN D. HEFFNER
ROBERT A. WIMBISH
Rea, Cross & Auchincloss
1707 L Street, NW
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(202) 785-3700
FAX: (202) 659-4934

ALAN H. KLODELL
Assistant Attorney General
for Ohio Rail Development
Commission
37 West Broad Street
Columbus, OH 43216
(614) 466-3036
FAX: (614) 466-1756

DATED: April 15, 1998

CERTIFICATE OF SERVICE

I hereby certify that I have this 15th day of April, 1998, served the foregoing Responsive Comments of the Ohio Attorney General, the Ohio Rail Development Commission and the Public Utilities Commission of Ohio upon all parties of record by first class mail, properly addressed with postage prepaid.


Keith G. O'Brien

STB

FD-33388

4-14-98

K

ID-PUBLIC

William J. Fairbanks

845 Winchester Drive
Reno, Nv. 89506



April 06, 1998

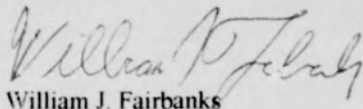
U.S. Surface Transportation Board
Office of the Secretary, Case Control Unit --Room 715
Finance Docket No. 32760 Surface Transportation Bd.
1925 K Street NW, Washington D.C. 20423-0001
Attn.: Elaine K. Kaiser Chief
Section of Environmental Analysis

**ENVIRONMENTAL
DOCUMENT**

Ms. Kaiser,

As both a resident of Reno, Nv. and a customer of the Union Pacific Railroad, I feel that I can appreciate both sides of the debate between Reno and the Union Pacific. The Union Pacific tracks run through a downtown area, a business and tourist area. Hotels border the tracks. I feel that ground level or exposed railroad tracks do not belong in this area. Railroad tracks do not run along Pennsylvania Ave., in front of the Capitol Building or behind the White House. Why should Reno have to put up with the noise, pollution, and vehicle and pedestrian disruptions. I urge you to apply the standards the Surface Transportation Board uses in other areas. I also urge that at a minimum, the railroad be required to move the tracks below grade or, better yet, move them completely out of the downtown area. I also feel that the railroad should be responsible for all the costs incurred in moving the tracks.

Sincerely yours,


William J. Fairbanks

**ENVIRONMENTAL
DOCUMENT**



**OFFICE OF THE SECRETARY
Case Control Unit
STB Finance Docket No. 33388
SURFACE TRANSPORTATION BOARD
1925 K Street, NW
Washington, DC 20423-0001**

Attention: ELAINE K. KAISER, Chief
Section of Environmental Analysis
ENVIRONMENTAL FILING



Christine Kremer
492 Abbyshire Drive
Berea, Ohio 44017
(440) 234-1261

April 9, 1998

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

Re: Proposed Conrail Merger

Dear Ms. Kaiser:

On April 7, 1998, a meeting of the residents of Berea who are directly affected by the proposed merger of the railroads, took place. At that meeting, it was determined that all of the residents are opposed to the merger and the increase in train traffic it will entail. Our homes are directly affected by the drastic increase in train traffic. Our homes are located extremely close to the Railroad tracks, some as close as 25 feet. In addition to the adverse effect on our quality of life and the safety of our children, our property values will also decrease significantly.

Although this is not a new rail construction, it is certainly an extreme departure from our existing conditions. The proposed merger will greatly effect our lives. According to the Application filed, the train traffic on the tracks at the present time is 14.5 trains per day. If the merger is approved we will see an increase to over 54 trains per day, nearly a 300% increase. In the Draft Environmental Impact Study, it was stated that an increase of 8 trains was significant. In our situation, we are looking at an increase of 40 trains per day. Additionally, the average length of the trains will increase from 5,600 feet to 6,000 feet.

We all knew of the trains when we purchased our homes, and at 14 a day, we enjoyed them. However, such a drastic increase in train traffic is not enjoyable. Our homes literally shake when the trains rumble past. It is impossible to watch television, talk on the telephone or enjoy an outdoor conversation when the trains are passing. Again, at 14 trains a day, this was not a major annoyance. However, when that number is increased nearly four times its present number, to more than fifty trains per day passing through our community, our quality of life is destroyed. The only way to escape the racket will be to

soundproof our homes, lock ourselves inside, and hide out. This is not an acceptable solution.

Our street consists mostly of either young families with children or elderly people on fixed incomes. We all enjoy being outdoors. There are always children playing and neighbors sitting in their yards, socializing. The merger will no longer allow us to enjoy these outdoor activities, or our lives here in Berea, Ohio.

Our first demand would be that the merger not be approved. The impact on our homes from the noise and the pollution alone will be intolerable. Our standard of living will change drastically due to the increase in train traffic.

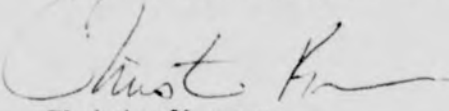
However, in the event the merger is approved, we would insist that our homes be purchased from us for fair market value and our families be relocated. The increase in revenues anticipated by the merger would more than cover the cost of relocating our families, approximately 60 families altogether, with about 30 having the railroad tracks in their backyards. Our homes are approximately 40 years old. For the most part, our homes are poorly insulated and most still have the original windows, including a beautiful "Wall of Windows," in each home. To soundproof these homes would be a monumental task.

We would encourage you or a representative to personally come to Berea, Ohio and see our situation in person. We would be more than willing to show you our homes. We firmly believe you would agree that the proposed merger will have a significant negative impact on our lives.

We will gladly provide you with any additional information necessary regarding our position concerning this merger.

Thank you for considering our comments and concerns.

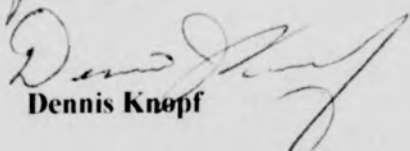
Sincerely,
Representatives of Abbyshire Drive, Berea, Ohio



Christine Kremer



Jan Yarrow



Dennis Knopf

cc: George Voinovich, Governor of the State of Ohio
Dennis Kucinich, U.S. Congress
Stanley Trupo, Mayor of the City of Berea
Dan Folino, Council Representative for Abbyshire Drive
City Council of the City of Berea

STB

FD-33388

4-10-98

K

ID-PUBLIC

ENVIRONMENTAL
DOCUMENT



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,

Christina J. Jordan

March 30, 1998

ENVIRONMENTAL DOCUMENT



Elaine K. Kaiser
Environmental Project Director
Section of Environmental Analysis
Surface Transportation Board
ATTN: STB Finance Docket No. 33388
1925 K Street, N. W.
Washington, D. C. 20423-0001

RE: Finance Docket No. 33388 CSX Corporation and
Norfolk Southern Railway company -- Control and
Operating Leases/Agreements -- Conrail, Inc.

Dear Ms. Kaiser:

I am writing to inform you of the serious problems that my community faces because of the excessive levels of local railroad traffic.

I have been a resident of Hammond for thirteen years. Unfortunately, my community is suffering from the significant levels of railroad traffic moving through the area. Our roads are clogged, our air quality suffers, and the safety of residents and children are being put in great jeopardy.

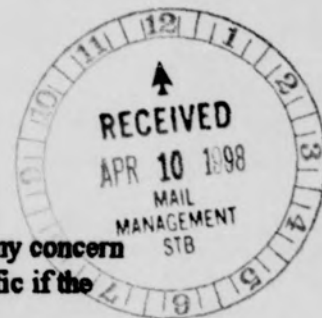
I understand that the railroads plan to increase operations in northwest Indiana. Such increases should be opposed. We are already suffering enough from the existing high levels of railroad traffic, and we cannot stand any further increases.

You must take action to ensure that northwest Indiana is protected from further harm as a result of additional railroad operations. Thank you for your consideration of this letter.

Sincerely,

Philip J. Merhalski

ENVIRONMENTAL
DOCUMENT



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.

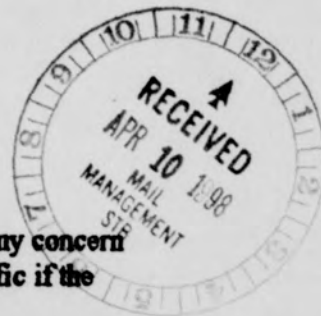
Please, as the only agency with the authority to require CSX to build a grade separation, I ask you on behalf of our town to help us.

Sincerely,

Harry R. Sorg

*P.S. The Present Level of Train Traffic
already Causes more Than enough Hazzard's
and Traffic Tie-ups.*

ENVIRONMENTAL
DOCUMENT



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,

Phyllis Mosher

ENVIRONMENTAL
DOCUMENT



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,

David Joyce Scott
Joyce Scott

ENVIRONMENTAL
DOCUMENT

Dear Ms. Kaiser,

April 6, 98

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,

Bright Holt
Elaine Holt
49450 Austin Rd
Wellington Oh 44090

STB

FD-33388

4-10-98

K

ID-CITIES

CITY OF WHITING

OFFICE OF

Chris Sarvanidis
Councilman 1st District



WHITING, INDIANA 46394

PHONE

219-659-7700



March 23, 1998

ENVIRONMENTAL
DOCUMENT

Elaine K. Kaiser
Environmental Project Director
Section of Environmental Analysis
Surface Transportation Board
Attn: STB Finance Docket No. 33388
1925 K Street
Washington, D. C. 20423-0001

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

Dear Ms. Kaiser:

I am writing to inform you of the serious problems that Northwest Indiana and the Whiting community face because of the excessive levels of local railroad traffic.

I have been a resident of Whiting all my life and am currently the elected mayor. Unfortunately, the Whiting community is suffering from the significant levels of railroad traffic moving through the area. Our area roads are clogged, our air quality suffers, and the safety of residents and children are being put in great jeopardy each day this situation continues. On February 8, 1998, two young men were killed when their pick-up truck was hit by a moving railroad train at a crossing in the city of Hammond.

I understand that the railroads plan to increase operations in northwest Indiana as a result of a proposed merger of CSX Corporation and Norfolk Southern Railway Company. These increases should be opposed. Northwest Indiana is already suffering enough from the existing high levels of railroad traffic. We cannot stand any further increases.

You must take action to ensure that northwest Indiana is protected from the impacts and further harm as a result of additional railroad operations caused by such a merger. Thank you for your consideration of this letter.

Sincerely,

Chris Sarvanidis
Councilman 1st District
City of Whiting

CS:mr

CITY OF WHITING

OFFICE OF

Joseph Stahura
Councilman At Large



WHITING, INDIANA 46394

PHONE:

219-659-7700

FAX: 219-473-4452



March 23, 1998

ENVIRONMENTAL
DOCUMENT

Elaine K. Kaiser
Environmental Project Director
Section of Environmental Analysis
Surface Transportation Board
Attn: STB Finance Docket No. 33388
1925 K Street
Washington, D. C. 20423-0001

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

Dear Ms. Kaiser:

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You must take action to ensure that northwest Indiana is protected from the impacts and further harm as a result of additional railroad operations caused by such a merger. Thank you for your consideration of this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joseph Stahura".

Joseph Stahura
Councilman At Large
City of Whiting

JS:mr

STB

FD-33388

4-8-98

K

ID-PUBLIC

ENVIRONMENTAL DOCUMENT

March 18, 1998

Elaine K. Kaiser
Environmental Project Director
Section of Environmental Analysis
Surface Transportation Board
Attn: STB Finance Docket No. 33388
1925 K Street, N.W.
Washington, D.C. 20423-0001



Re: Finance Docket No. 33388 CSX Corporation & Norfolk Southern Railway Company
- Control and Operating Leases/Agreements - Contrail, Inc.

Dear Ms. Kaiser:

I am writing to inform you of the serious problems that the City of Hammond, Indiana faces because of the excessive levels of local railroad traffic.

I have been a resident of Hammond for 52 years. Unfortunately, my community is suffering from the significant levels of railroad traffic moving through the area. Our roads are clogged, our air quality suffers, and the safety of residents and children are being put in great jeopardy. On February 8, 1998, two young men were killed when their pick-up truck was hit by a moving railroad train at a crossing in Hammond.

I understand that the railroads plan to increase their operations in Northwest Indiana. I oppose these increases. We are already suffering enough from the existing high levels of railroad traffic, and we cannot stand any further increases.

Please take action to ensure that Northwest Indiana, and Hammond, is protected from further harm as a result of additional railroad operations. Thank you for your consideration of this letter. I would also appreciate a written reply to my concerns.

Sincerely,

Ronald L. Novak
43 Lawndale
Hammond, Indiana 46324

ENVIRONMENTAL
DOCUMENT



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,

Nancy Stouffer

ENVIRONMENTAL
DOCUMENT



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.

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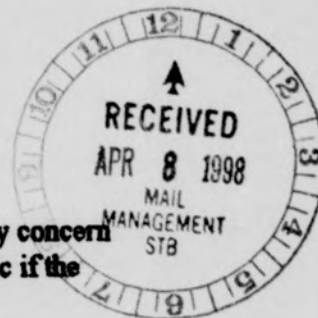
Please, as the only agency with the authority to require CSX to build a grade separation, I ask you on behalf of our town to help us.

Sincerely,

Beulah Trnsik

*My Children and grand children
do everything from work - school -
sports in Wellington. Please
help stop the trains. I'm sure
if the trains were upped 400% in
your town you wouldn't want them.
I ask no more.*

ENVIRONMENTAL
DOCUMENT



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.

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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,

Edith Cottrell

ENVIRONMENTAL
DOCUMENT



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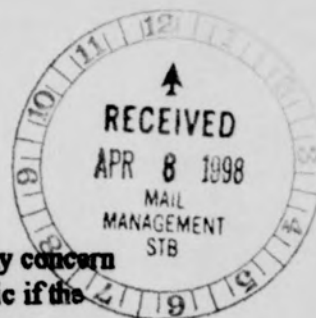
Sincerely,

Harry R. Lee, Jr.



Mr. Harry Lee, Jr.
264 Grand Ave.
Wellington, OH 44090-1330

ENVIRONMENTAL
DOCUMENT



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.

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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,

Leresa Bumpf
180 East St
Wellington, Ohio

ENVIRONMENTAL
DOCUMENT



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.

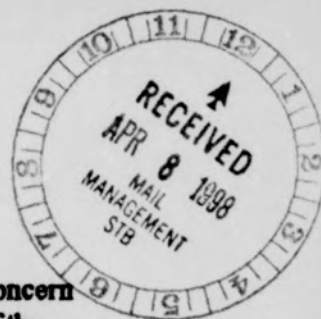
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Please, as the only agency with the authority to require CSX to build a grade separation, I ask you on behalf of our town to help us.

Sincerely,

Virginia Guitas

ENVIRONMENTAL
DOCUMENT



Dear Ms. Kaiser,

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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,

Ruth P. Lent

STB

FD-33388

4-8-98

K

ID-CITIES



TWIN CITY COMMUNITY SERVICES

3550 PENNSYLVANIA AVE., P.O. BOX 3189
EAST CHICAGO, INDIANA 46312
(219) 397-7924 FAX (219) 391-8425

OFFICERS:

President

MARY MORRIS LEONARD*

President Elect

REV. JAMES HUNTER*

1st Vice President

CHUCK O'DONNELL*

2nd Vice President

FRED OLIVARRI*

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DELORES WILLIAMS

Executive Director

THOMAS McMULLEN

EXECUTIVE COMMITTEE

ENVIRONMENTAL DOCUMENT

April 6, 1998



Elaine K. Kaiser
Environmental Project Director
Section of Environmental Analysis
Surface Transportation Board
ATTN: STB Finance Docket No. 33388
1925 K. Street, N.W.
Washington, D.C. 20423-0001

RE: Finance Docket No. 33388 CSX Corporation and
Norfolk Southern Railway Company - Control and
Operating Leases/Agreements - Conrail Inc.

Dear Ms. Kaiser:

I am writing to inform you of the serious problems that my community faces because of the excessive levels of local railroad traffic.

I have been a resident of East Chicago, Indiana for nine years. Unfortunately, my community is suffering from the significant levels of railroad traffic moving through the area. Our roads are clogged, our air quality suffers, and the safety of residents and children are being put in great jeopardy. On February 8, 1998, two young men were killed when their pick-up truck was hit by a moving railroad train at a crossing in Hammond.

I understand that the railroads plan to increase operations in Northwest Indiana. Such increases should be opposed. We are already suffering enough from the existing high levels of railroad traffic, and we cannot stand any further increases.

You must take action to ensure that northwest Indiana is protected from further harm as a result of additional railroad operations. Thank you for your consideration of this letter.

Sincerely,

Thomas McMullen

Thanks to you
It's working



The United Way

"A Cooperative Project of the City of East Chicago and Lake Area United Way"



STB

FD-33388

4-7-98

K

ID-FEDS

United States
Department of
Agriculture

Natural Resources
Conservation
Service

Suite 340
One Credit Union Place
Harrisburg, PA 17110-2993

ENVIRONMENTAL
DOCUMENT

April 1, 1998

RE: Proposed Conrail Acquisition
Finance Docket No. 33388
Norfolk Southern Mitigation Proposal for Erie, Pa.



TO: Elaine Kaiser
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-00012

As requested by Jason Gillespie of HDR Engineering, I have reviewed the material provided on the mitigation site in Erie, PA.

The proposed site is in an area already converted to non-agricultural use and is not subject to the Farmland Protection Policy Act.

Contact me at (717) 237-2216 if you need more information.

A handwritten signature in cursive script that reads "Barry Frantz".

Barry Frantz
Soil Conservationist

cc: Jason Gillespie, HDR Engineering, Charlotte, NC

STB FD-33388

4-7-98

K

ID-CITIES

ENVIRONMENTAL
DOCUMENT

OFFICE OF

Rudolph Wunder
Councilman At Large

CITY OF WHITING



WHITING, INDIANA 46394

PHONE

219-659-7700

FAX: (219) 473-4452

March 23, 1998

Elaine K. Kaiser
Environmental Project Director
Section of Environmental Analysis
Surface Transportation Board
Attn: STB Finance Docket No. 33388
1925 K Street
Washington, D. C. 20423-0001



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

Dear Ms. Kaiser:

I am writing to inform you of the serious problems that Northwest Indiana and the Whiting community face because of the excessive levels of local railroad traffic.

