9-15-97 33388 STB FD



### THE MAYOR AND COUNCIL

20 A Street · Brunswick, Maryland 21716 · (301) 834-7500

## ENVIRONMENTAL DOCUMENT

August 8, 1997

Office of the Secretary
Case Control Unit
Finance Docket No. 33388
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001
Attn: Elaine Kaiser Chief, Section of Environmental Analysis
August 8,1997

Dear Ms. Kaiser,

I am submitting a serious concern regarding public health and safety associated with the CSX property which is located in the Brunswick City limit. While not directly impacted by the merger proposal, I think I am obligated to bring this matter to the attention of the Surface Transportation Board.

The property owned by CSX is the source of serious industrial pollution. Core samples taken by the National Park Service show that petro-chemical pollution is most severe in an area near the C&O Canal and Potomac River. The identification of this pollution source has already impacted a plan to re-water the Canal here in Brunswick.

As the chief elected official, I am most concerned about our drinking water supply. The Potomac River supplies approximately three fourths of our daily water demand. The source of industrial pollution is within several hundred yards of our raw water intake location. In my opinion, CSX should be required to develop a mitigation plan for this serious public health risk. The local government entity does not have the resources or influence necessary to achieve this purpose. Your process, however, can link CSX's expansion plans to their stewardship of existing resources.

Recently enacted "brownfields" legislation may assist CSX in their mitigation efforts. I ask you on behalf of all of the citizens of Brunswick to pressure CSX to recognize and to take the necessary steps to resolve this problem.

Respectfully,
Roman & Smiss

Thomas L. Smith

Mayor of Brunswick

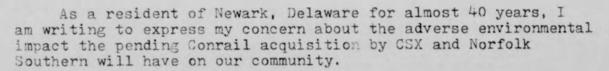
## DOCUMENT

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

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

Ms. Kaiser:

34 1



Newark still retains much of the character of a small college town, notwithstanding its growth into one of the state's major urban centers. When our family moved here in 1959, the B & O Railroad was still offering passenger service between Washington and Jersey City; I had the pleasure of riding the "Royal Blue" on several occasions.

Passenger service has long since been discontinued, and we are now faced with the prospect of increased freight traffic over the CSX line as the result of this merger. This raises several environmental concerns, primarily in the area of public safety:

- 1. The CSX rail line bisects our community, with all of the police, fire, and ambulance facilities on the south side of the tracks and a substantial residential population on the north and west sides. I am concerned that the response time of public safety personnel will be adversely affected by this increased traffic.
- 2. A large percentage of University of Delaware student housing (both on and off campus) is located north of the tracks, while virtually all classrooms, laboratories, the library, and athletic facilities are located south of the tracks. Thus there is an almost constant flow of students back and forth between these areas, exceeding 5,000 pedestrian crossings per day (at grade) according to some estimates. It is well known that young people have a disdain for personal safety; I have witnessed a student climb between the cars of a slow moving



train instead of waiting for it to clear the crossing. Increased rail traffic as a result of this merger would aggravate this situation. 3. As a retired DuPont Co. employee, I am particularly conscious of the increasing quantity of hazardous chemicals routinely being moved on our nation's rails. The proximity of the CSX line to residences, dormitories, public housing, and our Main Street retail community raises serious questions about public safety in the event of an accident, especially in light of the projected increase in traffic and the deteriorating condition of our rail infrastructure. Your thoughtful consideration of these concerns, as they affect the pending merger, would be greatly appreciated. Thank you. Sincerely. Robert S. Smith 121 Country Club Drive Newark, Delaware 19711-2736 Copies to: Roy Lopata, Planning Director WNTRC Members Senator Roth Senator Biden Representative Castle

33388 9-12-97 K

SEP 12 1997 1 Sept 8, 1997 To whom At May Consern I live en Bay Village, Ohis, There have been many times & trains with no S Present mumber of 13 Derday, Our Hospitals, Dr. appointments and most of our shopping is across the tracks 38 a day could be disastel, Lapurond Ohio has more crossing than anyone in U.Sa. This could be a real problem for us Please take our daily living Into consideration we just couldn't

handle 38.

Thank Wou, Lais Prodheska 25077 Word Rd. Bay Village, Whis 1-440-835-5612

9 Stot 97 ENVIRONMENTAL HEID, DOCUMENT hoFD 33388 lan suce unallyal have probably received scienas well classmented and detailed ignits and Expussions a opinions regardence the his ICSX Contract arguisition here in northern this. there are some very compelling reasons for coreen. the mereased traffic could delay assistance in emergency assistance from local squads and coold hinder timely arross to medical centers, the tracks "Cut off" readily accessible acutes for these needs, it heavily traverse with railroad the "crossing" are intertwined with very heavily populated residential areas areas a children and teens Safety is a concern, tos it has always been but increased tolume certainly Escalates the worry to all residents

here.

I realize that economic apportunity is of laramount importance to your pland but sleave also understand that for many of is here in Bay Village our homes however modest, are the single most important funancial investment in our lives the increase in traffic with assurated Concerns for health and salety Combined with increased noise pollution from wandaton warning sounds at the inmerous crossings could senasly financially impact the value of homes as well as hirder reale opportunities. This could lesuret in thousands of dollars of loss for each homeowner. please consider those points and Phu traffic in alternature areasperhaps in already heavy industricilized hubs thank you, for listening,

EN DE ONMEKTABLEN SEP 1 2 1997 - Te: No FO 3 3 3 8 8 DOCUMENT Wear Singramace I wish to express my a jection to A+S adding more trains on the tracks that go through Bay Village, Rocky Rener and Lakeward . I he length of the trains as we have these now make

The crossing difficult for our lown send we have only one over the tracks crossing.

Please consider another route.

> Marion 4 redrick 26626 norm andy Rd 13 ay Village Oh 44140

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298 Canterbury Road, Bay Willage 44140

WILLIAM R. & MARLENE G. HANSEN

29252 Inverness Drive • Bay Village, Ohio 44140-1818 216/871-2146 (H)

216/871-4800(W)

### ENVIRONMENTAL DOCUMENT

September 8, 1997

Federal Surface Transportation Board Section of Environmental Analysis 1925 K Street NW Washington, DC 20423

Dear Sir/Sirs:

We are writing to express our opposition to the proposal by Norfolk & Southern Railroad to increase railroad traffic through the West Shore communities, including Bay Village. The cities of Lakewood, Rocky River and Bay Village are almost entirely residential in nature and, as such, are very densely populated and are bifurcated by the railroad tracks. To increase railroad traffic through our communities would increase congestion and noise pollution, and would also create dangerous conditions, due to the numerous at-grade railroad crossings through our communities.

Please count this as a "no" vote against any increase in rail traffic through our communities.

Very truly yours,

William R. Hansen

Marlene G. Hansen

Marlene G. Hansen

WRH/ms

cc: Mayor Thomas L. Jelepis City of Bay Village, Ohio

#### CYNTHIA G. WHITE 439 ELMWOOD DR. BAY VILLAGE OH 44140

September 9, 1997

Federal Surface Transportation Board Section of Environmental Analysis 1925 K St. NW Washington DC 20423

RE: No. FD 33388

Dear Sir:

I am writing to express my opposition to the proposed Norfolk and Southern Railroad increase in rail traffic through the western suburbs of Cleveland. The resulting increase in noise and traffic congestion is sure to be devastating to our property values and quality of life. There are already frequent accidents and deaths along this route through a densely populated residential area. Tripling the volume of traffic is likely to at least triple the number of deaths and injuries.

Please do not allow this proposal to be enacted.

Thank you for your consideration.

Sincerely,

cc:

Cynthia G. White

Rep. Dennis Kucinich

Mayor Tom Jelepis, Bay Village

Federal Surface Transportation Board Section of Environmental Analysis 1925 K Street NW Washington, DC 20423

No. FD 33388

To whom it may concern;

I am writing to you regarding a concern that I have about the increased number of trains that is proposed to go through Bay Village. We live very near the tracks and our concerns include the following:

1. The increase amount of noise will be very disruptive to our lifestyle.

2. We are concerned about the traffic getting out of Bay Village, because there is only one route out of Bay that does not have to wait for a train (Clague Rd.) We feel that the backups would be exorbitant as well as dangerous if an ambulance were trying to leave Bay Village to go to West Shore St. Johns and Fair ew General Hospital.

3. We are extremely concerned about the trains carrying hazardous materials and the danger to local residents if there were an accident.

We strongly urge you to reconsider increasing the number of trains for all of the above mentioned reasons. This is a problem not to be taken lightly considering that it affects thousands of lives

Sincerely.

Laura B. and James R. Geuther

Lacera + gem Leuther

28914 Buchanan Dr.

Bay Village, Ohio 44140

### Karyn and Gerald Farina 28041 Osborn Rd. Bay Village, OH 44140

ENVIRONMENTAL DOCUMENT

September 5, 1997

Congressman Dennis Kucinich 1440 Detroit Ave. Lakewood, Ohio 44107

Dear Congressman Kucinich:

We have just purchased a home in Bay Village two months ago. We bought because we like the quiet, peacefulness the city is know for. We are against any increase in trains running through our town. It takes an average of 40 minutes for us to get to work the morning and we feel this would only lengthen the long hull to and from work. We want what we bought. A quaint, homey feeling city to dwell. We have made many home improve costing us thousands of dollars. How are we expected to get this back if forced to sell one day?

Sincerely,

Karyn and Gerald Farance

Cc: Federal Surface Transportation Board

Sept 5,1587

# DOCUMENT

Federal Sen foce Transportation Board

Jector of Environmental analysis

1925 (C Street NW SEP 12 1997 DE)

Re # 10 33388

Re # 10 33388

TO Whom It Way Concern:

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Washace I proposed to horfolk & Southern

Radrock's proposed of viscous rail froffic

through the distance Communities of

Northeast Ohio.

I feel this will be a sofety hazard

I recommend you work with Norfolk &

Southern to devise afternative routs.

Simily stooly

September 6,1997

Federal Surface Transportation Board Section of Environmental Analysis. 1925 k Street NW Washington, DC 20423 SEP 12 1997, DE SEP 12 1997, D

To Whom It May Concern:

This letter is in regards to the proposed increase in rail traffic in my own and the neighboring Westside Cleveland communities by the Norfolk & Southern Railroad contingent upon N&S and CSX's acquisition of Conrail assets. (No. FD 33388)

As a citizen living on Bayfair Drive which is locate off of Columbia Rd., a rail crossing with a gate, I know this increase in traffic will become a nuisance to the community. There will be traffic delays. I may be late to work. There will be a definite increase in noise and air pollution.

As a member of the healthcare community, I am extremely concerned about the delays of the EMS as the squads pass precious time waiting for the trains to pass. I am a respiratory therapist who is acutely aware of the need for timely transport of patients to the hospital. The closest hospital is across the tracks. The quickest way to any nearby hospital is across the tracks in Bay Village... We have an excellent EMS staff, but there will be an increased delay in the vital link to the taxpayers' services.

Having previously lived in Lakewood, I am fearful for the lives that will be endangered by the increase in rail traffic to this community due to the location of numerous and inadequately labeled RR crossings. I especially worry about the children, who are not as thoughtful for their own safety as their parents wished they would be.

I appreciate the time and effort you spend to investigate the proposed changes which effect peoples' lives. I understand the vital link that the railroad has been in the past and continues to the future.

Sincerely,

Denise Wencil

560 Bayfair Drive

Bay Village, OH 44140

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Jetul Surface Transportation Board 1911/20

Section of Environmental Analyses Head 1925 K Street NW

Washington, DC 20423

Mail FD 33388 17511

Jam Apposed & Morfalk & Southern Railroad proposed of increased Reil braffie through he Westshare Communities. I feel this will be a safety hazard. I relommend you work with 1145 to device alternate Routes.

Mary M. Wooley

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

James B. Hunt, Jr., Governor Wayne McDevitt, Secretary Alan W. Klimek, P.E., Director

ENVIRONMENTAL DOCUMENT

Ms. Elaine K. Kaiser
Chief, Section of Environmental Analysis, Environmental Filing
Office of the Secretary
Case Control Unit
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001



Dear Ms. Kaiser:

SUBJECT: Environmental Report Errata and Supplemental Environmental Report

CSX Corporation and CSX Transportation, Inc.

Norfolk Sourthern Corporation and Norfolk Southern Kailway Company

The Division of Air Quality is in receipt of the above two documents. This letter is to inform you that this Division prefers to handle commenting on environmental documents such as these through the State Clearinghouse process.

For information on these procedures, please contact Ms. Chrys Baggett at the State Clearinghouse at 919-733-7232.

Sincerely, Carrie S. Sitte, PE.

Alan W. Klimek, P.E.

V. David Sartin 29724 Osborn Rd. Bay Village, Ohio 44140

Sept. 10, 1997

Federal Surface Transportation Board Section of Environmental Analysis 1925 K. Street NW Washington, DC 20423

Re: FD 33388

Dear Sirs:

The plan from Norfolk & Southern to expand rail traffic through Cleveland suburbs is outrageous.

While the rail industry is important to the nations economy, I fear the tradeoff/impact of adding the large number of trains in a densely populated area is highly negative.

More trains will create dangerous isolation for emergency vehicles in several neighborhoods in the west end of Cuyahoga County. Several towns only have a few highway overpass routes for police, fire, EMS or other important vehicles.

More trains will create high levels of noise, air pollution and other adverse environmental conditions.

More trains are simply more dangerous to highway motorists in an area that already has dangerous traffic conditions.

Isn't there some way to route train traffic through less populated regions?

V. David Sartin



#### GEORGE A. RANDT, M.D.

Internal Medicine • Preventive Medicine
Injury Rehabilitation • Physical Therapy
29160 Center Ridge Rd., Suite T
Westlake, Ohio 44145

Telephone: (216) 892-4472 Fax: (216) 892-4476



September 5, 1997

Federal Service Transportation Board Section of Environmental Analysis 1925 K Street, Northwest Washington, D.C. 20423

ENVIRONMENTAL

DOCUMENT

Re: FD33388

To Whom It May Concern:

I believe that it is totally inappropriate and clearly potentially dangerous for the Norfolk and Southern Railroad to increase rail traffic through the west shore communities of Lakewood, Rocky River, Westlake and Bay Village from the current 13 trains per day to 38 trains per day. This increase in rail traffic will create clear safety hazards for community members, increase pollution and result in a decline in the quality of life in these areas. Alternative solutions must be developed. Please act to protect the safety, health and economic interest of the densely populated western communities of Cuyahoga County.

Sincerely,

George A. Randt, M.D.

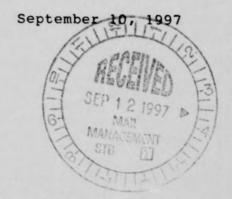
GAR/jc

cc: Mayor Thomas L. Jelepis

## DOCUMENT

Federal Surface Transportation Board Section of Environmental Analysis 1925 K Street NW Washington, DC 20423

Re: FD 33388



Gentlemen:

I am writing to express my extreme concern and objection to the possible increase in Norfolk & Southern Railroad train traffic through Cleveland's western suburbs.

Even now, the frequency, length, and speed of Norfolk & Southern's trains passing through our neighborhood is objectionable.

I would appreciate your favorable consideration of determining alternate routes for Norfolk & Southern to preclude the substantial increase in rail traffic proposed by the potential acquisition of Conrail assets by Norfolk & Southern Railroad.

Thank you for your attention to this matter.

Sincerely,

Norman C( Schwenk 619 Dwight Drive Bay Village, Ohio 44140 (440) 871-3469

cc: Thomas L. Jelepis, Mayor, City of Bay Village Congressman Dennis Kucinich

September 8, 1997

Federal Surface Transportation Board Section of Environmental Analysis 1925 K Street NW

Washington, DC 20423

ENVIRONMENTAL DOCUMENT



Dear Sir or Madam:

Re: No. FD 33388

When I moved to Cleveland back in 1994, I immediately knew that I wanted to live in Bay Village. As a single woman purchasing a home, safety was a great concern for me. One of the reasons I picked Bay was the fact that there is no industry and even the commercial businesses are small. So there is very little transient traffic. The people in Bay belong there (although Huntington Beach and Metroparks draw individuals from outside the area, I never viewed that as a threat). And I did purchase a home there -- on Russell Road close to Cahoon Park and Lake Erie.

I have been terrifically proud to live in Bay Village. Proud because all the residents really care about the community. Proud because we have such wonderful parks and other recreational facilities. Proud because the school systems are always ranked amongst the best in the state. Anyone who comes to visit me -- like my future mother-in-law -- thinks Bay is terrific and can't say enough good about it.

I am very concerned about the quality of life should there be an increase in rail traffic from 13 to approximately 38 trains per day. Not only would there be the inconvenience and waste of time in trying to get back and forth to Bay and the surrounding areas when you are bound to hit at least 1-2 trains per day. Traffic congestion would increase tremendously and accidents are bound to increase as well. And the increase in noise level would be horrendous, particularly for residents living close to the tracks. I'm sure those people would experience a drop in the value of their homes, thereby affecting all the home values in Bay.

I ask that you consider the Norfolk & Southern proposal very carefully. The result will have a significant impact on the quality of life for thousands of people. Is the increase in profits for Norfolk & Southern worth it?

Thank you for your time.

Chusty bettered

Christy Witbeck 26915 Russell Road

Bay Village, OH 44140

R. Andrew Johnson 1281 Virginia Avenue Lakewood, OH 44107

(216) 228-6180

Federal Surface Transportation Board Section of Environment Analysis 1925 K ST. NW Washington, D.C. 20423

September 6, 1997

# DOCUMENT



#### DOCUMENT NUMBER FD33388

I am writing in response to the proposed increase in train traffic on the Cleveland - Vermillion line Norfolk Southern.

I believe this increase in traffic will have a horrific effect on our neighborhood and community. The obvious inconveniences come to mind: delays in traffic and noise.

However, there are much more serious issues for those who live on the North side of these tracks. We are cut off from ALL the vital services we may require, ambulance, fire, police, hospitals. Are you prepared to make a decision that will certainly result in deaths due to the delay in receiving these services?

Also, we recently lost a member of our community when he was struck by a train on this route. How many more of these needless deaths will occur with increased train traffic.

With the great number of children in the west side neighbor hoods, will you risk their future? Adults may understand to be careful around the tracks, but children trying to walk to school might not.

Overpasses and underpasses cannot possibly resolve this issue, not to mention the expense that will be involved.

Please do not let these trains ruin my, and the West side's families life.

Thank you for your time

Andrew Johnson

SEP 1 2 1997 A MANAGEMENT TO STEP TO S

Federal Surface Transportation Board Section of Environment Analysis 1925 K Street, NW Washington, DC 20433

ATTENTION: Document Number FD33388

#### Gentlemen:

This letter is a plea to you to prevent the addition of any rail freight traffic on the Cleveland-Vermilion line of Norfolk and Southern Railroad.

This plan would disrupt so many lives, disturb the peace of beautiful neighborhoods, endanger the health of thousands of people from coal dust exposure, noise pollution, the potential danger of toxic chemicals, and the economic consequences of decreased property values and tax revenues would be devastating.

Our home is in Lakewood, Ohio where we have 27 streets that are bisected by NS tracks. Additional trains and longer, faster trains are a danger to our citizens and children. Lakewood does not have school busing and students attending 8 schools cross the tracks at least twice each day. Our police, fire and emergency vehicles would be seriously impacted by any increase in freight rail traffic through our city. More overpasses and underpasses would not remove all of the rail threats to our neighborhoods. On interstates through populated areas, signs bear the letters "HC" - hazardous cargo - with a slash through it, meaning certain trucks should take routes through industrialized areas, rather than through residential zones. Why shouldn't the same apply to freight trains?

Again, please consider the health and safety of thousands of residents in Northern Ohio and prevent the escalation of unsafe and unhealthy freight movement through our cities along Lake Erie.

Sincerely,

Marian Caurse Leswod Cawryse

332 Rye Gate Dive Bay Village, OH 44140-127 September 9, 1997



Federal Surface Transportation Board Section of Environmental Analysis 1925 K Street NW Washington, DC 20423

Gentlemen:

I am quite concerned by the proposed increase in railroad traffic through Bay Village. The proposed traffic increase would have a major impact on this area. It certainly would cause major automobile traffic problems because the exits for Bay Village would be blocked frequently.

This increase in traffic would result in major safety problems in areas near to Bay Village. The traffic would prohibit access to some sections of Lakewood and Rocky River when a railroad train is in the area. This would substantially increase the access time for fire or emergency vehicles in these areas.

If Norfolk and Southern Railroad (N & S) needs to increase the traffic through Bay Village and the nearby areas, they should be required to construct enough overpasses or underpasses to prevent the effects their proposed traffic increase would have on these areas. N & S should also be required to construct adequate noise barriers for their tracks.

Yours truly,

Allan Koeppel

### JOHN D. STANTON

29131 Lincoln Road Bay Village, Ohio 44140 Fax (216) 835-8423 Home Phone (216) 899-1353 Email JARMBAY@AOL.COM



## ENVIRONMENTAL DOCUMENT

September 8, 1997

Federal Surface Transportation Board Section of Environmental Analysis 1925 K Street NW Washington, DC 20423

RE: FD 33388

To whom it may concern:

My wife and I and our two children have lived in Bay Village for seven years now and we are proud to call it home for us. My wife also spent her first 19 years in Bay Village. You see that a lot in Bay, kids growing up and moving back to raise their families. This is a community filled with just that, families.

My wife and I are very concerned and upset about the proposed plan to triple the number of freight trains on the N&S tracks that boarder our community. We are worried about the increased traffic of trains causing traffic problems, decreasing our property values, the increased flow of hazardous materials and more importantly the blockage of roads for our emergency vehicles. Bay Village is a small lakeside community, the lake being our boarder to the North and the N&S tracks being our boarder to the South. Should there be a derailment of a train carrying HAZARDOUS MATERIALS which would warrant an evacuation, we would be trapped.

Several years ago I was in an automobile accident here in Bay Village and needed to be rushed to a local hospital for a serious head injury. The quickest way was across these tracks. I was lucky as there was no train. The proposal that has been put on the table for these tracks and increased train traffic might not make it that easy for the next head injury or sick child or heart victim.

As a tax payer I understand what a vital role these tracks play for Bay Village in the amount of tax money that Bay Village receives but at what cost.

September 8, 1997 Federal Surface Transportation Board Page 2

I don't think the residence of Bay Village mind the 13 trains that roll through our community each day, except the ones late at night or too early in the morning but increasing that number three fold would all but ruin this quiet little lake side community that so many now love to call home.

Please reconsider the proposal for the increased traffic on these tracks and consider rerouting them South of town through more industrial areas. This only makes more sense for all parties involved.

Thank you for your time and for your attention to this matter.

Sincerely,

John, Ann, RJ and Matt Stanton

Gayle R. & John R. Absi 28111 Knickerbocker Rd. Bay Village, Ohio 44140 (440) 871-8688

September 8, 1997

Federal Surface Transportation Board Section of Environmental Analysis 1925 K Street, N. W. Washington, D. C. 20423

RE: Norfolk & Southern's proposal to increase rail traffic FD 33388

To Whom It May Concern:

This letter is to inform you of our concerns surrounding the proposed increase in train traffic by Norfolk & Southern through the western suburbs of Cleveland Ohio.

We live in the community of Bay Village, the northern boarder hits Lake Erie, and the southern boarder is lined by the N&S rail line. To Bay Village's east running along the lake shore are the communities of Rocky River and Lakewood. To the west is the community of Avon Lake. To the south, across the tracks is Westlake. Each of these communities are primarily residential and heavily populated with homes. The rail tracks literally run through many many neighborhoods. For those who live to the north of the N&S rail line, crossing the tracks, at least daily, is common place.

Specifically the concerns we have with respect to the proposed tripling of the trains from approximately 12 to 30 in per day are as follows:

- Our access to emergency services where time is critical. The services are south. The one and only road that allows bridge access over the tracks is nowhere near the closest hospital. Delaying emergency access 30 times a day is too risky. Further, the times where the trains simply stop in or crawl through our neighborhoods causes unsettling risk to the residents of these communities.
- 2. The noise pollution that the trains create in the neighborhoods is tremendous. There are zoning laws for airports and highways. Why should we allow freight trains to ramble through our neighborhoods (in many instances the tracks are closer to the homes than the city streets!!) creating noise so loud that you cannot hear the person next to you 30 times a day.
- 3. The safety issue would be tripled.
  - Already we have accidents and fatalities involving freight trains. But now, we are tripling the risk which will inevitably increase the injuries and deaths.

Surface Transportation Board Section of Environmental Analysis 1925 K Street, N. W. Washington, D. C. 20423

August 21, 1997

Page 2

 What are these trains carrying? Toxic substances, flammable substances, or worse? What types of health risks or catastrophes are we, the citizens of these communities, being exposed to in the event of an accident or derailment?

In conclusion, in 1997, it no longer makes sense to have freight trains running this line. The residential population in all the communities affected is too large to permit this mode of transportation to continue. The risks are too high and there are too many people being affected. Please consider all of these issues and to what you will be exposing the residents in these communities. N&S must have suitable alternatives, just a few months before this announcement, they announced plans to abandon the line when this purchase took place. That would be fine with us.

Thank you for your consideration and if you wish to discuss any of these issues with us, please contact us at the number above.

Singerely,

Gayle R. and John R. Absi

cc: Congressman Dennis Kucinich 14400 Detroit Rd.

Lakewood, Ohio 44107

#### James C. Doughman & Yong Qiu Doughman 327 Glen Park Drive Bay Village, Ohio 44140

Bay Village, Ohio 44140

Home Phone: 216-899-3524, Business Phone: 216-486-6100 Business Fax: 216-486-6103, email: jdoughman@sprynet.com

8 September 1997

ENVIRONMENTAL DOCUMENT

Federal Surface Transportation Board Section of Environmental Analysis 1925 K Street Northwest Washington, DC 20423

RE: Docket Number 33388

Norfolk & Southern Railroad is about to perpetrate another of its socially irresponsible acts by tripling the amount of commercial rail traffic slicing through three densley populated suburbs west of Cleveland Ohio. With much the same indifference for public safety and the environment displayed in their previous unsuccessful effort to close grade crossings in Lakewood Ohio (one of the affected Western Cleveland suburbs) two years ago, they are charging foreward without concern for the well-being of citizens living in the communities through which their rails run.