I have been a resident of Whiting all my life and am currently the elected mayor. Unfortunately, the Whiting community is suffering from the significant levels of railroad traffic moving through the area. Our area roads are clogged, our air quality suffers, and the safety of residents and children are being put in great jeopardy each day this situation continues. On February 8, 1998, two young men were killed when their pick-up truck was hit by a moving railroad train at a crossing in the city of Hammond.

I understand that the railroads plan to increase operations in northwest Indiana as a result of a proposed merger of CSX Corporation and Norfolk Southern Railway Company. These increases should be opposed. Northwest Indiana is already suffering enough from the existing high levels of railroad traffic. We cannot stand any further increases.

You must take action to ensure that northwest Indiana is protected from the impacts and further harm as a result of additional railroad operations caused by such a merger. Thank you for your consideration of this letter.

Sincerely,

Rudolph Wunder
Councilman At Large
City of Whiting

RW:mr

Chris Sarvanidis
Chris Sarvanidis
1st District Councilman
City of Whiting

STB

FD-33388

4-7-98

K

ID-CITIES

TRUSTEES

Barbara M. Harper
40051 Route 303
LaGrange, Ohio 44050
(440) 355-4436

Gary L. Burnett
42251 State Route 303
LaGrange, Ohio 44050
(440) 355-4604

Rita Tompkins Canfield
461 Stallion Court
LaGrange, Ohio 44050
(440) 355-5888

ENVIRONMENTAL DOCUMENT



LaGrange Township

Lorain County, Ohio

CLERK

Roberta M. Dove
P.O. Box 565
LaGrange, Ohio 44050
(440) 355-6071
(440) 355-6081 FAX

ZONING INSPECTOR

Vince Sigmund
42180 Whitney Road
LaGrange, Ohio 44050
(440) 355-5997

FIRE/EMS CHIEF

Dyke A. Coursen
P.O. Box 463
LaGrange, Ohio 44050
(440) 355-6868

March 16, 1998

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



Dear Ms. Kaiser,

The Village of LaGrange and LaGrange Township still have unresolved issues concerning the increased rail traffic proposed for our community.

As stated in the Village's letter dated January 29, 1998, our Fire Department and Rescue Squad is manned by volunteers with the Firestation located North of the railroad tracks. In an emergency situation with a train blocking access to the southern section of our community, our residents are put at an unreasonable risk. To resolve this problem, an additional building to house emergency vehicles should be built South of the tracks. The property to do so is available. We ask that our community be provided with the funds to build this satellite station in order that we may adequately provide the necessary equipment on both sides of the track in the event of an emergency.

We also request that an additional Fire Equipment Truck be provided to our residents so that those to the south of the railroad tracks are not kept from the needed lifesaving equipment due to inaccessibility of equipment. As stated in our prior letter, time delays for our emergency services can mean the difference between life or death.

We must also insist on a car overpass for the Wheeler Road Crossing. With all area hospitals located to the North of the tracks, an overpass would insure that our emergency vehicles would be able to continue North in the event of blocked crossings.

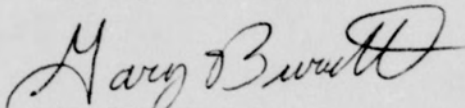
With the increased rail traffic, it is our consensus that the Whitney Road, Biggs Road, Crook Street and Wheeler Road crossings should have 4 warning lights and gates. This would be safer for our residents using these crossings.

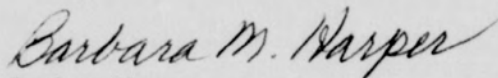
Our request for a written Emergency Response Plan for Rail Personnel and Local Service Providers should also be implemented. Joint training must be provided annually with the cost incurred by the Railroad.

Our concerns must not be ignored. The safety of our citizens must not be compromised by the Conrail acquisition. The needs of the residents of our community must be protected in this process. We believe that our requests are not unreasonable and that they should be honored.

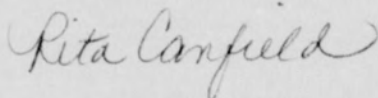
Respectfully,

LaGrange Township Trustees


Gary Burnett


Barbara Harper

Rita Canfield



Enclosure dated January 29, 1998

STB

FD-33388

4-7-98

K

ID-PUBLIC

ENVIRONMENTAL
DOCUMENT



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,

Amela Davis
238 So. Main St.
Wellington, OH 44090

STB

FD-33388

4-2-98

K

ID-BUSINESS

.

COMMUNITY REINVESTMENT PROJECT OF EAST CHICAGO, INC.

P.O. BOX 512 • 720 W. CHICAGO AVE., SUITE 244 • EAST CHICAGO, INDIANA 46312

TELEPHONE: (219) 397-4028

FAX: (219) 397-2439

March 30, 1998

ENVIRONMENTAL
DOCUMENT



Ms. Elaine K. Kaiser
Environmental Project Director
Section of Environmental Analysis
Surface Transportation Board
ATTN: STB Finance Docket No. 33388
1925 K. Street, N.W.
Washington, D.C. 20423-0001

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

Dear Ms. Kaiser:

We are writing to inform you of the serious problems that my community faces because of the excessive levels of local railroad traffic.

The Community Reinvestment Project of East Chicago hears too many complaints from its clientele about the train traffic in the Lake County area. Hundreds of man hours are lost each day because of the leeway required to be on time for business appointments. Our roads are clogged, our air quality suffers, and the safety of residents and children are being put in great jeopardy. On February 8, 1998, two young men were killed when their pick-up truck was hit by a moving railroad train at a crossing in Hammond.

I understand that the railroads plan to increase operations in Northwest Indiana. Such increases should be opposed. We are already suffering enough from the existing high levels of railroad traffic, and we cannot stand any further increases.

You must take action to ensure that Northwest Indiana is protected from further harm as a result of additional railroad operations. Thank you for your consideration of this letter.

Sincerely,

Ed. J. Glover
Executive Director

STB

FD-33388

4-1-98

K

ID-BUSINESS

Advisory Council On Historic Preservation

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004



MAR 27 1998

ENVIRONMENTAL
DOCUMENT

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

REF: Proposed Conrail Acquisition Project
Finance Docket No. 33388
Abandonment of a Portion of the Enola Branch in
Lancaster and Chester Counties, Pennsylvania

Dear Ms. Kaiser:

The Council has been notified by concerned citizens in Lancaster County regarding the coordination of the Section 106 review process for the referenced undertaking. Specifically, concerns have been raised regarding the evaluation of properties eligible for listing in the National Register of Historic Places and the recent development of a proposed mitigation plan to address adverse effects to historic properties.

In December 1997, we received copies of the *Draft Environmental Impact Statement* (DEIS) issued by the Surface Transportation Board (STB) for the entire Conrail Acquisition Project which is currently before the board for action. The DEIS states that STB applied the Council's "criteria of adverse effect" as set forth in our regulations, "Protection of Historic Properties" (36 CFR Part 300), to all proposed actions to determine which might adversely affect historic properties. The document further states that STB would consult with the SHPO to develop appropriate mitigation, as appropriate.

Pursuant to 36 CFR Section 800.5(e), when the Federal agency determines that an undertaking will adversely affect historic properties, it is required to notify the Council and identify interested parties who should participate in the consultation process. Unfortunately, although STB and Conrail have had discussions with the SHPO since 1989 regarding this undertaking, we have never been formally notified that Section 106 consultation had been initiated. Nor are we aware of how STB has met its responsibility to identify and involve interested persons in the Section 106 consultation process.

The purpose of the notification of adverse effect is to allow the Council to determine whether it should participate in the Section 106 consultation process or allow the Federal agency and SHPO to consult and develop a Memorandum of Agreement (MOA) for submission to the Council for acceptance. In this particular instance, the documentation provided to us by concerned citizens indicates that there is 1) widespread public interest; 2) the potential for several historic properties to be adversely affected; and, 3) a need to clarify how STB defines *appropriate mitigation*. Accordingly, we request that we be included in the Section 106 consultation process for this undertaking and provided all relevant background documentation prepared to date.

We have also received a formal objection from the Historic Preservation Trust of Lancaster County regarding the manner in which historic properties located within the undertaking's area of potential effects have been evaluated for National Register eligibility. In accordance with 36 CFR Section 800.6(e)(3), when a public objection relates to National Register eligibility, the Council is required to refer the matter to the Keeper of the National Register for resolution. Given that we have no records for this undertaking, we request that STB submit detailed background information to us regarding the identification and evaluation of historic properties associated with the entire Enola Branch of the Low Grade Line. Included in this documentation should be an explanation why the Enola Branch is or is not a historic district as opposed to a grouping of individually eligible structures. Upon receipt of this information, we will forward it to the Keeper for review. Pending receipt of the Keepers finding, we would recommend that STB avoid finalizing an MOA.

Should you have any questions or desire to discuss this matter further, please contact Charlene Dwin Vaughn at 202-606-8505. We look forward to receiving background documentation from you soon.

Sincerely,



J. Klima

Director

Office of Planning and Review

Enclosure

STB

FD-33388

3-30-98

K

ID-BUSINESS



Office of the Chairman

Surface Transportation Board
Washington, D.C. 20423-0001

FILE IN DOCKET

FD-33388
(Environmental)

March 30, 1998

Mr. Brian E. Volkert
President
WOSCA Transportation Services, Inc.
801 First Avenue South
P.O. Box 24007
Seattle, WA 98124

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

Dear Mr. Volkert:

Thank you for your recent letter expressing your support for the proposed acquisition of Conrail by Norfolk Southern and CSX and your concerns about the potential adverse affect on public safety and customer service resulting from the proposed City of Cleveland alternative to "flip" the lines between CSX and NS.

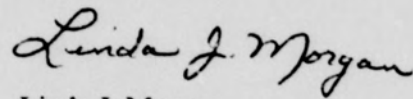
The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is conducting an environmental review of the potential environmental impacts associated with the proposed Conrail Acquisition. As part of its environmental review, SEA issued a Draft Environmental Impact Statement (EIS) on December 12, 1997 which addressed various environmental impact areas, including safety, transportation systems, land use, energy, air quality, noise, biological resources, water resources, environmental justice, and cultural and historic resources. Chapter 5 of the Draft EIS focused on the concerns relating to increased rail traffic in Ohio, especially the northeast Ohio and Cleveland areas. SEA recommended numerous mitigation measures to address the potential environmental impacts in that area, including railroad consultations with affected communities to discuss their concerns and possible solutions.

SEA is fully aware that these issues are of major concern to the residents and businesses of Cleveland and northeast Ohio. SEA has attended several public meetings in the area in order to hear those concerns first hand and discussed the issues with numerous local officials. SEA has also formed special Ohio and Cleveland study teams to focus its review and analysis of the unique environmental impacts and concerns in this area, including the advantages and disadvantages of various routing alternatives through the Cleveland area.

After conducting an independent environmental analysis, reviewing all environmental information available to date, consulting with appropriate agencies, and fully considering all public comments, SEA plans to issue in late May 1998 a Final EIS for consideration by the Board. In its final decision, the Board will consider the entire environmental record, including all public comments, the Draft EIS, and the Final EIS. The Board will issue its final written decision in July 1998.

If you have additional questions concerning the environmental review process, please call me, or contact Elaine K. Kaiser, SEA's Environmental Project Director, or Mike Dalton, SEA's Project Manager for the Conrail Acquisition, at (202) 565-1530.

Sincerely,

A handwritten signature in cursive script that reads "Linda J. Morgan". The signature is written in dark ink and is positioned above the printed name.

Linda J. Morgan

WOSCA

TRANSPORTATION SERVICES, INC.

FILE IN DOCKET

Monday, February 23, 1998

The Hon. Linda Morgan
Chairman
Surface Transportation Board
1925 K St. NW, Suite 820
Washington, DC 20423

Dear Ms. Morgan:

I am writing to express serious concerns regarding recent actions by the city of Cleveland that would severely adversely affect the many benefits that could accrue to shippers by the acquisition of Conrail by CSX and the Norfolk Southern.

The substantial benefits projected are for east/west shippers by the CSX/Norfolk Southern (NS) acquisition of Conrail are put at serious risk by a filing the city of Cleveland has made to the Surface Transportation Board (STB). The threat of another operational debacle, such as the one experienced recently in the Houston area as the result of the Union Pacific merger with the Southern Pacific, exists if the STB adopts the proposals put forth in the Cleveland filing.

One of the primary goals of the transaction is to allocate the Conrail assets and to ensure that both CSX and NS are provided with east/west main lines that ensure the free flow of traffic without conflict from the other railroad's operations. Only in this way can CSX and NS secure enhanced service, better transit times and balanced competition for customers in the Northeast and Midwest. The plan filed with the STB accomplished that goal.

The city of Cleveland has now proposed a "flip" of the allocated lines in Cleveland, essentially proposing that the STB assign to CSX the lines previously assigned to NS and vice versa. The "flip" guarantees that every east/west train operated by either CSX or NS, should the proposed transaction be approved, will run in conflict with the other railroad. This "flip," and the inherent conflict it creates, will result in a degradation of the service improvements promised by the transaction. In fact, should the "flip" be adopted, current Conrail east/west rail customers will see transit times increase compared to what's expected today.

To resolve this inherent conflict, Cleveland has proposed a 2-mile long "fly over, " or overhead bridge, that would cost in excess of \$150 million and take a minimum of four years to design and build. Assuming the "flip" were necessary, which we do not believe, and that the money was available, the two-year construction period for the "fly-over" – with unavoidable traffic curfews and train queuing in east, west, north and south – would be devastating to efficient rail operations. In short, creation of another "Houston," with the repeated service failures that have been felt nationwide, will occur in the East under Cleveland's proposal.

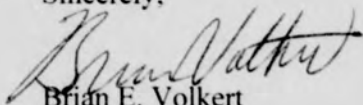
Should the "flip" be adopted and service quality affected, neither railroad will be able to compete as effectively with trucks, resulting in lost opportunity to relieve traffic congestion and make important environmental gains. CSX estimates alone identify more than eight million truck miles to be diverted from the highways to the rails on an annual basis in the greater Cleveland area.

The allocation of lines and the routing of traffic through greater Cleveland as originally proposed in the CSX/NS filing with the STB represents the most-effective means of achieving the objectives of the transaction and maximizing the public benefits for both the national and local interests.

Please assist us in ensuring that the concerns of the shipping community are not lost in arriving at a solution in Cleveland. We would appreciate your doing everything you can to ensure that the substantial benefits that would result from the Conrail acquisition are realized and that shipping nightmares like those that have occurred in Houston are avoided.

Thank you for your assistance.

Sincerely,



Brian E. Volkert

President

WOSCA Transportation Services

BEV:mpb



Office of the Chairman

Surface Transportation Board
Washington, D.C. 20423-0001

FILE IN DOCKET

FD-33388
(Environmental)

March 30, 1998

Mr. Greg Erion
General Manager
ABL-Trans
3746 Mt. Diablo Blvd.
Lafayette, CA 94549

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

Dear Mr. Erion:

Thank you for your recent letter expressing your support for the proposed acquisition of Conrail by Norfolk Southern and CSX and your concerns about the potential adverse affect on public safety and customer service resulting from the proposed City of Cleveland alternative to "flip" the lines between CSX and NS.

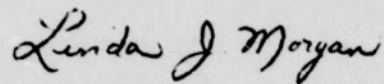
The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is conducting an environmental review of the potential environmental impacts associated with the proposed Conrail Acquisition. As part of its environmental review, SEA issued a Draft Environmental Impact Statement (EIS) on December 12, 1997 which addressed various environmental impact areas, including safety, transportation systems, land use, energy, air quality, noise, biological resources, water resources, environmental justice, and cultural and historic resources. Chapter 5 of the Draft EIS focused on the concerns relating to increased rail traffic in Ohio, especially the northeast Ohio and Cleveland areas. SEA recommended numerous mitigation measures to address the potential environmental impacts in that area, including railroad consultations with affected communities to discuss their concerns and possible solutions.

SEA is fully aware that these issues are of major concern to the residents and businesses of Cleveland and northeast Ohio. SEA has attended several public meetings in the area in order to hear those concerns first hand and discussed the issues with numerous local officials. SEA has also formed special Ohio and Cleveland study teams to focus its review and analysis of the unique environmental impacts and concerns in this area, including the advantages and disadvantages of various routing alternatives through the Cleveland area.

After conducting an independent environmental analysis, reviewing all environmental information available to date, consulting with appropriate agencies, and fully considering all public comments, SEA plans to issue in late May 1998 a Final EIS for consideration by the Board. In its final decision, the Board will consider the entire environmental record, including all public comments, the Draft EIS, and the Final EIS. The Board will issue its final written decision in July 1998.

If you have additional questions concerning the environmental review process, please call me, or contact Elaine K. Kaiser, SEA's Environmental Project Director, or Mike Dalton, SEA's Project Manager for the Conrail Acquisition, at (202) 565-1530.

Sincerely,


Linda J. Morgan



3746 MT. DIABLO BOULEVARD
LAFAYETTE, CALIFORNIA 94549
TELEPHONE (510) 284-7145
FAX (510) 284-1965
(800) 225-4222

March 4, 1998

Via FAX: 202-565-9015

The Hon. Linda Morgan
Chairman
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423

Dear Chairman Morgan:

My name is Greg Erion. I am General Manager of ABL-Trans, an intermodal marketing company located in Lafayette, California. Our company recently merged with Interstate Consolidation another intermodal company located in Los Angeles, California. Our combined companies ship a substantial volume of intermodal freight in containers and trailers under terms of contracts held with Conrail, CSX and Norfolk Southern. ABL-Trans is in favor of the proposed purchase of Conrail by CSX and Norfolk Southern (NS) now under consideration by the Surface Transportation Board (STB).

I would like to express my serious concerns with a recent proposal made by the City of Cleveland to reroute lines in the Cleveland area whereby services of CSX and the NS are reassigned one to the other. This reassignment or "flip" of services will cause conflict with the other railroad. The adjustments of service will not only eliminate service improvements contemplated in the acquisition of Conrail by CSX and the NS but also promises deterioration of services presently in place.

Cleveland has suggested a 2-mile long "fly-over" or overhead bridge that would cost in excess of \$150 million and be completed in the year 2002 at the earliest. The interruption of service as construction takes place would be extremely detrimental to ongoing rail operations. ABL-Trans's customers were adversely affected as result of the Union Pacific merger with Southern Pacific last year, a merger that did not involve a project of the magnitude contemplated at Cleveland. Given construction on main line rail routes always affects service and that congestion resulting in transit delays will be unavoidable one can only speculate how east-west service through Ohio will be affected during this time period.

Concerns with delay in or deterioration of service regarding this project have not been balanced with any demonstrable evidence the project, once completed, will appreciably improve transcontinental rail service.

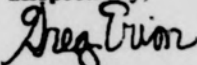
Intermodal service runs in close competition with over the road or truck service. Should service be adversely affected, as appears likely, lost volumes and opportunities for intermodal will not only deprive shippers of a choice of service but also negate environmental improvements expected in the acquisition of Conrail by CSX and the NS.

The original proposal submitted by CSX and the NS takes into account not only the requirements for efficient transportation, maximizing benefits of the merger for carrier and shipper alike, but also local and national needs as well.

I would ask your consideration of these factors when reviewing the benefits which can be realized from the Conrail acquisition. We wish for a quick and effective implementation of plans to integrate Conrail's services into the CSX and Norfolk Southern system. The shipping public, carriers and related services should not be subject to events similar to those which occurred last year on the UP system through implementation of a plan which offers delay, erosion of service and detrimental effect to the environment.

Thank you for your consideration of these matters in contemplating the acquisition of Conrail by CSX and the NS.

Respectfully,



Greg E. Fion
General Manager

Cc: The Hon. Rodney Slater
Secretary
Department of Transportation
400 - 7th Street SW
Room 10200
Washington, D.C. 20590
FAX: (202) 366-7202

The Hon. Jolene Molitoris
Administrator
Federal Railroad Administration
1120 Vermont Avenue, NW
7th Floor
FAX: (202) 632-3700

The Hon. George Voinovich
Governor
State of Ohio
77 S. High Street
30th Floor
Columbus, OH 43266
FAX: (614) 466-9354

Mr. John Q. Anderson
Chief Commercial Officer
CSX Transportation - J120
500 Water Street
Jacksonville, FL 32202
FAX: (904) 359-7674



Office of the Chairman

Surface Transportation Board
Washington, D.C. 20423-0001

FILE IN DOCKET

JB-33388
(Environmental)

March 30, 1998

Mr. James L. Francis
Chairman
Bay Area Piggyback, Inc.
560 Lennon Lane
Walnut Creek, CA 94598-2415

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

Dear Mr. Francis:

Thank you for your recent letter expressing your support for the proposed acquisition of Conrail by Norfolk Southern and CSX and your concerns about the potential adverse affect on public safety and customer service resulting from the proposed City of Cleveland alternative to "flip" the lines between CSX and NS.

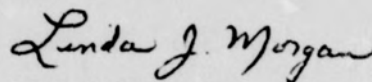
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SEA is fully aware that these issues are of major concern to the residents and businesses of Cleveland and northeast Ohio. SEA has attended several public meetings in the area in order to hear those concerns first hand and discussed the issues with numerous local officials. SEA has also formed special Ohio and Cleveland study teams to focus its review and analysis of the unique environmental impacts and concerns in this area, including the advantages and disadvantages of various routing alternatives through the Cleveland area.

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If you have additional questions concerning the environmental review process, please call me, or contact Elaine K. Kaiser, SEA's Environmental Project Director, or Mike Dalton, SEA's Project Manager for the Conrail Acquisition, at (202) 565-1530.

Sincerely,

A handwritten signature in cursive script that reads "Linda J. Morgan". The signature is written in dark ink and is positioned above the printed name.

Linda J. Morgan

Bay Area Piggyback, Inc.

560 Lennon Lane • Walnut Creek, California 94598-2415

James L. Francis
Chairman

Telephone (510) 932-1313
(800) 950-9009
FAX (510) 932-8661

FILE IN DOCKET

February 25, 1998

The Honorable Linda Morgan
Chairman
Surface Transportation Board
1925 "K" Street NW #820
Washington, D.C. 20423

RECEIVED
SURFACE TRANSPORTATION
BOARD
MAR 4 5 16 PM '98
OFFICE OF
CHAIRMAN MORGAN

Honorable Linda Morgan:

The CSX Intermodal has advised us of the negative impact of a filing by the City of Cleveland proposing a "flip" of the allocated lines in Cleveland and a "fly-over" bridge.

Bay Area Piggyback is a shippers agent arranging for transportation via exempt intermodal services. Bay Area Piggyback maintains volume contracts with both the CSX and NS as well as a co-loading agreement for access to CR. In 1997, Bay Area Piggyback generated \$36 million in intermodal revenues, 25,665 loads, a portion of which moved on CSX, NS and CR.

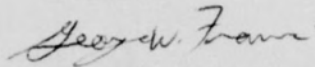
It is our understanding that the original STB filing by the CSX and NS makes for the most efficient use of currently existing rail corridors. Further, that CSX will be investing approximately \$60 million to greater Cleveland area track and intermodal yard upgrades. While the cost of the "flip" and "fly-over" will cost well over \$150 million and create a loss in operating efficiencies that is not measurable. The CSX claims that the "flip" will result in a degradation of service.

You may be aware of the UP/SP conflict with the city of Reno, NV. The finding were to the effect that the UP/SP has priority operating rights since the rail right-of-way existed before the city of Reno. The city planning is at fault for not accommodating the rail right-of-way. It would appear that the Cleveland issue is similar in nature.



The CSX represents that they welcome the opportunity to work with Cleveland Mayor White and other parties to fashion an acceptable solution. Please explore these opportunities so as not to disrupt commerce.

Sincerely,



George W. Francis
President

GWF:par

Cc: The Honorable Rodney Slater, Secretary, Department of Transportation
The Honorable Jolene Molitoris, Administrator, Federal Railroad Administration
The Honorable George Voinovich, Governor, State of Ohio
Mr. John Q. Anderson, Chief Commercial Officer, CSX Transportation



Office of the Chairman

Surface Transportation Board
Washington, D.C. 20423-0001

FILE IN DOCKET

FD-33388
(Environmental)

March 30, 1998

Mr. Don Hudock
Vice President
Pronto Pig, Inc.
P.O. Box 1419
Hillsboro, OR 97123

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

Dear Mr. Hudock:

Thank you for your recent letter expressing your support for the proposed acquisition of Conrail by Norfolk Southern and CSX and your concerns about the potential adverse affect on public safety and customer service resulting from the proposed City of Cleveland alternative to "flip" the lines between CSX and NS.

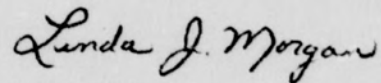
The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is conducting an environmental review of the potential environmental impacts associated with the proposed Conrail Acquisition. As part of its environmental review, SEA issued a Draft Environmental Impact Statement (EIS) on December 12, 1997 which addressed various environmental impact areas, including safety, transportation systems, land use, energy, air quality, noise, biological resources, water resources, environmental justice, and cultural and historic resources. Chapter 5 of the Draft EIS focused on the concerns relating to increased rail traffic in Ohio, especially the northeast Ohio and Cleveland areas. SEA recommended numerous mitigation measures to address the potential environmental impacts in that area, including railroad consultations with affected communities to discuss their concerns and possible solutions.

SEA is fully aware that these issues are of major concern to the residents and businesses of Cleveland and northeast Ohio. SEA has attended several public meetings in the area in order to hear those concerns first hand and discussed the issues with numerous local officials. SEA has also formed special Ohio and Cleveland study teams to focus its review and analysis of the unique environmental impacts and concerns in this area, including the advantages and disadvantages of various routing alternatives through the Cleveland area.

After conducting an independent environmental analysis, reviewing all environmental information available to date, consulting with appropriate agencies, and fully considering all public comments, SEA plans to issue in late May 1998 a Final EIS for consideration by the Board. In its final decision, the Board will consider the entire environmental record, including all public comments, the Draft EIS, and the Final EIS. The Board will issue its final written decision in July 1998.

If you have additional questions concerning the environmental review process, please call me, or contact Elaine K. Kaiser, SEA's Environmental Project Director, or Mike Dalton, SEA's Project Manager for the Conrail Acquisition, at (202) 565-1530.

Sincerely,

A handwritten signature in cursive script that reads "Linda J. Morgan". The signature is written in dark ink and is positioned above the printed name.

Linda J. Morgan

**Pronto Pig, Inc.**

Innovative Intermodal Expeditors

P.O. BOX 1419

HILLSBORO, OR 97123

(503) 648-7444 Fax (503) 693-1354

February 23, 1998

The Hon. Linda Morgan, Chrm.
Surface Transportation Board
1925 K St. NW Ste. 820
Washington, D.C. 20423

Dear Chairman Morgan:

I am writing to express serious concerns regarding recent actions by the City of Cleveland, Ohio that would severely and adversely affect the many benefits that could accrue to shippers by the acquisition of Conrail by the CSX and the Norfolk Southern.

The substantial benefits projected for east/west shippers by the CSX/Norfolk Southern (NS) acquisition of Conrail are put at serious risk by a filing the City of Cleveland has made to the Surface Transportation Board (STB). The threat of another operational debacle similar to the recent event in the Houston, TX. area resulting from the Union Pacific (UP)/Southern Pacific (SP) merger, exists if the STB adopts the proposals put forth in the City of Cleveland filing.

One of the primary goals of the Conrail (CR) transaction is to allocate the CR assets to ensure that both CSX and NS are provided with east/west main lines that ensure the free flow of traffic without conflict from the other line's operations. Only in this way can CSX and NS secure enhanced service, better transit times, and balanced competition for customers in the Northeast and Midwest. The plan filed with the STB accomplished that goal.

The City of Cleveland has now proposed a "flip" of the allocated lines in Cleveland, essentially proposing that the STB assign to CSX the lines previously assigned to NS and vice versa. This "flip" guarantees that every east/west train operated by either CSX or NS, should the proposed transaction be approved, will run in conflict with the other railroad. This "flip" and the inherent conflict it creates, will result in a degradation of the service improvements promised by the transaction. In fact, should the "flip" be adopted, current CR east/west rail customers will see transit times increase compared to today's experience.

To resolve this inherent conflict, Cleveland has proposed a 2-mile long "fly-over", or overhead bridge, that would cost in excess of \$150 million and take a minimum of four years to design and build. Assuming the "flip" were necessary, which we do not believe, and that the money was available, the two year construction period for the "fly-over"—with unavoidable traffic curfews and multi-directional train queuing—would be devastating to efficient rail operations. In short, the creation of another "Houston", with the repeated service failures that have been felt nationwide, will occur in the East under Cleveland's proposal.

Should the "flip" be adopted and service quality affected, neither railroad will be able to compete as effectively with trucks, resulting in lost opportunity to relieve traffic congestion and make important environmental gains. CSX estimates alone identify more than eight million truck miles to be diverted from the highways to the rails on an annual basis in the greater Cleveland area.

The allocation of lines and the routing of traffic through greater Cleveland as originally proposed in the CSX/NS filing with the STB represents the most effective means of achieving the objectives of the transaction and maximizing the public benefits for both the national and local interests.

Please assist us in ensuring that the concerns of the shipping community are not lost in arriving at a solution in Cleveland. We would appreciate your doing everything you can to ensure that the substantial benefits that would result from the CR acquisition are realized and that shipping nightmares like those that have occurred in Houston are avoided.



Pronto Pig, Inc.
Innovative Intermodal Expeditors
P.O. BOX 1419
HILLSBORO, OR 97123
(503) 648-7444 Fax (503) 693-1354

February 23, 1998

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Don Hudock".

Don Hudock
Vice President

cc: Rodney Slater, DOT
Jolene Molitoris, FRA
George Voinovich, Gov.
John Anderson, CSX



Office of the Chairman

Surface Transportation Board
Washington, D.C. 20423-0001

FILE IN DOCKET

JS-33388

(Environmental)

March 30, 1998

Mr. Paul W. Johnston
President
Intermodal Express, Inc.
P.O. Box 2991
Naples, FL 34106

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

Dear Mr. Johnston:

Thank you for your recent letter expressing your support for the proposed acquisition of Conrail by Norfolk Southern and CSX and your concerns about the potential adverse affect on public safety and customer service resulting from the proposed City of Cleveland alternative to "flip" the lines between CSX and NS.

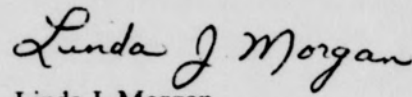
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SEA is fully aware that these issues are of major concern to the residents and businesses of Cleveland and northeast Ohio. SEA has attended several public meetings in the area in order to hear those concerns first hand and discussed the issues with numerous local officials. SEA has also formed special Ohio and Cleveland study teams to focus its review and analysis of the unique environmental impacts and concerns in this area, including the advantages and disadvantages of various routing alternatives through the Cleveland area.

After conducting an independent environmental analysis, reviewing all environmental information available to date, consulting with appropriate agencies, and fully considering all public comments, SEA plans to issue in late May 1998 a Final EIS for consideration by the Board. In its final decision, the Board will consider the entire environmental record, including all public comments, the Draft EIS, and the Final EIS. The Board will issue its final written decision in July 1998.

If you have additional questions concerning the environmental review process, please call me, or contact Elaine K. Kaiser, SEA's Environmental Project Director, or Mike Dalton, SEA's Project Manager for the Conrail Acquisition, at (202) 565-1530.

Sincerely,

A handwritten signature in cursive script that reads "Linda J. Morgan".

Linda J. Morgan

INTERMODAL EXPRESS, INC.

P.O. Box 2991 • Naples, Florida 34106 • Phone (941) 434-7722 • Fax (941) 434-2905

March 6, 1998

The Hon. Linda Morgan
Chairman
Surface Transportation Board
1925 K Street, NW
Suite 820
Washington, D.C. 20423
Fax: (202) 565-9015

FILE IN DOCKET

Dear Ms. Morgan:

I am writing to express serious concerns regarding recent actions by the city of Cleveland that would severely adversely affect the many benefits that could accrue to shippers by the acquisition of Conrail by CSX and the Norfolk Southern.

The substantial benefits projected for east/west shippers by the CSX/Norfolk Southern (NS) acquisition of Conrail are put at serious risk by a filing the city of Cleveland has made to the Surface Transportation Board (STB). The threat of another operational debacle, such as the one experienced recently in the Houston area as the result of the Union Pacific merger with the Southern Pacific, exists if the STB adopts the proposals put forth in the Cleveland filing.

One of the primary goals of the transaction is to allocate the Conrail assets to ensure that both CSX and NS are provided with east/west main lines that ensure the free flow of traffic without conflict from the other railroad's operations. Only in this way can CSX and NS secure enhanced service, better transit times, and balanced competition for customers in the Northeast and Midwest. The plan filed with the STB accomplished that goal.

The City of Cleveland has now proposed a "flip" of the allocated lines in Cleveland, essentially proposing that the STB assign to CSX the lines previously assigned to NS and vice versa. This "flip" guarantees that every east/west train operated by either CSX or NS, should the proposed transaction be approved, will run in conflict with the other railroad. This "flip," and the inherent conflict it creates, will result in a degradation of the service improvements promised by the transaction. In fact, should the "flip" be adopted, current Conrail east/west rail customers will see transit times increase compared to what's experienced today.

To resolve this inherent conflict, Cleveland has proposed a 2-mile long "fly-over," or overhead bridge, that would cost in excess of \$150 million and take a minimum of four years to design and build. Assuming the "flip" were necessary, which we do not believe, and that the money was available, the two-year construction period for the "fly-over" -- with unavoidable traffic curfews and train queuing east, west, north and south -- would be devastating to efficient rail operations. In short, the creation of another "Houston," with the repeated service failures that have been felt nationwide, will occur in the East under Cleveland's proposal.

Should the "flip" be adopted and service quality affected, neither railroad will be able to compete as effectively with trucks, resulting in lost opportunity to relieve traffic congestion and make

AFFILIATED OFFICES IN MAJOR CITIES

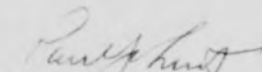
important environmental gains. CSX estimates alone identify more than eight-million truck miles to be diverted from the highways to the rails on an annual basis in the greater-Cleveland area

The allocation of lines and the routing of traffic through greater Cleveland as originally proposed in the CSX/NS filing with the STB represents the most-effective means of achieving the objectives of the transaction and maximizing the public benefits for both the national and local interests

Please assist us in ensuring that the concerns of the shipping community are not lost in arriving at a solution in Cleveland. We would appreciate your doing everything you can to ensure that the substantial benefits that would result from the Conrail acquisition are realized and that shipping nightmares like those that have occurred in Houston are avoided.

Thank you for your assistance.

Sincerely,


Paul W. Johnston
President

ENCLOSURES

PWJ/kaf

The Hon. Rodney Slater
Secretary
Department of Transportation
400 7th Street, SW
Room 10200
Washington, D.C. 20590
Fax: (202) 366-7202

The Hon. Jolene Mollitoris
Administrator
Federal Railroad Administration
1120 Vermont Avenue, NW
7th Floor
Washington, D.C. 20005
Fax: (202) 632-3700

The Hon. George Voinovich
Governor
State of Ohio
77 S. High Street
30th Floor
Columbus, OH 43266
Fax: (614) 466-9354

Mr. John Q. Anderson
Chief Commercial Officer
CSX Transportation - J120
500 Water Street
Jacksonville, FL 32202
Fax: (904) 359-7674



Office of the Chairman

Surface Transportation Board
Washington, D.C. 20423-0001

FILE IN DOCKET

FD-33388
(Environmental)

March 30, 1998

Mr. Edward J. Krajca
Director
Logistics Procurement and Supply
Chrysler Corporation CIMS 483-00-20
800 Chrysler Drive
Auburn Hills, MI 48326-2757

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

Dear Mr. Krajca:

Thank you for your recent letter expressing your support for the proposed acquisition of Conrail by Norfolk Southern and CSX and your concerns about the potential adverse affect on public safety and customer service resulting from the proposed City of Cleveland alternative to "flip" the lines between CSX and NS.