I have enclosed a letter I wrote to Congressman Dennis Kucinich which details the dangers involved with such a project. I hope you will consider our objections before giving your blessing to this poorly conceived action.

Sincerely,

James C. Doughman, Jr.

Citizen

cc: Thomas Jelepis, Mayor, Bay Village, Ohio

### James C. Doughman & Yong Qiu Doughman 327 Glen Park Drive

Bay Village, Ohio 44140

Home Phone: 216-899-3524, Business Phone: 216-486-6100 Business Fax: 216-486-6103, email: jdoughman@sprynet.com

8 September 1997

Congressman Dennis Kucinich 14400 Detroit Road Lakewood, Ohio 44107

Dear Congressman Kucinich:

I have lived on the West side of Cleveland for most of my 41 years and have come to know Dennis Kucinich as a crusader, even a contemporary David, undaunted by the world's plethora of Goliaths. Sir, I, and the other residents of Bay Village, Rocky River and Lakewood, are being tormented by one Goliath in particular and are in need of your That's Goliath with a capital "G" and that rhymes with "T" and that special talents. stands for Trains.

Norfolk & Southern railroad is about to perpetrate another of its socially irresponsible acts by tripling the amount of commercial rail traffic slicing through our communities. With much the same indifference for public safety displayed in its previous unsuccessful effort to close grade crossings in Lakewood two years ago, Norfolk & Southern is charging foreword to implement a program which will endanger citizens' lives, endanger the environment and degrade the quality of life in the communities in which this company operates. Don't these people ever quit?

### People Will Die

Even the most amateur of statisticians would find it obvious that increasing the number of trains present on a rail system increases the probability of accidents. Furtherr ore, increased rail traffic also increases the probability that an ambulance rushing a heart attack victim from Glen Park Drive to St. John's West Shore Hospital will be stopped by a commercial train and have to wait for the train to pass or detour nearly 6 miles via the Bradley Road overpass.

#### Collisions & Derailments

Collisions with motor vehicles will increase. That is a plain and simple fact. Crossing gates which frequently malfunction (i.e. frequently call "wolf") fail to deter motorists from crossing during the warning phase. Train whistles are only annoying and fail to sufficiently warn vehicles of impending doom. There is simply no way to avoid increasing traffic fatalities when the rail traffic increases. As was demonstrated in Lakewood, closing busy grade crossing only moves fatalities from railroad property to city streets. There is simply no way to avoid increasing the number of train-automobile collisions once traffic increases on the rails. No amount of public information programs, school lectures or TV commercials will help. We simply must not allow Norfolk & Southern to increase rail traffic though our neighborhoods.

Derailments are even more problematic. Should one of the automobile collisions cause a train to fall from the rails, one of the many shipments of deadly chemicals could doom entire communities to death and destruction. I have witnessed countless processions of tank cars carrying hundreds of tons of lethal hydrocyanic, sulfuric and hydrochloric acids as well as dangerous solvents such as toluene. I cannot imagine the damage just one of these cars could cause should it leak even a small percentage of its contents near a school yard or children's park. Certainly, these kinds of shipments should be eliminated from residential areas, especially the very densely populated western suburbs of Cleveland, even at current traffic levels. Increasing the rail traffic will increase the likelihood of a chemically related disaster. Governments around the world are disarming chemical weapons arsenals. We should disarm our transportation infrastructure accordingly.

### Increased Emergency Services Response Time

Finally, increase emergency vehicle response times will be problematic for Lakewood. Rocky River and Bay Village. All three communities will be unable to sufficiently supply emergency services to the northernmost residents as each is severed by the Norfolk & Southern rails. Serious injuries occurring at Warren and Lake Avenue, though close to Lakewood hospital, could not be sufficiently transported to emergency medical care if a train was carrying commercial cargo so a few executives in Virginia could make a few extra dollars. The only over passes are West Clifton Road in Lakewood (running next to Horace Mann Middle School), a small road in Rocky River across from Kensington Elementary School and Clague and Bradley Roads in Bay Village, far from the nearest Hospital or emergency care center. Norfolk & Southern must be stopped

All three communities are bounded by Lake Erie on the north. All the water tables from these communities drain into the lake. A hazardous chemical spill could seriously impact the wildlife in and on the lake. Also, Cleveland Metroparks in Lakewood and Bay Village could be decimated should a tank car of hydrocyanic acid spill its lethal contents at the wrong location.

The only solution is to rid our communities of Norfolk & Southern once and for all.

### Our Way of Life Will Degrade

Train whistles are loud. They are so loud that they echo for more than a mile from their source. One blast 12 or 14 times a day is bad enough, but one every 34 minutes in simply not acceptable. One of the reasons I moved from Lakewood to Bay Village was to escape the thunderous noise pollution emitted by the railroad. I like waking up in the morning to the sound of crickets and gulls. I detest the should of train whistles. Those residents unfortunate enough to live near the tracks have the most to lose. Their property values will fall through the floor. Certainly, our friends at Norfolk & Southern have no plan to reimburse these individuals for their losses.

Railroads are dirty. Diesel electric locomotives emit tons of pollution into the atmosphere every month. Since diesel fuel is not as refined as gasoline, locomotives belch black, foul smelling smoke across the countryside. Also, the rail lines are accumulating bins for trash. Norfolk & Southern has again been completely derelict in its responsibilities to its host communities and has allowed its rights of way to become garbage dumps.

Indeed, Norfolk & Southern is not a good housekeeper. This company has left its property (bridges, equipment shacks and rights of way) in a pitiful state of disrepair. Once this company is denied permission to increase traffic on the West Side rails, it should be compelled to clean up its act, regardless of cost. Norfolk & Southern pays nearly no taxes to the communities through which it runs. It should at least maintain its property and eliminate the myriad of eyesores its operations have created.

### Suggestions for Impeding the Spread of the Norfolk & Southern Epidemic

The first steps are being taken by pooling our governmental resources in a concerted effort to put a stop to increased rail traffic. Certainly our mayors, congressional representatives, senators and governor will be pitching in. But I believe individual citizens must also become involved. Perhaps citizen action groups could be formed to sign petitions, write letters to Norfolk & Southern customers and, perhaps, stage peaceful demonstrations or rallies. Do you know of any such groups? If so, please let me know so that I may become involved.

#### The Final Solution

We should not stop with the withdrawal of the Norfolk & Southern proposal to increase commercial rail traffic. We should get rid of the rails once and for all. Two years ago, Norfolk & Southern removed one of two rail lines running through Cleveland's western suburbs. Lets see if we can get them to remove the other one.

Please contact me if you would like my help.

Sincerely,

James C. Doughman, Jr.

cc: Federal Surface Transportation Board, Docket Number 33388 Thomas Jelepis, Mayor, Bay Village, Ohio

Sandra L. Rotaru 572 Woodlane Dr. Bay Village, Ohio 44140 (440).871-5685

September 8, 1997

Federal Surface Transportation Board Section of Environmental Analysis 1925 K Street, N. W. Washington, D. C. 20423

RE: Norfolk & Southern's proposal to increase rail traffic FD 33388

To Whom It May Concern:

This letter is to inform you of my concerns surrounding the proposed increase in train traffic by Norfolk & Southern through the western suburbs of Cleveland Ohio.

I live in the community of Bay Village, the northern boarder hits Lake Erie, and the southern boarder is lined by the N&S rail line. To Bay Village's east running along the lake shore are the communities of Rocky River and Lakewood. To the west is the community of Avon Lake. To the south, across the tracks is Westlake. Each of these communities are primarily residential and heavily populated with homes. The rail tracks literally run through many many neighborhoods. For those who live to the north of the N&S rail line, crossing the tracks, at least daily, is common place.

Specifically the concerns I have with respect to the proposed tripling of the trains from approximately 12 to 30 in per day are as follows:

- 1. My access to emergency services where time is critical. The services are south. The one and only road that allows bridge access over the tracks is nowhere near the closest hospital. Delaying emergency access 30 times a day is too risky. Further, the times where the trains simply stop in or crawl through our neighborhoods causes unsettling risk to the residents of these communities.
- 2. The noise pollution that the trains create in the neighborhoods is tremendous. There are zoning laws for airports and highways. Why should we allow freight trains to ramble through our neighborhoods (in many instances the tracks are closer to the homes than the city streets!!) creating noise so loud that you cannot hear the person next to you 30 times a day.
- 3. The safety issue would be tripled.
  - Already we have accidents and fatalities involving freight trains. But now, we are tripling the risk which will inevitably increase the injuries and deaths.

Surface Transportation Board Section of Environmental Analysis 1925 K Street, N. W. Washington, D. C. 20423

August 21, 1997

Page 2

 What are these trains carrying? Toxic substances, flammable substances, or worse? What types of health risks or catastrophes are we, the citizens of these communities, being exposed to in the event of an accident or derailment?

In conclusion, in 1997, it no longer makes sense to have freight trains running this line. The residential population in all the communities affected is too large to permit this mode of transportation to continue. The risks are too high and there are too many people being affected. Please consider all of these issues and to what you will be exposing the residents in these communities. N&S must have suitable alternatives, just a few months before this announcement, they announced plans to abandon the line when this purchase took place. That would be fine with us.

Thank you for your consideration and if you wish to discuss any of these issues with us, please contact us at the number above.

Sincerely,

Sandra L. Rotaru

cc: Congressman Dennis Kucinich 14400 Detroit Rd.

Lakewood, Ohio 44107

33388 9-10-97 FD ĸ

# ENVIRONMENTAL Deptember 5, 1997 DOCUMENT

SEP 1 0 1997. >

Federal Burface Transportation Board Section of Environmental Cenalysis 1925 K. Street NW Washington, U.C. 20423

Reference: No. FD 33388

Sentlemen:

This letter is written with chep Concern regarding the Marfalk & Santhern Railroad proposal of an encrease in rail trappis through the westshare communities of Drester Chieford, Ohio,

The safety, health, and sconomic unpact this Could have in such a densely populated area could be devastating. This proposal wanted vertically triple traffic; husinesses, local haspitale, and local schools would be seriously affected as well as residents of all communities would be impacted by this proposal.

They you to consider the safety and

Welfare of thousands of individuals in the Communities of Day Vielage, Rocky Rines, Lakewood, and Westlake. Shank you for the apportunity to express my opposition to this Proposal Generaly Elaine Mr. Fier 27100 Knickerbooker # 423 Boy Village, The 44140

August 27, 1997

Federal Surface Transportation Board Section of Environment Analysis 1925 K Street, NW Washington, DC 20433

ATTENTION: Document Number FD33388



#### Gentlemen:

I am contacting you about the plan of Norfolk and Southern Railroad and CSX Transportation to purchase Conrail Corporation and to route more, longer, and faster freight trains through the west side of Cleveland, Ohio, Lakewood, Rocky River, Bay Village and Avon Lake, Ohio. The four cities adjoining Cleveland are all suburban communities with little or no industry, and with the NS tracks as close as 20 to 25 feet to private homes. To say that the proposed plan would increase danger and inconvenience to these cities doesn't begin to cover the situation.

I have owned my property in Lakewood for over 40 years and until the last few years the trains did not negatively impact my enjoyment of my home. But within the last few years, the speed of the trains have gradually increased, the number of cars on each freight have increased, there are an alarming number of "piggy back" cars (which if derailed would land in my back bedroom), and tankers carrying hazardous material are now common.

This past month, there was an accident at a Lakewood crossing involving an auto and a train. The freight train was eventually stopped in Euclid, Ohio, about 15 miles away. The railroad, after the emergency call from Lakewood police, stopped a second freight that was following. That train was stopped within a city block's length of the accident scene. The stopped train, incidentally, stretched 1-1/4 miles west into neighboring Rocky River.

Five years ago, it was rare to wait at a railroad crossing in Lakewood for four minutes, now it is not unusual to wait up to eight minutes for a train to pass. Minutes that can be crucial to residents—waiting for emergency, fire or police vehicles. And that's when the train is moving. What about a train stopped for some malfunction that blocks crossings for up to 30 minutes? It happens.

My home sits less than 50 feet from the track. A derailment of a car carrying hazardous cargo could be a catastrophe. Interstates through populous areas do not permit hazardous cargo - those trucks must take routes through industrialized area, rather than through residential zones. Why shouldn't the same apply to freight trains?

Please prevent the addition of any rail traffic on the Cleveland-Vermilion line of Norfolk and Southern..

Sincerely,

Virginia Gill Fitzgerald

13026 Hazelwood Avenue

Lakewood, Ohio 44107

216-226-0232

September 2, 1997

Federal Surface Transportation Board Section of Environment Analysis 1925 K Street, NW Washington, DC 20433

ATTENTION: Document Number FD33388

Gentlemen:

This letter is a plea to you to prevent the addition of any rail freight traffic on the Cleveland-Vermilin line of Norfolk and Southern Railroad.

This plan would disrupt so many lives, disturb the peace of beautiful neighborhoods, endanger the health of thousands of people from coal dust exposure, noise pollution, the potential danger of toxic chemicals, and the economic consequences of decreased property values and tax revenues would be devastating.

Our home is in Lakewood, Ohio where we have 28 streets that are bisected by NS tracks. Additional trains and to ager, faster trains are a danger to our citizens and children. Lakewood does not have school busing and students attending 8 schools cross the tracks at least twice each day. Our police, fire and emergency vehicles would be seriously impacted by any increase in freight rail traffic through our city. More overpasses and underpasses would not remove all of the rail threats to our neighborhoods. On interstates through populated areas, signs bear the letters "HC" - hazardous cargo - with a slash through it, meaning certain trucks should take routes through industrialized areas, rather than through residential zones. Why shouldn't the same apply to freight train.

Again, please consider the health and safety of thousands of rements in Northern Ohio and prevent the escalation of unsafe and unhealthy freight movement through our cities along Lake Erie.

Sincerely.

Virginia G. Fitzgerald 13026 Hazelwood Avenue

Verginia & Fitzgerall

Lakewood, Ohio 44107

September 8, 1997



Federal Surface Transportation Board Section of Environmental Analysis 1925 K Street NW Washington, DC 20423 No. FD33388

I am a resident of Bay Village, Ohio. As you probably already know, Norfolk & Southern (N&S) Railroad has proposed an increase in rail traffic through the westshore communities from 13 to approximately 38 trains per day. This is contingent upon N&S and CSX's successful acquisition of Conrail assets which must be approved by your Board in June of 1998.

The safety, health, and economic impact this could have on virtually all of us in such a densely populated area could be devastating. Consequently, although discussions are underway with N&S to determine alternate routes, this proposal to virtually triple traffic leaves us no other choice but to fight with everything in our power to prevent this from occurring.

I strongly urge you to fight on our behalf that either they find alternate routes, or that this acquisition be squashed. Thank you.

Sincerely yours,

Judith Koelliker 400 Walmar Drive

Bay Village OH 44140

udeth Kaelliker

MAIL. MANAGEMENT

#### ENVIRONMENTAL DOCUMENT

Federal Surface Transportation Woard Section of Environmental Analysis 1925 K Street Nw Washington, D.C. 20423

Gentlemen:

Reference: No. FD 55588

I worked for the railroad for forty-five years and I am in favor of railroads for transportation; however, at present I am distressed. My house (I nave lived here for 37 years) vibrates from the fast trains across the street. With the increased rail traffic the vibration will cause damage to my nome. Also, I am having a problem keeping the furniture and floors free of dust since more trains have been added.

Would appreciate anything you can do to derail the N&S from increasing traffic through the suburb of May Village, Chio.

Thank you.

Sincerely,

Esther H. Keisling 24000 Knickerbocker Rd Bay Village, Onio 44140

Copy to: Congressman Dennis Kucinich 14400 Detroit Avenue Lakewood, Onio 44107

Mayor Thomas L. Jelepis City of Pay Village, Ohio

29916 Wolf Road Bay Village POhio 44140-1611 September 8, 1997

Federal Surface Transportation Board Section of Environmental Analysis 1925 K Street NW Washington, D.C. 20423

**ENVIRONMENTAL** DOCUMENT

Re: FD 33388 Gentlemen:

MAIL MANAGEMENT

This letter is to bring to your attention the personal problems and the extensive difficulties that will be caused for the people in the Western Suburbs of the Cleveland Area, particular Lakewood, Rocky River, Bay Village, and Avon Lake, Ohio. if the Norfolk & Southern Railroad is allowed to increase their Train traffic from 13 to 38 through these suburbs.

As it is now, we in this area allow a minimum of ten minutes for a train passing, by the time the traffic starts and is flowing well again. For 38 trains, that would be 380 minutes a day. Dividing by 60 minutes a day it does not take a genius to understand that the hundreds of thousands of us on the North side of the tracks are denied access to the three hospitals on the southside of the tracks for 6.33 Hours a day, or about 1/4th the entire day.

My age is 74 years old. I have a heart problem. I am not alone. There are many people with many medical problems of all types around, without even considering the numerous emergency runs for trauma victims

We cross the tracks many times a day, because our shopping center is 'over there'! Everything is 'over'there, because we are a residental community. There is a hazard for our loved ones every time we 'cross the tracks !!

Are we to be denied access to emergency medical needs etc for over six cours a day, when the train traffic could continue its present route six miles south of here, and end up in the same destination West???

Please think long and hard about the effect your decision will have on well over two hundred thousand people!

The railroads will continue to make money, either way you decide.

The peoples lives will be dramatically influenced unless your decision 15 NO!

Norman E. Schmid,

#FD 33388

Scott & Antoinette Rudge 553 Juneway Dr. Bay Village, OH 44140 DOCUMENT

September 6, 1997

Federal Surface Transportation Board Section of Environmental Analysis 1925 K Street NW Washington, DC 20423



#### Dear Board Members:

I am writing to express my great concern about the railroad traffic increases proposed by Norfolk & Southern through the northwestern portion of Cuyahoga County, Ohio. We wish to add our voices to those intensely against these increases.

We live approximately 300 yds from the railroad tracks. The hospitals and emergency help is on the other side of these tracks. All highway access is on the other side of these tracks. The increased traffic will greatly effect the environmental balance of the communities on either side of the tracks.

As a school child, I lost a friend to the trains that run these routes. Her death was traumatic and horrific and was the result of two trains traveling in opposite directions. Although the route has since been reduced to one direction, the proposal to increase rail traffic by 300% has terrifying implications for other children along the densely populated route.

We lived in Lakewood, Ohio for several years and, while concerned at the prospects for our own neighborhood, we have an even greater concern for our friends and neighbors in that city. If these plans are allowed to go forward, we truly fear for their health and safety of the children in that city.

The proposed increase in this rail traffic is unacceptable for reasons to numerous to discount. Please keep us informed of anything we can do to help stop this insanity.

Sincerely.

Scott & Antoinette Rudge

Congressman Dennis Kucinich Federal Surface Transportation 14400 Detroit Avenue Lakewood, OH 44107

Section Of Environmental Ark 1925 K Street NW Washington, D.C. 20423 FD 33388

RE: Norfolk & Southern (N & S) Railroad

Gentlemen:

After studying the facts related to considerations of permitting a three time increase of rail traffic through our community, we want you to know our outrage should a decision be made in the railroad's favor.

The improved economics to the rail system or general cost of trafficing goods for this country is minuscule compared to the damages to families throughout the northwest Cleveland communities brought by noise, traffic disruption and potential medical assistance delays due to the physical restrictions of existing rail crossways throughout our area.

We know you have only one choice and that is to communicate to the railroads that "their bottom line" is neither equal to nor better than people.

Sincerely,

Roman L. Skowronski 542 Kimerly Court Bay Village, OH

44140

cc. Mayor Thomas Jelepis Bay Village, OH 44140

PS We suppose your continuing efforts to block the N & S profit making.



Federal Surface Transportation Board Section of Environmental Analysis 1925 K Street, N.W. Washington, D.C. 20423

Federal Docket No. FD 33388

#### To whom it may concern:

I strongly oppose the proposal to increase to 38 the number of trains traveling each day through the northwestern suburbs of Cleveland. Such frequent train crossings would pose great danger to the area: it would greatly increase the risk of accidents and would seriously restrict the access of emergency vehicles.

In addition to the dangers created, this proposal would impose severe economic penalties. It would disrupt the flow of traffic, cutting merchants off from large numbers of their customers. Finally, the noise and inconvenience caused by the trains would most certainly depress property values in what are now some of the most desirable neighborhoods in Greater Cleveland.

I call upon you to exercise your responsibility to the public and reject this proposal.

Sincerely,

Sara M. Roche

Sapa M. Reche

1196 Dellwood Drive Westlake, Ohio 44145

September 2, 1997

Federal Surface Transportation Board Section of Environment Analysis 1925 K Street, NW Washington, DC 20433

ATTENTION: Document Number FD33388

Gentlemen:

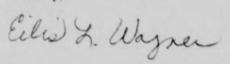
This letter is a plea to you to prevent the addition of any rail freight traffic on the Cleveland-Vermilin line of Norfolk and Southern Railroad.

This plan would disrupt so many lives, disturb the peace of beautiful neighborhoods, endanger the health of thousands of people from coal dust exposure, noise pollution, the potential danger of toxic chemicals, and the economic consequences of decreased property values and tax revenues would be devastating.

Our home is in Lakewood, Ohio where we have 28 streets that are bisected by NS tracks. Additional trains and longer, faster trains are a danger to our citizens and children. Lakewood does not have school busing and students attending 8 schools cross the tracks at least twice each day. Our police, fire and emergency vehicles would be seriously impacted by any increase in freight rail traffic through our city. More overpasses and underpasses would not remove all of the rail threats to our neighborhoods. On interstates through populated areas, signs bear the letters "HC" - hazardous cargo - with a slash through it, meaning certain trucks should take routes through industrialized areas, rather than through residential zones. Why shouldn't the same apply to freight trains?

Again, please consider the health and safety of thousands of residents in Northern Ohio and prevent the escalation of unsafe and unhealthy freight movement through our cities along Lake Erie.

Sincerely.



STB FD 33388

Federal Surface Transportation Board Section of Environment Analysis 1925 K St. NW. Washington, DC 20423



August 28, 1997 Fed. Docket # FD33388

Dear Board of Environment Analysis,

Fourteen trains are crossing the City of Lakewood, Ohio on a daily basis. The railroad companies are planning to increase the number of trains by a factor of three, which means that thirty-eight trains would cross the city every single day.

The frequent train crossing would bring the traffic in the city almost to stand still, would increase the unnecessary gasoline use and with it air pollution.

The frequent train crossings would be unsafe especially for children who walk to school and need to cross the railroads

The city would need a hospital, a fire station, and a police station on the north side to help those who need urgent help and cannot wait till the trains pass by.

Thirty-eight trains per day would increase the already high noise level. The railroad crossings are close to each other and the whistling does not stop between crossings. All along the railroads, the homes are only a few feet away from the homes the noise and the vibration would cause serious health effects; sleep deprivation, hearing problems, disruption in the community life, and damage to the foundations of the homes just few feet's from the tracks.

It seems that the railroad crossings in our city are significant routes of transportation. I think that a workable solution would be to have underground crossings. The underground crossing would not disrupt the daily traffic, would save gasoline, would not pollute the air, would be safe for children to walk to school, would considerably reduce the noise coming from the train whistling, and would not narm the foundation of the nearby homes.

I hope that you will help to address our concerns.

Thank you for listening!

Sincerely:

Isabella H. Jalics 14312 Detroit Rd. # 548

Lakewood, OH 44107

JOHN & SALLY HERDMAN 345 SADDLER ROAD BAY VILLAGE, OHIO 44140



Federal Surface Transportation Board Section of Environmental Analysis 1925 K Street, NW Washington, D.C. 20423

Re: FD 33388

#### Gentlemen:

Norfolk & Southern (N&S) Railroad has proposed an increase in rail traffic through Bay Village from 13 to approximately 38 trains per day, which is contingent upon N&S and CSX's acquisition of Conrail assets. This acquisition is contingent upon your approval.

The safety, health, and economic impact this could have on virtually all the people in such a densely populated area could be devastating. We understand that alternate routes are being discussed, however we feel that the acquisition of the Conrail assets will be detrimental to the interests of the people of the westshore communities; and ask that you do not approve the transfer of assets.

We understand that railroads play an important part in the country, however we feel that the safety and welfare of the thousands of people are at stake. We thank you for your support on this issue.

Sincerely yours,

John and Sally Herdman

Lection of Invicorment Grelyie Board 1925 R. Street NW Wackington, DC 20423 353.



323388

Sui:

Thereigh, this I strongly oppose the addition of the straine day on tracks running three Bay Vellage. Our recidents would beterally the isolated from any laspital, and main shapping dream. With the present 13 trains / day, I have been been exp ar long as 20 minutes due to the long, slave maning trains.

enfair to lag being recedente, and other surraunding communities.

However, if this "autrage" is allowed, the railrand company should be forced to build an overfore at each causing!

Elie M. Dorby 30679 Cembridge Ct, W Bay Villago, Ohio 44140

September 3rd, 1997



Federal Surface Transportation Board Section of Environment Analysis Document "FD33388" 1925 K Street, N.W. Washington, D.C. 20423

Ref .:

Document FD33388, Norfolk Southern Corporation, Cleveland-Vermilion Line.

Dear Sir/Madam:

I'm writing to demonstrate my concern over the proposed rerouting of Norfolk Southern freight trains on the Cleveland-Vermilion line.

Currently, my family and my neighbors have to endure approximately fourteen trains a day over the Cleveland-Vermilion road bed.

Norfolk Southern Corporation proposes, by way of rerouting, to run upwards of forty trains a day.

My home occupies land about seven-hundred fifty feet from Norfolk Southern's line. We've lived here twenty years. Certainly, we were aware of the railroad when we purchased the property. And, we were aware of modest traffic on the line. Now, this Company purposes to nearly triple the traffic over this route.

I'm concerned about the additional **NOISE**. I'm concerned about the disruption of automobile, emergency vehicle and pedestrian **TRAFFIC FLOW**. I'm concerned over the increased potential for **ENVIRONMENTAL DISASTER** due to a derailment. I'm concerned over the potential of increased accidents and the possibily of **INJURY & DEATH** to citizens of the community.

Lakewood, Ohio, is a residential community of approximately sixty thousand inhabitants. We've put-up with train traffic for years. But, Norfolk-Southern's proposal goes far beyond what the citizens of Lakewood should have to accept.

I'm demanding a thorough and exhaustive review of Norfolk-Southern's proposal. Forty trains a day through our town is too much to bear.

Sincerely,

David W. Jones

1373 Granger Avenue Lakewood, OH. 44107

ENVIRONMENTAL : September 3, 1997 DOCUMENT Federal Surface manspartation Board. Section of Enveronmental analytics of Their NW Weshington, DC 20423 No FD 33388 The barfack & Lautherer racheod her proposed a three fall were are in rail haffer three the cities of Bay Village, Kocky here and takewood in the state & ohio! I strongly feel this mojor increase in rail traffic well place a burden on the commenter es access to heesmitals well be a diersely effected all major haspital are lacated south Ither railrood tracks and well place a Calle on traffic particlelarly 911 to reduce costs but become note ifficient average to their acquestion. However, the learder Jain commenty well be diastic and all ask that your strongly consider other methods of selveing the NAW problem. Buy Vellage 10 lio 44140

#### KAREN KELLY KRAUS

Attorney At Law 20647 Beaconsfield Blvd. Rocky River, Ohio 44114 (216) 333-0637

September 1, 1997

Federal Surface Transportation Board Section of Environment Analysis 1925 K St. NW Washington, D.C. 20423

Document No. FD 33388

Re: Norfolk Southern-CSX Transportation Merger

Dear Sir/Madam:

I am writing this letter to express my great concern and displeasure at the proposed merger between Norfolk Southern, CSX Transportation and Conrail which would result in a tripling of the freight train traffic in my neighborhood. Currently, the trains are loud and inconvenient. Whistles are blown at full force at 4:A.M. and a slow train in the middle of the day sets traffic and school buses behind by 10 minutes or more. To treble this inconvenience would be a true detriment to all the surrounding neighborhoods.

Like most people in the neighborhoods affected by this proposal, my families' biggest investment is our home. Our house is one street from the tracks so the noise, danger, and inconvenience of this increased traffic will adversely affect our housing value. The noise and disturbance of the trains are the biggest problem so building overpasses will not help the situation.

Trucks are not allowed to drive through residential areas and I believe this should be true of freight trains. There are tracks south of the City of Cleveland and its Western suburbs that go through industrial areas and wide open spaces and this is where the trains should be routed. Please do not allow this merger to ruin our beautiful neighborhoods.

Very truly yours,

Karen Kelly Kraus

Nederal Surface Transportation Board Section of Environment analysis 3 1925 K. Ostraet N.W. Washington, DC 20423

encress in troppe on the Morfolk and Southern RR.

I strongly oppose this proposed as it will affect the heater and safety of the many people who reside along its route. Thank you for your help in this matter

Marianno Peter 602 Deintmere Res Bay Vellage. Olivo 44140 ENVIRONMENTAL PRINS AND MCMASTER DOCUMENT ATTORNEYS AND COUNSELORS AT LAW

PALMETTO BUILDING, FOURTH FLOOR

1400 MAIN STREET POST OFFICE BOX 7337

COLUMBIA, SOUTH CAROLINA 29202

JOHN GREGG McMASTER HENRY DARGAN MCMASTER GEORGE HUNTER MCMASTER FRANK BARNWELL MCMASTER

BRYAN P. STIRLING

OF COUNSEL JOSEPH D. MCMASTER 'ALSO ADMITTED IN TEXAS TELEPHONE: (803) 799-4499 TELEFAX:(803) 252-2240

FRANK G TOMPKINS 1874-1956 FRANK G. TOMPKINS, JR 1908-1973 ELIZABETH F. ELDRIDGE 1894-1975

(803) 723-0080

CONWAY OFFICE (803) 248-0043

September 2, 1997

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

> CSX Corporation, Inc (CSX) Norfolk Southern Corporation

Norfolk Southern Railway Co. (NS)

Conrail Inc.

Consolidated Rail Corporation (Conrail)

Dear Ms. Kaiser:

I have your letter of July 28, 1997 relative to CSX and NS seeking authorization to acquire control of Conrail and for the subsequent division of Conrail's assets by CSX and NS.

CSX and NS are viable and operating railroads. Why should your agency put in place a 350 day schedule for the proposed transaction.

Why should it take one day?

When this matter is completed both will be operating railroads over the same tracks as the predecessor. Why in the world should your approval take so long as indicated by your 350 day schedule.

Yours very truly,

JGM/atw

cc: Senator Strom Thurmond Congressman Floyd Spence



#### Mississippi Department of Archives and History

Historic Preservation Division • Post Office Box 571 • Jackson, Mississippi 39205-0571 Telephone 601-359-6940 • Fax 601-359-6955

September 4, 1997

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

Dear Ms. Kaiser:

RE: Railroad Control Application, Finance Docket No. 33388; Norfolk Southern/CSX/Conrail Railroad Acquisition, National Historic Preservation Act, Section 106 Compliance-Project No. 96-678-4

We have reviewed the September 3, 1997, facsimile transmission of Mr. Richard Starzak, Senior Architectural Historian, Myra L. Frank & Associates, and accompanying documentation (environmental report and supplemental environmental report), regarding the above referenced project proposal in accordance with our responsibilities outlined in "Procedures for the Protection of Historic and Cultural Properties," 36CFR800.4 and 800.5. The aforementioned material indicated that no acquisition related activities (changes to rail line segments, rail yards, intermodal facilities, abandonments, or new construction projects) are proposed in Mississippi. In that regard, we concur that no properties listed in or eligible for listing in the National Register of Historic Places will be affected and that Section 106 consultation with this office has been completed. We, therefore, have no reservations with the proposal.

Should there be additional work in connection with the project, or should there be any changes in the scope of work, please let us know in order that we may provide you with appropriate comments for compliance with the above procedures. Your continued cooperation is appreciated.

Sincerely,

Roger G. Walker

By: Roger G. Walker Review and Compliance Officer

cc: Clearinghouse for Federal Programs Mr. Richard Starzak

Board of Trustees, William F. Winter, president / Van R. Burnham, Jr. / Arch Dalrymple III / Lynn Crosby Gammill Gilbert R. Mason, Sr. / Martis D. Ramage, Jr. / Everette Truly / Rosemary Taylor Williams / Sherwood W. Wise Department Director: Elbert R. Hilliard



City of Westlake

27216 HILLIARD BOULEVARD WESTLAKE, OHIO 44145

OFFICE OF THE CITY COUNCIL

#### ENVIRONMENTAL DOCUMENT

September 5, 1997



Federal Surface Transportation Board Section of Environmental Analysis 1925 K Street N.W. Washington, D.C. 20423

Dear Members:

Enclosed is a certified copy of Resolution No. 1997-184, which is being forwarded to you pursuant to Section 3 of the legislation.

The legislation was adopted by the Westlake City Council on September 4, 1997.

Sincerely,

Susan J. Prehoda
Clerk of Council

SJP/

Enclosure

CITY OF WESTLAKE, OHIO RESOLUTION NO. 1997-184

A RESOLUTION URGING CONGRESS AND THE FEDERAL SURFACE TRANSPORTATION BOARD TO DENY NORFOLK SOUTHERN (NS) AND CSX TRANSPORTATION'S PROPOSAL FOR JOINT ACQUISITION OF CONRAIL, INC., AND DECLARING AN EMERGENCY.

WHEREAS, Norfolk Southern (NS) and CSX Transportation are proposing joint acquisition of Conrail, Inc. and plan to increase the number of freight trains through the northwestern suburbs from fourteen (14) per day to thirty-eight (38) per day; and

WHEREAS, the proposal will be brought before the Federal Surface Transportation Board before June, 1998 for approval; and

WHEREAS, an increase in daily freight trans use would create a health and safety concern for the City of Westlake residents due to the fact that emergency paramedic runs to hospitals could be increased by a minimum of fifteen (15) minutes in order to use the Clague Road overpass if said tracks are unavailable to use for emergency vehicles, whereby minutes in response time can often mean the difference between life and death; and

WHEREAS, an increase in daily freight train use would adversely impact the ability of all types of coordinated emergency response teams between the City of Westlake and other westshore communities to best utilize each other's medical faci ities and fire and police forces and equipment in a predictable and timely fashion; and

WHEREAS, there are numerous safety concerns at rail crossings due to increased rail traffic which would increase the risk of collisions between trains and cars, trucks and pedestrians; and

WHEREAS, concerns over health and safety due to potential increase in the transporting of hazardous materials which in case of derailment would necessitate the evacuation of many residents of Westlake who live near the tracks; and

WHEREAS, an increase in daily freight train use would create environmental concerns with regard to noise and air pollution; and

WHEREAS, total isolation of our community from the nouth during heavily traveled time on the tracks would impact both our and adjacent communities both residential and business; and

CITY OF WESTLAKE, OHIO RESOLUTION NO. 1997- 184 PAGE 2

WHEREAS, an increase in rail traffic would have a negative impact on property values which directly impacts both the City and School budgets; and

WHEREAS, the Cities of Bay Village, Rocky River and Lakewood have filed a Notice of Intent to Participate with the Federal Surface Transportation Board so that they may become "Parties of Record."

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WESTLAKE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1: That the Council of the City of Westlake, Ohio opposes the acquisition of Conrail, Inc. by Norfolk Southern and CSX Transportation, which as a result of this acquisition would increase rail traffic on the route connecting Vermilion, Ohio to Cleveland, Ohio, thereby creating health and safety concerns for the residents of the City of Westlake and other westshore communities.

Section 2: That Council urges all citizens of the City of Westlake to support their efforts in this opposition by forwarding letters of concern to the Federal Surface Transportation Board, Section of Environmental Analysis (SEA), 1925 K Street N.W., Washington D.C. 20423, in an effort to have these concerns incorporated into the final version of the Environmental Impact Statement which will be considered by the Federal Surface Transportation Board prior to its final decision.

Section 3: That the Clerk of Council is hereby directed to submit a copy of this Resolution to the Federal Surface Transportation Board, Senator Michael DeWine, Senator John Glenn, Congressman Dennis J. Kucinich, Governor George V. Voinovich, State Senator Gary C. Suhadolnik, State Representative Edward F. Kasputis, Cuyahoga County Commissioners, NOACA, RTA, the Regional Planning Commission, the Mayors of the Cities of Rocky River, Lakewood and Bay Village.

Section 4: That it is found and determined that all formal actions of this Council concerning and relating to this legislation was adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 10, Article XI of the Charter of the City of Westlake.

Section 5: That this legislation is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and for the further reason stated in the preamble thereof, and further provided it receives the affirmative vote

#### CITY OF WESTLAKE, OHIO RESOLUTION NO. 1997- 184 PAGE 3

of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.	
Passed: 9/4/97	Mahalati
Presented to Mayor: 9/5/97	Michael F. Killeen, President of Council  Approved: 9/5/97
ATTEST:	
Susan Prehoda, Clerk of Council	Dennis M. Clough, Mayor



Sandra L. Rotaru 572 Woodlane Dr. Bay Village, Ohio 44140 (440) 871-5685

August 26, 1997

Surface Transportation Board Section of Environmental Analysis 1925 K Street, N. W. Washington, D. C. 20423

#### RE: Norfolk & Southern's proposal to increase rail traffic

To Whom It May Concern:

This letter is to inform you of my concerns surrounding the proposed increase in train traffic by Norfolk & Southern through the western suburbs of Cleveland Ohio.

I live in the community of Bay Village, the northern border hits Lake Erie, and the southern border is lined by the N&S rail line. To Bay Village's east running along the lake shore are the communities of Rocky River and Lakewood. To the west is the community of Avon Lake. To the south, across the tracks is Westlake. Each of these communities are primarily residential and heavily populated with homes. The rail tracks literally run through many many neighborhoods. For those who live to the north of the N&S rail line, crossing the tracks, at least daily, is common place.

Specifically the concerns I have with respect to the proposed tripling of the trains from approximately 12 to 30 in per day are as follows:

- 1. My access to emergency services where time is critical. The services are south. The one and only road that allows bridge access over the tracks is nowhere near the closest hospital. Delaying emergency access 30 times a day is too risky. Further, the times where the trains simply stop in or crawl through our neighborhoods causes unsettling risk to the residents of these communities.
- 2. The noise pollution that the trains create in the neighborhoods is tremendous. There are zoning laws for airports and highways. Why should we allow freight trains to ramble through our neighborhoods (in many instances the tracks are closer to the homes than the city streets!!) creating noise so loud that you cannot hear the person next to you. Further, I appreciate and respect the need for the conductors to sound their horns while approaching an intersection, however, many of the conductors, particularly in the night, sound them excessively without reason.
- 3. The safety issue would be tripled.
  - Already we have accidents and fatalities involving freight trains. But now, we are tripling the risk which will inevitably increase the injuries

Surface Transportation Board Section of Environmental Analysis 1925 K Street, N. W. Washington, D. C. 20423

August 21, 1997

Page 2

and deaths.

 What are these trains carrying? Toxic substances, flammable substances, or worse? What types of health risks or catastrophes are we, the citizens of these communities, being exposed to in the event of an accident or derailment?

In conclusion, in 1997, it no longer makes sense to have freight trains running this line. The residential population in all the communities affected is too large to permit this mode of transportation to continue. The risks are too high and there are too many people being affected. Please consider all of these issues and to what you will be exposing the residents in these communities. N&S must have suitable alternatives, just a few months before this announcement, they announced plans to abandon the line when this purchase took place. That would be fine with me.

Thank you for your consideration and if you wish to discuss any of these issues with us, please contact me at the number above.

Sincerely,

Sandra L. Rotaru

# Carolyn Steigman 385 Longbeach Parkway DOCUMENT (216) 892-3940



September 3, 1997

Federal Surface Transportation Board Section of Environmental Analysis 1925 K Street NW Washington, DC 20423

Dear Sir or Madam:

I am writing to you concerning N&S and CSX's intended acquisition of Conrail's assets. I understand that this acquisition must be approved by your organization. If N&S and CSX are successful in their acquisition, the rail traffic through the northwestern communities of Cleveland will dramatically increase from 13 trains a day to approximately 38 trains a day!

The impact this would have on the safety, health, and economy of such a densely populated area would be devastating. While railroads play a vital role in the country, common sense has to exist when the safety and welfare of literally thousands of individuals are at stake. In my own case, the increased noise, air pollution, and disruption of traffic such an increase in rail traffic would cause, will change my city from a thriving community into a very undesirable place to live. In short the community would wither.

I urge you to disapprove this acquisition. I hope I can count on your support.

Sincerely,

Carolyn Steigman

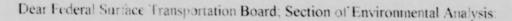
Carelyn Steigman

Mark and Lynne Greer 271 Breezewood Drive Bay Village, OH 44140

September 3, 1997

Federal Surface Transportation Board Section of Environmental Analysis 1925 K Street NW Washington, DC 20423

No. FD 33388



This letter is regarding the proposed increased in rail traffic through the westshore communities by Norfolk & Southern Railroad. As we understand it, the proposal would increase rail traffic from 13 to approximately 38 trains per day.

While we understand that everyone has a job to do, it is not understandable that all jobs should be done without consideration to the affect they will have on other human beings.

Increasing the rail traffic will certainly have a negative impact on our communities. The risks to the communities involved are safety of residents, ease of exit/entry to the city, decreased property values, additional noise pollution, to name a few.

The westshore communities are considered to be upscale middle class. Certainly they are part of the appeal of the City of Cleveland. With Cleveland on the upswing after many years of being down, it would be a shame to damage something that is truly good about this city. I am a Realtor, and I have worked with upper middle class transferees who specifically request to be shown properties in the westshore area because they have heard how wonderful they are even before they have arrived here! Please let's not diminish this wonderful asset to the City of Cleveland by allowing this to happen.

I think everyone can agree that 13 trains per day is reasonable, but 38 trains per day in a residential neighborhood is not. My question to you is if you were in our position, wouldn't you feel as we do? Please help us fight this move by Norfolk & Southern Railroad. Please do not approve the acquisition of Conrail assets by Norfolk & Southern and CSX.

Singerely, Dynne M. Green

#### DOCUMENT

542 Oakmoor Road Bay Village, Ohio 44140 September 4, 1997

Federal Surface Transportation Board Section of Environmental Analysis 1925 K Street,NW Washington, DC 20423



Ladies/Gentlemen:

I am writing to protest the proposal of N&S and CSX to route 38 trains per day over the tracks that run through the western suburbs of Cleveland, Ohio. Naturally, I am most interested in the problems it causes Bay Village since I live about one and a half blocks from the tracks in Bay Village. Before any of this latest information came to light, I had already been noticing what I consider an increase in train traffic along these tracks. We've lived in our current home for 26 years so should have a good idea of what is going by. If there hasn't been an increase, then I'd have to attribute my notice of the trains to their horn blowing techniques. They've been particularly annoying in the past year or so with prolonged blasts or frequent toots. They seem to start far down the track and keep it up till the crossing. Some engineers seem to delight in leaning on the horn in the wee hours of the morning or on peaceful weekend nights. A few toots of warning don't have to be as intrusive as the trains have become lately.

An RTA Park and Ride facility was recently opened on the Westlake side of the tracks on Columbia Road. It has been very handy for me as I live just a couple blocks away. However, if the train traffic gets any heavier, there will be more times that I miss the bus because of trains crossing Columbia road during "rush hour". There have been a couple mornings when the trains have come to a complete standstill. I can't figure out what they would be stopping for between Bay Village and Rocky River, the next suburb east.

It would be interesting to know how many trains went by during the "height" of train travel in the 30's, 40's and 50's. I wonder how much traffic was "acceptable" in those days. I can't imagine it ever approaching the 38 trains a day mark. Even if they would agree to build overpasses, which I can't see happening, it would still be a source of disturbance to those who live close enough to hear the trains, never mind the home owners who are even closer and would have their home values totally depreciated.

Besides these inconveniences, there is a safety matter of not being able to get transported to the nearest hospital if the tracks are blocked. Other than going east into Lakewood, the ambulances would have to backtrack to the east end of the City at Clague Road, to go west to St. John's West Shore Hospital in Westlake. That can be many minutes out of the way when every minute counts. Now that there is only one track for both directions, I see the potential for many more accidents as well.

Hopefully these railroad(s) will be forced to reconsider their ill-considered plan of routing so many trains on the same tracks. We will appreciate any assistance that can be given to our suburb(s) in fighting this proposed action by N&S and CSX.

Very truly your. Glova Scheid

September 2,1997

Federal Surface Transportation, 1925 K Street NW, Washington, DC 20423 FD 33388.



I understand there is a proposed plan by the railroad to triple the rail traffic which runs through the Cities of Lakewood,Rocky River, Bay Village and other communities west of Cleveland, Ohio and that this matter will be taken up by your department.

Since I reside two blocks from the tracks crossing Crocker/Basset Road we find the present level of traffic to be annoying enough but to triple the volume would create a serious threat to those people who are heading to St. John's Hospital in an emergency situation and are delayed by trains either stopped on the tracks or moving extremely slow. The same can be said for the police and fireman responding to emergency calls.

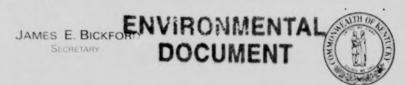
If the railroad company wants to expand its traffic they should consider constructing overhead bridges and ramps that would not interfere with vehicle traffic.

I trust that when you evaluate the railroads request to expand its traffic through the above mentioned communities you would consider the impact it would have on the people living north of the tracks.

Thank you for your attention and consideration.

Sincerely,

Shirley M. Tremblay 29728 Lincoln Road Bay Village, Ohio. 44140



COMMONWEALTH OF KENTUCKY

#### NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET DEPARTMENT FOR ENVIRONMENTAL PROTECTION

FRANKFORT OFFICE PARK 14 REILLY RD FRANKFORT KY 40601 September 3, 1997

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

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



Re:

Environmental Report of proposed action and expected environmental effects on Operational Impacts of Consolidation CSX, Norfolk Southern, and Consolidated Rail

Dear Ms. Kaiser:

The Natural Resources and Environmental Protection Cabinet (NREPC) serves as the state clearinghouse for review of environmental documents generated pursuant to the National Environmental Policy Act (NEPA). Within the cabinet, the Commissioner's Office in the Department for Environmental Protection coordinates the review for Kentucky State Agencies.

The Kentucky agencies listed on the attached sheet have been provided an opportunity to review the above reference I report. Responses were received from eleven (marked on attached sheet) of the sixteen agencies, and there were no significant comments from any of the agencies. It has been noted that Kentucky, as identified in the Supplemental Environmental Report, is not one of the States affected by the changes included in the SER, and, therefore, will not be reviewing the SER.

If you should have any questions, please contact me at (502) 564-2150, ext. 112.

Sincerely

Alex Barber

Enclosure

The following state agencies were given the opportunity to review and provide comments on the above referenced project:

- 1. Natural Resources and Environmental Protection Cabinet
  - •a. Division of Water
  - •b. Division of Waste Management
  - •c. Division for Air Quality
  - •d. Division of Conservation
  - e. Division of Forestry
  - •f. Department for Surface Mining, Reclamation and Enforcement
  - •g. Kentucky State Nature Preserves Commission
  - h. Department for Natural Resources
- 2. Department of Fish and Wildlife Resources
- 3. Kentucky Heritage Council/The State Historic Preservation Office
- 4. State Archaeologist, University of Kentucky
- 5. Transportation Cabinet
- 6. Tourism Cabinet, Department of Parks
- Department of Agriculture
- 8. Department of Military Affairs
- 9. Department of Health

SEP 08 '97 12:19PM PUBLIC AFFAIRS MGMT.O

5.3.9 Kec 7/86:3/5

DURKIN & BOGGIA

COUNSELLORS AT LAW

CENTRAL ADMINISTRATIVE UNIT
REC'D: 9997

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MARTIN T. DURKING

PRISCILLA M BOCCIA

HALSO NEMBER OF N.Y. BAR HALSO NEMBER OF N.Y. FLA. D.C. DAR & CERTIFIED CIVIL TRIAL ATTORNEY DOCUMENT

CENTENNIAL HOUSE
71 MT. VERNON STREET
P. O. BOX 378
RIDGEFIELD PARK N.J. 07860

(201) 641-0006 FAX NO. (201) 641-6649

September 5, 1997

Clifford Duke Environmental Co. 1611 N. Kent Street, Suite 900 Arlington, VA 22209

Re: CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company — Control and Operating Leases/Agreements — Conrail Inc. And Consolidated Rail Corporation

STB Finance Docket No. 33388

Dear Mr. Duke:

As discussed during our telephone conversations and during your conversation Wednesday afternoon with Alison Kerber of my office, this firm represents the <u>Village of Ridgefield Park</u>, New Jersey (the "Village") in connection with a lawsuit filed against the New York Susquehanna & Western Railway Corporation (the "Railroad") in November 1993 in connection with a certain so-called "refueling and light maintenance facility" operated by the Railroad on property which it owns within the Village. (The Railroad is a wholly-owned subsidiary of the Delaware Otsego Corporation, which is the subject of a proposed management buyout by Norfolk Southern Corporation, CSX Corporation and Walter G. Rich, who is Delaware Otsego's Chief Executive Officer as well as President and Chief Executive Officer of the Railroad.)

It is my understanding that you are interested in receiving input from the Village relating to any concerns it may have relating to hazardous material and/or hazardous waste connected with or resulting from the construction by CSX of two cross-tracks within the Village, which cross-tracks will connect CSX with Norfolk Southern and facilitate the movement of freight between the two lines. The Village does, indeed, have a number of concerns -- environmental and otherwise -- relating to this proposed construction. These include:

Clifford Duke September 5, 1997 Page 2

- (1) Traffic on the proposed cross-track will exacerbate an existing problem already faced by the Village in that it will cause prolonged blocking of two major thoroughfares, Mt. Vernon Street and the Bergen Turnpike. This will negatively affect a number of large industries, including Crystal Clear Industries, Callahan Chemical, BP Electrical Co., Fire Guard Sprinkler Corp., Hagemann Roofing, Guy's Auto Repair, Apache Auto Wreckers, Inc., M.J. Pacquet Construction Co., Pacella Pro-Filing, located on the west side of the railroad tracks.
- (2) A newly-constructed Department of Public Works yard is located on the wast side of the railroad tracks. Village fire trucks, ambulances and garbage trucks are repaired and fueled at this location, and the untimely blocking of Mt. Vernon Street and/or the Bergen Turnpike could, without exaggeration, make the difference between life and death should a serious fire or other emergency arise at a time when an emergency vehicle is trapped in the DPW yard and is prevented from reaching the emergency site.
- (3) The location of the cross-tracks on Mt. Vernon Street and the Bergen Turnpike will In effect split the Village into two sectors, eastern and western, which separation will be at times a true blockade between those sectors resulting from long intermodal trains utilizing the cross-tracks.
- (4) Will the proposed cross-tracks impact in any way on the Railroad's "refueling and light maintenance facility" in the Village? That is, will the use of the facility increase, decrease, stay the same, or perhaps cease?
- (5) The Village has very recently learned that the Railroad is presently considering a renewal of passenger transportation from Saddle Brook. New Jersey to Weehawken, New Jersey, among other possible locations. Passenger trains would pass through the Village and in fact a station is contemplated in Ridgefield Park. The presence and use of the proposed cross-tracks will prevent the ability of passenger trains to pass through the Village on a regular schedule and may affect the construction of a railraod track.
- (6) Finally and although not directly related to hazardous materials and/or hazardous waste associated with the proposed cross-track the Village believes it would be appropriate to point out an incident which recently occurred at the Railroad's facility which resulted in the discharge into the Hackensack River of oil which had leaked from one or both storage tanks on the Railroad's property. I enclose for your reference the Supplemental Affidavit of Douglas Hansen which outlines the circumstances of the spill. The Village is concerned, based on its experience with the Railroad and the Railroad's refusal to assume responsibility for past or future environmental contamination, that increased rail involvement within its confines will result in similar incidents and similar refusals to take responsibility.

This inquiry becomes particularly relevant as a result of the proposed management buyout of the Delaware Otsego Corporation referenced above.

Clifford Duke September 5, 1997 Page 3

I hope that you find the foregoing information to be helpful. Should you have any questions or require further information, please do not hesitate to contact me.