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is conducting an environmental review of the potential environmental impacts associated with the proposed Conrail Acquisition. As part of its environmental review, SEA issued a Draft Environmental Impact Statement (EIS) on December 12, 1997 which addressed various environmental impact areas, including safety, transportation systems, land use, energy, air quality, noise, biological resources, water resources, environmental justice, and cultural and historic resources. Chapter 5 of the Draft EIS focused on the concerns relating to increased rail traffic in Ohio, especially the northeast Ohio and Cleveland areas. SEA recommended numerous mitigation measures to address the potential environmental impacts in that area, including railroad consultations with affected communities to discuss their concerns and possible solutions.

SEA is fully aware that these issues are of major concern to the residents and businesses of Cleveland and northeast Ohio. SEA has attended several public meetings in the area in order to hear those concerns first hand and discussed the issues with numerous local officials. SEA has also formed special Ohio and Cleveland study teams to focus its review and analysis of the unique environmental impacts and concerns in this area, including the advantages and disadvantages of various routing alternatives through the Cleveland area.

Edward J Krajca
Director
Logistics Procurement and Supply

FILE IN BUCKET

February 27, 1998

The Honorable Linda Morgan
Chairman
Surface Transportation Board
19252 K Street, NW
Suite 820
Washington, D.C. 20423

RECEIVED
SURFACE TRANSPORTATION
BOARD
MAR 5 11 21 AM '98
CHAIRMAN MORGAN

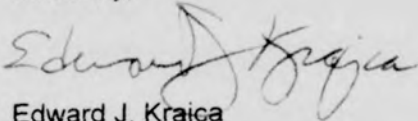
Dear Honorable Linda Morgan:

This letter is written to express Chrysler Corporation's views with respect to a potential railroad operating problem in the Cleveland, Ohio area.

We have recently become aware of the controversy over the split up of the Consolidated Rail Corporation (Conrail) tracks in Cleveland, as part of the proposed purchase of Conrail by CSX and Norfolk Southern. After reviewing the requests from municipal officials to alter the operating plan proposed by CSX and NS, I am concerned that acceptable service for Chrysler shipmen's will be jeopardized. We estimate that approximately 30,000 annual carloads of Chrysler shipments would be affected by the proposed changes. It does not seem feasible that two major railroads can move the proposed volume of traffic efficiently in any other method than that proposed by these companies in their original filing with the Surface Transportation Board.

I urge the Board to carefully consider the operational and logistic issues associated with this proposal. Restructuring of the original operating plan, such as that proposed by the municipalities, could lead to service problems equal to or greater than those recently experienced in the Houston, TX rail system.

Sincerely,



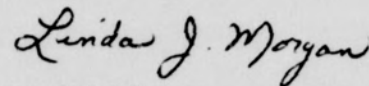
Edward J. Krajca
Director
Logistics

cc: The Honorable George Voinovich
The Honorable Rodney Slater

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If you have additional questions concerning the environmental review process, please call me, or contact Elaine K. Kaiser, SEA's Environmental Project Director, or Mike Dalton, SEA's Project Manager for the Conrail Acquisition, at (202) 565-1530.

Sincerely,

A handwritten signature in cursive script that reads "Linda J. Morgan".

Linda J. Morgan

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UPS Worldwide Express
Shipping Document

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DELIVERY 2

DATE OF SHIPMENT

____/____/____



Office of the Chairman

Surface Transportation Board
Washington, D.C. 20423-0001

FILE IN DOCKET

JD-33388
(Environmental)

March 30, 1998

Mr. Greg B. Steiner
General Manager - IMC Division
Interstate Consolidation, Inc.
5800 East Sheila Street
Los Angeles, CA 90040

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

Dear Mr. Steiner:

Thank you for your recent letter expressing your support for the proposed acquisition of Conrail by Norfolk Southern and CSX and your concerns about the potential adverse affect on public safety and customer service resulting from the proposed City of Cleveland alternative to "flip" the lines between CSX and NS.

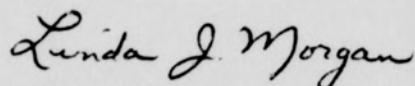
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Sincerely,

A handwritten signature in cursive script that reads "Linda J. Morgan". The signature is written in dark ink and is positioned above the printed name.

Linda J. Morgan



FILE IN DOCKET

CHAIRMAN MORGAN

FEB 24 5 30 PM '98

SURFACE TRANSPORTATION

February 24, 1998

FAX: 202 565-9015

The Hon. Linda Morgan
Chairman
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423

Dear Chairman Morgan:

Interstate Consolidation / ABL-Trans. is one of the largest intermodal marketing companies in the country. We ship thousands of containers monthly in transcontinental service utilizing the eastern network of both CSX Transportation and Norfolk Southern. I am writing to express serious concerns regarding recent actions by the city of Cleveland that would severely adversely affect the many benefits that could accrue to shippers by the acquisition of Conrail by CSX and the Norfolk Southern.

The substantial benefits projected for east/west shippers by the CSX/Norfolk Southern (NS) acquisition of Conrail are put at serious risk by a filing the city of Cleveland has made to the Surface Transportation Board (STB). The threat of another operational debacle, such as the one experienced recently in the Houston area as the result of the Union Pacific merger with the Southern Pacific, exists if the STB adopts the proposals put forth in the Cleveland filing.

One of the primary goals of the transaction is to allocate the Council assets to ensure that both CSX and NS are provided with east/west main lines that ensure the free flow of traffic without conflict from the other railroad's operations. Only in this way can CSX and NS secure enhanced service, better transit times, and balance competition for customers in the Northeast and Midwest. The plan files with the STB accomplished that goal.

The City of Cleveland has now proposed a "flip" of the allocated lines in Cleveland, essentially proposing that the STB assign to CSX the lines previously assigned to NS and vice versa. This "flip" guarantees that every east/west train operated by either CSX or NS, should the proposed transaction be approved, will run in conflict with the other railroad. This "flip", and the inherent conflict it creates, will result in a degradation of the service improvements promised by the transaction. In fact, should the "flip" be adopted, current Conrail east/west rail customers will see transit times increase compared to what's experienced today.

The allocation of lines and the routing of traffic through greater Cleveland as originally proposed in the CSX/NS filing with the STB represents the most-effective means of achieving the objectives of the transaction and maximizing the public benefits for both the national and local interests. National train operations and train control systems are highly complex systems. While the City of Cleveland may have issues, we need to insure that the experts are making decisions surrounding trackage and allocation. We must avoid bottlenecks and service delays of all kinds.

Please assist us in ensuring that the concerns of the shipping community are not lost in arriving at a solution in Cleveland. We would appreciate your doing everything you can to ensure that the substantial benefits that would result from the Conrail acquisition are realized and that shipping nightmares like those that have occurred in Houston are avoided.

General Offices: 5800 East Sheila Street • Los Angeles, CA 90040 • Phone: (213) 720-1771

WEB Page: <http://www.icsla.com>



The Hon. Linda Morgan
Chairman
Surface Transportation Board
February 24, 1998
Page 2

Thank you for your assistance.

Sincerely,

INTERSTATE CONSOLIDATION, INC.

Greg B. Steiner
General Manager - IMC Division

cc: The Hon. Rodney Slater
Secretary
Department of Transportation
400 - 7th Street, SW
Room 10200
Washington, D.C. 20590
FAX: (202) 366-7202

The Hon. George Voinovich
Governor
State of Ohio
77 S. High Street
30th Floor
Columbus, OH 43266
FAX: (614) 466-9354

The Hon. Jolene Molitoris
Administrator
Federal Railroad Administration
1120 Vermont Avenue, NW
7th Floor
Washington, D.C. 20005
FAX: (202) 632-3700

Mr. John Q Anderson
Chief Commercial Officer
CSX Transportation - J120
500 Water Street
Jacksonville, FL 32202
FAX: (904) 359-7674



Office of the Chairman

Surface Transportation Board
Washington, D.C. 20423-0001

FILE IN DOCKET

70-33388
(Environmental)

March 30, 1998

Mr. Cary Vanettes
Bullet Transportation Services, Inc.
3838 Wacker Drive
Mira Loma, CA 91752

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

Dear Mr. Vanettes:

Thank you for your recent letter expressing your support for the proposed acquisition of Conrail by Norfolk Southern and CSX and your concerns about the potential adverse affect on public safety and customer service resulting from the proposed City of Cleveland alternative to "flip" the lines between CSX and NS.

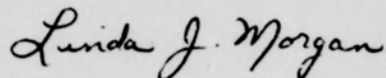
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Linda J. Morgan



BULLET TRANSPORTATION SERVICES, INC.
BULLET INTERNATIONAL
BULLET WAREHOUSE AND LOGISTICS

FILE IN DOCKET

February 23, 1998

The Hon. Linda Morgan
Chairman
Surface Transportation Board
1925 K Street, NW
Suite 820
Washington, DC 20423

CHAIRMAN MORGAN
FEB 27 4 20 PM '98
SURFACE TRANSPORTATION BOARD

Dear Madam,

I am writing to express serious concern regarding the city of Cleveland's recent filing. As a shipper, I feel this action would be detrimental to the many benefits that the acquisition of Conrail by CSX and the Norfolk Southern (NS) could accrue.

One of the primary goals of the acquisition is to ensure that both CSX and NS are provided with east/west lines that ensure the free flow of traffic without conflict from the other railroads operation. The current plan filed with the STB is the only way to secure the enhanced service, competitive rates, and better transit times.

The city of Cleveland has proposed a "flip" of the rail lines, meaning they want to assign to CSX the lines previously assigned to NS and vice versa. This "flip" would create a conflict between CSX and NS on every train. The city of Cleveland has recognized this obvious conflict and has proposed a 2 mile long "fly over" bridge. The construction of such a bridge would take 2 to 4 years to complete. This would create a congestion problem that would be devastating to the efficiency of both the CSX and NS.

The allocation of lines and the routing of traffic through Cleveland as originally proposed in the CSX/NS filing represents the most-effective means of achieving the objectives of the transaction and maximizing the public benefits for both the national and local interest.

Let's not create more problems like we have in Houston.

Sincerely,

Cary Vanettes

Cc: The Hon. Rodney Slater, Secretary
The Hon. Jolene Molitoris, Administrator
The Hon. George Voinovich, Governor
Mr. John Q. Anderson,
Chief Commercial Officer

(800) 538-5538
(909) 681-9020

3838 Wacker Drive
Mira Loma, California 91752

FAX: (909) 681-3765
MC 242780



Office of the Chairman

Surface Transportation Board
Washington, D.C. 20423-0001

FILE IN DOCKET

FD-33388
(Environmental)

March 30, 1998

Mr. Lanny S. Vaughn
President and CEO
GST Corporation
2620 Thousand Oaks Blvd.
Suite 3420
Memphis, TN 38118

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

Dear Mr. Vaughn:

Thank you for your recent letter expressing your support for the proposed acquisition of Conrail by Norfolk Southern and CSX and your concerns about the potential adverse affect on public safety and customer service resulting from the proposed City of Cleveland alternative to "flip" the lines between CSX and NS.

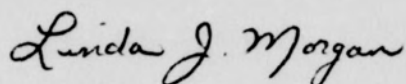
The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is conducting an environmental review of the potential environmental impacts associated with the proposed Conrail Acquisition. As part of its environmental review, SEA issued a Draft Environmental Impact Statement (EIS) on December 12, 1997 which addressed various environmental impact areas, including safety, transportation systems, land use, energy, air quality, noise, biological resources, water resources, environmental justice, and cultural and historic resources. Chapter 5 of the Draft EIS focused on the concerns relating to increased rail traffic in Ohio, especially the northeast Ohio and Cleveland areas. SEA recommended numerous mitigation measures to address the potential environmental impacts in that area, including railroad consultations with affected communities to discuss their concerns and possible solutions.

SEA is fully aware that these issues are of major concern to the residents and businesses of Cleveland and northeast Ohio. SEA has attended several public meetings in the area in order to hear those concerns first hand and discussed the issues with numerous local officials. SEA has also formed special Ohio and Cleveland study teams to focus its review and analysis of the unique environmental impacts and concerns in this area, including the advantages and disadvantages of various routing alternatives through the Cleveland area.

After conducting an independent environmental analysis, reviewing all environmental information available to date, consulting with appropriate agencies, and fully considering all public comments, SEA plans to issue in late May 1998 a Final EIS for consideration by the Board. In its final decision, the Board will consider the entire environmental record, including all public comments, the Draft EIS, and the Final EIS. The Board will issue its final written decision in July 1998.

If you have additional questions concerning the environmental review process, please call me, or contact Elaine K. Kaiser, SEA's Environmental Project Director, or Mike Dalton, SEA's Project Manager for the Conrail Acquisition, at (202) 565-1530.

Sincerely,

A handwritten signature in cursive script that reads "Linda J. Morgan".

Linda J. Morgan



Office of the Chairman

Surface Transportation Board
Washington, D.C. 20423-0001

FILE IN DOCKET

FD-33388
(Environmental)

March 30, 1998

Mr. Don Dahlgren
Traffic Manager
Midas International Corporation
4101 West 42nd Place
Chicago, IL 60632-3993

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

Dear Mr. Dahlgren:

Thank you for your recent letter expressing your support for the proposed acquisition of Conrail by Norfolk Southern and CSX and your concerns about the potential adverse affect on public safety and customer service resulting from the proposed City of Cleveland alternative to "flip" the lines between CSX and NS.

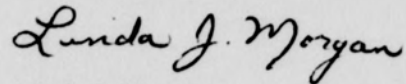
The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is conducting an environmental review of the potential environmental impacts associated with the proposed Conrail Acquisition. As part of its environmental review, SEA issued a Draft Environmental Impact Statement (EIS) on December 12, 1997 which addressed various environmental impact areas, including safety, transportation systems, land use, energy, air quality, noise, biological resources, water resources, environmental justice, and cultural and historic resources. Chapter 5 of the Draft EIS focused on the concerns relating to increased rail traffic in Ohio, especially the northeast Ohio and Cleveland areas. SEA recommended numerous mitigation measures to address the potential environmental impacts in that area, including railroad consultations with affected communities to discuss their concerns and possible solutions.

SEA is fully aware that these issues are of major concern to the residents and businesses of Cleveland and northeast Ohio. SEA has attended several public meetings in the area in order to hear those concerns first hand and discussed the issues with numerous local officials. SEA has also formed special Ohio and Cleveland study teams to focus its review and analysis of the unique environmental impacts and concerns in this area, including the advantages and disadvantages of various routing alternatives through the Cleveland area.

After conducting an independent environmental analysis, reviewing all environmental information available to date, consulting with appropriate agencies, and fully considering all public comments, SEA plans to issue in late May 1998 a Final EIS for consideration by the Board. In its final decision, the Board will consider the entire environmental record, including all public comments, the Draft EIS, and the Final EIS. The Board will issue its final written decision in July 1998.

If you have additional questions concerning the environmental review process, please call me, or contact Elaine K. Kaiser, SEA's Environmental Project Director, or Mike Dalton, SEA's Project Manager for the Conrail Acquisition, at (202) 565-1530.

Sincerely,

A handwritten signature in cursive script that reads "Linda J. Morgan".

Linda J. Morgan



FILE IN DOCKET

Midas International Corporation
4101 West 42nd Place
Chicago, IL 60632-3993

March 4, 1998

The Honorable Linda Morgan
Chairman
Surface Transportation Board
1925 K. Street, N.W.
Suite 820
Washington, DC 20423

RECEIVED
SURFACE TRANSPORTATION
BOARD
MAR 9 2 23 PM '98
CHAIRMAN MORGAN

Dear Ms. Morgan:

As an active intermodal rail shipper Midas International has watched with great interest, the developments of the merger of Conrail into the C.S.X. Railroad and the N. S. Railroad. It is not very often that a change comes about that holds as much promise for shippers as does this proposed merger. However, there can still be many obstacles to the successful completion of the merger any of which can spell disaster for the shipping public and the railroads involved.

One of these obstacles is the proposal by the City of Cleveland, Ohio to switch the lines going through the city to the opposite of the original agreement between N.S. and C.S.X.

This proposal is very costly and would cause inflationary pressure on rates and consumer goods. More importantly the infrastructure changes being proposed to make the track switch a viable option that would be compatible with the current rail systems of the two carriers would take at least four years to complete. During this period of time the likelihood of service delays and service failures possibly exceeding the current rail problems along the Gulf Coast is a real possibility.

This could divert considerable traffic from the rail to highway which would exasperate the environmental problems the proposal is intended to solve and further enhance the inflationary pressures on the system. I strongly encourage you to reject the City of Cleveland's proposal and adopt either the current C.S.X. - N.S. agreement or another plan that will address the need of shippers and consumers.

Very truly yours,

Midas International Corporation

Don Dahlgren
Traffic Manager

cc: The Honorable Rodney Slater
The Honorable Jolene Molitoris
The Honorable George Voinovich
Mr. John Q. Anderson

STB

FD-33388

3-20-98

K

ID-MOEH



Office of the Chairman

Surface Transportation Board
Washington, D.C. 20423-0001

*File in
Docket
FD-33388
(Environmental)*

March 20, 1998

The Honorable Steven C. LaTourette
U.S. House of Representatives
Room 1239
Longworth House Office Building
Washington, DC 20515

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

Dear Congressman LaTourette:

Thank you for your letter dated February 25, 1998 enclosing the comments of the City of Painesville about the proposed acquisition of Conrail by Norfolk Southern and CSX and the concerns about the potential adverse affect on noise and public safety resulting from the proposed increased rail traffic in northeast Ohio.

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is conducting an environmental review of the potential environmental impacts associated with the proposed Conrail Acquisition. As part of its environmental review, SEA issued a Draft Environmental Impact Statement (EIS) on December 12, 1997 which addressed various environmental impact areas, including safety, transportation systems, land use, energy, air quality, noise, biological resources, water resources, environmental justice, and cultural and historic resources. Chapter 5 of the Draft EIS focused on the concerns relating to increased rail traffic in Ohio, especially the northeast Ohio and Cleveland areas. SEA recommended numerous mitigation measures to address the potential environmental impacts in that area, including railroad consultations with affected communities to discuss their concerns and possible solutions.

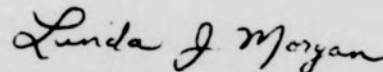
In the Draft EIS, SEA identified and analyzed four of the highway/rail at-grade crossings in Painesville (Bank Street, State Street, Liberty Street, and Chestnut Street). SEA's analysis determined that the proposed increase in rail traffic would not significantly impact the accident safety risks or the traffic delay at these four crossings. However, SEA did conclude that the increased transport of hazardous materials was significant, and recommended that the route between Ashtabula and Cleveland be designated a "Major Key Route". This designation would require the NS to install defect detectors along the route, to develop Hazardous Materials Emergency Response Plans for the local communities, to conduct simulation emergency response drills with the local emergency response teams, and to provide toll-free telephone numbers to all emergency response organizations for each community along the rail line segment.