Very truly yours,

Martin T. Durkin, Esq.

motolo

### ENVIRONMENTAL DOCUMENT

FEDERAL SURFACE TRANSPORTATION BD SECTION OF ENVIRONMENTAL ANALYSIS 1925 K St NW WASHINGTON DE 20423 DEAR SIR THE AM WRITING TO YOU
THE EXCESS AMONG
THAT THE FILL THROUGH TRAIN TRACKS AND I AM CHICKER WHO WALKS THE TRACES
AND MY COMMONING WHERE
THE POTENTAL OF HE ZONZODS WASTE
THAT IS POEINE TRANSPORTED ADDRESS ZON TWENTY FIVE YEARS I AM VERY CONCERN 8F MY COMMUNITY PLEASE DO NOT THAT WILL COMA THROUGH MY CITY.

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FD-33388 ID-CITIES 8-18-97 RTA

ENVIRONMENTAL DOCUMENT

The Greater Cleveland Regional Transit Authority

> 615 Superior Avenue, W. Cleveland, Ohio 44113-1878 Phone 216 566-5084 Fax 216 781-4043

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

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

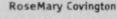
August 5, 1997

Dear Ms. Kaiser:

The purpose of this letter is to provide comments by the Greater Cleveland Regional Transit Authority (GCRTA) on the Conrail acquisition Environmental Impact Statement (EIS) scope. To reduce auto vehicle miles traveled and emissions, GCRTA's future plans include use of existing Conrail, CSX, and Norfolk Southern rights-of-way for provision of commuter passenger services. While we have overall concerns about the impact of the operating plan as filed on future commuter rail services proposed by GCRTA, we have a specific concern regarding Part 4 Proposed Construction Projects, Item 8.9 Vermillion.

The proposers have provided an action alternative and a no-action alternative. We find the no-action alternative to be unacceptable for the reasons stated in the ER. We also find the proposed connection trackage at Vermilion, Ohio to be unacceptable because this would introduce more than 23 additional trains per day over the Norfolk Southern (NS) Bellevue-Buffalo line trackage through Lakewood, Ohio. This is a very densely-populated residential area with 27 (twenty-seven) grade crossings within a distance of 3 (three) miles. These crossings generally have very little available site distance for motorists in the area. This area has a history of high grade crossing accident rates, which has long been a concern of the city of Lakewood, the Ohio Rail Development Commission, and local public safety officials. There is also substantial pedestrian traffic in this area and a history of pedestrian-train incidents.

To mitigate the above concerns, we request that the EIS consider an alternative that involves a connection to existing Conrail lines in the Cleveland area. Similar to the Vermilion project, this would connect the NS Bellevue-Buffalo line to the current Conrail Chicago line. This would be accomplished by the upgrading of existing active trackage between the vicinity of West 25th Street and Train Avenue in Cleveland, and the vicinity of Cleveland Hopkins International Airport, also in Cleveland. This may also involve additional trackage completely or largely in existing rights-of-way. The route would use existing NS trackage and the Conrail Flats Industrial Track via Linndale, CP Short, and would bypass and parallel the Conrail Rockport Yard.



Assistant General Manager Marketing and Development



Ms. Elaine K. Kaiser August 5, 1997 Page 2

The proposed alternative route would use existing rights-of-way largely through industrial areas and would include no grade crossings. We believe this alternative would substantially reduce rail traffic volumes on the NS Bellevue-Buffalo line through the Lakewood area and points west, and should be addressed in the EIS.

Sincerely,

RoseMary Covington
Assistant General Manager

Marketing and Development

FD-33388 ID-FEDS 8-18-97



#### United States Department of the Interior

#### FISH AND WILDLIFE SERVICE

Asheville Field Office 160 Zillicoa Street Asheville, North Carolina 28801

August 13, 1997



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

ENVIRONMENTAL DOCUMENT

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

Dear Ms. Kaiser:

Subject: 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

This is the report of the U.S. Fish and Wildlife Service (Service) and the Department of Interior on the subject project. The following comments are provided in accordance with the provisions of the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-667e), and Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543) (Act).

According to the proposal, CSX Corporation and CSX Transportation, Inc. (CSX), along with Norfolk Southern Railway Company (NS) and Conrail Inc., and Consolidated Rail Corporation (Conrail) propose to acquire control of Conrail. The proposed transaction involves over 44,000 miles of rail line and related facilities. The Surface Transportation Board (STB) Section of Environmental Analysis is preparing an Environmental Impact Statement (EIS). According to the Railroad Control Application Environmental Report sent separate from your letter dated July 3, 1997, no CSX or NS rail line segments, rail yards, or intermodal facilities in North Carolina would experience increased traffic or activity that would meet STB thresholds.

Enclosed is a list of the federally listed threatened and endangered species that may occur within the area of the proposed action in North Carolina. The enclosed list also contains other Federal

species of concern that are currently under status review by the Service which may occur in project impact area. These species are not legally protected under the Act and are not subject to any of its provisions, including Section 7, unless they are formally proposed or listed as endangered or threatened. We are including these species in our response to give you advance notification and to request that any surveys include these species as well. The presence or absence of these species in project impact areas should be addressed in the environmental assessment. However, since no significant increases in activity are expected in the North Carolina segments of the rail lines, it is unlikely that these species would be impacted. The Service would likely concur with the expected determination that the project will have no effect on federally listed species in North Carolina. If this is the case, we believe the requirements under Section 7(c) of the Act are fulfilled. However, obligations under Section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered, (2) this action is subsequently modified in a manner that was not considered in this review, or (3) a new species is listed or critical habitat is determined that may be affected by the identified action.

The Service has no objection to the proposed action within North Carolina. However, we are concerned about the potential impacts from hazardous material releases along rail lines or at related facilities. These incidents can be especially difficult to contain in streams and wetlands and therefore can be especially harmful to aquatic species. According to Section 16.4.2, Hazardous Materials Transportation, of Part 2 of the Environmental Report, "the Acquisition would not affect the type of materials handled or the methods used to ensure the safe movement of these shipments." Even though reportable incidents of hazardous material releases may be relatively few, the Service would appreciate improvements in the performance of safe movement of these shipments. Keep us apprised of any plans to improve the handling of hazardous materials.

Please do not hesitate to contact Mr. Mark A. Cantrell of our staff at 704/258-3939, Ext. 227, if you have any questions regarding our comments. We have assigned our Log No. 4-2-97-179 to this project. Please refer to it in all future correspondence directed to us concerning this matter.

Sincerely,

Brian P. Cole

State Supervisor

Enclosure

FD-33388 ID-GOV 8-18-97 FLORIDA DEPARTMENT OF STATE

Office of the Secretary
Office of International Relations
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs



MEMBER OF THE FLORIDA CABINET

Division of Library & Information Services
Division of Historical Resources
Ringling Museum of Art
Division of Licensing
Division of Elections

### FLORIDA DEPARTMENT OF STATE Sandra B. Mortham Secretary of State DOCUMENT DIVISION OF HISTORICAL RESOURCES

AUG 1 3 1997 3 MANU MANAGEMENT STB

August 7, 1997

Ms. Elaine K. Kaiser, Chief Section of Environmental Analysis Surface Transportation Board 1925 K Street, N.W. Washington, DC 20423-0001 In Reply Refer To: Frank J. Keel Historic Preservation Planner Project File No. 973805

RE: Notice of Intent to Prepare and Environmental Impact Statement (EIS)
STB Docket No. 33388

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

#### Dear Ms. Kaiser:

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

At this time we are unable supply substantive information regarding this document. Specific comments will be supplied after this agency has the opportunity to review the environmental impact statement.

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

Sincerely,

George W. Percy, Director Division of Historical Resources

State Historic Preservation Officer

Laura le Kammerce

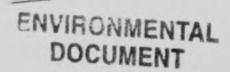
GWP/Kfk

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250 • (850) 488-1480 FAX: (850) 488-3353 • WWW Address http://www.dos. state.fl.us

☐ ARCHAEOLOGICAL RESEARCH (850) 487-2299 • FAX: 414-2207 HISTORIC PRESERVATION (850) 487-2333 • FAX: 922-0496

☐ HISTORICAL MUSEUMS (850) 488-1484 • FAX: 921-2503





ODA-147-97

MANAGEMENT STB

#### COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

George Allen
Governor

Street address: 629 East Main Street, Richmond, Virginia 23219

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

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

http://www.deg.state.va.us

Thomas L. Hopkins Director

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

August 8, 1997

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

Attn.: Ms. Elaine Kaiser (STB Finance Docket No. 33388)

RE: EIS Scoping on CSX and Norfolk & Southern Acquisition of Conrail

Dear Ms. Kaiser:

Becky Norton Dunlop

Secretary of Natural Resources

The Air Office of Data Analysis of the Virginia Department of Environmental Quality would like to provide the following air quality related comments to assist you with the EIS preparation:

- 1. The STB's EIS evaluation requirements for air quality impact is extensive and covers many concerns and questions we have about the acquisition impact to air quality. We would like to suggest that the evaluation criteria include a discussion of the mitigation measures and the commitment to these measures.
- 2. We would like to suggest that the Board require an evaluation of the contribution or impact to a Class 1, or a nonattainment, area from operations (railyard, intermodal facilities, at-grade railroad crossing, etc.) located within 10 Km (6 mi) of a Class 1, or a nonattainment, area.
- 3. We encourage the project proponent to work with the Metropolitan Planning Organizations (MPOs) in Virginia to resolve any direct or indirect negative impact to the region's conforming transportation plan and transportation improvement program (TIP).
- 4. Upon written request, the Department is glad to furnish available emission inventory data for the Virginia nonattainment areas.

If you have any questions regarding these comments, please feel free to call me at (804) 698-4405.

. . . .

Sincerely yours,

Dona Huang

Sr. Environmental Engineer

cc: Kirit Chaudhari, Director, Office of Data Analysis Ellie Irons, Office of Environmental Impact Review FD-33388 ID-PUBLIC 8-15-97 JEFFREY A. SHIVELY
ATTORNEY AT LAW
540 I.N.A. BUILDING \*14701 DETROIT AVENUE
LAKEWOOD, OHIO 44107

PH: (216) 221-3100 FAX: (216) 221-5055

August 11, 1997



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

ENVIRONMENTAL DOCUMENT

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

Dear Ms. Kaiser:

It is my understanding that your office is in charge of the Environmental Impact Statement concerning the merger and rights of way of the Norfolk Southern and CSX Railroads. As a resident of the city of Rocky River I must strongly protest any approval that allows the railroad to operate additional trains through Rocky River. Presently, there are less than ten trains per day which at times creates noise that is above the tolerable level; however, to permit the railway to increase their traffic four times (reported in the Plain Dealer as thirty-eight trains each day) would mean constant train noise for approximately seven minutes for every hour on a twenty-four hour basis. This will destroy property values for at least one hundred sixty homes because of the incessant clatter and shrill whistles and horns. I am sure that residents in two other suburbs Lakewood and Bay Village have similar concerns. Therefore, I urge that your office conduct a thorough investigation concerning the noise pollution that will be created if this merger is allowed.

I would happy to entertain any representative from your office to experience first hand the noise factor so that you can better

Ms. Kaiser Page 2 August 11, 1997

appreciate the devastating effect the increased traffic would cause to my city.

Sincerely,

Jeffrey A. Shively Home address

20525 Stratford Rocky River, Ohio 44116 (216) 333 6787

FD-33388 ID-GOV 8-15-97 K Commonwealth of Pennsylvania

#### Pennsylvania Historical and Museum Commission

Bureau for Historic Preservation Post Office Box 1026

### ENVIRONMENTAL Pennsylvania 17108-1026 DOCUMENT

July 31, 1997

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

Attn: Elaine K. Kaiser

TO EXPEDITE REVIEW USE BHP REFERENCE NUMBER

Re: ER 97-0776-042-I
Notice of Intent to Prepare an EIS and Request for
Comments on Proposed EIS Scope in STB Finance Docket No.
33388, CSX Corporation and CSX Transportation, Inc.,
Norfolk Southern Corporation and Norfolk Southern
Railway Company-Control and Operating Leases/AgreementsConrail, Inc. and Consolidated Rail Corporation

Dear Ms. Kaiser:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation. These requirements include consideration of the project's potential effect upon both historic and archaeological resources.

We are in receipt of Volumes 6A, 6B, and 6C of the Environmental Report for the above proposed project. In our opinion these reports do not adequately address the potential effect of the project on historic and archaeological resources in the Commonwealth of Pennsylvania. Volumes 6A and 6B address the noise and level of surface on the rail lines involved in the project. However, the reports make to mention of the National Register eligibility of any of the resources involved. Previously our agency notified Dames and Moore, consultants involved in the research for this project, that the Pennsylvania Railroad Main Line (Conrail lines in PA) and the Rutherford Railyard had been determined eligible for the National Register of Historic Places. These status was not taken into account in the evaluation of the potential effect of this project. No mention was made of any archaeological potential for this action. If we are missing additional volumes which address these matters please forward them to our office. If these resources were not evaluated, then consultation under Section 106 of the National Historic Preservation Act of 1966 is not complete.

Page 2 E. Kaiser July 31, 1997

If you need further information in this matter please consult Susan Zacher at (717) 783-8946.

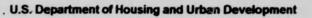
. . . . .

Sincerely,

Kurt W. Carr, Chief Division of Archaeology and Protection

KWC/smz

FD-33388 ID-FEDS





Michigan State Office
Patrick V. McNamara Federal Building
477 Michigan Avenue

477 Michigan Avenue Detroit, MI 48226-2592

### ENVIRONMENTAL

August 8, 1997



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

Dear Ms. Kaiser:

Thank you for the opportunity to comment on the proposed Conrail acquisition by CSX Corporation and CSX Transportation, Inc. (CSX) and Norfolk Southern Corporation and Norfolk Railway Company (NS). This proposed acquisition will have no direct impact on any HUD assisted properties, projects or activities in Michigan. Given that the Southeastern Michigan economy is highly dependent on transportation of goods, please continue to keep us informed of the economic and social impacts associated with this action by sharing a copy of any draft Environmental Impact Statement material which would delineate those impacts.

Thank you again for the opportunity to comment on this proposed acquisition.

Sincerely

Regina F. Solomón State Coordinator

ral for Augustine Elaine K. Kaiser Chief, Section of Environmental Analysis Surface Transportation Board 1925 K Street, N.W. Washington, DC 20423-0001 Dear Ms. Kaiser Thank you for the opportunity to comment on the proposed Conrail acquisition by CSX Corporation and CSX Transportation, Inc. (CSX) and Norfolk Southern Corporation and Norfolk Railway Company (NS). This proposed acquisition will have no direct impact on any HUD assisted properties, projects or activities in Michigan. Given that the Southeastern Michigan economy is highly dependent on transportation of goods, please continue to keep us informed of the economic and social impacts associated with this action by sharing a copy of any draft Environmental Impact Statement material which would delineate these impacts. Thank you again for the opportunity to comment on this proposed acquisition. Sincerely, Regina F. Solomon Varessa-III R. mail Les Copy & You.



### SURFACE TRANSPORTATION BOARD Washington, DC 20423

Section of Environmental Analysis

July 28, 1997

Dear Interested Party:

The CSX Corporation and CSX Transportation, Inc. (CSX); Norfolk Southern Corporation and Norfolk Southern Railway Company (NS); Conrail Inc. and Consolidated Rail Corporation (Conrail) recently filed an application with the Surface Transportation Board (Board) jointly seeking authorization for CSX and NS to acquire control of Conrail and for the subsequent division of Conrail's assets by CSX and NS. The enclosed fact sheet is intended to assist you in understanding the proposed transaction and environmental review process. As part of the Board's review and decision-making process for the proposed transaction, the Board's Section of Environmental Analysis (SEA) will prepare an Environmental Impact Statement (EIS), which will address the potential environmental impacts of the proposed transaction.

The Board has adopted a 350-day procedural schedule for the proposed transaction. To conform to this schedule, SEA will complete EIS scoping by September 1997 and issue the Draft EIS in November 1997, which will be followed by a 45-day public comment period. A final EIS will be issued in late March or early April 1998 and the Board intends to issue a written decision addressing both environmental and transportation issues on June 8, 1998.

The Board encourages your participation in the environmental review process during the current scoping phase and during review of the Draft EIS. Federal, state, and regional agencies and county administrators for each affected county have received a detailed scoping packet outlining the planned operational changes in your area as well as a copy of the Environmental Report submitted by CSX, NS, and Conrail with their application.

The public is invited to call SEA's toll free Environmental Hotline at 1-888-869-1997 with any questions regarding environmental issues or the environmental review process for this case. Additional information about the proposed transaction is available on the Internet at

July 28, 1997 Page 2

SEA's "Conrail Acquisition Web Page" at <a href="www.conrailmerger.com">www.conrailmerger.com</a>. At any time, you can request additional information or submit environmental comments on the proposed transaction by submitting an original plus 10 copies to the following address:

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

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

Sincerely yours,

Elaine K. Kaiser

Chief

Section of Environmental Analysis

Enclosure

### Conrail Acquisition

# Conrail Acquisition by CSX and Norfolk Southern

n June 23, 1997, CSX Corporation (CSX)1, Norfolk Southern Corporation (NS)2, and Conrail inc. (Conrail) filed a joint application with the Surface Transportation Board (Board) seeking authority for CSX and NS to acquire control of Conrail and for the subsequent division of Conrail's assets by CSX and NS. The proposed transaction involves over 44,000 miles of rail lines and related facilities covering a large portion of the eastern United States. CSX and NS have stated that the transaction would increase service capabilities, improve operating efficiency, and promote competition. The railroads also state that the proposed transaction would provide for benefits that include reduced highway congestion, reduced system-wide air pollutant emissions, reduced energy usage, enhanced safety, expanded competition, and a more efficient rail transportation system.

To evaluate and consider the potential environmental impacts that may result from the proposed transaction, the Board's Section of Environmental Analysis (SEA) will

prepare an Environmental Impact Statement (EIS). The proposed transaction includes changes in railroad operations such as increases and decreases in train traffic on rail lines, changes in activity at rail yards and intermodal facilities, and rail line abandonment and construction projects. The EIS will include an analysis of potential impacts of the proposed transaction on safety, transportation systems, land use, energy, air quality, noise, biological resources, water resources, socioeconomic effects directly related to physical changes in the environment, environmental justice, and historic/cultural resources.

The Board has adopted a 350-day procedural schedule for the proposed transaction. SEA plans to complete the EIS scoping process by September 1997 and serve the Draft EIS in November 1997, which will be followed by a 45-day public comment period. SEA will consider all comments received in response to the Draft EIS in preparing a Final EIS and making its final recommendations to the Board. SEA plans to serve the Final EIS in



late March/early April 1998 prior to the Board's voting conference. At the voting conference, the Board will announce whether it will grant the application, deny the application, or grant it with appropriate conditions, including environmental mitigation conditions. The Board intends to issue a decision on the merits of the proposed transaction on June 8, 1998. In its decision, the Board will address both environmental and transportation issues and impose any conditions found to be appropriate, including env mental conditions. Parties \* wish to file an administrat appeal of the Board's written decision (including any environmental conditions that might be imposed), may do so within 20 days of the issuance of the Board's decision. Any administrative appeals will be addressed in a subsequent decision. Interested parties may request a copy of the Draft EIS for review and comment.

<sup>&</sup>quot;CSX Corporation" denotes CSX Corporation and CSX Transportation, Inc.

<sup>\* &</sup>quot;Norfolk Southern Corporation" denotes Norfolk Southern Corporation and Norfolk Southern Railway Company.

<sup>&</sup>quot;Conrail Inc." denotes Conrail Inc. and Consolidated Rail Corporation.

#### PROPOSED SCHEDULE'

- Preliminary Environmental Report submitted to SEA: May 16, 1997
- Primary Application and Environmental Report filed: June 23, 1997
- Notice of Intent to Prepare an Environmental Impact Statement and Scoping Notice issued: 62 Federal Register 36332, July 7, 1997
- Comments on the Draft Scope of the Environmental Impact Statement due on August 6, 1997
- Descriptions of Inconsistent and Responsive Applications filed: August 22, 1997
- Preliminary Draft Environmental Assessments for the Seven Separate Construction Projects referenced in Decision No. 9 due no later than September 5, 1997
- Final Scope of the Environmental Impact Statement issued: September, 1997
- Responsive Environmental Reports and Verified Environmental Statements for any inconsistent and responsive applications: October 1, 1997
- Inconsistent and Responsive Applications: October 21, 1997
- Service of Draft Environmental Impact Statement: November, 1997
- Comments due on Draft Environmental Impact Statement: January, 1998
- Service of Final Environmental Impact Statement: Late March or Early April, 1998
- Oral Argument: April 9, 1998
- Voting Conference: April 14, 1998
- Final Decision served. June 8, 1998
- Administrative Appeals Filing Deadline June 29, 1998

At the present time, CSX operates on approximately 18,504 route miles of rail line in 20 states and the Province of Ontario (see the map of the proposed CSX system on page 4). The CSX system extends from Chicago, St. Louis, Memphis and New Orleans in the west to Philadelphia in the east, and from Michigan and Ontario to the Gulf Coast. Under the proposed transaction, CSX would acquire approximately 4,669 route miles of the Conrail system in ten states (IL, IN, MD, MA, MI, NJ, NY, OH, PA, and WV), the District of Columbia, and the Province of Quebec. The expanded CSX system would have approximately 23,173 route miles.

NS presently operates on 14,282 route miles of rail line in 20 states and the Province of Ontario (see map of the NS system on page 5). The NS system extends from Chicago, Kansas City, St. Louis, Memphis, and New Orleans to Norfolk, VA and southeastern ports on the Atlantic Coast; and from Michigan and Ontario to the Gulf Coast. Under the proposed transaction, NS would acquire approximately 6,787 route miles of the Conrail system in ten states (DE, IL, IN, MD, MI, NJ, NY, OH, PA, and WV) and the District of Columbia. The expanded NS system would comprise approximately 21,069 route miles.

The proposed transaction would result in a rerouting of train traffic that would generate increases and decreases in traffic along some rail line segments and in some rail yards. The proposed diversion of highway truck shipments to the expanded CSX and NS systems could result in increased local truck traffic in and around intermodal facilities and a corresponding

decrease in long-haul truck traffic. The rail line segments, yards and intermodal facilities that SEA plans to analyze during the course of the environmental review process are listed at the end of this Fact Sheet.

The rerouting and consolidation activities associated with the proposed transaction would involve some rail line abandonment and construction projects and expansion of some rail yards and intermodal facilities. Proposed abandonments and construction projects are also listed at the end of this Fact Sheet.

# How To Receive Information and Comment On the Environmental Issues for the Proposed Transaction

The public can call SEA's toll free Environmental Hotline at 1-888-869-1997 with any questions regarding environmental issues or the environmental review process for the proposed transaction. Additional information is available on the Internet at SEA's "Conrail Acquisition Web Page" at www.conrailmerger.com. The public can submit comments regarding the potential environmental impacts of the proposed transaction at anytime by submitting an original plus 10 copies to the Board at:

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

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

OVERVIEW OF THE PROPOSED TRANSACTION

Actual dates may vary slightly.

### THE NATURE OF SEA'S ENVIRONMENTAL REVIEW

In the EIS, SEA will analyze the rail line segments, rail yards, and intermodal facilities that will experience increases that trigger the thresholds for environmental review set out in the Board's environmental rules at 49 CFR 1105.7(e). (See air quality and noise threshold outlined in the tables on this page.) SEA will also analyze the proposed rail line abandonments and constructions.

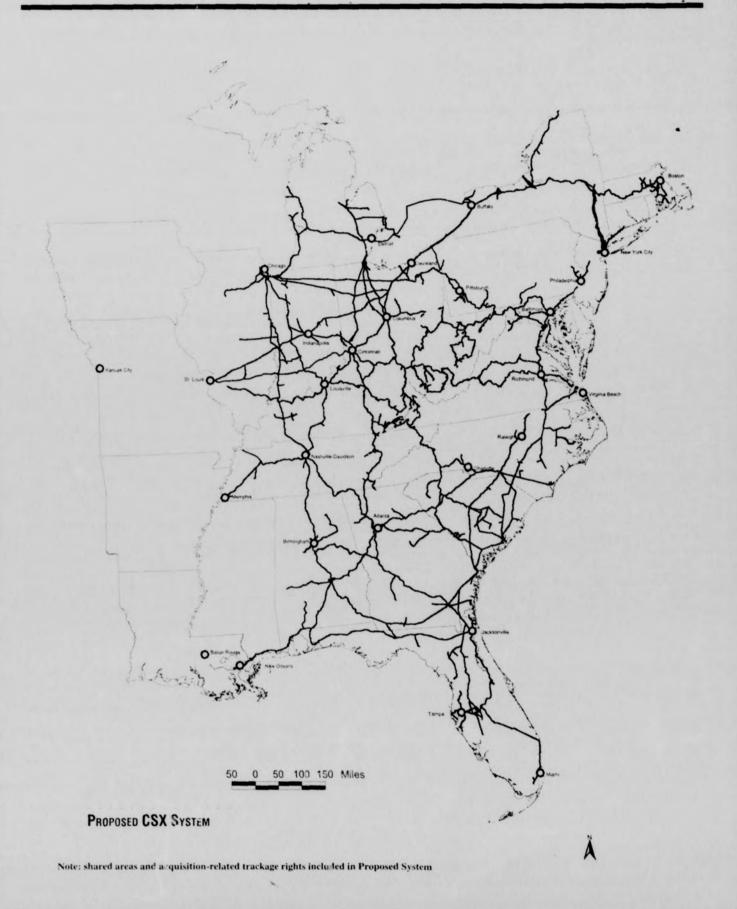
The rail line segments, rail yards, and intermodal facilities that trigger the Board's thresholds for environmental analyses as well as the proposed rail line abandonments and constructions have been identified in the Operating Plan and Environmental Report filed by CSX, NS and Conrail with their joint application on June 23, 1997. They are listed beginning on page 6.

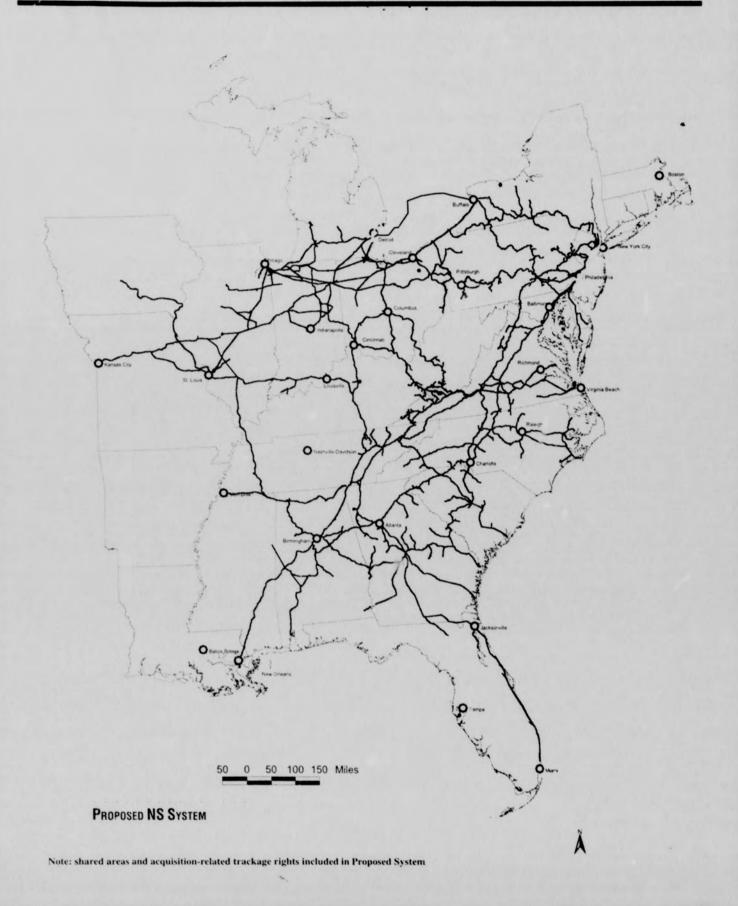
### SURFACE TRANSPROTATION BOARD'S AIR QUALITY THRESHOLD FOR IMAPACT ANALYSIS

Activity Site	Threshold for Attainment Areas: (49 CFR 1105.7(e)(5)(i))	Threshold for Nonattainment Areas: (49 CFR1105.7(e)(5)(ii))
Rail Line Segments	Increase of 8 trains per day or 100% increase in annual gross ton miles.	Increase of 3 trains per day or 50% increase in annual gross ton miles.
Rail Yards	Increase of 100% in carload activity per day.	Increase of 20% in carload activity per day.
Intermodal Facilities	Increase of 50 trucks per day or 10% increase in average daily traffic volume on any affected road segment.	Increase of 50 trucks per day or 10% increase in average daily traffic volume on any affected road segment.

#### SURFACE TRANSPROTATION BOARD'S NOISE THRESHOLD FOR IMAPACT ANALYSIS

Activity Site	Threshold for (49 CFR 1105.7(e)(6))	
Rail Line Segments	Increase of 8 trains per day or 100% increase in annual gross ton miles.	
Rail Yards	Increase of 100% in carload activity per day.	
Intermodal Facilities	Increase of 50 trucks per day of 10% increase in average daily traffic volume on any affected road segment	





#### **RAIL LINE SEGMENTS**

SEA plans to analyze the following rail line segments during the environmental review of the proposed transaction. The numbers in parentheses after each rail line segment show the pre-acquisition average number of trains and the projected number of trains that would be operated daily over the rail line, if the transaction were approved by the Board.

#### DISTRICT OF COLUMBIA

- Anacostia to Virginia Ave. (19.3/28.6) (Conrail)
- Virginia Ave. to Potomac Yard (17.9/ 28.6) (Conrail)
- Washington to Point of Rocks, MD (23.8/30.78) (CSX)

#### ALABAMA

 Norris Yard to Attalla (7.42/12.58) (NS)

#### DELAWARE

- Edgemoor to Bell (5.00/11.84) (Conrail)
- Davis to Perryville, MD (4.5/12.41) (NEC)

#### GEORGIA

- Howell to Spring (33.28/40.42) (NS)
- Industry Yard to Spring (7.43/12.28) (NS)
- South Yard to Spring (26.71/38.14)
   (NS)
- South Yard to McDonough (26.71/ 32.14) (NS)

#### ILLINOIS

- Barr Yard to Blue Island Junction (17.00/32.86) (CSX)
- Blue Island Junction to 59th Street (19.5/22.93) (CSX)
- IC 95 St, Chicago to Pullman Jct. (2.00/5.86) (NS)

- Landers to Forest Hill (12.86/12.13) (NS)
- Taylorsville to ALS Mitchell (9.28/ 14.72) (NS)
- Tilton to Decatur (22.74/39.13) (NS)

#### INDIANA

- Adams to Fort Wayne (5.9/13.9) (Conrail)
- Alexandria to Muncie (2.57/11.84) (NS)
- Butler to Fort Wayne (13.57/22.43) (NS)
- Control Pt. 501 to Colehour, IL. (41.35/51.86) (Conrail)
- Evansville to Amqui (23.4/32.71) (CSX)
- Fort Wayne TC to Fort Wayne Yard (6.57/9.57) (NS)
- Fort Wayne to Peru (18.99/34.86) (NS)
- Fort Wayne to Warsaw (2.4/6.4) (NS)
- Lafayette to Tilton, IL (23.58/40.99) (NS)
- Peru to Lafayette (18.38/40.20) (NS)
- Pine Junction to Barr Yard, IL (37.6/ 43.29) (CSX)
- Tolleston to Clark Junction (0.0/5.0) (Conrail)
- Vincennes to Evansville (22.3/30.81) (CSX)
- Warsaw to Tolleston (1.0/5.0) (NS)
- Willow Creek to Pine Junction (22.1/ 38.59) (CSX)

#### MARYLAND

- Alexandria Junction to Benning, DC (18.7/24.34) (CSX)
- Alexandria Junction to Washington, DC (23.9/30.78) (CSX)
- Baltimore to Bowie (2.4/7.70) (NEC)
- Baltimore to Relay (39.6/42.67) (CSX)
- Bowie to Landover (3.2/9.3) (NEC)
- Cumberland to Sinns, PA (27.7/32.77) (CSX)
- Jessup to Alexandria Junction (33.4/ 37.06) (CSX)
- Landover to Anacostia, DC (3.4/9.11)
- Point of Rocks to Harpers Ferry, WV (33.3/41.64) (CSX)
- Relay to Jessup (33.1/36.96) (CSX)

#### MICHIGAN

- Carleton to Toledo, OH (21.9/33.12) (CSX)
- Carleton to Ecorse (2.0/11.2) (Conrail)
- West Detroit to North Yard (7.9/13.24) (Conrail)
- West Detroit to Delray (12.7/16.5) (Conrail)

#### NEW JERSEY

- Ridgewood Junction to Croxton (4.71/7.92) (Conrail)
- Lane to Union (3.4/11.01) (NEC)
- Midway to Morrisville, PA (3.4/11.01) (NEC)
- PN to Bay Way (10.9/16.22) (Conrail)
- Union to Midway (3.4/11.01) (NEC)

#### NEW YORK

- Buffelo to CP Sycamore (13.5/18.5) (Conrail)
- Chili to Frontier (40.6/45.86) (Conrail)
- Corning to Geneva (0.21/1.63) (Co. rail)
- CP Sycamore to Black Rock (21.5/ 26.5) (Conrail)
- Ebenezer Junction To Buffalo (0.0/ 3.57) (Conrail)
- Hoffmans to Utica (38.3/44.76) (Conrail)
- Selkirk to Hoffmans (38.7/45.16) (Conrail)
- Suffern to Port Jervis (8.32/12.36) (Conrail)

#### OHIO

- Ashtabula to Buffalo, NY(13.0/25.18) (NS)
- Ashtabula to Quaker (48.3/54.24) (Conrail)
- Bellevue to Bucyrus (25.99/34.55)
   (NS)
- Bellevue to Vermilion (15.52/31.83) (NS)
- Berea to Greenwich (14.5/54.16) (Conrail)
- Bucyrus to Adams, IN (5.9/13.9) (Conrail)

<sup>\* &</sup>quot;CSX Corporation" denotes CSX Corporation and CSX Transportation, Inc.

<sup>&</sup>quot;Norfolk Southern Corporation" denotes Norfolk Southern Corporation and Norfolk Southern Railway Company.

<sup>&</sup>quot;Conrail Inc." denotes Conrail Inc. and Consolidated Rail Corporation.

<sup>&</sup>quot;NEC" denotes North East Corridor,

- Bucyrus to Fairground Col (25.99/ 34.29) (NS)
- Cincinnati to Hamilton (28.2/31.21) (CSX)
- Cleveland to Ashtabula (13.0/35.46) (NS)
- Cleveland to Shortline Jct. (2.0/2.0) (Conrail)
- Crestline to Bucyrus (6.5/14.5) (Conrail)
- Deshler to Toledo (0.6/14.17) (CSX)
- Deshler to Willow Creek, IN (21.4/ 47.69) (CSX)
- Greenwich to Crestline (14.5/31.34) (Conrail)
- Greenwich to Willard (32.5/55.18) (CSX)
- Ivorydale to Cincinnati (33.85/38.61) (NS)
- Marcy to Short (16.4/45.82) (Conrail)
- Marion to Fostoria (17.8/27.4) (CSX)
- Marion to Ridgeway (16.1/31.83) (Conrail)
- Martin to Miami (51.0/60.69) (Conrail)
- Mayfield to Marcy (3.4/43.82) (Conrail)
- Mill to Dayton (10.95/18.99) (Conrail)
- Oak Harbor to Bellevue (7.69/27.2) (NS)
- Quaker to Mayfield (6.8/43.82) (Conrail)
- Short to Berea (13.4/47.25) (Conrail)
- Vermilion to Cleve and (13.46/37.79) (NS)
- White to Cleveland (12.49/26.75) (Conrail)
- Willard to Fostoria (32.5/54.04) (CSX)
- Youngstown to Ashtabula (11.7/ 24.87) (Conrail)

#### PENNSYLVANIA

- Arsenal to Davis, DE (2.3/10.51) (NEC)
- Field to Belmont (8.2/15.78) (Conrail)
- Harrisburg to Rutherford (44.28/ 57.85) (Conrail)
- Harrisburg to Riverton Junction, VA (11.06/19.62) (NS)
- Harrisburg to Rockville (41.36/47.71) (Conrail)
- Morrisville to Zoo (3.4/7.11) (NEC)
- New Castle to Youngstown, OH (32.6/ 39.61) (CSX)
- Rankin Junction to New Castle (28.9/ 38.31) (CSX)
- RG to Wilsmere, DE (22.9/26.37) (CSX)

- RG to Field (0.0/16.0) (Conrail)
- Sinns to Rankin Junction (30.8/40.21) (CSX)
- Sinns to Brownsville (1.5/10.76) (CSX)
- South Philadelphia to Field (8.2/ 21.08) (Conrail)
- Steelton to Shocks (1.86/5.71) (Conrail)

#### TENNESSEE

 Amqui to Nashville (40.8/48.41) (CSX)

#### VIRGINIA

- Doswell to Fredericksburg (16.2/ 22.79) (CSX)
- Fredericksburg to Potomac Yard (16.3/ 23.39) (CSX)
- Richmond to Doswell (17.8/24.79) (CSX)
- Riverton Junction to Roanoke (3.87/ 12.10) (NS)
- South Richmond to Weldon, NC (18.4/23.02) (CSX)

#### WEST VIRGINIA

- Elmore to Deepwater (0.3/2.3) (NS)
- Fola Mine to Deepwater (0.6/2.0) (Conrail)
- WD Tower to Rivesville (1.5/3.36) (CSX)

### CHANGES TO RAIL YARDS

SEA intends to evaluate the following rail yards during the environmental review of the proposed transaction:

#### ALABAMA

- Birmingham
  - Boyles (Increased Traffic to Existing CSX Rail Yard)

#### GEORGIA

 Doravi'le (Increased Traffic to Existing NS Rail Yard)

#### ILLINOIS

 Colehour (Increased Traffic to Existing NS Rail Yard)

#### INDIANA

- Curtis (Increased Traffic to Existing CSX Rail Yard)
- Ft. Wayne (Increased Traffic to Existing NS Rail Yard)

#### MICHIGAN

- Detroit
  - Rougemere (Increased Traffic to Existing CSX Rail Yard)

#### MISSOURI

 St Louis (Increased Traffic to Existing NS Rail Yard)

#### NEW YORK

 Buffalo (Increased Traffic to Existing NS Rail Yard)

#### OHIO

- Conneaut (Increased Traffic to Existing NS Rail Yard)
- Toledo
- Airline Junction (Increased Traffic to Existing Conrail Rail Yard)
- Homestead (Increased Traffic to Existing NS Rail Yard)
- Stanley (Increased Traffic to Existing Conrail Rail Yard)

#### PENNSYLVANIA

- Harrisburg (Increased Traffic to Existing Conrail Rail Yard)
- · Philadelphia
  - -Greenwich (Increased Traffic to Existing Conrail Rail Yard)

#### TENNESSEE

- Memphis
  - Leewood (Increased Traffic to Existing CSX Rail Yard)

# CHANGES TO INTERMODAL FACILITIES

SEA intends to evaluate the following intermodal facilities during the environmental review of the proposed transaction:

#### GEORGIA

- Atlanta
  - Hulsey (Increased Traffic to CSX Facility)
  - Inman (Increased Traffic to NS Facility)

#### ILLINOIS

- Chicago
  - Landers (Increased Traffic to NS Facility)
  - 47th Street (Increased Traffic to Conrail Facility)
  - 59th Street (Increased Traffic to a New Facility to Be Built on Conrail Property)

#### KENTUCKY

- · Louisville
  - -Buechel (Increased Traffic to NS Facility)

#### LOUISIANA

 New Orleans (Increased Traffic to NS Facility)

#### MARYLAND

 Baltimore (Increased Traffic to Conrail Facility)

#### MICHIGAN

- · Detroit
  - Melvindale (Increased Traffic to NS, TCS Facility, This is a New Facility to Be Built on Conrail Property)

#### MISSOURI

- · Kansas City
  - Voltz (Increased Traffic to NS, TCS Facility)
- St. Louis
  - -Luther (Increased Traffic to NS TCS Facility)

#### NEW JERSEY

- · Elizabeth
  - E-Rail (Increased Traffic to Conrail, TCS Facility)
  - Portside (Increased Traffic to Conrail, TCS Facility)
- Little Ferry (Increased Traffic to CSX Facility)
- South Kearny (Increased Traffic to Conrail Facility)

#### OHIO

- Bellevue (Increased Traffic to TCS Facility to Be Built on Property Owned by Conrail)
- · Columbus
  - Discovery Park (Increased Traffic to NS Facility)
- Toledo (Increased Traffic to Conrail Facility)

#### PENNSYLVANIA

- Allentown/Bethlehem (Increased Traffic to Conrail Facility)
- · Harrisburg
  - Rutherford (Increased Traffic to Conrail, TCS Facility)
- Philadelphia (Increased Traffic to NS, TCS Facility to Be Built on Property Owned by Conrail)
  - Greenwich (Increased Traffic to Conrail Facility)
- · Pittsburgh
  - Pitcairn (Increased Traffic to NS Facility)

#### TENNESSEE

 Memphis (Increased Traffic to NS Facility)

### PROPOSED ABANDONMENTS

The railroads have proposed abandoning five rail lines and one railroad bridge, totaling 79.7 miles of track. The proposed abandonments include the following:

#### ILLINOIS

• Paris to Danville (Conrail) 29.0 miles

#### INDIANA

- Dillon Junction to Michigan City (NS) 21.5 miles
- South Bend to Dillon Junction (NS) 21.5 miles

#### OHIO

- Toledo to Maumee (NS) 7.5 miles
- · Toledo to Pivot Bridge (NS) 0.2 miles

# PROPOSED RAIL LINE CONSTRUCTION PROJECTS

The railroads plan twenty-six construction projects in seven states, totaling 51,964 feet (9.84 miles) of new rail line. Some of these would be built on existing railroad right-of-way, while others would require the acquisition of additional right-ofway. NS and CSX requested, and the Board allowed, the proposed construction of seven small rail line connections (Seven Connections) totaling approximately 4 miles to be filed and reviewed separately and in advance of the primary application with a separate environmental review process as cited in STB Decision No. 9. Specifically, SEA intends to prepare a separate Environmental Assessment for each of these small construction projects. However, if SEA determines that any one of the construction proposals could potentially cause, or contribute to, significant environmental impacts then the project will be incorporated into the EIS for the overall proposed transaction, and will not be considered separately from the primary application. No rail operations will begin over these Seven **Connections until completion** of the EIS process, and issuance of a further decision. The Seven

Connections are included in the proposed rail line construction projects listed below, and are noted with an asterisk (\*).

#### ILLINOIS

- · Chicago:
  - 75th Street SW: New connection between Belt Railway and B & OCT lines to permit eastbound trains from Bedford Park, IL to proceed south to Blue Island, IL; approximately 1,640 feet of new track on existing right-ofway.
  - Lincoln Ave.: New connection between the Indiana Harbor Belt and the B&OCT lines to allow trains to move from the IHB to CSX's Barr Yard; approximately 840 feet of new track construction on existing right-of-way.
- Exermont: New connection between parallel Conrail and CSX lines to allow trains from East St. Louis, IL to proceed onto CSX's mainline; approximately 3,590 feet of new track construction, requiring acquisition of 5.3 acres of land.
- Kankakee: Connecting track to permit movements from Chicago Terminal area to Kansas City, MO and St. Louis, MO; 1,000 feet of new track occupying 2.3 acres.
- \*Sidney: Connecting track with Union Pacific to permit movements between Pine Bluff, AR and Fort Wayne, IN, bypassing St. Louis; 3,200 feet of new track, occupying 7.3 acres.
- Tolono: Connecting track with IC to permit movement between Effingham, IL and Lafayette, IN; 1,600 feet of new track, occupying 3.7 acres.

#### INDIANA

- \*Alexandria: Connecting track to permit creation of consolidated through-route from Chicago to Cincinnati, OH, Atlanta, GA and the Southeast via Alexandria, VA and Muncie, IN: 1,000 feet of new track, occupying 2.3 acres.
- Butler: Connecting track for direct through-movement of traffic from NS Detroit line to Conrail Chicago line creating a new route; 1,700 feet of new track, occupying 3.9 acres.
- Tolleston: Connecting track to serve NS industry at Gary, IN from former

- Conrail line; 900 feet of new track, occupying 2.0 acres.
- \*Willow Creek: New connection between CSX and Conrail lines to facilitate movements between Porter, IN and Chicago, IL; approximately 2,800 feet of new track construction; requires acquisition of 0.2 acres of right-of-way.

#### MARYLAND

 Hagerstown: Connecting track to permit efficient movement between Front Royal, VA and Harrisburg, PA; 800 feet of new track, occupying 1.8 acres.

#### MICHIGAN

 Ecorse Junction: Upgrade existing Conrail track, lower track under Fort Street and construct a crossover to permit movements between Rouge River Yard to Oakwood Yard; 400 feet of new track, occupying 1.0 acre of newly acquired right-of-way.

#### NEW JERSEY

 Little Ferry: Two new connections between Conrail and NYS & W tracks to allow movement of trains between Conrail lines and Little Ferry Intermodal Facility; approximately 1,080 feet of new track construction on existing right-of-way.

#### NEW YORK

- · Buffalo:
  - Blasdell: Connecting track to permit movement between Erie, PA and Binghampton, NY; 5,200 feet of new track, occupying 11.9 acres.
  - Gardenville Junction: Connecting track to permit efficient movement between Eric, PA and Binghamton, NY; 5,200 feet of new track, occupying 11.9 acres.

#### Оню

- \*Bucyrus: Connecting track to help create a new route from Columbus, OH to Pittsburgh; PA requires 2,400 feet of new track, occupying 5.5 acres.
- Cleveland: Construction of new intermodal facility at Collinwood Yard; requires the acquisition of approximately 23 acres of land adjacent to the existing yard.

- Columbus: Connecting track to permit movement between Bellevue, OH and Buckeye Yard; requires 1,400 feet of new track, occupying 3.2 acres.
- \*Crestline: New connection between two Conrail lines, allowing train movement between Ft. Wayne, IN\_ and Cleveland, OH; requires approximately 1,507 feet of new track construction on existing right-of-way.
- \*Greenwich: Two new connections tracks between CSX and Conrail to enable eastbound trains from Chicago, IL to proceed northeast to Cleveland, OH and to enable northeast bound trains to proceed east to Akron, OH; one connection will be approximately 4,600 feet, the other 1,044 feet; requires acquisition of 0.5 acres of right-of-way.
- Oak Harbor: Connecting track to create access from Detroit, MI area to NS Bellevue Yard; requires 5,000 feet of new track, occupying 11.5 acres.
- \*Sidney: New connection between CSX to Conrail tracks to enable northbound trains to proceed east to Columbus, OH; requires approximately 3,263 feet of new track construction; requires acquisition of 2.6 acres of right-of-way.
- Vermillion: New connection from Conrail's Chicago mainline to NS mainline to route traffic between Cleveland, OH and Buffalo, NY; requires approximately 5,400 feet of new track, occupying 12.4 acres.
- Willard: Expansion of Willard Yard to accommodate increased traffic; requires acquisition of approximately 50 acres of right-of-way.
- Willard: Construction of a fueling facility and associated track adjacent to an existing rail yard; requires approximately ten acres of new property.

FD-33388 ID-LAW 8-15-97

#### KUTAK ROCK

A PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS
SUITE 1000
1101 CONNECTICUT AVENUE, N W
WASHINGTON, D C 20036-4374

202-828-2400 FACSIMILE 202-828-2488

http://www.kutakrock.com

ATLANTA
DENVER
KANSAS CITY
LITTLE ROCK
NEW YORK
NEWPORT BEACH
OKLAHOMA CITY
OMAHA
PHOENIX
PITTSBURGH

July 16, 1997

Elaine K. Kaiser, Esq.
Program Director, Legal Counsel
Surface Transportation Board
Section of Environmental Analysis
Suite 500
1925 K Street, N.W.
Washington, D.C. 20243



Re: Terms of Engagement, Conrail Acquisition Environmental Impact Study

Dear Ms. Kaiser:

Thank you for according to me the opportunity to work with the Environmental Team which is charged with the responsibility of conducting the environmental analysis of the acquisition of Conrail by CSX and Norfolk Southern Railway. I feel it appropriate to reduce to writing the nature of our relationship and the duty of confidentiality, given the number of different organizations participating in the study.

I have been retained as an attorney to work on this project and you have identified the Surface Transportation Board as my client. You, as the Program Director of this project, are the individual to whom I will provide legal advice. My contractual relationship will be as a subcontractor with De Leuw, Cather. Mr. Winn Frank is the Senior Project Manager for De Leuw, Cather for this analysis.

It is my understanding that my fees and expenses will be paid by the acquiring railroads, as they are reimbursing the Board for these studies.

The nature of my duties will be to assist you in the development of the environmental impact study. Notwithstanding the duty of confidentiality to the Surface Transportation Board, it is my understanding that you wish that I communicate freely with the other members of the

#### KUTAK ROCK

Elaine K. Kaiser, Esq. July 16, 1997 Page 2

team, providing suggestions and advice consistent with your guidance. In addition, I will perform such other duties as you direct during the progress of this project.

Thank you for providing me the opportunity to be associated with this important project. I look forward to working with you and the members of the team.

Sincerely,

Barry P. Steinberg

/llr

cc: Mr. Winn B. Frank, Senior Project Manager

FD-33388 ID-CITIES 8-15-97

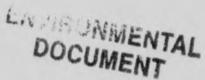


August 7, 1997

### MONTACHUSETT

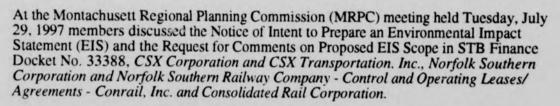
REGIONAL PLANNING COMMISSION

Offices: R1427 Water St., Fitchburg, Massachusetts 01420 (508) 345-7376 or 345-2216 Fax: (508) 345-9867



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

Dear Ms. Kaiser:



Based on information provided to the Commission, the implications of the acquisition of Conrail remain unclear. Members expressed concern since the plan does not identify future use of railroads in the region. Representatives from the City of Fitchburg indicated that future use of inactive railbeds may include a bikepath or a greenway. Representatives from the City of Leominster would like the railroad to remain active, as future uses in Leominster would revolve around the needs of industry. Without a plan that outlines the future uses of the railroad in the region, members voted that the proposal is in conflict with MRPC's regional goals, policies and objectives. Members also indicated that they would like the opportunity to be involved in any planning processes that may determine the future use of the railroad in the region.

If you have any questions or desire further information please contact Laila Michaud at (508) 345-7376.

Very truly yours,

David Jarvenpaa 2p

Chairman

DJ/km



### ENVIRONMENTAL DOCUMENT

August 6, 1997



Commissioner David Mills, Chairman
Commissioner Stan Stephens, Vice Chairman

Commissioner Jonathan Bruce Manatee County

> Councilman David Farley City of Venice

Commissioner A. Buddy Hughes City of North Port

> Commissioner Joe McClash Manatee County

Commissioner David Merrill
City of Sarasota

Commissioner David Mills Sarasota County

Commissioner Jack O'Neil Sarasota County

Commissioner Nora Patterson City of Sarasota

Councilwoman Saundra Rahii City of Bradenton

Commissioner John Redgrave Town of Longboat Key

Mayor Chuck Shumard Anna Maria, Bradenton Beach & Holmes Beach

> Commissioner Shannon Staub Sarasota County

Commissioner Stan Stephens

Councilman Brian Williams City of Palmetto

Commissioner Greg Young Sarasota Manatee Airport Authority

David A. Twiddy, Jr., District Secretary Florida Department of Transportation



Michael W. Guy Executive Director

Sarasota/Manatee Metropolitan Planning Organization

> 7632 301 Boulevard Sarasota, Florida 34243

> > (941) 359-5772 SunCom 549-5772

Fax (941) 359-5779 SunCom (Fax Line) 549-5779 Ms. Elaine K. Kaiser, Chief Section of Environmental Analysis Surface Transportation Board 1925 K Street, N.W. Washington, D.C. 20423-0001

RE: Notice of Intent to Prepare an Environmental Impact Statement (EIS) and Request for Comments on Proposed EIS Scope in STB Finance Docket No.33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company-Control and Operating Leases/Agreements-Conrail, Inc. And Consolidated Rail Corporation

Dear Ms. Kaiser:

We have reviewed the Notice of Intent to Prepare an Environmental Impact Statement (EIS) for the above referenced project. To assist you in processing the proposed Scope of the EIS, we have prepared the following comments to your memorandum dated July 3, 1997.