SEA is fully aware that these issues are of major concern to the residents of northeast Ohio. SEA has attended several public meetings in the area in order to hear those concerns first hand and discussed the issues with numerous local officials. SEA has also formed special Ohio and Cleveland study teams to focus its review and analysis of the unique environmental impacts and concerns in this area.

After conducting an independent environmental analysis, reviewing all environmental information available to date, consulting with appropriate agencies, and fully considering all public comments, SEA plans to issue in late May 1998 a Final EIS for consideration by the Board. In its final decision, the Board will consider the entire environmental record, including all public comments, the Draft EIS, and the Final EIS. The Board will issue its final written decision on July 23, 1998.

If you have additional questions concerning the environmental review process, please call me, or contact Elaine K. Kaiser, SEA's Environmental Project Director, or Mike Dalton, SEA's Project Manager for the Conrail Acquisition, at (202) 565-1530.

Sincerely,

A handwritten signature in cursive script that reads "Linda J. Morgan".

Linda J. Morgan

STB

FD-33388

3-20-98

K

ID-MOCH



Office of the Chairman

Surface Transportation Board
Washington, D.C. 20423-0001

File in
Docket
FD-33388
(Environmental)

March 20, 1998

The Honorable Steven C. LaTourette
U.S. House of Representatives
Room 1239
Longworth House Office Building
Washington, DC 20515

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

Dear Congressman LaTourette:

Thank you for your letter dated February 19, 1998 enclosing the comments of ASHTA Chemicals and the City of Mentor about the proposed acquisition of Conrail by Norfolk Southern and CSX.

Your letter forwards correspondence from ASHTA Chemicals regarding reciprocal switching. ASHTA Chemicals is a party in this proceeding, and has filed pleadings with the Surface Transportation Board (Board) regarding its concerns. The Board will consider that material, along with all other submissions in this proceeding, in reaching its final decision.

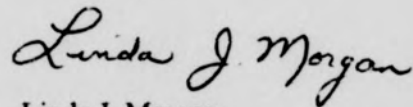
Your letter also forwards concerns from the City of Mentor over the potential adverse affect on public safety resulting from the proposed increased rail traffic in northeast Ohio. The Board's Section of Environmental Analysis (SEA) is conducting an environmental review of the potential impacts associated with the proposed Conrail acquisition. As part of its environmental review, SEA issued a Draft Environmental Impact Statement (EIS) on December 12, 1997 which addressed various environmental impact areas, including safety, transportation systems, land use, energy, air quality, noise, biological resources, water resources, environmental justice, and cultural and historic resources. Chapter 5 of the Draft EIS focused on the concerns relating to increased rail traffic in Ohio, especially the northeast Ohio and Cleveland areas. SEA recommended numerous mitigation measures to address the potential environmental impacts in that area, including railroad consultations with affected communities to discuss their concerns and possible solutions. In the Draft EIS, SEA identified and analyzed two of the highway/rail at-grade crossings in Mentor (Mentor Avenue and Heisley Road). SEA's analysis determined that the proposed increase in rail traffic would not significantly impact the accident safety risks or the traffic delay at these two crossings.

SEA is fully aware that these issues are of major concern to the residents of northeast Ohio. SEA has attended several public meetings in the area in order to hear those concerns first hand and has discussed the issues with numerous local officials. SEA has also formed special Ohio and Cleveland study teams to focus its review and analysis of the unique environmental impacts and concerns in this area.

After conducting an independent environmental analysis, reviewing all environmental information available to date, consulting with appropriate agencies, and fully considering all public comments, SEA plans to issue in late May 1998 a Final EIS for consideration by the Board. In its final decision, the Board will consider the entire environmental record, including all public comments, the Draft EIS, and the Final EIS. The Board will issue its final written decision on July 23, 1998.

I am having your letter, with attachments, and my response placed in the public docket for this proceeding. If you have additional questions concerning the environmental review process, please call me, or contact Elaine K. Kaiser, SEA's Environmental Project Director, or Mike Dalton, SEA's Project Manager for the Conrail Acquisition, at (202) 565-1530.

Sincerely,

A handwritten signature in cursive script that reads "Linda J. Morgan". The signature is written in dark ink and is positioned above the printed name.

Linda J. Morgan

STB

FD-33388

3-20-98

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ID-PUBLIC

February 20, 1998

Dear Chairman Morgan:

On the CSX/Horfolk issue, I am very one-sided. Please do not allow it.

Twice my husband has been stung by bees while on the north side of the tracks.

The doctors at the hospital, on the south side of the tracks, told us 2-3 minutes longer would have been too late.

An increase in train traffic will mean an increased threat to his life.

I'd like to keep him around awhile longer.

Please do not allow an increase in train traffic in Lakewood.

Sincerely
Ellen Cotton Steinberg
1562 Arthur Avenue
Lakewood Oh 44107



Office of the Chairman

Surface Transportation Board
Washington, D.C. 20423-0001

*File in
Docket
FD-33388
(Environmental)*

March 20, 1998

Mrs. Ellen Cotton Steinburg
1562 Arthur Avenue
Lakewood, OH 44107

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

Dear Mrs. Steinburg:

Thank you for your letter dated February 20, 1998 about the proposed acquisition of Conrail by Norfolk Southern and CSX and your concerns about the potential adverse affect on public safety resulting from the proposed increased rail traffic in Lakewood, Ohio.

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is conducting an environmental review of the potential environmental impacts associated with the proposed Conrail Acquisition. As part of its environmental review, SEA issued a Draft Environmental Impact Statement (EIS) on December 12, 1997 which addressed various environmental impact areas, including safety, transportation systems, land use, energy, air quality, noise, biological resources, water resources, environmental justice, and cultural and historic resources. Chapter 5 of the Draft EIS focused on the concerns relating to increased rail traffic in Ohio, especially northeast Ohio and Cleveland's west shore suburbs. SEA recommended numerous mitigation measures to address the potential environmental impacts in that area, including railroad consultations with affected communities to discuss their concerns and possible solutions.

In the Draft EIS, SEA identified and analyzed traffic delay impacts at the highway/rail at-grade crossings in Lakewood and the other west shore suburbs. SEA noted that "an especially serious concern is the separation of emergency response facilities from substantial portions of the West Shore communities". NS has identified a potential alternative routing through Cleveland (on NS' Cleveland to Vermilion rail line) that would shift traffic from the West Shore corridor to a rail line that is more industrial in nature. SEA recommended that NS continue to consult with the local communities and the state concerning the alternative routing plan.

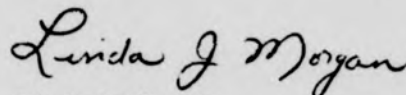
SEA also concluded that the increased transport of hazardous materials was significant, and recommended that the route between Cleveland and Vermilion be designated a "Major Key Route". This designation would require the NS to install defect detectors along the route, to develop Hazardous Materials Emergency Response Plans for the local communities, to conduct simulation emergency response drills with the local emergency response teams, and to provide toll-free telephone numbers to all emergency response organizations for each community along the rail line segment.

SEA is fully aware that these issues are of major concern to the residents of northeast Ohio. SEA has attended several public meetings in the area in order to hear those concerns first hand and discussed the issues with numerous local officials. SEA has also formed special Ohio and Cleveland study teams to focus its review and analysis of the unique environmental impacts and concerns in this area.

After conducting an independent environmental analysis, reviewing all environmental information available to date, consulting with appropriate agencies, and fully considering all public comments, SEA plans to issue in late May 1998 a Final EIS for consideration by the Board. In its final decision, the Board will consider the entire environmental record, including all public comments, the Draft EIS, and the Final EIS. The Board will issue its final written decision on July 23, 1998.

If you have additional questions concerning the environmental review process, please call me, or contact Elaine K. Kaiser, SEA's Environmental Project Director, or Mike Dalton, SEA's Project Manager for the Conrail Acquisition, at (202) 565-1530.

Sincerely,



Linda J. Morgan

STB

FD-33388

3-20-98

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ID-MOES



Office of the Chairman

Surface Transportation Board
Washington, D.C. 20423-0001

*File in
Docket
FD-33388
(Environmental)*

March 20, 1998

The Honorable John Breaux
United States Senate
Washington, DC 20510-1803
Attn. Sara Traigle

Re: 1987 Tank Car Fire in New Orleans

Dear Senator Breaux:

I am pleased to respond to your letter of February 20, 1998 to Mr. Dan King of my staff on behalf of several of your constituents concerned about a CSX Transportation Company (CSX) tank car fire in New Orleans in 1987. Your constituents request compensation for injuries to their homes and health resulting from the fire and a subsequent explosion. You ask that the Surface Transportation Board give your constituents' views and concerns every appropriate consideration within federal guidelines.

The Board is currently considering the joint application of CSX and Norfolk Southern Railroad to acquire the Consolidated Rail Corporation (Conrail). Within the context of that application, the Board does have jurisdiction over CSX. We may impose conditions on CSX, but such conditions must be related to the proceeding before the Board. The Board does not have the legal authority to address pre-existing conditions. Therefore, when one of your constituent suggests that the Board require CSX to pay its debts before spending substantial sums to purchase Conrail, such an action would be beyond the Board's jurisdiction.

The Board's Section of Environmental Analysis (SEA) is conducting an extensive environmental analysis of the Conrail acquisition. Among the potential environmental impacts that SEA is analyzing are the effects of the proposed transaction on public health and safety. That analysis includes changes in the types of hazardous materials and quantities transported or re-routed by applicants CSX and Norfolk Southern Railway Company. SEA is also examining the applicants' safety practices and protocols; their relevant safety data on derailments, accidents, and hazardous materials spills; and contingency plans to address accidental spills, which may be of particular interest to your constituents. SEA is planning to issue the Final Environmental Impact Statement for the Conrail Acquisition in late May 1998 and the Board's decision on the acquisition will follow on July 23, 1998.

I appreciate the opportunity to be of assistance in this matter. Please do not hesitate to contact me if I can be helpful in the future.

Sincerely,

Linda J. Morgan
Linda J. Morgan

STB

FD-33388

3-3-98

K

ID-MOCH



Steven C. LaTourette
Congress of the United States
19th District, Ohio

February 25, 1998

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

RECEIVED
FEB 25 PM 1:06
CHAIRMAN MORGAN
SURFACE TRANSPORTATION BOARD

Dear Ms. Kaiser:

The purpose for this letter is to ask you to include the concerns of the city of Painesville as part of your review before the final environmental impact study is finished this spring. I am aware the deadline for comment has passed, but unfortunately this issue was just brought to my attention today by city officials. This having been said, the timing should not detract from the serious concerns the city has raised over the impact of increased train traffic. Their concerns include increased noise and the efficient delivery of law enforcement and emergency services to residents.

Again, thank you for your consideration of my request. As a party of record, I want to make sure Painesville's concerns are addressed before any approval of the pending application is granted by the Surface Transportation Board. If you have any questions or need additional information, do not hesitate to contact me. Also, will you please confirm your receipt of this letter and indicate if you are willing to consider the concerns given the fact the comment period has now ended? Thank you for your time and attention to this request. I remain

Very truly yours,

Steven C. LaTourette
Member of Congress

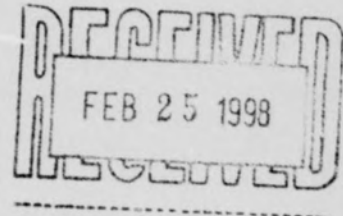
cc: Mr. John Clair, Painesville City Council President
Mr. Michael Dalton, Environmental Specialist, STB
Ms. Rita McMahon, Painesville City Manager
Mr. Patrick McCune, Norfolk & Southern
Mr. Stephen Watson, CSX

RITA C. McMAHON
City Manager

CITY OF PAINESVILLE

7 RICHMOND STREET
P.O. BOX 601
PAINESVILLE, OHIO 44077-0601
TELEPHONE (440) 352-9301

February 24, 1998



The Honorable Steven C. LaTourette
1 Victoria Place
Room 320
Painesville, Ohio 44077

Dear Congressman LaTourette:

Enclosed please find a letter of objection sent to the Surface Transportation Board relative to the Norfolk Southern CSX acquisition of the Conrail Railroad. As stated in the letter, the City of Painesville does not foresee any benefit from this acquisition. In fact, it appears that the City will be negatively impacted by the increased traffic on the Norfolk Southern line between Cleveland and Ashtabula. All of the proposed traffic is pass through creating traffic and safety concerns for the City.

Your assistance in addressing these concerns with the Surface Transportation Board would be appreciated. Representatives of the City would like to meet with you at your convenience to discuss this issue and potential solutions.

Thank you for your continued support of the City of Painesville.

Sincerely,

Rita C. McMahon
City Manager

cc: John Clair, President of Council
City Council Persons

CITY OF PAINESVILLE

7 RICHMOND STREET
P.O. BOX 601
PAINESVILLE, OHIO 44077-0601
TELEPHONE (440) 352-9301

February 20, 1998

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

Dear Sirs:

The City of Painesville, located in northeast Ohio on the corridor east of the City of Cleveland, is affected by the proposed acquisition of Conrail and the Conrail Corporation by CSX Corporation, CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Corporation. The Conrail lines cross through the northern portion of the community and the Norfolk Southern lines cross through the southern portion of the community. A map indicating our location within the State of Ohio is attached as Exhibit A and Exhibit B which reflect the location of both railroad's facilities within our community.

As you can see from the attachments, the city is dissected into thirds by the two railroad systems. The City has historically benefited from these railroad which resulted in the development of commercial and industrial uses on adjacent lands. Railroad spurs were a benefit to a number of the growing industry in the early part of this century. However, the increased use of truck and automobile traffic has decreased the direct use of rail by local industry. Today, none of the existing industry along the Norfolk Southern Line uses rail for the delivery of product and only a couple of industries adjacent to the Conrail line utilize a spur. Rail traffic is primarily through-traffic carrying product between other markets. The decreased dependence on rail as a form of transportation has resulted in the property adjacent to the existing rail lines being developed or redeveloped into lighter commercial or residential uses. This is particularly true of the lands immediately adjacent to the Norfolk Southern railroad tracks.

The street pattern of the City also bears review. Exhibit B indicates that both railroads intersect the major north-south thoroughfares through the city. The Conrail tracks cross Newell Street, Richmond Street, State Street and Elm Street. Fortunately, underpasses have been constructed at the Richmond Street and State Street intersections, permitting continuous traffic flow. The Norfolk Southern lines intersect with Chestnut Street, Liberty Street, S. State Street (SR 84 & 86), and Bank Street. These are fully signaled

at-grade crossings. The residents of the southern portion of the city rely on these street to access the main portion of the city, its central business district. One of two county hospitals, the Post Office, as well as Police and Fire Stations are all located north of the Norfolk Southern lines. These facilities not only serve the residents of the City of Painesville, who live south of the Norfolk Southern line, but also the residents of the adjacent Townships immediately to the south of the city.

The City is concerned about the impact on the adjacent properties and vehicular traffic flow as a result of the projected increase in traffic on the Norfolk Southern line. At present, traffic on this line is estimated at an average of 13 trains a day which translates to one train every one hour and forty-five minutes. The Surface Transportation Board has indicated that traffic on the Norfolk Southern existing lines will increase to 36.6 trains per day after the acquisition. The increased traffic will mean one train every forty minutes. Since the southern portion of the city is cut off from essential services of Police, Fire and Rescue when a train is on the Norfolk Southern Railroad, the increased level of traffic will exacerbate existing problems and concern for safety forces and for emergency vehicles accessing the Hospital coming from the south. Delays to response time by either entity can mean the difference between life and death. It is our opinion that the increased rail traffic will have a detrimental impact on the southern portion of our community.

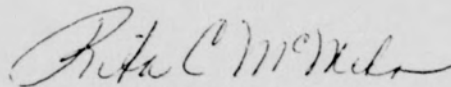
In addition to the congestion and safety issues for emergency vehicles, there is also a safety issue for adjacent properties. This level of traffic will increase the likelihood of noise, particularly at night, when it is anticipated that a large number of the trains will be running. With four at-grade crossing in the City, the trains will be sounding their whistles with increased frequency resulting in a disturbance to the surrounding residential areas. Due to this lines proximity to residential and commercial areas it is likely that there will be pedestrian conflicts with the train traffic. In the last three months of 1997, the City experienced three tragic accidents that resulted in the loss of the life of a pedestrian coming into contact with the trains. Increased train traffic will only further increase the opportunity and likelihood for tragic accidents.

The increased train traffic will also increase the likelihood of accidents involving trains carrying hazardous materials. The close proximity to the residential areas could spell disaster to the community. It will also create a need for additional training and equipment for the City's safety forces to maintain a standard of preparedness for any eventuality.

One solution to address the traffic flow and response time for emergency vehicles is a grade separation at one or two of the existing crossings at a minimum. This could also reduce the level of accidents and conflicts with pedestrians. It would decrease the noise level by decreasing the number of crossings the train whistles need to be sounded at. It would not address the concerns relative to the number of trains and the potential for accidents as a result of the type of cargo being carried by the trains. This last issue remains a very serious concern of the City.

This proposed acquisition provides little direct benefit to the City since all of the traffic is through traffic. The city will only be negatively impacted by this acquisition unless the issues of grade separation and safety are considered. We ask that before the acquisition is approved that the Surface Transportation Board consider the burden which will be placed on many small communities such as Painesville to deal with duplicating services or developing grade separations without any assistance from the entity creating the problem. We, therefore, request your consideration and assistance in addressing this issue which will have serious long-term impacts on the residents and businesses of this and adjacent communities.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rita C. McMahon".