- Page 2, cover letter: The second sentence should be revised to read "It explains that the Board has adopted a 350weekday procedural schedule for the proposed transaction, and sets out SEA's projected schedule for completion of the EIS within the 350 weekday schedule."
- Page 7, Project Schedule: Need to include public participation plan in the environmental review process. The public involvement plan should be designed to address diverse interests and concerns of areas residents. The basic objective of this plan is to provide public officials, residents, businesses and affected public agencies with adequate opportunity to review and comment on the proposed transaction. Also as part of public involvement plan, you need to hold public workshops for the proposed transaction prior to the final Voting Conference scheduled for April 9, 1998. The purpose of these workshops is to seek public comments and suggestions and to answer questions.

- 3. The proposed transaction, if approved as proposed by the Applicant, would result in marginal increases/decreases in train freight from and to Florida depending on freight train origins and destinations. Further, the proposed transaction will have no impact on regular interstate passenger commuter rail services to Florida.
- 4. Comments Pertaining to the Draft Scope of the EIS
  - a. There should be a clear definition of what is meant by "Environmental Impact Statement". Why it is needed and what it will accomplish?
  - b. The environmental mitigation conditions should ensure that any significant impact resulted from the transaction are mitigated pursuant to the Surface Transportation Board's environmental rules.
  - c. The specific objectives of the EIS, requirements for EIS, existing and forecasting conditions, and the cost of each alternative should be included in the scoping document.

Thank you for the opportunity to comment on this project. The MPO supports efforts for improvements to a network of 44,000 miles of America's most heavily traveled rail lines. If you have any questions on the enclosed, please contact me at (941) 359-5772.

Sincerely Yours,

Mark Shbeib

Principal Planner

MS:ss



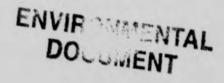
### HARFORD COUNTY GOVERNMENT

#### DEPARTMENT OF LAW

August 11, 1997



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



Attention:

Elaine K. Kaiser, Chief

Section of Environmental Analysis

**Environmental Filing** 

RE:

Notice of Intent to Prepare an Environmental Impact Statement and

Request for Comments on Proposed EIS Scope

Dear Ms. Kaiser:

This letter responds to a letter dated July 3, 1997 to County Executive Eileen M. Rehrmann.

The County continues to have several environmental concerns relative to railroad freight traffic moving along CSX/NS lines. A portion of the railroad tracks run through the Perryman well field and if there is a spill of a controlled hazardous substance within the recharge zones for the Perryman well field, that could have a significant and adverse impact on the public drinking water supply for a large sector of Harford County. It will be critical for the railroad to take immediate action to contain and clean up any spilled material within the well field recharge zone, to immediately notify the appropriate local officials and to provide any necessary long term monitoring to ensure that there is not an adverse impact to the well field.

Residential and commercial development along the railroad tracks also is increasing. Undoubtedly, residential communities will be concerned about the frequency, speed and hours of operation on railroad tracks that run along residential communities due to the potential disruption in traffic flow and the noise that may be generated by the rail traffic.

The railroad tracks run adjacent to the Aberdeen Proving Ground. The mission of the Aberdeen Proving Ground has been the development of chemical warfare agents and chemical surety materials. Ken Stachiw of the Aberdeen Proving Ground should be contacted for further information about concerns and potential environmental impact to the Aberdeen Proving Ground.

Ken Stachiw Directorate of Safety, Health and Environment U.S. Army Aberdeen Proving Ground ATTN: STEAP-SH-ER Aberdeen Proving Ground, MD 21010-5001

The rail tracks run through the local municipalities of Aberdeen and Havre de Grace. The following persons should be contacted from those jurisdictions to obtain advice of any potential environmental concerns:

Peter Dacey, City Manager City of Aberdeen P.O. Box 70 Aberdeen, MD 21001

Robert Lange, City Manager City of Havre de Grace 711 Pennington Avenue Havre de Grace, MD 21078

In light of the mission at the Aberdeen Proving Ground, it is possible that the accidental detonation of unexploded ordnance or a catastrophic event on the Proving Ground (e.g., a plane crash at the mustard agent stockpile storage yard) could require the discontinuation of train traffic or the modification of operating procedures through the area. For information about the chemical stockpile emergency preparedness program and other related information of concern, please feel free to contact:

Douglas W. Richmond Harford County Emergency Operations Center 2220 Ady Road Forest Hill, MD 21050 410-638-3352 If you have any questions of Harford County, please feel free to contact me.

Very truly yours,

Jefferson L. Blomquist Deputy County Attorney

Jefferson L. Blongwest/ses

### JLB:tmh

cc: Ken Stachiw, Aberdeen Proving Ground

Peter Dacey, City Manager, City of Aberdeen

Robert Lange, City Manager, City of Havre de Grace

Douglas W. Richmond, Harford County Emergency Operation Center

marta.

August 5, 1997

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

ENVIRONMENTAL DOCUMENT



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

Subject: Notice of Intent to Prepare EIS and Request for Comments;
CSX Corporation and Norfolk Southern Corporation -- Control and
Operating Leases/Agreements-Conrail, Inc.

This is in response to your letter dated July 3, 1997 which notified our agency of the proposed subject EIS and requested written comments on the proposed EIS scope.

The Metropolitan Atlanta Rapid Transit Authority (MARTA) would recommend that the potential impacts to existing and planned public transit, commuter and intercity rail service be addressed in the scope of the proposed EIS. It is important that the EIS include sufficient analysis to ensure that the proposed transaction would not negatively impact public transit service in the affected corridors.

Thank you for this opportunity to submit comments on the proposed EIS.

Sincerely.

Richard J./Simonetta General Manager/CEO FD-33388 ID-CITIES

### OFFICE OF THE CITY ADMINISTRATOR

8103 Sandy Spring Road • Laurel, Maryland 20707 (301) 725-5300 aternet: http://www.laurel.md.us

August 7, 1997

Ms. Elaine K. Kaiser, Chief
Section of Environmental AnalysisEN AND AMENTAL
Finance Docket No. 33388
Surface Transportation Board
1925 K Street, N. W.
Washington, D. C. 20423-001

Dear Ms. Kaiser:

This will acknowledge your July 28, 1997, letter to City of Laurel Mayor Frank P. Casula regarding the application of CSX corporation and CSX Transportation, Inc. (CSX); Norfolk Southern Corporation and Norfolk Southern Railway Company (NS); Conrail Inc. and Consolidated Rail Corporation (Conrail) to seek authorization for CSX and NS to acquire control of Conrail and for the subsequent division of Conrail's assets by CSX and NS. The City sincerely appreciates the opportunity to provide comment.

The Maryland Transportation Administration (MTA) has an agreement to use CSX lines between Baltimore, Maryland and Washington, D.C. for commuter traffic. There may be other areas where similar commuter use is provided on CSX, NS, or Conrail lines. The use of CSX lines provide commuter rail transportation for a significant number of Maryland residents. The City of Laurel is privileged to enjoy three commuter stations conveniently located to residents in the greater Laurel area who work in and/or between Baltimore and Washington.

It is not clear from the material provided what changes, if any, or impacts, if any, may be proposed for those lines serving the commuting population. It would be very much appreciated if information on the changes and impacts to commuter transportation could be provided. This information will help the City better identify impacts and concerns.

Thank you for your assistance. We will look forward to your response.

Sincerely,

Ernest J. Zaccanelli

City Administrator

cc: Mayor Frank P. Casula

Laurel City Council President Craig A. Moe

Laurel City Council Read File

Ms. Kristie M. Mills, Deputy City Administrator

Mr. Martin Flemion, Director of Public Works

Mr. Karl D. Brendle, Director of Development Management

Ms. Kimberley Ann Rau, CMC, Clerk to the Council



ENVIRONMENTAL DOCUMENT

Office of the Secretary
Case Control Unit
STB Finance Dockett #33388
Surface Transportation Board
1925 K Street
Washington, D.C 20423-0001



Dear Ms. Kaiser:

The Newark Day Nursery and Children's Center is very concerned about the possible increase of rail traffic in the CSX Rail Line through Newark, Delaware. This rail line goes directly behind our center and is located only 380 feet away from our building. We are located in a neighborhood with apartments (mostly University students) directly on the other side of the rail tracks.

Any increase will result in more noise, pollution and potential for harm of children and adults in the area. We are particularly concerned about the possibility of hazardous material being transported through a small town in close proximity to a University, neighborhoods and of course, our Children's Center.

We ask that you reconsider any increase in train traffic through the Newark, Delaware area.

Sincerely,

Dale Sampson-Levin, MSW

**Executive Director** 

FD-33388 ID-GOV 8-12-97 Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

217-782-0547

August 4, 1997

## ENVIRONMENTAL DOCUMENT

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

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

Re: Notice of In ant to Prepare an Environmental Impact Statement (EIS) and Request for Comments on Proposed EIS Scope in STB Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements-Conrail, Inc. and Consolidated Rail Corporation.

Dear Ms. Kaiser:

Thank you for your letter of July 3,1997 concerning the above referenced EIS. The Agency has reviewed this information and has the following comments:

The railroad should ensure that abandoned property is not utilized for open dumping, and should take the necessary measures to cleanup any open dumped waste on their properties, and to restrict access

Please note the Agency has no authority regarding noise emissions from any rail operations, this authority is held by the Federal Railroad Administration.

Please contact Dave Jansen of our Bureau of Land at 217-782-9287 for additional assistance or information regarding the Agency's comments.

Sincerely,

Bernard P. Killian Deputy Director

Bernard P. Killian

FD-33388 ID-BUSINESS 8-12-97

#### BARRY COMMUNITY UNIT SCHOOL DISTRICT NO. 1

401 McDonough Street BARRY, ILLINOIS 62312 217-335-2323 FAX: 217-335-2211

### ENVIRONMENTAL DOCUMENT

August 6, 1997



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

Dear Ms. Kaiser:

Thank you for the opportunity for input into the EIS for the acquisition of Conrail and Conrail Assets. Pike County, Illinois, is located in west central Illinois not far from the Mississippi River. Hannibal, Missouri, is nineteen (19) miles away from the little rural community of Barry, Illinois. Barry Community Unit School District is located in Pike County. With an area of 99.2 square miles serving 432 students K-12, busing is a major method of transportation for our students.

The Barry Board of Education would like to draw to your attention the number of railroad crossings which are not marked with lights or cross arms or any kind of alert that a train is approaching. We have had two serious accidents in the past six months, one resulting in death. No buses have as yet been involved, thankfully. Please take into consideration that this consolidation will increase train traffic as well as increase the speed of the trains in this area. We request that some type of mechanical alert be placed at each crossing where a bus would have to cross. In our District that would amount to six.

Again, thank you for hearing our concerns.

Than L. Marshall

Respectfully,

Dr. Shari L. Marshall

Superintendent

FD-33388 ID-FEDS 8-12-97 K



# ENVIRONMENTAL DOCUMENT

Natural Resources Conservation Service, 1902 Fox Drive, Champaign, IL 61820

July 30, 1997

Office of the Secretary
Case Control Unit
Attn: Elaine K. Kaiser, Chief
Section of Environmental Analysis
Environmental Filing
STB Finance Docket No. 33388
Surface Transportation Board
1925 K Street, NW
Washington, DC 20403-0001



Dear Ms. Kaiser,

The Natural Resources Conservation Service has reviewed the proposed transaction and have no comments.

Sincerely,

WILLIAM J. GRADLE

State Conservationist

cc:

Tony Kramer, ASTC, NRCS, Champaign, IL

bl:kaiser.doc

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To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C., 20250, or call 1 (800)245-6340 (voice) or (202)720-1127 (TDD). USDA is an equal opportunity employer.



DEPARTMENT OF THE ARMY

NASHVILLE DISTRICT. CORPS OF ENGINEERS P. O. BOX 1070

NASHVILLE, TENNESSEE 37202-1070



-in- Deepeh (1114Eh)

N REPLY REFER TO

Planning Branch (1145b)

SUBJECT: Surface Transportation Board (STB) Finance Docket No. 33388, Conrail Merger

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

Dear Ms. Kaiser:

Thank you for the opportunity to participate in the scoping process for the proposed Environmental Impact Statement (EIS) for STB Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail, Inc. and Consolidated Pail Corporation. Since we could not locate a copy of the Railroads' Environmental Report referenced in your July 3, 1997 scoping letter, we informally contacted your staff for a description of the proposal relative to possible actions within the Nashville District. Based on that telephone conversation, it appears that no construction or abandonments are proposed within the boundaries of the Nashville District. Thus, we believe that the proposal would have no effect on any programs being planned or executed by the Nashville District, and would not include activities subject to Department of the Army (DA) permit authority within the Nashville District.

Since we have not seen details of the proposal, we reserve final comment until later in the National Environmental Policy Act (NEPA) process. We also suggest that you contact the other Corps of Engineers districts involved in the proposal, if they are not already a part of your mailing list. Information on other Corps Districts potentially involved may be obtained via the Corps web site (www.usace.army.mil). Nevertheless, the essential point for the EIS is that work in waters of the United States (including wetlands) could require DA Permits under

Section 404 of the Clean Water Act (CWA) and/or Section 10 of the Rivers and Harbors Act of 1899. In this regard, the Corps normally encourages full consideration of, in sequential order, wetland and stream avoidance alternatives, impact minimization, and, finally, compensatory mitigation of any unavoidable aquatic resource losses as required by the Corps/EPA Memorandum of Agreement for impact mitigation.

The Nashville District would appreciate remaining on your mailing list for the Draft EIS. Should you have any questions concerning DA permits within the District, please feel free to contact Mr. Tom Swor at (615) 736-5181. Thanks again for including us early in your planning process.

Sincerely,

Thomas W. Waters,

Chief, Engineering-Planning

Division

FD-33388 ID-GOV 8-11-97



George E. Pataki Governor Alexander F. Treadwell Secretary of State DOCUMENT

ENVIRONMENTAL

August 6, 1997



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

Re: F-97-481

Surface Transportation Board Finance Docket No. 33388 CSX Corporation and Norfolk Southern Corporation - Conrail Acquisition Environmental Impact Statement Scope

Dear Ms. Kaise.

Thank you for the opportunity to comment on the draft scope of the environmental impact statement for the proposed acquisition of Conrail by the CSX and Norfolk Southern Companies. We would like to offer the following comments:

As identified in the scoping document, dated July 1, 1997, at Impact Categories, Section 3. C. Land Use, the New York State Department of State anticipates a discussion of consistency of the proposed activities with the policies of the New York State Coastal Management Program. Of particular concern would be the proposed activities' effect on port development and the movement of people and goods through New York's coastal area (NYS CMP Policy #3), the State's general economic, social, and environmental interests (NYS CMP Policy #18), and public access to public lands and waters adjacent to Conrail corridors (NYS CMP Policy #20).

A number of Hudson River Valley communities continue to express concern over riverfront isolation along the rail lines on both sides of the river valley. The railroads should discuss the possibility of maintaining and improving public access to the Hudson River shoreline wherever practicable.

At such time as an environmental impact statement is made available for review, a copy shall be submitted to the NYS Department of State together with a certification by the railroad companies that the proposed

Ms. Elaine K. Kaiser Page 2

acquisition of Conrail would be consistent with the relevant policies of the New York State Coastal Management Program.

Please feel free to call me or Vance A. Barr at (518) 474-6000 if you have any questions.

Sincerely,

William F. Barton

Chief, Bureau of Consistency Review

and Analysis

WFB/vab

#### Ohio Historic Preservation Office

567 East Hudson Street Columbus, Ohio 43211-1030 614/297-2470 Fax: 297-2496

# ENVIRONMENTAL DOCUMENT

August 5, 1997

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

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

Re: Acquisition, NS-CSXT-Conrail, Ohio

Dear Ms. Kaiser,

This is in response to correspondence from your office dated July 3, 1997 (received July 7) regarding the above referenced project. The comments of the Ohio Historic Preservation Office (OHPO) are submitted in accordance with provisions of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 [36 CFR 800]); the Surface Transportation Board serves as the lead federal agency.

In the preparation of the environmental impact statement (EIS) for this project, we offer the following recommendations and guidelines. The section addressing historic preservation concerns (Number 11 in your outline) should follow the definitions and process provided in 36 CFR Part 800. For example, the terms cultural and historic resources have a general common understanding but lack precision in the review process. The EIS should include a clear section defining and delineating the Area of Potential Effects [36 CFR 800.2] as this is different in a number of important ways from the somewhat imprecise phrase provided in your correspondence -- "...that are on, or immediately adjacent to, a railroad right-of-way." Remember, the Area of Potential Effects (APE) need not be contiguous, it can contain several areas, and it can change focus for different actions. In this case, the APE may require several definitions to apply to the full range of activities embraced by this undertaking. The EIS should provide comprehensive and thorough information meeting the Secretary of the Interior's standards [36 CFR 800.4, 48FR44716-44742] presenting the results of a good faith effort to identify any property within the APE which may be eligible for inclusion in the National Register of Historic Places. The identified properties should be evaluated for eligibility for inclusion in the National Register of Historic Places in a comprehensive and thoughtful process which fully addresses eligibility guidelines and criteria [36 CFR 60.4]. The EIS should include a thorough assessment of effects on historic properties, and this assessment should be based on the delineation of the APE. The information from identification, evaluation, and assessment of effect should be compiled and presented so as to enable a consultation process with the state historic preservation offices regarding mitigation of adverse effects (also, see enclosed). Finally, the EIS should address issues of public involvement,







Ms. Elaine K. Kaiser August 5, 1997 Page 2

Any questions concerning this matter should be addressed to David Snyder at (614) 297-2470, between the hours of 8 am. to 5 pm. Thank you for your cooperation.

Sincerely,

Martha J. Raymond, Department Head Technical and Review Services

MJR/DMS:ds

Enclosure

#### Ohio Historic Preservation Office

567 East Hudson Street Columbus, Ohio 43211-1030 614/297-2470 Fax 297-2496

OHIO HISTORICAL SOCIETY

SINCE 1885

June 10, 1997

Vernon A. Williams Surface Transportation Board Attn: Section on Environmental Analysis 1925 K Street, NW Washington, DC 20423-0001

Re: Acquisition, NS-CSXT-Conrail, Ohio

Dear Mr. Williams,

This is in response to correspondence regarding the above referenced project (including Finance Docket No. 33388, dated May 13, 1997). The comments of the Ohio Historic Preservation Office (OHPO) are submitted in accordance with provisions of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 [36 CFR 800]); the Surface Transportation Board serves as the lead federal agency. My staff has reviewed this project, and I offer the following comments.

Additional information is needed for us to complete our review of this project. The undertaking involves a range of activities associated with the acquisition of Conrail, including construction of new connections. There is a likelihood of finding architectural properties in or near all of the connections. A check of our records shows that, as examples, the Railroad Depot in Bucyrus, the City Hall in Crestline, the Mead-Zimmerman House near Greenwich, and the County Courthouse Historic District in Sidney, are listed in the National Register of Historic Places. Additional information should be provided on any structure or facility within or adjacent to the Area of Potential Effects [36 CFR 800.2]. The connections are located in areas where archaeological sites are commonly found. Because the connections will involve ground disturbance, additional information is needed on the extent of ground disturbance in these areas to access the need for an archaeological survey.

This office lacks sufficient information at this time to complete our review of this project. The project involves acquisition of rail lines involving a range of activities in several states. We recommend that coordination integrate concerns from different states through some sort of central or common point of contact, and we recommend consultation with the Advisory Council on Historic Preservation because of their overall experience throughout the project area.

Additional information is needed for us to complete our review of this project. We have general historic preservation concerns in the general vicinity of each of the areas identified in your correspondence, but without specific information on the size, kind and extent of the proposed activity, it is difficult for us to offer specific recommendations. A check of our records shows that there are sites listed in the Ohio Archaeological Inventory near the project area. There are preservation concerns for this undertaking, including preservation of archaeological sites and architectural properties and districts. Several of the areas of new construction for connections are in areas where archaeological sites are commonly found and they are also in areas where architectural surveys have not been extended. At this time there is a lack of context to evaluate the importance of existing railroad structures. We recommend a systematic inventory of all structures within the project area as a starting point in completing the evaluative process to determine eligibility for inclusion in the National Register of Historic Places [36 CFR 800.4]. We note that a previous lack of cooperation in compiling sufficient inventory data for this baseline information complicates current efforts.

Mr. Vernon A. Williams June 10, 1997 Page 2

Depending on the final design, there is a substantial likelihood that an identification level survey for one or more of the new construction projects will be needed to identify any property which may be eligible for inclusion in the National Register of Historic Places. Property types that are known in the vicinity of the new construction projects include Archaic Period lithic scatters, village sites, burial sites, and earthworks, and architectural property types include railroad buildings (such as depots) and industrial buildings (such as nineteenth century warehouses).

We are also concerned about the preservation of existing railroad structures such as bridges and trestles. At this time there is a lack of context to evaluate the importance of existing railroad structures. We recommend a systematic inventory of all structures within the project area as a starting point in completing the evaluative process to determine eligibility for inclusion in the National Register of Historic Places [36 CFR 800.4]. Our primary concern is in those areas where there will be new construction for connections and for new or modified facilities. We are also concerned about the long-term effects from abandonment of rail lines. Is it possible to establish region-wide protocols to systematically review and evaluate individual construction projects?

In summary, additional information is needed for us to complete our review of this undertaking. It appears that new construction is planned in areas where archaeological sites and architectural properties are commonly found and there is a substantial likelihood of this undertaking having an adverse effect on a property or properties eligible for inclusion or included in the National Register of Historic Places. In a series of letters from January of 1997 to consultants working on this project this office has requested detailed construction plans, mapping, description of proposed construction, and photographs showing the area of proposed construction. It is also our opinion that it is likely that an identification level survey [36 CFR 800.4] will be needed to identify any property eligible for inclusion or included in the National Register of Historic Places. Finally, we recommend that the Sec ion on Environmental Analysis, Surface Transportation Board, establish coordination among the several statics involved in this undertaking.

Any questions concerning this matter should be addressed to David Snyder at (614) 297-2470, between the hours of 8 am. to 5 pm. Thank you for your cooperation.

Sincerely,

Signed

Martha J. Raymond, Department Head Technical and Review Services

MJR/DMS:ds

FD-33388 ID-CITIES 8-11-97



### ENVIRONMENTAL DOCUMENT

The Greater Cleveland Regional Transit Authority

> 615 Superior Avenue, W. Cleveland, Ohio 44113-1878 Phone 215 566-5084 Fax 216 781-4043

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

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

August 5, 1997

Dear Ms. Kaiser:

The purpose of this letter is to provide comments by the Greater Cleveland Regional Transit Authority (GCRTA) on the Conrail acquisition Environmental Impact Statement (EIS) scope. To reduce auto vehicle miles traveled and emissions, GCRTA's future plans include use of existing Conrail, CSX, and Norfolk Southern rights-of-way for provision of commuter passenger services. While we have overall concerns about the impact of the operating plan as filed on future commuter rail services proposed by GCRTA, we have a specific concern regarding Part 4 Proposed Construction Projects, Item 8.9 Vermilion.

The proposers have provided an action alternative and a no-action alternative. We find the no-action alternative to be unacceptable for the reasons stated in the ER. We also fin 'the proposed connection trackage at Vermilion, Ohio to be unacceptable bacause this would introduce more than 23 additional trains per day over the Norfolk Southern (NS) Bellevue-Buffalo line trackage through Lakewood, Ohio. This is a very densely-populated residential area with 27 (twenty-seven) grade crossings within a distance of 3 (three) miles. These crossings generally have very little available site distance for motorists in the area. This area has a history of high grade crossing accident rates, which has long been a concern of the city of Lakewood, the Ohio Rail Development Commission, and local public safety officials. There is also substantial pedestrian traffic in this area and a history of pedestrian-train incidents.

To mitigate the above concerns, we request that the EIS consider an alternative that involves a connection to existing Conrail lines in the Cleveland area. Similar to the Vermilion project, this would connect the NS Bellevue-Buffalo line to the current Conrail Chicago line. This would be accomplished by the upgrading of existing active trackage between the vicinity of West 25th Street and Train Avenue in Cleveland, and the vicinity of Cleveland Hopkins International Airport, also in Cleveland. This may also involve additional trackage completely or largely in existing rights-of-way. The route would use existing NS trackage and the Conrail Flats Industrial Track via Linndale, CP Short, and would bypass and parallel the Conrail Rockport Yard.



RoseMary Covington
Assistant Gener il Manager
Marketing and Development



Ms. Elaine K. Kaiser August 5, 1997 Page 2

The proposed alternative route would use existing rights-of-way largely through industrial areas and would include no grade crossings. We believe this alternative would substantially reduce rail traffic volumes on the NS Bellevue-Buffalo line through the Lakewood area and points west, and should be addressed in the EIS.

Sincerely,

RoseMary Covington
Assistant General Manager

Marketing and Development



**BOARD OF BEAVER COUNTY COMMISSIONERS** BEA SCHULTE JOHN A. ANTOLINE NANCY LOXLEY

### ENVIRONMENTAL

July 31, 199

Section of Environmental Analysis/Environmental Filing

Office of the Secretary, Case Cor
STB Finance Docket No. 3338°
Surface Transportation Boarr'
1925 K Street, NW
Washington, DC 20423-0'

Attention: Elaine K. V
Section o'

RE: Surface
Financy
Pror

Dear M

AVAILLE-ROY STUBBINS - SAMUEL J ORR III, Legal Course
BEAVEP

COURTHOUSE, BEAVEP

ENVIRON
DOC'

Office of the Secretary, Case Cor
STB Finance Docket No. 3338°
Surface Transportation Boarr'
1925 K Street, NW
Washington, DC 20423-0'

Attention: Elaine K. V
Section o'

RE: Surface
Finance
Pror This is a response to letter dated July 3, 1997 (received 7/11/97) regarding the proposed acquisition of Conrail by CSX and Norfolk and Southern Railroads. The purpose of the letter and its enclosed Surface Transportation Board (STB) notice from the July 7, 1997 Federal Register was to provide a Notice of Intent to prepare an Environmental Impact Statement (EIS) on the proposed acquisition of Conrail; and request comments on the proposed EIS Scope.

The attachment included summary information on the draft scope's proposed impact categories (air, noise, safety etc.) and the thresholds for impact consideration in respect to increased operating levels, new facility/line construction and abandonments. A projected study and decision schedule also was presented.

The EIS scope in the Federal Register attachment appears to correspond with the impact categories used by CSX and Norfolk and Southern Railroad consultants when requesting comments from the Planning Commission. Comments of the Planning Commission were provided in letters dated January 17, February 2, February 21, and March 21, 1997 and were considered by STB's Section of Environmental Analysis in preparing the draft scope.

Elaine K. Kaiser, Chief Page 2 July 31, 1997

The draft scope appears to include all reasonable impact categories and defines reasonable thresholds at which increased railroad activities or impacts will be considered. Impact thresholds should be flexible when necessary to address important local concerns. For example impacts on a grade crossing with less than 5,000 vehicle trips per day would not be considered, yet a large increase in train traffic may significantly increase emergency vehicle response time and reduce access to certain facilities such as riverside recreational activities.

The impact analysis for 7. Biological Resources, 8. Water Resources, 9. Socio-Economic Issues, 10. Environmental Justice and 11. Cultural and Historic Resources should not be limited to line abandonment and construction projects but should consider the impact of substantially increased activity on natural, community, socio-economic and historic resources. The above impacts would be made known and addressed only if brought to STB's attention by appropriate parties.

If there are any questions please contact this office.

Very truly yours,

Richard W. Packer, Jr.

**Acting Director** 

RWP/WL/my

Copy to:

File

### ENVIRONMENTAL DOCUMENT

### CITY OF RICHMOND OFFICE OF THE CITY ATTORNEY

900 EAST BROAD STREET, SUITE 300 **RICHMOND, VIRGINIA 23219** 

> TELEPHONE 804-780-7940 TELECOPIER 804-780-6653

JOHN A. RUPP CITY ATTORNEY

DAVID B. KEARNEY ASSISTANT CITY ATTORNEY

August 6, 1997

#### BY FACSIMILE (202) 565-9000 AND REGULAR MAIL

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

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

> Notice of Intent to Prepare an Environmental Impact Statement (EIS) and Request for Comments on Proposed EIS Scope in STB Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements-Conrail, Inc. and Consolidated Rail Corporation.

Dear Ms. Kaiser:

This letter responds on behalf of the City of Richmond, Virginia (the "City") to the Surface Transportation Board's Request for Comments on Proposed EIS in the above docket

The City asks that the scope of the proposed EIS include a discussion of the potential impacts of the proposed transaction in each of the proposed scope topic areas (transportation system, land use, water resources, cultural and historic resources, etc.) regardless of the cause of the potential impacts, so long as the potential impacts could result from the proposed transaction. Several of the proposed EIS scope topic areas appear to focus only on planned construction and abandonment activities. However, impacts within all of the scope topic areas in a given locality could be caused by other aspects of the proposed transaction. For instance, anticipated increases or decreases in



Attention: Elaine K. Kaiser

August 6, 1997

Page 2

rail traffic in a particular locality could affect local biological, water, or cultural and historic resources.

The City asks that the EIS address any environmental issue of which the applicants become aware and that is relevant to the application, even if the issue is not within the current scope.

As a matter of clarification, the Railroad Control Application's Environmental Report in this docket improperly discusses potential air quality impacts within the City of Richmond under the heading "Impact Analysis by County" (see Environmental Report, Part 2, Sections 22.1.1 & 22.1.1.1.8). Unlike most other states, under the Virginia form of local government, an "independent" city, such as Richmond, is not a part of any county.

The City is interested in the application and the EIS, and appreciates this opportunity to comment. We are forwarding these comments by facsimile, with the requisite hard copies to follow by mail. Please don't hesitate to contact me if you have any questions concerning the City's comments.

Sincerely,

David B. Kearney

Assistant City Attorney

Novi B. Kearing

cc: Robert C. Bobb Charles T. Peters, Jr. Vicktoria Badger

#### BERKSHIRE REGIONAL PLANNING COMMISSION

33 DUNHAM MALL, PITTSFIELD, MA 01201-6207

# TENVIRONMENTAL"

THOMAS D. McCANN, Chairman LOIS A. LENEHAN, Vice-Chairman FREDA BENNETT, Clerk JOYCE B. SCHEFFEY, Treasurer ROBERT W. BIRCH, Member-At-Large

DOCUMENTAL

NATHANIEL W. KARNS, A.I.C.P. Executive Director

August 5, 1997

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

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

Re: CSX Acquisition of Conrail - Draft Scope for EIS

Dear STB:

Thank you for your invitation to comment on the proposed scope for the EIS for the Acquisition of Conrail by CSX in Berkshire County, Massachusetts. We have previously submitted comments to the railroad's consultants (copy attached). At this time we would also like to expand upon those comments.

While the proposed EIS will focus on construction of facilities and potential abandonments, our concerns are primarily focused on issues related to ownership and control of the railroads in Berkshire County. These concerns should perhaps be addressed in the EIS as issues of social equity. For example, we hope that CSX will be amenable to the continuation of Amtrak's rail passenger service in Pittsfield, and will cooperate in efforts to preserve that service and give it reasonable priority in scheduling. Also in regard to passenger service, we hope that CSX will be cooperative in allowing trackage rights for the Berkshire Scenic Railway Museum to provide tourist service into Pittsfield from the south.

There is also a feasibility study underway concerning the development of an Intermodal Transportation Center (ITC) in the Pittsfield CBD. Currently Conrail has a representative serving on the ITC study committee. We would hope for the cooperation of CSX in that study, and specifically with regard to the location of the Amtrack station and any air rights that may be necessary.

Another issue of concern is the future use of the secondary branch line in Pittsfield which extends to the town line in Lanesboro. This ROW has potential for use as a bike path and/or as

an alternative highway location pending the results of ongoing studies. We would also hope for the cooperation of CSX in this regard.

Finally, the preliminary EIS we received indicated that in Massachusetts there would be no increase in traffic "above STB thresholds" and therefore no impact. However, we would like the estimates to be shown demonstrating that they are below the threshold. Similarly, we would like to see the estimates of truck rail diversions in order to gauge the magnitude of the benefits alluded to in the preliminary EIS.

We appreciate the opportunity to provide these comments and understand that we will be given additional opportunities to comment on the Draft and Final EIS's as they become available. If you have any questions on these issues please feel free to contact the Charles Cook, Senior Transportation Planner, at 413-442-1521.

Yours truly,

Nathaniel W. Karns, A.I.C.P

**Executive Director** 

BERKSHIRE COUNTY REGIONAL PLANNING COMMISSION

33 DUNHAM MALL, PITTSFIELD, MASSACHUSETTS 01201-6207

TELEPHONE (413) 442-1521 • FAX (413) 442-1523

ROBERT W. BIRCH, Chairman THOMAS D. McCANN, Vice-Chairman DAVID A. BABCOCK, Clerk LOIS A. LENEHAN, Treasurer JOYCE B. SCHEFFEY, Member-At-Large NATHANIEL W. KARNS, A.I.C.P. Executive Director

January 30, 1997

Mr. Gabe Hernandez Agency Coordinator Burns & McDonnell 9400 Ward Parkway Kansas City, Missouri 64114

Re: ACQUISITION OF CONRAIL (Docket # 33286)

Dear Mr. Hernandez:

The Berkshire County Commissioners have referred your letter of January 14, 1997 to us for response. In that letter you asked for comments and concerns regarding increased traffic on our primary rail freight line resulting from your proposed merger with Conrail. Given the relatively short time frame, we cannot provide a definitive response to your request at this time. However, we do understand that there will be additional opportunities to provide input and comment upon the proposal at a later time.

One issue that has come to our attention is the concern that the merger of rail freight companies will reduce the opportunities for competition among rail service providers. In addition, there are issues related to the utilization of abandoned rail lines, and trackage rights for tourist passenger services. Specifically, the secondary branch line from the North Adams Junction in Pittsfield north to the Lanesborough town line has not been used in some time, and has been identified as having potential utility as a public right-of -way for a bike path or possible highway use. Another concern has to do with trackage rights for the local scenic tourist train, the Berkshire Scenic Railway Museum, which would like to provide service into Pittsfield from the south.

Enclosed for your use is a copy of our 1993 Regional Transportation Plan which will provide further background information. Please note that this plan is currently being updated in accordance with ISTEA regulations, and a revision will be in place after March 31 of this year.

Yours truly, Charles W. Bob.

Charles W. Cook

Transportation Planner

CC:



# NASHVILLE AREA METROPOLITAN PLANNING ORGANIZATION

Lindsley Hall 730 Second Avenue South Nashville, TN 37201-5156 Phone: 615 / 862 - 7211 Fax: 615 / 862 - 7209

August 4, 1997

DAVIDSON COUNTY

> Goodlettsville Metropolitan Nashville – Davidson County

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

ENVIRONMENTAL DOCUMENT

Re: Request for Comments on Proposed EIS Scope in STB Finance Docket No. 33388

RUTHERFORD COUNTY

> La Vergne Murfreesboro Smyrna

Thank you

Dear Ms. Kaiser:

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

SUMNER

Gallatin Goodlettsville Hendersonville Portland The Nashville Area Metropolitan Planning Organization (MPO) is responsible for long-range transportation planning for a five county area comprised of Davidson, Rutherford, Sumner, Wilson, and Williamson Counties. Both Davidson and Sumner counties contain CSX rail line segments that meet STB thresholds for increases in daily traffic or activity: Evansville to Amqui and Amqui to Nashville. This fact has brought the following topics to our attention: air quality, the potential for passenger rail service, and safety.

WILLIAMSON

Brentwood Franklin Currently, Sumner County is designated non-attainment for air quality and Davidson County is designated maintenance. The proposed scope indicates that the estimated increases in air pollutants associated with the increase in rail traffic will be offset by a conversion of truck transport to rail transport. The trends in Nashville, however, point to the contrary.

WILSON

Lebanon Mt. Juliet There has been a steady increase in the area's truck traffic over the past two decades and a much greater utilization of trucks rather than rail lines for freight movement. According to an October 1996 publication by the Bureau of Transportation Statistics, *Freight Transportation in Tennessee*, most commodities for that year were moved by trucks, about 84 percent of the value and 89 percent of the weight. Rail accounted for only about 3 percent of the value and 7 percent of the weight.

Letter Re: Request for Comments on Proposed EIS Scope in STB Finance Docket No.33388 August 4, 1997

Page 2

In addition, an increase in the number of trains per day will result in more frequent rail-to-truck transfers at Davidson County's Radnor Yard, requiring additional trucks and preventing a sufficient counterbalance to the increases in air pollutants. (This intermodal facility was not cited in the scope as being adversely impacted by the increase in train traffic.)

Nonetheless, in accordance with the Intermodal Surface Transportation Efficiency Act (ISTEA), Section 134(f), and the Nashville Area MPO's Long-Range Transportation Plan, staff supports better utilization of existing rail lines for the efficient movement of freight. We also strongly encourage the preservation of these rail segments for future passenger rail service as a means of mitigating traffic congestion and increases in auto emissions.

The proposed scope notes that existing commuter operations and CSX freight operations are able to utilize the same rail lines without compromising the effectiveness of either operation. The successful cooperation between the two, via contracts, suggests the same is possible in the Nashville area.

In April 1996, the Regional Transportation Authority, in cooperation with the MPO and the Metropolitan Transit Authority, completed the Nashville Regional Commuter Rail Evaluation. The study evaluated the feasibility of commuter rail service over the next 20 years. Findings revealed that future commuter rail service for the Nashville area is feasible and warranted. At this time, we ask that any proposed increase to rail freight service include the potential for future passenger service.

Finally, due to the large number of grade crossings in Davidson County, four of which have an Average Daily Traffic (ADT) count of greater than 5000, the potential for an increase in accidents is of concern. Considering our assertion that the reduction in truck traffic will not be as great as suggested in the draft scope, any claim that the potential for accidents on interstate highways would decrease with a supposed decrease in truck traffic requires further attention.

Thank you again for the opportunity to comment on the proposed scope as it relates to the Nashville Area MPO and its planning area. Should you have any questions or comments, please do not hesitate to contact me at 615/862-7215.

Sincerely,

Paige Watson Planner I

Paix Waton

MPO 97/86 PLW/plw



## ENVIRONMENTAL Department of Strategic Planning and Growth Management DOCUMENT

**Transportation Planning Division** 

115 S. Andrews Avenue, Room 329H Fort Lauderdale, FL 33301

August 6, 1997

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



Dear Ms. Kaiser:

RE: Notice of Intent to Prepare an Environmental Impact statement (EIS) and Requests for Comments on Proposed EIS Scope in STB Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements-Conrail, Inc. and Consolidated Rail Corporation.

We have reviewed the subject notice and the Environmental Report. We have no comments at this time. We request that, per the notice, SEA add our name to its mailing list for distribution of the final scope of the EIS, the DEIS, and Final EIS (FEIS).

Please address all correspondence to:

Mr. Jay Gross, Assistant Director Broward County Transportation Planning Division Governmental Center 115 S. Andrews Avenue, Room 329H Ft. Lauderdale, FL 33301

Telephone: (954) 357-6609 -Fax: (954) 357-6228 - E-mail: jgross@co.broward.fl.us

Thank you for including us in this process.

Sincerely.

Bruce B. Wilson my da.

MPO Administrative Assistant

BW:lp

cc:

Jay Gross, Assistant Director

Michael Wanchick, Director, Strategic Planning & Growth Management

B. J. Osterholt, County Administrator

BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS — An Equal Opportunity Employer and Provider of Services

## CENTRAL VIRGINIA PLANNING DISTRICT COMMISSION

915 Main Street, 3rd Floor Suite 302 • P.O. Box 817 • Lynchburg, Virginia 24505 • Tel. No. (804) 845-3491



**ENVIRONMENTAL** 

DOCUMENT

August 5, 1997

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

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

Dear Elaine:

This is to inform you that the Central Virginia Planning District Commission has received parts 1-4 of the Environmental Report for the Acquisition of Conrail by Norfolk Southern and CSX. We have also received a copy of the draft Scope of Work for the EIS.

Both of these documents have been reviewed by our Transportation Planner for impacts that this acquisition may have within the CVPDC area. As a rebut, we have no comments to provide at this time.

If you have any questions concerning this matter please contact Matt Shiley, Transportation Planner at (804) 845-3491.

Sincerely,

Rick Youngblood

Interim Executive Director

Hillsborough County City-County Planning Commission



July 29, 1997

Michael M. English Chairman

> Jan T. Smith Vice-Chairman

Mary C. Alvarez Member-at-Large

Edward D. Dees Ronald A Govin J E (Dooley) Houghtaling W. C. Meriwether Demetria L. Merritt Laura Swain Warren J Weathers

> Robert B Hunter, AICP Executive Director

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

Dear Ms. Kaiser

ENVIRON MENTAL Re: Notice of Intent to Prepare an Environmental Impact Statement (EIS) and Request for Comments on Proposed EIS Scope in STB Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail, Inc. and Consolidated Rail Corporation

As requested, the Hillsborough County Metropolitan Planning Organization has reviewed the Notice of Intent to Prepare an Environmental Impact Statement (EIS) and comment on the Proposed EIS Scope.

The review revealed a potential increase in freight traffic between Lakeland, Florida and Uceta Yard in Tampa, Florida. This increase amounts to an additional 1.3 trains per day between Lakeland and Plant City, and an increase in tons of freight per year between 10 and 13 percent between Lakeland and Uceta Yard.

We feel the impact of the proposed action will be small to insignificant, and there is no indication that the merger will have any other impact this area.

Thank you for the opportunity to review and comment on the proposed scope. If you have any questions or require any additional assistance please contact Richard Clarendon of my staff at (813) 272-5940.

Sincerely

Robert B. Hunter **Executive Director** 

Tampa, Florida 33601-1110 813/272-5940 FAX 813/272-6258 FAX 813 272-6255

P.O. Box 1110

601 E Kennedy, 18th Floor

Internet E-Mail: planning@cttnet.com

> A Consolidated City-County Agency serving the cities of Tainpa, Plant City, Temple Terrace and the County of Hillsborough An Affirmative Action-Equal Opportunity Employer

FD-33388 ID-PUBLIC 8-11-97

## ENVIRONMENTAL DOCUMENT

Office of the Secretary

Case Control Unit

STB Finance Docket #33388

Surface Transportation Board
1925 K Street NW

Washington DC 20423-0001

Attention Elaine K Kaiser, Chief, Section of Env. Anal., Env. Filing



I wish to bring to your attention a matter concerning the increase of rail traffic through the city of Newark Delaware. I am sure that others have expressed concern about various environmental impacts, including noise, air quality, and the effect of increased traffic on our residents, and I endorse their concerns. There is another matter which deserves mention, and that is the negative impact on an important measure underway to curb excess vehicular pollution.

We are currently, with the State of Delaware, in the process of computerizing and synchronizing our traffic control signals to reduce congestion, and hence air pollution from vehicle emissions. The rail tracks concerned cross our streets at several places, causing a complete stop of all traffic when a train comes through. Consequently, it does little good to incorporate an intelligent traffic management system such as computerized signals if at any time, all traffic must stop for an event which cannot be programmed into the system. As the trains increase in size and/or frequency, the impact of stopping traffic through multiple intersections frequently frustrates the entire concept of using contemporary technology to abate traffic congestion and its resultant pollution.

I hope that you will take into account this very real environmental impact on our community in your consideration of the proposed train traffic increase.

Sincerely.

Thomas P. Wampler

Councilmember, 4th District

City of Newark, DE.

FD-33388 ID-BUSINESS 8-11-97

## RUTGERS ENVIRONMENTAL LAW CLINIC

15 Washington Street, Room 304 Newark, New Jersey 07102-3192 (973) 353-5695 (973) 353-1249 (FAX) Rutgers, The State University of New Jersey School of Law-Newark

# ENVIRONMENTAL DOCUMENT

August 6, 1997

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

BY FACSIMILE (202)565-9000



Dear Madam or Sir:

The following comments on the Draft Scope of the EIS for the acquisition of Conrail by CSX and Norfolk Southern (hereinafter "Draft Scope") are submitted on behalf of the Tri-State Transportation Campaign, located at 281 Park Avenue South, Second Floor, New York, NY 10010.

The Draft Scope does not clearly allow for adequate comparison of the proposed action and no-action alternatives to "proposed action with conditions" alternatives. In particular, certain conditions, such as trackage rights agreements, placed on the proposed action could result in an alternative that is environmentally superior to both the proposed action and no-action alternatives, without this superiority being apparent from the findings of an EIS with the proposed scope. The EIS should include a thorough investigation of the potential diversions of freight traffic from trucks to rail or to intermodal transport under various conditions, and the implications of these diversions for all Impact Categories. While the Draft Scope does list such diversions as a topic of discussion under the category "Transportation System," the scope of the EIS in other Impact Categories does not allow for comparative analysis of the environmental consequences of potential freight diversions resulting from conditions placed on the proposed action.

The comments below explain this concern in greater detail, making reference to specific Impact Categories:



## Transportation System

Section A. states that the EIS will "[d]escribe system-wide effects of the proposed operational changes, constructions, and rail line abandonments," but does not include system-wide effects of the granting of "trackage rights or rail line acquisitions that may be included in inconsistent and responsive applications" listed under the Environmental Impact Analysis section of the Draft Scope (item 4). The effects of conditions such as these on the proposed action should be explicitly included in this section, as well as in section B. ("potential diversions of freight traffic from trucks to rail and from rail to trucks").

### 3. Land Use

The Conrail acquisition has potentially significant implications for land use in the metropolitan New York area. The extent to which the transaction facilitates movement of freight across the New York Harbor by non-truck modes (rail or barge), for example, will affect the locations of distribution sites and intermodal facilities in New Jersey, which in turn influences the configuration of commercial activity in the region. Matters such as this are the subject of the New Jersey State Plan for Development and Redevelopment, which is intended to direct development toward urban areas and other established centers.

The Draft Scope states (section 3.A.) that the EIS will "[d]escribe whether the proposed rail line construction and abandonment activities are consistent with existing land use plans." While this element of the scope is welcome, the EIS should go further and analyze the impacts that trackage right agreements and other conditions on the proposed action will have on land use. In particular, the potential of these conditions to direct development to urban areas should be discussed.

## 5. Air Quality

Similarly, the Conrail acquisition with or without added conditions may have a significant and positive impact on air quality by virtue of its potential to divert freight from trucks to rail or other modes. Yet the Air Quality section of the Draft Scope is focused on air emissions increases exceeding certain threshold levels, suggesting that there will be no comparison among the various action alternatives with respect to their ability to improve air quality. Section D. does propose evaluation of "potential air quality benefits of system-wide emissions reductions that would result from projected truck-to-rail diversions," but solely for purposes of comparison with emissions increases of the same alternative, so that the net air quality impact of the alternative can be "compared to the entire emission inventory for affected non-attainment areas." This is not sufficient. Net air quality impacts of the proposed action should be compared with net air quality impacts of the proposed action with conditions imposed.

Surface Transportation Board August 6, 1997 Page 3 of 3

### 10. Environmental Justice.

This section of the scope should clearly state that the EIS will evaluate the <u>relative</u> impacts of the various alternatives on any minority or low-income group, rather than simply evaluating whether such activities "have a disproportionately high and adverse health effect or environmental impact" on any such group.

Respectfully submitted,

There large

Therese Langer

# WHALE

## WATERFRONT HISTORIC AREA LEAGUE

THIRTY-THREE WILLIAM STREET, NEW BEDFORD, MASSACHUSETTS 02740 TELEPHONE (508) 997-1776 FAX (508) 984-1250

# ENVIRONMENTAL DOCUMENT

August 4, 1997



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

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

Dear Ms. Kaiser.

Please be informed that the Waterfront Historic Area League of New Bedford, Inc. (WHALE) is concerned about the cleanup of the former New Bedford Rail Yard (see attached location map). This rail yard was formerly operated by the Penn Central Railroad and has been named by the the Massachusetts Department of Environmental Management and the US Environmental Protection Agency as a site which contains high levels of contamination from PCB's.

This site has been selected by the Massachusetts Bay Transit Authority for a Commuter rail station linking New Bedford to Boston. At a series of public Charrettes sponsored by WHALE and attended by more than 250 individuals, the overwhelming consensus was that this is the ideal site for the proposed commuter rail station. In addition, the site has been approved by the New Bedford Area Chamber of Commerce's Intermodal Transportation Committee as the appropriate site for the station.

We express the following concerns and recommendations:

- 1. The site should be cleaned up by the new owner in order to comply with the regulations of US Environmental Protection Agency (EPA).
- 2. Restoration and rebuilding of the rail beds should be part of the cleanup.

We believe that the above recommendations should be included in the EIS and in any aquisition documents associated with the ownership of this property.

On behalf of our 860 members, we hope that this site will, once again, bring economic development opportunities to our region.

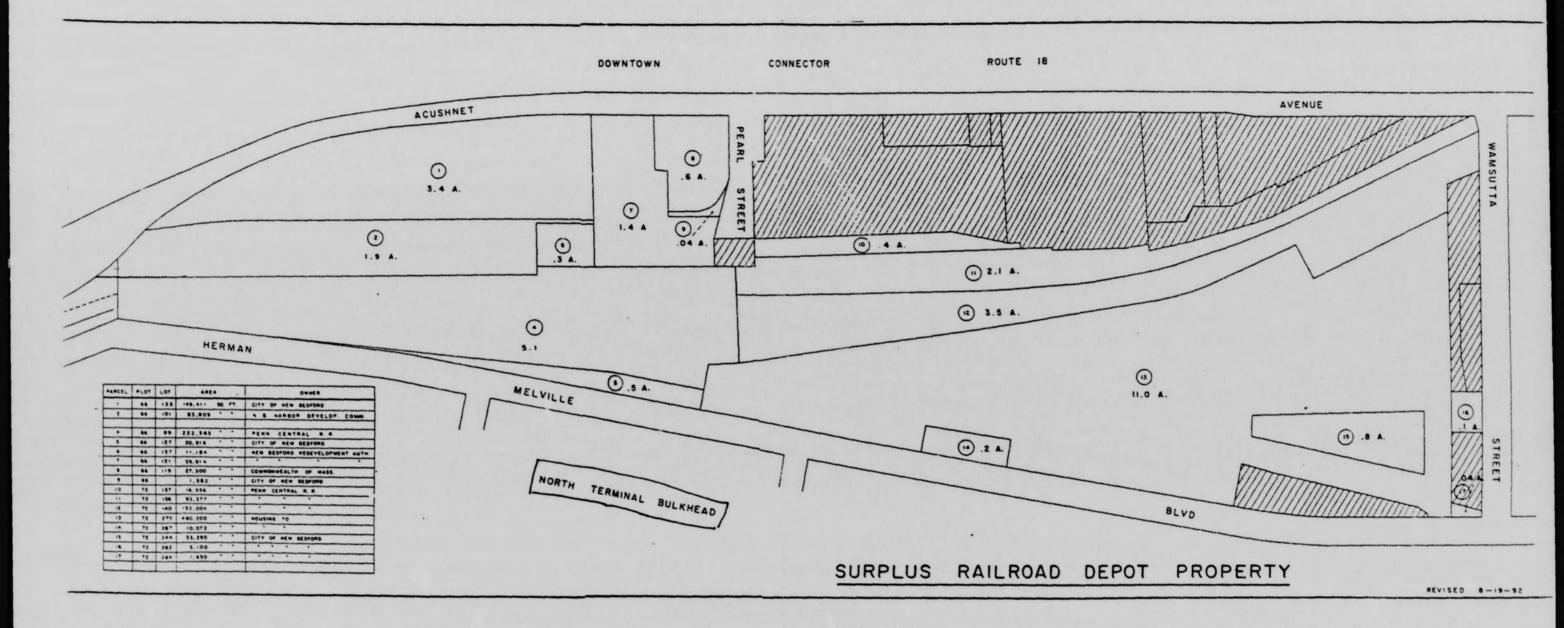
Very truly yours,

Antone G. Souza, Jr

**Executive Director** 

## HERMAN

PARCEL	PLOT	LOT	AREA .			OWNER
-	66	133	149,411	50.	FT.	CITY OF NEW BEDFORD
2	66	101	83,809	•	•	4. B. HARBOR DEVELOP. COMM.
•	66	99	222,365	•	•	PENN CENTRAL R.R.
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7	-	121	39,914	•		
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,	66		1,582	•	•	CITY OF NEW BEDFORD
10	72	137	16.956	•	•	PENN CENTRAL R. R.
11	72	138	93,377	•	•	
12	72	140	153,004	•	•	
13	72	275	480,200	•	•	HOUSING 70
14	72	287	10,072	•	•	
15	72	244	33, 290	•	•	CITY OF NEW BEDFORD
16	72	262	5.100	•	•	
17	72	264	1,650	•	•	



## WOMEN LIKE US

August 4, 1997

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



ENVIRONMENT

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

Dear Secretary:

As a resident of Anacostia in Washington, D.C. and the President of Women Like Us, a consulting firm that specializes in community development in the area of environmental justice, I would like to comment on the Conrail Acquisition. Inasmuch as CSX and NS have stated that the this transaction would increase service capabilities, improve operating efficiency, and promote competition, I am extremely concerned about the environmental justice issues in Anacostia as it relates to air quality, noise thresholds, highway congestion, economic development and public health.