Rita C. McMahon
City Manager

attachments

cc: City Council
The Honorable Steven C. LaTourette



Streets Plus

Map Title 1 CITY OF PAINESVILLE, OHIO
 Map Title 2 EXHIBIT A

STB

FD-33388

2-18-98

K

ID-GOV

ENVIRONMENTAL DOCUMENT

STATE OF MICHIGAN



JOHN ENGLER, Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY

"Better Service for a Better Environment"

HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973

INTERNET: www.deq.state.mi.us

RUSSELL J. HARDING, Director

REPLY TO:

ENVIRONMENTAL ASSISTANCE DIVISION
TOWN CENTER 2ND FLOOR
PO BOX 30457
LANSING MI 48909-7957

February 11, 1998



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

Dear Ms. Kaiser:

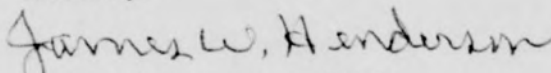
SUBJECT: Draft Environmental Impact Statement
Proposed Conrail Acquisition

The appropriate areas of the above cited document were reviewed by the Land and Water Management Division, the Air Quality Division, and the Waste Management Division. They all state that all issues had been addressed and no comments are necessary at this time.

In the future, we wish to review the Environmental Assessment (EA) or the Environmental Impact Statement (EIS) generated for specific projects in the State of Michigan.

Thank you for the opportunity to review the document.

Sincerely,



James W. Henderson, Ph.D.
Permit Coordinator
517-335-4235

STB

FD-33388

2-17-98

K

ID-PUBLIC

ENVIRONMENTAL
DOCUMENT

February 1, 1998



Surface Transportation Project

After attending meetings, doing much reading & discussing the proposal with others, I have come to the conclusion that the buyout of Conrail by CSX & Norfolk & Southern Railway will NOT be of any benefit to my home town, Lorain, Ohio (I've lived here 64 years) or to Cleveland, Ohio.

Please give consideration to people who actually live in this area.

Thank you

Mary Sedano (Mrs. Angelo)
5774 Williamsburg Dr
Lorain, OH 44053

STB

FD-33388

2-13-98

K

ID-FEDS

U.S. Department
of Transportation

United States
Coast Guard



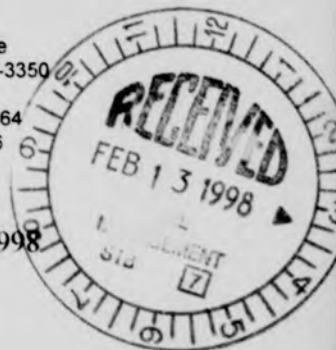
United States Coast Guard
Bridge Branch

408 Atlantic Avenue
Boston, Ma. 02110-3350
Staff Symbol: obr
Phone: 617 223-8364
FAX: 617 223-8026

ENVIRONMENTAL DOCUMENT

16590

February 10, 1998



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

Subject: Proposed Conrail Acquisition by CSX Corporation.

Dear Ms. Kaiser,

This is in response to your request for comments on the proposed Draft Environmental Impact Statement for the Conrail acquisition by the CSX Corporation.

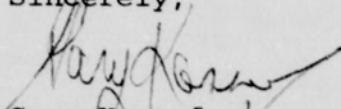
Our review has not identified any additional issues than those previously sent to you by our letter dated August 6, 1997. I have enclosed a copy for your file.

I would like to take this opportunity to briefly reiterate our comments regarding the Lehigh Valley Bridge across Newark Bay in New Jersey. Federal Regulations governing the operation of drawbridges specifically require that this bridge over Newark Bay listed under § 117.735 be operated so as to not delay openings of the draw for more than periods of five minutes. It has been a practice to back up trains across this bridge during the process under which trains are "made up" for periods of several hours. The Coast Guard has assessed civil penalties for past violations and will continue to enforce the regulations with regard to these delays.

We strongly recommend, once the acquisition is finalized, that steps be taken to prevent these delays by considering alternatives necessary to expand or reconfigure the train yard to correct this problem. In this regard, we would be happy to meet with the new management team to discuss this matter.

If you have any questions please do not hesitate to contact me at
(212) 668-7165.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gary Kassof", with a long horizontal flourish extending to the right.

Gary Kassof
Bridge Administrator
First Coast Guard District
By direction of the District Commander

Encl: USCG ltr. dated August 6, 1997.
ACTNY Waterway Oversight

U.S. Department
of TransportationUnited States
Coast GuardCommander
First Coast Guard DistrictBattery Park Bldg.
New York, NY 10004-5073
Staff Symbol:(obr)
Phone:212-668-7165

16590

AUG 06 1997

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

Dear Ms Kaiser:

This is in response to your request for comments on the proposed EIS scope for the consolidation of Conrail assets with those of the CSX and Norfolk Southern railroad companies. I am providing comments on behalf of Admiral Richard M. Larrabee, First Coast Guard District Commander.

The First Coast Guard District's Bridge Administration program closely interfaces and coordinates with Conrail's operations in the northeast. The following issues/impacts should be included in the environmental impact statement process:

o marine safety implications and intermodal conflicts anticipated by increased rail service particularly across drawbridges; discuss increase in number and frequency of trains crossing bridges. ~~NOTE: Although we recognize your desire not to mitigate pre-existing conditions, cumulative impacts resulting from added congestion, for example, should be addressed.~~

o expansion of rail facilities (yards, stations) particularly where freight trains are "made up" and the impacts on drawbridge operations eg. Lehigh-Valley Bridge across Newark Bay, NJ.

o plans to construct, replace or rehabilitate bridge structures over waterways; CG bridge permits and construction approvals may be required. The Draft Scope of the EIS (p. 13) omits compliance with the federal bridge statutes (33 U.S.C. 401, 491, 525 et seq)

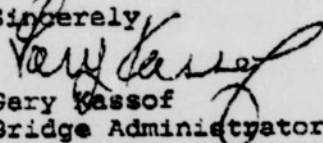
o discussion of maintenance program for bridges to include operational machinery (for drawbridges), protective fenders, navigational lighting.

o training program for drawbridge operators and dispatchers to include knowledge of bridge owner's/operator's responsibilities in accordance with 33 CFR 117.

o plans to remove all abandoned bridge structures across navigable waters of the United States.

Please provide a copy of the railroads' Environmental Report, if available as I haven't received one. Once the DEIS is published we will provide more in depth comments. In the meantime we are available to answer any questions you may have. Please contact the Bridge Administration Branch at 212 668-7165.

Sincerely


Gary Kassof
Bridge Administrator
First Coast Guard District
By direction of the District Commander

STB

FD-33388

2-10-98

J

ID-PUBLIC

EUCLID PARK **F**OREST HILLS PARK **C**OLLINWOOD **COALITION**



Chairman

Roosevelt Coats

1st Vice Chairman

Abby Shrock

2nd Vice Chairman

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Alvie Evans

Walter Covington

Cheryl Ellis

Madeline Taylor

Jimmy McCoy

Willie Calhoun

Magetta Holland

Jackie Freeman

Bonnie Dutton

Charlie Moore

Wallace Floyd

Christine Franklin

Annie Pritchett

Helen Bryant

Irene Norwood

Carmilla Kennerly

Eugene Fearing

Velma Arnold

Charlie Rivers

Gloria Moore

Ada Wade

Andrew Bridgett

Frank Brown

Corine Smith

Ann Davis Miller

Ruth Buxley

Elbert Jamerson

Eddie Coats

Odis Catchings

Madie Walford

Betty Loving

Gloria Grady

Ron Britton

Ann Roman

January 26, 1998

Office of the Secretary
Surface Transportation Board
Washington, D.C. 20423-0001

Dear Secretary and Members of the Surface
Transportation Board:

We are writing in opposition to the CSX/Conrail merger that will negatively affect the residents of Ward 10 located in the northeast portion of the City of Cleveland. In light of the research prepared by the City presented in the environmental impact statement by the Surface Transportation Board, and the concerns we hear from neighborhood residents, it is clear to us that the proposed merger between CSX and Conrail is at the cost of residents in our neighborhoods.

The proposed increase of trains comes on tracks that cut right through our communities. These tracks are rarely used at present, and in some places run through densely populated neighborhoods. An increase in train traffic would affect many people in profound ways.

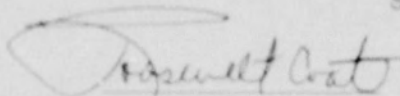
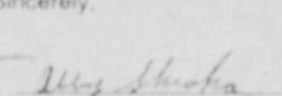
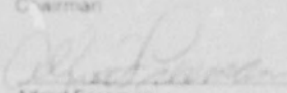
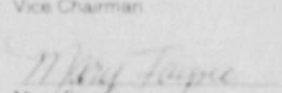
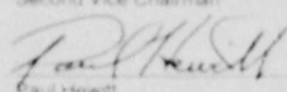
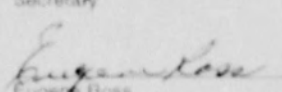
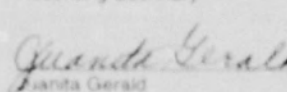
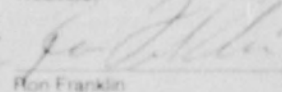
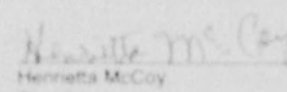
Delays in traffic at crossing, especially delays in emergency vehicle traffic could create a life-threatening problem for our communities. As the shipping of train cargo is virtually unregulated, in the event of an accident, the proposed train traffic is more likely to create a significant health hazard and emergency situation in our neighborhood, for which the City must be constantly prepared. The value of real property for residents adjacent to the tracks could plummet, as the location would be increasingly less desirable. Finally the quality of life would be diminished from such dramatic increase in train traffic, and the resulting loss of air quality and increase in noise.

Gayle Thomas
 Burtha Reddie
 Rev. Oliver Morris
 Rev. Aurelius Sims
 Doreen Perry
 Ruben Little
 Luella Harvey
 Willa Armour
 Imun Doad
 W. C. Coats
 Carl Fulton
 Calvin Williams
 Isabell Hendrick
 Fannie M. Allen
 Richmond Cheese
 Al Kirk
 Barbara Miller
 Eloise Brown
 Willie McCladde

-2-

The City prepared and filed a great deal of information in this regard, and indicated that the neighborhoods most affected are black and low-income neighborhoods. The communities are Euclid Green, Collinwood and Forest Hills neighborhoods. Our community is among those proposed to receive the most damage from this proposal, therefore, we oppose the CSX/Conrail merger.

Sincerely,

| | |
|--|--|
|  |  |
| Roosevelt Coats Chairman | Abby Simoka Vice Chairman |
|  |  |
| Alfred Freeman Second Vice Chairman | Mary Fayth Secretary |
|  |  |
| Paul Hewitt Recording Secretary | Eugene Ross Treasurer |
|  |  |
| Juanita Gerald Assistant Treasurer | Ron Franklin Parliamentarian |
|  | |
| Hennessey McCoy Chaplin | |

cc: William E. MacDonald, President

The Honorable Michael R. White
 Mayor, City of Cleveland

The Honorable Louis Stokes
 Congressman, U. S. House of Representatives

CSX Transportation

STB

FD-33388

1-12-98

K

ID-BUSINESS



Office of the Chairman

Surface Transportation Board
Washington, D.C. 20423-0001

File in Docket

FD-33388
(Environmental)

January 12, 1998

Ms. Zee Frank
Landmark Studios, Inc.
2 Willis Avenue, Port Morris
The Bronx, NY 10454-4417

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

Dear Ms. Frank:

Thank you for your letter expressing your concerns about the effect of the proposal by Norfolk Southern and CSX to acquire Conrail on the New York City area.

This proceeding has been docketed at the Surface Transportation Board (Board) as STB Finance Docket No. 33388. As you may know, the Board adopted a procedural schedule for deciding the merits of the control application filed in this proceeding, which it recently extended by 45 days to accommodate the filing of safety integration plans by the applicant railroads. As provided by the procedural schedule, the Board has received comments and evidentiary submissions from all interested parties addressing the merits of the merger proposal, which were filed with the Board on or before October 21, 1997, and the Board has received replies to these filings, including rebuttal by the applicant railroads, which were filed on or before December 15, 1997. The Board is currently analyzing those filings. A final written decision in this matter will be issued on July 23, 1998.

In deciding whether a control transaction such as the one being proposed here is in the public interest and should be approved, the Board must consider various factors required by law, including the interest of all rail carrier employees affected by the proposed transaction, the adequacy of transportation to the public, and whether the proposed transaction would have an adverse effect on competition among rail carriers in the affected region or in the national rail system. In this regard, let me assure you that the Board will give full consideration to the issues that you have raised. Because this proceeding is pending before the Board, however, it would be inappropriate for me to comment further on the case.

With respect to environmental issues, as you mention, the Board's Section of Environmental Analysis (SEA) is conducting an environmental review of the potential environmental impacts associated with the proposed Conrail acquisition and will prepare an

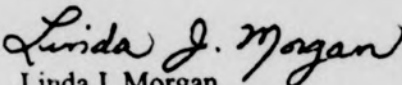
Environmental Impact Statement (EIS). As part of its environmental review, SEA will address several environmental impact areas, including safety, transportation systems, land use, energy, air quality, noise, biological resources, water resources, environmental justice, and cultural and historic resources.

Under the current procedural schedule adopted by the Board, SEA issued the Draft EIS on December 12, 1997, with a public review and comment period ending in early February. After conducting an independent environmental analysis, reviewing all environmental information available to date, consulting with appropriate agencies, and fully considering all public comments, SEA plans to issue in late May 1998 a Final EIS for consideration by the Board. In its final decision, the Board will consider the entire environmental record, including all public comments, the Draft EIS, and the Final EIS.

Your letter also mentions project funding under the Intermodal Surface Transportation Efficiency Act (ISTEA). That program is within the jurisdiction of the Department of Transportation and would not be considered in the context of the pending Conrail acquisition case.

I am having your letter made a part of the public docket in this proceeding. I appreciate your interest in this matter, and if I may be of further assistance, please do not hesitate to contact me.

Sincerely,


Linda J. Morgan

1998 - New York City 100 Celebration - "America begins in New York"
 Home of Port Morris Patriots and Democracy in the United States
 1997 - "All - America City" awarded to The Bronx
 1997 - "Fordham University" placed in the "Nation's Best Values"
 1997 - Bronx "Little League" win Baseball Crown for New York State
 1996 - The Bronx "New York Yankees" World Champions
 World Famous - Bronx Zoo and Wild Life Habitat
 World Famous - Bronx Botanical Gardens
 "Six Most Remarkable Contiguous Bridges in the World"
 Span the Federal Harlem River, to join the Island of Manhattan to the Bronx mainland.
 World Famous, New York City Marathon, cross these bridges,
 at the Major Highways of "NYC Tourist Corridor" and "Antique Center"
 1994 - Federal Empowerment Zone awarded Port Morris
 1888 - Railroad Builds gracious "Landmark" Office Building, atop Scenic Riverscape; Historic
 1776 Revolutionary Site.
 and Home of Patriots, "Lewis (*) and Gouverneur (**) Morris".
 1815 (**) An Early Voice on Conservation to Protect Habitat of Birds, Fish, Wildlife.
 1790 (*) Debate in Congress to have the "Capitol of the United States" rise on hill, atop historic
 and scenic river.
 1788 (*) - Ratified the "Constitution for United States" for New York State.
 1787 (**) - PENNED, PHRASED AND DRAFTED THE FINAL "CONSTITUTION OF THE
 UNITED STATES"
 1776 (*) - SIGNED THE "DECLARATION OF INDEPENDENCE"
 1670 - Jonas Brounck's Brounckslan becomes "Morrissania Village" of the Patriots, (then in
 Westchester).
 1642 - "Indian Peace Treaty" is signed in Jonas Brounck's Farm House.
 1639 - "Brounckslan settled by Jonas Brounck, (then in Westchester).
 1492 - 1639 Home of Reckgawawanc Tribe's Chieftains Ramachqua and Taekamuck in "Nuacin
 Village".
 (1996 - New York City Bronx Park Department, named "Ramachqua").

Landmark Studios, Inc.
Zee Frank
2 Willis Avenue, Port Morris
V. 718-292-9697
The Bronx, New York 10454-4417
F. 718-292-9698

zeefrank@aol.com

Ms. Linda Morgan, Esq. Chairwoman
 United States Surface Transportation Board
 1925 K Street
 Washington, D.C. 20423

December 11, 1997

RE: EXPLOITATION OF NEW YORK CITY RAIL FREIGHT

Dear Ms. Morgan

Your response (5/19/97) to our letter and attachments of March 14, 1997 is warmly appreciated.

Since writing, CSX paid for a full page (4/11/97) in New York Times, (to be approved by Surface
 Transportation Board) to identify its pathway of the now merged CSX/NS **Rail Freight to New
 York City was "totally absent"**. For more than a decade, Oak Point Rail Link for direct Rail
 Freight access to NYC is complete, avoiding the costly and air polluting trucking from New
 Jersey. CSX has been talking to Port Authority of New York-New Jersey. But, unfortunately the
 Port Authority is part of the problem as they manipulate their interests in New Jersey and exploit

OFFICE OF
CHAIRMAN MORGAN

JAN 6 11 51 AM '98

RECEIVED
SURFACE TRANSPORTATION
BOARD

Page 2.

New York City, per multiple media reports: i.e. "New Jersey's Port pirates", Daily News, Editorial, Page 26, 6/2/97. Again in June 9, 1997 another editorial on the Port Authority entitled "City port of no call". Clearly New York City has a problem with Port Authority also. March 31, 1997 re Port Authority, entitled "Time running out for Port Authority." This editorial stated "All the while, of course, the agency has allowed New York's ports to wither. Many channels are filling with silt. And, the PA has never built a rail link between New York and New Jersey-- one of the main reasons it was created in 1921."

A response to the NY Daily News Editor of New Jersey's Port pirates" reflects the enormous delay of some 10 years in the 80's, + 7 years in the 90's to build the project the Oak Point (Rail) Link and the Harlem River Intermodal Terminal, for New York City to finally have direct access of Rail Freight.

The now completed New York City Oak Point Rail Link and Harlem River Intermodal Terminal project is still being de-railed, by the flagrant plan to have the project serve largely one man for private profit building on 70% of the Terminal, replacing Rail land. Further, the replacement of this critical rail for the enrichment of largely one man; would at the same time be replaced with "Non-Rail" dependent uses with enormous pollution and hazards about which we wrote you, and received your welcome letter dated May 19, 1997, that it will be part of the public docket.

Since submitting to you my statement before the New York State Department of Transportation in March '97, it is now reported major increases in traffic, via the bridges from New Jersey i.e. 800,000 more vehicles in 3 months over last year, in addition to the horrific traffic congestion already suffered and whereby New York City is in non-compliance with Air Quality Attainment. This continuing increase of 10% is expected to continue and impact New York City.

Yet, the plan by largely one man, is to destroy 70% of the Harlem River Intermodal Terminal which was integral to the plan of the Oak Point Rail Link, now complete but stopped "dead" by the same man, after having held this Intermodal Terminal hostage, into seven years. (The New York Observer, April 14, 1997 (Pages 1 and 11); entitled "Who's Not Working on Rail Yards?" "Galesi, Owner of 99-Year Lease.")

As you can see exploitation of NYC continues, when instead of destroying Rail Land, the Port Authority and New York State Department of Transportation, should act to get huge diesel trucks off the road and travel via Trailer on Flat Car (TOFC), for the economy and for the health of New York citizens. Instead they are destroying the only Intermodal Terminal that is essential to New York City. THIS IS NOW A DOCUMENTED FEDERAL COMMITMENT FOR NEW YORK CITY, AS REQUIRED BY ISTEA AND CLEAN AIR ACTS, TO PRESERVE ALL RAIL FOR PRESENT AND FUTURE USE, TO PROTECT THE EMINENCE OF UNITED STATES IN THE GLOBAL ECONOMY.

Yet, the State Comptroller Carl McCall said: "On top of all that, the Port Authority, which is a partner in these projects, recently invested \$19.5 million in a state-of-the-art intermodal facility in Elizabeth New Jersey, which would compete directly with Oak Point and the Harlem River Yard." "And the Empire State Development Corporation - a state authority - is paying for a feasibility study of a rail freight tunnel between New Jersey and New York. But no one is planning a comprehensive rail freight strategy to maximize the economic development potential of these projects." Extraordinary that the Port Authority is planning to continue to compete with New York City to keep the bridges gridlocked and the Air contaminated. The Empire State Development Corporation is pressing to have the "Galesi" entity destroy 70% of the Harlem River Intermodal Terminal by giving \$millions in Grants to the

Page 3.

"Galesi" entity, in addition has authorized a \$75,000,000 tax free Bond incentive to the Galesi entity as published in the Albany media.

This bombardment of \$millions for New Jersey to compete with New York City and \$millions in grants to replace the Rail land in New York City's only Intermodal Terminal at the Harlem River, is clearly a conflict with the so called Federal Commitment and makes a mockery of both the Intermodal Surface Transportation Efficiency Act '91 (ISTEA) and the Clean Air Act and Amendments '90 (CAA). The Surface Transportation Board is now in a position to end the exploitation of New York City's Rail infrastructure, noting the inconsistency of a documented commitment and what is actually being planned.

NEW YORK CITY CANNOT BE LOCKED OUT OF THE GLOBAL ECONOMY AND JOBS.

On May 24, 1997, the New York Times (front page and page 23) had this headline:

"HALF FULL OR HALF EMPTY?"

**"AS NEW YORK CITY JOBLESS RATE INCREASES,
U.S. RATE DROPS, WILL THE TREND CHANGE?"**

Clearly, considerable power as Port Authority and New York State Department of Transportation as chronicled in the New York State Comptrollers report of February, 1997 appear to exploit New York City. The result is that although the Oak Point Rail Link is NOW COMPLETE and with CSX NS merger, NEW YORK CITY SUFFERS EXPLOITATION WHICH DIRECTLY IMPACTS ITS JOBLESS RATE. This locks out the very group, blue collar workers that so desperately need jobs instead of welfare. When you add the salaries of some 5000 jobs paid by employers and the increased profit for employers who can use cost effective, timely rail freight, and add the savings to New York City welfare payouts, it will result in \$millions to benefit the entire City as against a couple hundred demeaning jobs that the polluting uses will bring as 70% of the Intermodal Terminal is destroyed. This then destroys New Rail for "non-dependent" Rail uses which required special overrides to the Zoning Regulations forbidding (1) destruction of Rail and (2) enormous emissions throughout the City.

Every City throughout the United States is said to have Intermodal facilities for TOFC. These cities are largely populated with LESS THAN ONE MILLION TO 1-1/2 MILLION. NEW YORK CITY HAS A POPULATION NEAR EIGHT MILLION, AND WITHOUT AN INTERMODAL FOR RAIL FREIGHT, THIS EXPLOITATION IS OBSCENE! THE CLEAR MESSAGE IS THAT NEW YORK CITY IS THE LARGEST RAIL FREIGHT MARKET IN THE UNITED STATES.

THE RECENT PETITION SIGNED BY 24 CONGRESSMAN, EMPHASIZES THIS EXPLOITATION. Europe and the entire balance of the United States fare better with Rail. New York City will continue to be a Third Rate City if the "ONLY" Intermodal Terminal for New York City, already built with \$35,000,000 public funds, is 70% destroyed. Together with the Oak Point Link Federal, State, City funds amounted upwards to \$500,000,000, including the clearances under the bridges of NYC, etc. To allow a merger of the two great railroads and still exploit New York City and its people, appears to be an arrogance that must be brought to light, to enrich largely one man.

The New York State Department of Transportation, acknowledged the State Comptroller's Audit with a letter contained also in that report. Yet, the Harlem River Intermodal Terminal may still be 70% destroyed and replaced with non-dependent rail uses that are also severely polluting to health.

The Federal/State Agency of "NYMTC" (New York Metropolitan Transportation Committee and "MPO") responded to the Federal (US Department of Transportation) report with commitments

Upon NYMTC's statement of commitments, the Federal response has required that these commitments are complied with.

The May 2, 1997 "Federal" NYMTC's New York City Transportation Coordinating Committee (TCC) report on page 33, attached with cover page, and 2-page signed, official resolution, is the commitment for the Harlem River Intermodal Terminal. The Harlem River Intermodal Terminal alone, has cost \$35,000,000, of public funds, which included \$9,000,000 to purchase the Rail Land by New York State Department of Transportation. The purchase was justified, based on the pledge that the entire yard was required for the Intermodal Terminal. In fact, in 1985, Norfolk Southern offered \$20,000,000 to develop the Harlem River Rail Yard, in addition offered many other benefits to other NYC rail land to enter this rich market. Instead Federal, State and City public funds were used for the State-of-the-art Harlem River Intermodal Terminal and the Oak Point Rail Link to bring modern Intermodal Rail Freight directly to the East of the Hudson to serve New York City. Somewhere the legal pledge that this must be 96 acres of Intermodal Terminal got lost by the New York State Department of Transportation. This powerful man, in fact wrote his own lease, which gave him the 96 acres for 99 years, solely for his signature. Pretty powerful. This was near seven years ago; enough time to note that the powerful entity has failed.

Now, the May 2, 1997 New York State Transportation Improvement Program under NYMTC, also acting as the MPO under the ISTEA Program, it states: "The Harlem River Yard has been selected as the key yard necessary to establish a regional intermodal Trailer-on Flat-Car (TOFC) Terminal". It continues, "It will be redeveloped as the New York City regional intermodal terminal. The site contains 85 acres with excellent rail and highway access. It has a direct rail connection to the existing Oak Point Yard. It is also strategically located within the regional TOFC market area."

But this Federal document is being ignored. The Surface Transportation Board expertise is urgent. The design for its efficiency is set forth in a dozen engineered booklets. It also was required, for the reissue of the Permit by the United States Coast Guard, that the South Track be built. (This is shown in the original engineered plan. It was again made part of the permit compliance.) Not only cannot the South Track be built with the destruction of 70% of the Harlem River Intermodal Terminal, but rail tracks will be destroyed. Also, other tracks will be realigned to operate like side tracks for the polluting uses. By the mapping of the "Galesi" entity, this includes the Mainline of the Oak Point Rail Link, to be so manipulated that through access will be zig zag. It would only serve the private profit polluting uses. Without a proper mainline and South Track, per engineered documents, and physical destruction of existing rail, the entire 85 acres will be a dump for the sole purpose of enriching largely one man. Only in New York City can this happen.....which is called "The Capital of the World". Take a moment out to snicker. (P.S. One of the attractions of this irreplaceable land is that this one man does not have to pay any New York City real estate taxes as it is owned by New York State Department of Transportation. (Further it is a sweet package to get mortgage loans by this man under the name of Harlem River Yard Ventures, Inc. which he has already done in 1994 and 1996. (During this time he was using this \$35,000,000 land as a profitable parking lot! The mortgages were with Fleet Bank and on public record.

We understand a Draft EIS has been issued by the Surface Transportation Board, but believe that it may be useful to have these comments quickly with New York City appearing to have the largest unemployment rate. President Clinton and Hillary Clinton, visited the South Bronx, yesterday, applauding the renaissance of this borough. How can anyone justify the destruction of

this irreplaceable TOFC for the personal profit of largely one man who has only contributed to his own greed as the rest of the City is held hostage. The State Comptroller's Audit of February, 1997 is an amazing study of what extraordinary benefits were showered upon, largely one man.

The Surface Transportation Board also has the authority, we believe, to establish a competitive market. The rates therefore must be equivalent for New York City as it is for New Jersey etc or else New York City will be locked out of the Global economy. The essence of Intermodal Surface Transportation Efficiency Act '91 was to protect the preeminence of the United States in the Global Economy. With reauthorization, we trust this will continue to be the National concern. The ISTEA was to preserve all present and future Rail Freight for that purpose and to benefit the environment. Destroying Rail Land surely thwarts the purpose and makes a mockery of the Air Quality as Rail is replaced by massive pollution, and extraordinary increases in traffic for the polluting uses. (The former USEPA Chief of Motor Vehicles, Michael Walsh, documented that the 36 acres of the Deinking replacement of Rail Land ALONE, will cause deaths from the carbon monoxide. This would be in addition to the enormous noxious emissions to air and water. This is more remarkable as this very area is #1 in Asthma and the medical health care professionals are alarmed. The need is to convert trucks to rail, not to create additional, deadly pollutants and to provide dignified, well paying jobs. The polluting jobs are arrogantly offered as a dilemma to the jobless; take these jobs or else. (Within the last weeks, an active opponent of this pollution, lost her son to an Asthma attack. These are real people with hopes for the future that are being attacked by these pollutants. Greed thrives on Environmental Injustice.)

Surface Transportation Board has a massive task. It is hoped that although New York City has now adopted "Disney", it still has a huge, diverse population (2/3rds of the region on this side of the Hudson). NYC has near 8 million population with varying skills. We must be assured of the key infrastructure for Rail Freight which the public has paid for, and which the jobless require. The local exploitation of downstate New York is wrong.

The future of this major merger, will ultimately allow for "coast to coast" seamless rail. It is imperative that New York City becomes part of that. The 96 acres (or 85 acres) are irreplaceable in the City. This was long decided when the Harlem River Intermodal Terminal was made an integral part of the Oak Point Link project, and part of the Intermodal Surface Transportation Efficiency Act. The years of inexcusable delay must come to an end. The Oak Point Rail Link is complete.

The Surface Transportation Board has the opportunity to level the playing field for downstate, New York City, by preserving Oak Point Rail Link and Harlem River RAIL LAND FOR INTERMODAL RAIL. Its value was acknowledged in 1985 when Norfolk Southern offered big Rail improvements and in addition to put \$20,000,000 into the then undeveloped Harlem River Yard. NS knows a bargain when it sees it.

Again, thank you for adding my previous submission to the record to support any decisions. Should you require anything further, it will be a pleasure to comply. I trust we are not burdening the record but this is a singular opportunity for New York City to be a complete City, with the tools to enrich the City's industry and have a presence in the global economy.

We shall send a copy of this letter to the Secretary of the Department of Transportation, Mr. Rodney Slater, who is said to have the power to take immediate action.

The City deserves immediate use of the Oak Point Rail Link which the Venture entity has stopped dead. Criticisms were dramatic in intensity and volume during the recent State DOT

Page 6

Meeting that was held on this issue December 2, 1997 in the Bronx. The only supporters were the paid employees of the Venture entity and the paid employees of State DOT. Surely this is embarrassing, but also enormously destructive to New York City and the global economy of the United States.

There has been media coverage of the intense objections by the community that was recently Awarded the "All-America City" Title for the Bronx. With the confirmation delivered by the "Clintons" New York Times, 12/11/97 " (Front Page) "CLINTON PRAISES BRONX RENEWAL AS U. S. MODEL"; those who planned to continue Environmental Injustice to this now proud community of the Bronx, must be stopped, otherwise the hope for this generation and those to follow, will be stamped out. The community was successful in a six year fight to close down a Medical Waste Incinerator. In fact a proponent for a mass polluting facility to replace the New Rail at Harlem River Intermodal Terminal, had the Daily News print an apology to the community due to his "disparaging remarks". In a recent New York Times article (12/4/97) it was stated: "The plant is being opposed by the South Bronx Clean Air Coalition, a group of about 50 local organizations, including schools, churches and businesses. Carlos Padilla, the organization's president, said the plant would create more air pollution, in an area where respiratory problems are common. He said his organization was preparing a lawsuit to stop the construction, which is to start in 1998, if there are no more delays."

How in the world can one Venture man create such harm to a community struggling to survive. It is just as shocking as the "merchant marine fraud" who got buried as a "hero"; but the man of Harlem River Yard Ventures, Inc. will bury all the hopes of this community, as quoted by the New York Times. Just as the "hero" is being removed from the hallowed cemetery, Harlem River Yard Ventures, Inc. should be removed as stated in the Daily News Editorial of November 24, 1997; "RAIL MONOPOLY RIPS US OFF", attached.

Again, thank you for your prior courteous response to the statement we delivered before The New York State Department of Transportation; but as you can see from the above, the message appears to be lost.

Sincerely yours,

Zee Frank *via Certified Mail*
Zee Frank, Landmark Studios, Inc.

cc: Honorable Rodney Slater,
Secretary,
United States Department of Transportation
400 Seventh Street, S. W.
Washington, D. C. 20590

*Submitting copies of NYC Public Advocate
letter to Gov. Pataki 11/18/97 and
Gov Pataki statement Feb 97
in addition to News Editorial
of 11/24/97.*

MORTIMER B. ZUCKERMAN, *Chairman & Co-Publisher*
FRED DRASNER, *Chief Executive Officer & Co-Publisher*
DEBBY KRENEK, *Editor In Chief*
ARTHUR BROWNE, *Managing Editor*
MICHAEL GOODWIN, *Editorial Page Editor*

Rail monopoly rips us off

ONE OF THE reasons why New Yorkers pay top dollar for everything from food to furniture is that the city must rely on road-clogging, fume-spewing trucks to get goods to market. But the federal government now has a rare opportunity to change that. It can break the rail freight monopoly that has strangled the city for more than 20 years.

To do that, the federal Surface Transportation Board must reject the plan by Norfolk Southern and CSX Corp. to take over Conrail's freight monopoly — until the proposal is redrawn to allow cost-saving competition for New York City.

As crafted now, the deal would permit the two rail giants to compete in New Jersey, but it would grant CSX exclusive control over New York City. That would mean continuing the city's economic suffering.

Today, because of Conrail's refusal to use the tracks east of the Hudson or the rail float service between Brooklyn and New Jersey, New York gets only 2.8% of its goods by rail — compared with about 40% in other cities. That means that goods brought by rail from the mid-Atlantic region and Southeast must be unloaded in Jersey, then trucked into the city. About 3.6 million trucks cross the George Washington Bridge each year.

No wonder we pay more. It costs \$264 for one truck to cross the river, moving one rail freight car — the equivalent of four tractor-trailers — across on a float costs a mere \$21.

New York's political leaders are divided over how to restructure the Conrail takeover. Gov. Pataki and Mayor Giuliani want CSX and Norfolk Southern to compete east of the Hudson to Albany. Rep. Jerrold Nadler and 23 other Congress members have called for them to share ownership of New York City tracks and the rail ferry between Bay Ridge and Bayonne.

The solution is to do both. That would create the comprehensive competition needed to free the city from punishing prices.

To make this work, the city and state must take back the long-unused 85-acre Harlem River Yard. Doing so would remove 180,000 trucks a year from local roads and slash shipping costs by \$100 million per year, according to the state controller. It also would reduce air pollution, save an estimated \$500 million on road work and create 5,000 new jobs.

The state already has spent \$200 million on the Oak Point Rail Link that connects the Hudson lines with the yard. But the site is now held under a 99-year lease granted by then-Gov. Mario Cuomo to a developer who has vague plans to subdivide it for a recycling operation or printing plant. That is a devastating waste. If state and city officials can't buy back the lease, they should begin condemnation proceedings to regain this essential economic resource.

Getting New York on the right track in rail freight means lower prices, more jobs, less pollution and dramatic traffic relief. But only true competition will make that happen.

Wanted: Hatchet person

The resignation of state budget director Patricia Woodworth

From our lips
to gov's ears

GUY RATAKI IS GETTING THE BEST OF BOTH WORLDS. He's the son of a famous actor and a famous actress, and he's got the brains to back it up. He's a multi-talented actor, writer, and director. He's got a lot of experience in the industry, and he's got a lot of success. He's got a lot of awards, and he's got a lot of fans. He's got a lot of talent, and he's got a lot of luck. He's got a lot of everything, and he's got a lot of success. He's got a lot of everything, and he's got a lot of success.

The MTA says the average dragnet takes about 44 trips per month, at \$1.50 each, that's \$66 bill fare. If the MTA had a monthly pass for \$60, it would lose 66 tickets. Not only because of the discount, but because of the convenience of having a monthly pass.

Some estimates are that the MTA would lose \$175 million a year in the first 12 months, with a surplus currently pegged at \$167 million — and still growing — the center's chief problem is that the 12-month deficit is not the largest one, and that the 12-month deficit is not the largest one.

More to the point, as the 1992 transfer program arrives, numerous interest-bearing — and insured —

Jamaica
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Art 301
The art of
the past and
the art of the
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thing. They
are different
things.

No copy

College fight song

NYC AWAITS
GOVERNOR
ACTION!



Gov. sides with riders



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

November 18, 1997

MARK GREEN
Public Advocate

Hon. George E. Pataki
Governor, State of New York
State Capitol
Albany, New York 12224

Dear Governor Pataki:

I am writing to urge you to seek to renegotiate the terms of the current lease between the State and Harlem River Yard Ventures for the Harlem River Yard facility in the South Bronx. Although the property has remained largely undeveloped since the current lease was signed in 1991, the lessee intends to develop the 77-acre property not into an intermodal rail freight facility -- as initially planned -- but into an industrial park with limited rail freight capacity.

This plan is short-sighted at best -- and at worst, prohibitively expensive. Over the last six years, the lessee has received millions of dollars in government assistance. The current lessee's plans for the property would cost the New York metropolitan area its last, best opportunity for creating intermodal rail freight capacity. While there are several other possible sites for the planned industrial park, Harlem River Yard is the only possible site for an intermodal rail freight facility in the entire metropolitan area.

As you know, earlier this year, the State Comptroller conducted an audit of the Harlem River Yard and Oak Point Link Projects that raised questions as to whether the terms of the current 99-year lease are in the best economic interests of the state. The audit concluded that "although more than \$213 million in public funds will be expended to construct the [Oak Point] Link and develop the [Harlem River] Yard, it appears that most economic benefits from the taxpayers' investment will effectively benefit the private lessee, who assumes little or no risk in this project."

During your February 20, 1997 appearance on "Ask the Governor", you stated that you found the results of the State Comptroller's report upsetting because "it indicated...tens of millions of dollars spent on nothing." You later promised that "...we still want to get to the bottom it and move forward in a way that will enhance transportation, enhance the economy in the Bronx and in the entire metropolitan area and hold those responsible, not just of gross negligence, but perhaps criminal activity...accountable."

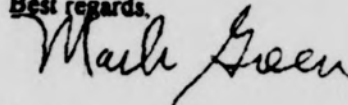
Hon. George Pataki
November 18, 1997
Page Two

The State's Transportation Improvement Plan, released in May 1997, recommended that Harlem River Yard be fully developed as an intermodal facility. And in September, Harold J. Brown, the New York Division Administrator of the U.S. Department of Transportation recommended to the New York State Department of Transportation that a reassessment of the present, planned and potential uses of Harlem River Yard be conducted "in light of the Yard's strategic position and the increased importance of rail freight to the City's future transportation and economic well-being."

Action must be taken quickly, or the price of the recovery of the lease may increase, and the opportunity to provide the metropolitan region with its only -- and much needed -- intermodal rail freight facility will be lost.

I urge you to reconsider the current Harlem River Yard lease in light of the well-informed objections raised by these and other officials and transportation experts. As recent analysis has shown, the conversion of the facility back to its originally planned use as an intermodal rail freight facility would provide enormous economic and environmental benefits to the entire region, and it is an opportunity that cannot be missed.

Best regards,



Mark Green



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Transcript

DATE
TIME
STATION
LOCATION
PROGRAM

February 20, 1997
7:00-8:00 PM
WCBS-AM
New York City
Ask The Governor

Rich Lamb, host:

Okay. Let's go out to Zee in the Bronx, Governor. Zee, your question for the Governor.

Zee (Caller): Governor Pataki, I'd like to call your very close attention to the destruction of the Harlem River Railyard by a developer who would destroy the rail, which we require for industry in New York City, and also put such pollution, as Chris Whitman has just objected to. It's a very serious report that was put out by the Comptroller. I'd like you to read it. I think you will find that the details are quite sordid and that, really, action should be taken by you.

Governor George Pataki (R-NYS): Zee, I haven't seen the Comptroller's report, but I saw press reports of the Comptroller's report and was very upset by it because what it indicated is tens of millions of dollars spent on nothing.

There was supposed to be I think it's a one point nine rail interconnective spur that never got built after spending tens of millions of dollars, and this was to be New York City's east of Hudson anamodal (Sp.) transportation facility where you could have trucking, rail, and port facilities all in the same connected area and it hasn't worked. And I've requested that we get a copy of that Comptroller's report. We are going to look into it and see what went wrong.

As you know, this was long before I became Governor that all these problems arose, but we still want to get to the bottom of it and move forward in a way that will enhance transportation, enhance the economy in the Bronx and in the entire metropolitan region and hold those who may have been responsible not just of gross negligence but perhaps criminal activity back there in the past accountable. So I'm aware of it, Zee. I have requested that report and we're going to look into it as quickly as we possibly can.

*For a videocassette(TV) or audio cassette(radio) of this news segment contact your nearest VMS office.
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STB

FD-33388

1-12-98

K

ID-BUSINESS



Office of the Chairman

Surface Transportation Board
Washington, D.C. 20423-0001

Tele in
Docket
FD-33388
(Environmental)

January 12, 1998

Mr. Shawn Ritts
Safety/Facilities Manager
Cablevision
3300 Lakeside Avenue
Cleveland, OH 44114

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

Dear Mr. Ritts:

Thank you for your letter expressing your concerns about the impact of the proposal by Norfolk Southern and CSX to acquire Conrail. You list several areas which are of particular interest to your company.

The Surface Transportation Board (Board) has docketed this proceeding as STB Finance Docket No. 33388. The Board's Section of Environmental Analysis (SEA) is conducting an environmental review of the potential environmental impacts associated with the proposed Conrail acquisition, and will prepare an Environmental Impact Statement (EIS). As part of its environmental review, SEA will address several environmental impact areas, including safety, transportation systems, land use, energy, air quality, noise, biological resources, water resources, environmental justice, and cultural and historic resources.

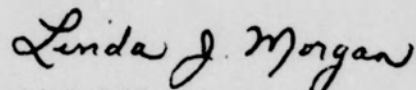
The EIS also will present an analysis of the increased probability of derailments and releases of hazardous materials due to increased train traffic. Further, SEA will examine local truck traffic increases attributable to increased intermodal activities, and safety issues associated with the integration of differing rail operating systems and procedures. In addition, SEA will address potential impacts on emergency response capability because of vehicular delays at rail grade crossings due to increases in rail-related operations as a result of the proposed Conrail acquisition. SEA is fully aware that these and other issues are of major concern to the people in the Cleveland area, and has met with individuals in Cleveland several times.

Under the current procedural schedule adopted by the Board, SEA issued the Draft EIS on December 12, 1997, with a public review and comment period ending in early February. I have enclosed a copy of the press release regarding this matter. After conducting an independent environmental analysis, reviewing all environmental information available to date, consulting with appropriate agencies, and fully considering all public comments, SEA plans to issue in late

May 1998 a Final EIS for consideration by the Board. In its final decision, the Board will consider the entire environmental record, including all public comments, the Draft EIS, and the Final EIS. The Board will issue its final written decision in July 1998.

Your letter and my response will be placed in the public docket for this proceeding. If you have additional questions concerning the environmental review process, please contact Mike Dalton, SEA Project Manager for the Conrail Acquisition EIS, at (202) 565-1530. If you have any general questions about the Conrail acquisition, aside from environmental concerns, please contact the Board's Office of Public Services at (202) 565-1592.

Sincerely,


Linda J. Morgan

Enclosure

December 15, 1997

The Honorable Linda J. Morgan
Chairman
Surface Transportation Board
1925 K. Street, NW
Washington, DC 20423-0001

Dear Chairman Morgan:

Cablevision is one of many businesses adjacent to the railroad tracks. I am writing you in regards to the proposed acquisition concerns on the Conrail by the CSX and Norfolk Southern Corporations currently pending before the Surface Transportation Board.

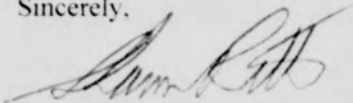
The LADCO industrial community, serviced by three rail lines on Cleveland's lake shore need the assurances to be stratified with this impending sale

The following maintenance issues are:

- * Track conditions
- * Embankment maintenance
- * Vibration and danger
- * Siding repairs to existing lines
- * Widening of the bridges at East 33rd and East 55th.
- * Strategy clean-up with the City of Cleveland
- * Honoring of current lease
- * Off-line real estate marketing
- * Blighting conditions to the industrial park

Thank you for your kind attention to this matter.

Sincerely,



Shawn Ritts Safety/Facilities Manager

cc: The Honorable Louise Stokes
The Honorable Rodney Slater
The Honorable Michael R. White
LADCO/Kathryn Jaksic

SR/grw

RECEIVED
SURFACE TRANSPORTATION
BOARD
Dec 23 3 19 PM '97
CHAIRMAN MORGAN

STB

FD-33388

10-27-97

K

ID-CITIES



received
7/29/97

CITY OF HAGERSTOWN MARYLAND

DEPARTMENT OF PLANNING

TELEPHONE 301-739-8577 X138

September 25, 1997

Mr. Carmen Gilotte
DeLeuw, Cather & Company
1133 15th Street, N.W.
Washington, D.C. 20005

CENTRAL ADMINISTRATIVE UNIT
REC'D: 10/27/97
DOCUMENT # 11/5/97 4:04:27 PM

Dear Mr. Gilotte:

RE: Finance Docket No. 33388—CSX and Norfolk
Southern Control and Acquisition

Thank you for your letter of August 28, 1997, requesting our involvement in the environmental review process of the above-referenced merger. On behalf of the City of Hagerstown I offer the following comments in regard to the specific issues you raise.

"1. Determine the consistency of the proposed rail line segment construction with your future comprehensive land-use plan and map. Please identify:

(a) The future land-use plan classification for the area of the new construction;"

Response: The 1997 Comprehensive Plan for the City of Hagerstown classifies the specific area of the new construction as railroad right-of-way. Contiguous to the east the area is classified "Open Space Recreational" land use and includes the 60+ acre City Park. Immediately to the west is the CSX Roundhouse site for which the land use is "To be Determined". The right-of-way is the demarcation line between the "Wesel Boulevard" and "South End" neighborhoods.

"(b) Any potential inconsistent land uses created by the proposed construction;"

Response: While the new connection itself does not create an inconsistent land use, the construction activity will have a detrimental impact on the contiguous residential land use. All construction activity should consider the apartment building immediately east of the site and take appropriate noise reduction and other mitigating measures.

"(c) If there is no future land-use plan, ..."

Response: Refer to (a) above.

10-27-97 10:15 FROM: DE LEON CATHAR AND CO ID: PAGE 39/52

Mr. Carmen Gilotte

Page 2

September 25, 1997

"2. Determine and confirm any potential effect of the proposed rail line construction on prime agricultural lands (based on the attached U.S. Natural Resources Conservation Service definition)."

Response: Not applicable. The Soil Survey of Washington County, Maryland, does not classify soils in the developed part of the City.

"3. Determine and confirm any effect on land or water resources within a designated coastal zone and its consistency with the coastal zone management plan."

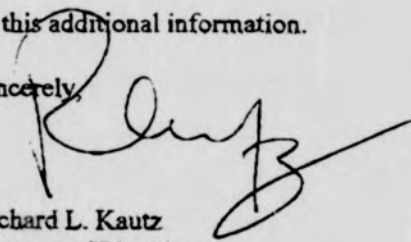
Response: Not applicable.

Thank you for allowing us to participate in this environmental review process. I hope these responses meet the needs of your organization in its review of the merger. I would like to thank Mr. Jeff Johnson for his assistance in helping me understand some of the specifics pertaining to this issue. He was very helpful and cooperative.

While all of the above comments pertain to activities being undertaken by Norfolk Southern, I have some questions about how the CSX activities might impact the City. I cannot tell from the information available to me if CSX will be abandoning any trackage or facilities within the City of Hagerstown. Will the CSX Roundhouse be abandoned? Will the track connecting the CSX yard to the NS line to Front Royal be abandoned and removed? The answer to both issues will have an impact on the future plans of the City. I would appreciate a detailed response about these issues or direction about how to contact the responsible person involved with CSX.

Thank you for your assistance in obtaining this additional information.

Sincerely,



Richard L. Kautz
Director of Planning

c: Bruce Zimmerman - City Administrator
Bruce Johnston - City Engineer

South Central Local Schools

3305 Greenwich Angling Road, Greenwich, Ohio 44837-9443

Phones (419) 752-3354

(419) 752-3815

FAX (419) 752-6927

Robert F. Shaffer, Jr.
Superintendent

Shirley F. Oney
Treasurer

October 24, 1997

Surface Transportation Safety Board
1925 K Street, N.W.
Washington, D.C., 20423-001



To Whom It May Concern:

As a member of the South Central Local Schools Community in Huron County, I am asking for your help. CSX Railroad is expanding their Willard yard and Greenwich connections without concern for public safety. Repeated attempts have been made by Huron County to get CSX to address this issue, but CSX has refused to commit to public safety.

Increased rail traffic, (80 to 100 trains per day) through Greenwich, Ohio, will virtually close all emergency response access to 2,067 residents of Greenwich Village, Ripley Township, part of Greenwich Township, and 923 students in the South Central school system (1/4 mile north of Greenwich)....THIS IS TOTALLY UNACCEPTABLE.

Huron County has requested that CSX install either an overpass or underpass for all three rail crossings on Townsend Street in Greenwich, Ohio. We cannot deny public safety to our residents and schools! Adding two more tracks will not lessen the blockage but only enhance it.

How can railroads do major expansions to enhance their profitability without any regard for public safety? I really need your help; my life and the lives of others, especially our children, depend on it!!!

Sincerely,

Kimberly A. Lopez
David L. Stottman, Jr.

STB

FD-33388

10-17-97

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ID-MOES



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

File in Docket

FD-33388

Section of Environmental Analysis

October 17, 1997

The Honorable Mike DeWine
United States Senate
140 Russell Senate Office Building
Washington, DC 20515-3503

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

Dear Senator DeWine:

Thank you for your letter dated October 8, 1997, on behalf of your constituents in Ohio, especially in the west side of Cleveland and the west shore suburbs. This letter is in response to your concerns about the potential safety effects of the proposed changes in train traffic resulting from the proposal by Norfolk Southern and CSX to acquire Conrail.

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is conducting an environmental review of the potential environmental impacts associated with the proposed Conrail acquisition and will prepare an Environmental Impact Statement (EIS). As part of its environmental review, SEA will address several environmental impact areas, including safety, transportation systems, land use, energy, air quality, noise, biological resources, water resources, environmental justice, and cultural and historic resources. In analyzing potential safety impacts, SEA will consider accident risk and vehicular delay at grade crossings.

The EIS also will present an analysis of the increased probability of derailments and releases of hazardous materials due to increased train traffic. Further, SEA will examine local truck traffic increases attributable to increased intermodal activities, and safety issues associated with the integration of differing rail operating systems and procedures. In addition, SEA will address potential impacts on emergency response capability because of vehicular delays at rail grade crossings due to increases in rail-related operations as a result of the proposed Conrail acquisition.

SEA is fully aware that these issues are of major concern to the residents of the west side of Cleveland and its western suburbs. A representative of SEA attended the public meeting held

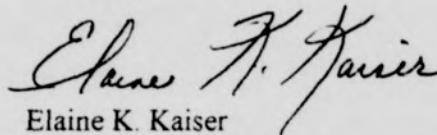
in Lakewood on September 21, 1997, in order to hear those concerns first hand.

The final scope of the EIS was published on October 1, 1997, in the *Federal Register*. On September 30, 1997, the final scope of the EIS was mailed to 1,950 public agencies, interested parties, and official parties of record to this proceeding. A copy of the final scope of the EIS is enclosed for your reference.

Under the current procedural schedule adopted by the Board, SEA plans to issue the Draft EIS in November 1997, with a 45 day public review and comment period. After conducting an independent environmental analysis, reviewing all environmental information available to date, consulting with appropriate agencies, and fully considering all public comments, SEA plans to issue in April 1998 a Final EIS for consideration by the Board. In its final decision, the Board will consider the entire environmental record, including all public comments, the Draft EIS, and the Final EIS. The Board will issue its final written decision in June 1998.

If you have additional questions concerning the environmental review process, please contact me at (202) 565-1538, or Mike Dalton, SEA Project Manager for the Conrail acquisition, at (202) 565-1530.

Sincerely yours,

A handwritten signature in cursive script, reading "Elaine K. Kaiser".

Elaine K. Kaiser
Chief

Section of Environmental Analysis

Enclosure

MIKE DeWINE
OHIO

140 RUSSELL SENATE OFFICE BUILDING
(202) 224-2315
TDD: (202) 224-9921
senator_dewine@dewine.senate.gov

United States Senate

WASHINGTON, DC 20510-3503

October 8, 1997

Elaine K. Kaiser
Chief
Section of Environmental Analysis
Surface Transportation Board
1925 K St., NW, Suite 500
Washington, DC 20423

Dear Ms. Kaiser:

It is my understanding that the Surface Transportation Board (STB) will release its draft Environmental Impact Statement on the proposed Norfolk Southern/CSX takeover of Conrail in mid-November. I am writing to express my views about the possible impact of the proposed takeover on public safety.

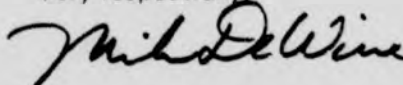
According to the joint application submitted to the Surface Transportation Board by CSX and Norfolk Southern, many areas of Ohio would experience sharp increases in train traffic as a result of the merger. These increases could affect the ability of cities and towns located along the rail lines to provide emergency services to its citizens, increase the likelihood of derailments as well as the risk of release of hazardous materials, and, finally, increase the potential for train/car collisions at many rail grade crossings.

For example, the application includes a proposal that would nearly triple the daily number of Norfolk Southern trains running through the westside of Cleveland and its westshore suburbs, including Lakewood, Bay Village, Rocky River and Avon Lake. Along this line, there are 41 grade crossings. The City of Lakewood, with a population of 66,000, has 27 crossings over three miles of track — only one of which is an underpass. In Bay Village, it could take emergency vehicles 15 minutes or more to reach the nearest hospital on the city's east side, while residents of Rocky River's north side could be cut off from firefighters whose station is on the south side of the tracks. Moreover, it is estimated that 676,000 tons of hazardous material were shipped by Norfolk Southern along this line in 1995. Tripling the number of these trains would result in more than 2 million tons of hazardous materials being transported through some highly populated cities.

While I have used Cleveland's west side as an example of how increased train traffic could be detrimental to public safety, it is important to note that many other cities and small towns in Ohio could face similar problems. For these reasons, I urge the Surface Transportation Board to make safety its top priority when considering the joint application filed by CSX and Norfolk Southern.

Thank you for your time and attention.

Very respectfully,



MIKE DeWINE
United States Senator

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