I am very anxious to review the Environmental Impact Statement which will include an analysis of potential impacts of the proposed transaction on safety, transportation systems, land use, energy, air quality, noise, biological resources, water resources, socioeconomic effects directly related to physical changes in the environment, environmental justice, and historic/cultural resources. Anacostia has become an urban dumping ground for environmental pollution. This culturally historic community is often subjected to blatant environmental negligence by big corporations who are driven by profit. I have many questions related to the welfare and safety of the Anacostia community and the environment. For example:

Conrail Acquisition August 4, 1997 Page 2

- What exactly will the trucks to be hauling to and from the yard?
- · What kind of impact will the Conrail Acquisition have on public health?
- What kind of employment opportunities will be made available to the residents of Anacostia?
- How will the air quality threshold and noise threshold be monitored to ensure that it is in compliance?
- What kind of ongoing relationship will CSX and NS have with the Anacostia community?
- What kind of contribution does CSX and NS propose to make to the Anacostia community to improve the quality of life and sustain the community?

Should you require any further information regarding this matter, please do not hesitate to call me on (202) 678-1978.

Thank you.

Sincerely,

Brenda Lee Richardson, MSW

President



## League of Women Voters of New Castle County

1800 N. BROOM ST. RM. 201, WILMINGTON, DELAWARE 19802-3809 Phone Fax (302) 571-8948

August 4, 1997

## ENVIRONMENTAL DOCUMENT

Office of the Secretary
Case Control Unit
STB Finance Dockett #33388
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001



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

Dear Ms. Kaiser:

The League of Women Voters of New Castle County wishes to make comments on the "Draft Scope of Work" for the EIS concerning the merger and changes proposed by CSX, Norfolk Southern and Conrail. Many members of the New Castle County League are members of the Newark community, living in Newark proper and in the surrounding subdivisions. Also, for three years, the League has been a member of the Public Advisory Committee of our regional planning group, WILMAPCO (Wilmington Area Planning Council) and has attended the majority of the Technical Advisory subcommittee meetings and Council meetings.

The City of Newark is a small city trying to cope with an influx of 21,000 students attending the University of Delaware. It is also a direct route for automobiles coming from western subdivisions and Maryland to I-95. This has caused monumental traffic problems. Whenever a train travels through the city, traffic problems are intensified for pedestrians, bikers and autos. With anticipated additional trains, the situation could become exasperating. The League hopes that your Scope of Work takes into consideration the safety aspect of protecting the transportation modes used by the public.

In order to alleviate the present traffic problems, studies have been and are still being conducted on possible short term and long term solutions. The Public Advisory Committee of WILMAPCO has been very active in pursuing these studies and involved in the public participation workshops and hearings. The work already done should be included in the Scope. Also, considerable effort has been expended to set up bicycle routes because of the number of bicycle users in the city. The League hopes that this information is also included in your studies.

Another safety and environmental concern is the transportation of hazardous materials on trains through a crowded small city. The League of Women Voters of the U.S. supports "policies to ensure safe treatment and transportation of solid and hazardous wastes in order to protect public health and air, water and land resources." This should be part of your Scope along with emergency preparedness for accidents and spills and should be coordinated with Delaware's Fire Marshall's Office.

The League of Women Voters of New Castle County is also concerned about the effects on air quality. New Castle County is in a federal non-attainment area designated by the Clean Air Act. With the increase of trains, there will be more frequent lines of automobiles waiting with their engines idling, increasing toxic emissions. In your Scope, these emissions need to be evaluated in relation to Delaware's plan to satisfy federal standards for ozone levels. The Scope should be aware of the EPA-Delaware (DNREC) Partnership Agreement which sets yearly goals for reduction of toxic air pollutants. The League of Women Voters supports "regulation and reduction of ambient toxic-air pollutants."

In closing, the League would like to again emphasize the need for public safety, consideration of all intermodal forms of transportation, consideration of the studies and work already done by the local, regional, county and state governmental agencies to solve existing problems and the need to protect the environment from further degradation. Thank you for this opportunity to comment on your "Draft Scope of Work".

Sincerely,

Anita M. Puglisi, President

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League of Women Voters of New Castle County

Patricia H. Todd, Natural Resources Chair

Patricial Took

League of Women Voters of New Castle County

cc: Roy H. Lopata, Planning Director, City of Newark G. Alexander Taft, Executive Director, WILMAPCO Diane Sheridan, Director, LWV-US FD-33388 ID-FEDS 8-11-97 K



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

AUG 6 1997

# ENVIRONMENTAL DOCUMENT

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



Dear Sir/Madam:

The Environmental Protection Agency (EPA) has reviewed the Surface Transportation Board's (STB) notice of intert to prepare an environmental impact statement for 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. As requested in your notice (July 1, 1997) we are providing the following environmental comments for your considertion as you prepare the draft environmental impact statement (EIS).

Of principle concern to EPA is the air quality related impacts of the proposed STB action. We recommend that the EIS fully assess the air emissions, particularly in the nonattainment areas. In the background documents (environmental report) emissions increases from increased rail activity are said to be offset (at least at the system level) by decreased emissions from trucks because of rail-to-truck diversions resulting from the proposed action. This system-level accounting of benefits may not be appropriate. EPA's draft Open Market Trading Rules recommend restricting VOC trades to the same ozone nonattainment areas and  $NO_x$  trades to the same Urban Airshed modeling domain. There are 23 modeling domains that have been defined nationwide. We recommend that the effect of the predicted changes in  $NO_x$  emissions be assessed within each modeling domain. EPA also believes that the proposed action by STB is subject to the

requirements of the General Conformity regulations, 40 CFR 93.150-160. We recommend that the conformity process be combined into the environmental impact statement process.

In addition, the environmental justice (EJ) implications of the proposed action need to be fully assessed. This assessment should include, as a baseline, the environmental justice demographics (percentages of minority and low-income groups) for the project area right of ways. We suggest that you refer to EPA's "Guidance For Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses" for suggestions on conducting an EJ analysis. This guidance and other useful guidance can be found on OFA's web site (http://www.es.inel.gov/oeca/ofa).

Thank you for the opportunity to provide these scoping comments. The staff contact for this review is Pat Haman. She can be reached at 202-564-7152.

Sincerely,

Richard E. Sanderson
Director

Office of Federal Activities

Chan M. Midie

# ENVIRONMENTAL DOCUMENT

431 Crawford Street Portsmouth, Va. 23704-5004 Staff Symbol: AR Phone: (757)398-6366

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AUG 4 1997

Office of the Secretary

Attn: Elaine K. Kaiser, Chief Section of Environmental Analysis Environmental Filing Case Control Unit, STB Finance Docket No. 33388, Surface Transportation Board 1925 K Street, NW

Washington, D.C. 20423-0001

Dear Madam:

With respect to the purchase of CONRAIL by Norfolk Southern and CSX Corporation, we do not believe that this action will cause any adverse impacts as it relates to NEPA and the USCG Bridge Program. On the other hand, there is a potential for much interaction between the USCG Bridge Office and the future owners of this railroad. As the Notice of Intent states, there are 44,000 miles of rail line being purchased and Seven Connections proposed for construction, all with numerous bridges that may require CG approvals for rehabs/construction, and permits for new bridges, if crossing navigable waterways. In addition, any requests to change drawbridge operating procedures shall require Coast Guard approval. Even though the purchase of this railroad may cause no impacts, the operation will obviously have on going ramifications/impacts that will be addressed when these projects occur.

Sincerely,

S. G. MORITZ

Chief, Resource Planning and Performance Division

U.S. Coast Guard

By direction of LANTAREA Commander

United States Coast Guard



Commander First Coast Guard District

# ENVIRONMENTAL DOCUMENT

Battery Park Bldg. New York, NY 10004-5073 Staff Symbol:(obr) Phone:212-668-7165

16590

AUG 0 6 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

FD-33388 ID-PUBLIC

August 2, 1997

# DOCUMENT

AUG = 8 1997. STB

Office of the Secretary
Case Control Unit
STB Finance Dockett #33388
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001

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

Dear Ms Kaiser:

I wish to comment on the "Draft Scope of Work" for the EIS concerning the merger and changes proposed by CSX, Norfolk Southern and Conrail. I am a resident and have been living in Newark for about 1...enty-five years. I am also the Newark representative to the Public Advisory Committee of WILMAPCO (Wilmington Area Planning Council). My comments will speak to involvement on each of these levels

As a citizen of Newark, I have watched the traffic, congestion, noise, pollution and safety concerns of a small city increase tremendously over the years. This is in part due to the location of the University of Delaware, which has grown over the years so that much of it's campus and the City of Newark share the same land use patterns including use of roads, pedestrian and bicycle pedways. These shared land use patterns involve the crossing at three locations of the CSX lines. The Scope of Work should take into consideration these land use patterns shared by a large university and small city.

My first concern is one of safety for bikers, pedestrians and vehicles. Pedestrians, bikers and sometimes cars do not always observe the at grade crossing safety measures. This has been evidenced by the record of at least one accident a year attributed to crossing along the track where proper safety precautions have not been in place by the railroad. The Scope should include predictions of the number of accidents expected with the increase in the number of trains. There is conflicting evidence on the number of additional trains that will be traveling through Newark, including the future intent of the railroad to build a second track along the already existing one which is located in the heart of our city. Possibilities of a second track should also be included in the Scope. Additionally I do not believe the present crossing on RT 4 adequately addresses the safety of those traveling across and would need improvement with the increase of additional trains. The other two crossings in Newark are heavily traveled, not only by automobiles but by pedestrians, especially students.

Page 2, August 2, 1997
Ms. Elaine K. Kaiser, STB Finance Dockett #33388

I am also concerned with the additional trains and the environmental concerns of the transporting of hazardous materials and wastes. Newark has already had some concern because of the step-up in transportation of these materials through our city. Since I do not have access to the plans for what will be carried on these additional trains I can only express a real concern for the safety of the residents of Newark, should their be a spill of any hazardous materials. Please include in your Scope of Work the public safety aspects of transporting hazardous materials and wastes through a compact community the size and population of Newark with university students. It should also include emergency preparations for evacuations in case of spills, explosions, etc.

As a member of WILMAPCO's Public Advisory Committee I represent the City of Newark. Currently there is a study of the traffic and congestion problems within the Newark and Elkton, MD area. Short term solutions have been proposed and long term solutions are being investigated. One of the most congested areas is Main Street in Newark which intersects Elkton Rd. And Rt. 896 at a CSX crossing. DelDOT (Delaware Dept. Of Transportation), per this study recommendation, is in design stage for the reconfiguration of this intersection. The merger and uncertainty of future usage by the railroad make changes in this intersection a problem. This is a dangerous intersection long overdue for a reconfiguration. Long term solutions will be dealing with the large amount of truck traffic traveling through Newark. I understand that the increase in trains may necessitate some additional truck traffic. This can only increase the congestion and traffic situation in a city already overburdened. Much time, effort and money has already been expended by the regional governmental agencies in land use and transportation planning. It seems essential that WILMAPCO's short term and long term solutions be included as part of the Scope.

The City of Newark has been concerned for the safety of its residents and businesses with the CSX line running through the heart of the city and three at grade crossings. The number of students crossing these tracks and the proximity to University housing is also a concern. City officials are understandably concerned about the affects this merger will have on an already congested city. Residents worry about safety, pollution and toxic spills. Please take these concerns into consideration when evaluating the "Draft Scope of Work" for the EIS of the reorganization of CSX, Norfolk Southern and Conrail. Thank you.

Sincerely,

Anita M. Puglisi 700 Dallam Rd.

Newark, DE 19711

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cc: Roy H. Lopata, Planning Director, City of Newark
G. Alexander Taft, Executive Director, WILMAPCO

8365 Bohannon Road Fairburn, Georgia 30213 August 3,1997

# ENVIRONMENTAL



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

Dear Ms. Elaine K. Kaiser:

I am very interested in the Boards Environmental Impact Statement to evaluate and consider the potential environmental impacts that may result from the proposed acquisition of Conrail by C S X and Norfolk Southern and subsequent division of Conrail's assets.

I live in a very small part of unincorporated South Fulton County, south of Atlanta, Georgia. C S X bought 500 acres to build an internmodal terminal in our community. I live in Line Creek Community. We have a Community Association Inc. Our community is rural residential, quiet and very peaceful, a place where you can raise your children and grow old. Crime is very low in our community. This is just one of the reasons why we do not want an internmodal terminal in this site. We do have a rail line just inside of our boundaries. This is owned by CSX.

My Corcerns are:

Water ways

Line Creek runs through our community, this is why we named our community Line Creek. Line Creek all already has dead areas in it according to Denis Chase due to legal contamination. Line Creek 's headwaters is on C S X 's property. Fayette and Coweta County and the City of Newnan get their water from Line Creek. I have included a letter from the Water Dept. of Coweta County and Fayette County Commissioner.

#### Traffic

According to their numbers they will have **4.1 trucks per minute** going into their site. We are already saturated with light and heavy industry in side of our boundaries. We are very concerned for **our safety** because of so many dump trucks and tractor trailer trucks that are already using our community roads.

### Pollution

The pollutant factors in regard to **ozone** standards and the **toxin levels** for our community would have to be modeled in order to determine the true and accurate **impact** the **CSX terminal** would have on our community.

### We are in an non - attainment area

Speed on rails
The trains are going through Fairburn, to fast.

### Page 2

Switching rails

The tracks that go through Fairburn have switching rails in front of homes. I think this type of rails should be on the outside of the area where you have homes. I have included a letter she and a neighbor wrote.

Crime - Rail yards brings crime to your community, we do not want it.

The lights on CSX Property will have to be with in the standards set by Fulton County and that will be 1.2 footcandles and will have to be directed away from residences, but this will be a 24 hour a day, 365 day a year operation. This big an area with lights going all the time will effect the ozone.

I think the proposed transaction would include changes in railroad operations, such as traffic on the rails lines, activity at rail yards and intermodal facilities.

I wrote the Case Control Branch - Surface Transportation Board on June 29,1996 and asked for their help to keep the CSX from building an Intermodal Terminal in our community.

My reply was we can not help, this looks like a county issue.

We fought C S X a year and won the fight against the zoning . Now the problem is with the permits. They have enough property to build a small scale of what they want, with the same amount of tractor trailer trucks, and the same amount of traffic and pollution.

We are hoping the Corp of Engineers will not give them a permit to build because of the wetlands.

I have included a letter from The City of Fairburn expressing their concerns, and a letter from John Lewis.

I have also included a letter to the Environment Protection Division that will be issuing the permits from the Corp. of Engineer from Toni Thornton President of Bear Creek.

This is a new Community Association, located on the north side of the CSX rail line.

We know that CSX has a history of abandonment of old tracks and buildings.

We know that CSX does not take care of their property.

In Fairburn the CSX underpasses are in grave need of repair.

Fairburn has requested this be repaired for many years and CSX has refused to make repairs.

The only way this nightmare could have happened was in 1966 the Fulton County Commissioners wanted to appease Owens Coming. Owens Corning wanted the zoning changed to M2 for a buffer to keep industry from butting heads with residences. Fulton County Commissioners did as they asked they changed the zoning to M2, to get them to come to this area against the outcry of all the community.

By doing this the property that C S X bought was already zoned M2.

### Page 3

This is a land use violation to use this land for an intermodal terminal. With the pollution we have in our community you can not allow those trees to be cut down, this would destroy Our Air Quality.

If the environment is not enough think of the noise.

CSX made the statement that on this site, they could hear birds and airplanes.

This proves my point "we have a very quiet community".

This will also disturb all wild life . We are not to happy now with all the animals eating every thing we try to grow and if the wild life is driven out of the woods they will be on our property eating our fruit. Acres that CSX owns is all wooded, with a lot of wild life.

If you need more information I will be happy to send it to your Board. Believe me I have plenty of it.

Sincerely:

Icie Hood

Mr. Harold F. Reheis, Director Environment Protection Division Georgia Department of Natural Resources Floyd Towers East, Suite 1152 205 Butler Street Atlanta, Georgia 30334

Re: CSX Intermodal Terminal

Dear Mr. Reheis:

In behalf of concerned citizens of Fairburn, South Fulton and neighboring communities we wish to state for the record our opposition to the proposed CSX Intermodal project located near Fairburn, Fulton County, Georgia. We have major concerns in regard to possible health, safety, and environmental threats as a result of the proposed CSX Intermodal Hub.

CSX Intermodal's need for growth should not be at the expense of our community. There are several alternate sites that offer the rail and interstate system. However, CSX eliminated them because they wanted all of there needs met, while our community is expected to sacrifice to accommodate CSX Intermodal's pollution.

To start, we are already subjected to a minimum of over a half million pounds of dangerous air toxics from Owens Corning, DSI Transbulk, and Spurlin according to the 1993 Toxics Release Inventory (TRI) of the state. Among Spurlin's air toxics is; Dimethyl Phthalate, which affects the eyes, gastro- intestinal tract and the upper respiratory tract. Among Owens Corning's air toxics are; Formaldahyde which can cause bronchial spasms, and nasal cancer. Also, Ammonia which causes a litany of problems, including skin burn, eye damage and chest pains. DSI has a total tank capacity for chemicals on site of (1) million (856) thousand and (94) Gallons. And releases an estimated (4.81) tons of volatile organic chemicals a year. And (2.5)tons of others, including Styrene which affects the central nervous system, the liver, eyes, skin and the respiratory and reproduction system. Air toxics are already blown all over our community. Permitting more air pollutants into our community can only prove harmful to us, our children, the elderly, pets and wildlife. "Air toxics"- are known to cause cancer or other serious health effects such as poisoning, birth or developmental defects, neurological and respiratory effects. Now CSX Intermodal would add (751) tons of nitrogen oxides to our air causing "acid rain' among other hazards. The Clean Air Act requires significant reductions

in nitrogen oxides. TRI data alone cannot indicate the risk that chemical releases pose to human health and the environment. The risk from releases of toxic chemicals depends on a variety of factors, including the extent of exposure, the toxicity of the chemical, the type of release and the proximity of populations to the releases.

Equally important, CSX Intermodal would be handling dangerous hazardous materials. They're using creative shuffling to down play the extent and dangers of hazardous material they would handle. By saying; they are consumer goods like flashlight batteries and nail polish remover. Well, nail polish remover contains acetone. A rail car or truck load of acetone involved in an accident would be no picnic. Railroads carry vast quantities of hazardous, toxic, flammable and explosive materials, even small quantities of radioactive materials and it may be more down the line. A major catastrophe could release hazardous fumes over the community for miles. CSX Intermodal's plan for handling emergencies is the Best Management Practices which instructs the senior person on site to take charge and take action to protect lives. This action is calling for help; our local police and fire department. Then calling CSXI and CSXT officials to advise them on the situation. FACT: (Our local fire department partly volunteer is not equipped with a hazardous material unit. Nor are they trained to resolve a hazardous material spill or accident. There is no alarm or siren on the premises in the event of needed evacuation.) In the event of a major accident, spill, fire or explosion we would be sitting ducks. Accidents DO happen and human error is not predictable. It only takes one time. Owens Corning and DSI Transbulk being adjacent to the proposed site only intensifies this threat. Again, our community is not equipped to handle such a threat. There are (7) schools (two in walking distance), several churches and homes near this proposed CSXI site. CSX Intermodal would definitely pose a very serious threat to our health and safety. THIS IS NOT ACCEPTABLE!!

Also, this facility would be on top of the watershed on Line Creek head waters which supplies water to Fayette County residents. According to EPD and ARC documents a reservoir is proposed in the general area. Many people are on wells. NO thinking person would allow a huge rail yard to locate over people's water supply. According to EPD water quality info. Line Creek is already listed as having toxics in it. EPD says they will address the toxicity through the NPDES permitting process. (National pollution discharge elimination system). CSXI will require a NPDES permit.

We want existing toxics in Line Creek cleaned up. Georgia is under federal order to clean up it's waters. (Judge Shoob). For this reason alone the site proposal should be rejected.

Furthermore, the noise pollution that the proposed CSXI project would bring poses another health threat to our community. This a quiet almost rural area and sound carries. The railroad maintains there will be no substantial noise increases. BE SERIOUS! Just stand a few blocks from any piggyback rail yard. Such a facility should require a (1000) foot natural buffer all around.

In addition to the concerns stated above there are several others. Tractor trailers will use residential streets for alternate routes, This is an on going problem right now at CSXI's Hulsey Yard. Residents near this yard have complained for years. This problem is very difficult to enforce. There's bridges on many of our residential streets. Would they be safe? The (1000+) tractor trailer vehicles using this facility will create pot holes on our surface streets and highways causing unsafe road conditions. Who will pay for this? There's a serious problem with vibration. East Broad Street residents reported that vibration from the trains is shaking their homes and blowing out lights among other problems. Also, there is an unknown white powder coming off the trains. This situation will only worsen if the proposed terminal is allowed to come in. Also, Local historians tell us that overlooked Civil War history and events took place at this proposed CSX site. In addition to possible grave sites of Confederate soldiers, Black slave Confederate soldiers and Native American Indians. There are certain moral boundaries that should be protected.

Furthermore, CSX Intermodal had violations of the Atlanta zoning ordinances for which they were cited (Jan. 26, 1994). They had a Consent Order # EPD-HW-1023 against them by EPD for failing to provide financial assurance for post closure care of (2) hazardous waste sites in Georgia and were fined (\$1,500) dollars. They failed to honor commitments previously made to residents in Cabbage Town. Fumes from their Howell Yard in northwest Atlanta caused a variety of illnesses, including nausea, dizziness, headaches and respiratory problems to residents in the Underwood Hills Area. Look at their track record. How can we trust them? Local and state agencies and officials who represent the people and protect our natural resources must stop giving way to the railroad, the developer and the industrialist, with their bureaucrats, loopholes, and lobbyist already working for them. While many communities are being legally poisoned with pollutants. Economic growth is important, but not at the expense of human beings and our living environment; Earth's natural resources.

The CSX project may be beneficial to Georgia's economic and intermodal surface transportation needs; most would agree to this fact. However, developing the CSX project on the proposed Fairburn site will not meet national air quality standards. Among the goals of the Clean Air Act Amendments (CAAA) is ensuring that transportation plans, programs, and projects conform with the state air quality implementation plans and contribute to attainment of the national ambient air quality standards (NAAQS). Fairburn and South Fulton are classified as nonattainment areas. Ozone pollutants and air toxic levels from industry in our community at present exceeds national air quality standards.

According to CSX documents the proposed site would primarily serve customers with freight moving to and from the West Coast and Florida. The majority of their customers located in South Fulton and towards Macon and Columbus. These facts help show that redesignation of the proposed site, a little further out towards Macon or Columbus would still serve Georgia's economic and intermodal transit needs. While, eliminating many community concerns and truly helping to achieve improved air quality in Georgia.

We're desperately trying to preserve what is left of our quality of life! While CSX Intermodal anticipates huge profits to report to their stockholders at our expense. We're not against progress and economic development. However, we want quality growth and development that is environmentally safe and community friendly. The proposed CSX Intermodal Hub will place our health, our safety, our homes and our community in jeopardy. By posing serious long term threats to area water, air quality, roads, public safety and most important our health and environment.

Please do the right thing. Do not permit the proposed CSX Intermodal project to develop near Fairburn, Fulton County, Georgia. Several hundred concerned citizens have signed petitions to stop the CSXI facility from coming into our community. We are confident that community outcry will be carefully considered.

Thank You for your attention and consideration.

Ini I hornton

Sincerely,

Toni Thornton and Concerned Citizens

encl.

cc: see attached list



Robert H. Sprayberry, Chalman Scatt A. Burrell, Vice-Chairman Harold Boot, Commissioner Horbort E. Frady, Commissioner Glou J. Book, Commissioner Billy P. Bookett, Administrator W. S. Moblelly, Attorney Carol Chandler, Expositive Academia

April 24, 1997

Mr. Aaron Valenta, Project Manager U.S. Army Corps of Engineers 3485 North Desert Drive Building 2, Suite 102 Atlente, Georgia 30344

SUBJECT: CSX Facility - Fulton County, Georgia Project #970003520

Dear Mr. Valenta:

This letter shall serve to advise you that Fayette County is particularly concerned about storm water management issues associated with the above referenced project. Our understanding is that the proposed project occupies a critical location relative to Line Creek and that uncontained run-off from the site could potentially contaminate our community's major source of drinking water supply for our community. Obviously, even a small degree of risk of contamination of this stream is unacceptable as such a result could present serious public health and safety consequences for our residents.

As a result of this potential threat, it is our position that this project, if approved, should be approved with very specifically monitored and enforced conditions requiring pre-treatment of any storm water, or any other form of run-off to meet, at a minimum, the current pre-development standards.

Your attention to and cor sideration of our position regarding this matter is very much appreciated.

Sincerely,

Robert H. Spraybern

Chairman



June 24, 1997

Mr. Aaron Valenta, Project Manager U.S. Army Corps of Engineers 3485 North Desert Drive Building 2, Suite 102 Atlanta, Georgia 30344

Re: CSX Facility-Fulton County, Georgia

Project #970003520

Dear Mr. Valenta

This letter is to voice our concern about the above facility. It is our understanding that the project would be located in an area which would allow run-off and spills to enter the drainage basin for Line Creek. This source provides a majoir portion of the drinking water supply for Coweta County and the City of Newnan. The risk of contaminination of any nature of the protected streams that provide drinking water should be taken very seriously.

As a result of the potential threat, it is our position that approval of projects of this nature should be carefully studied and should require failsafe measures to monitor and control all operations that might pose eventual contamination of these waters.

Your consideration of our position regarding the matter is greatly appreciated.

Sincerely.

Dudley Buchanan

Water Resource Manager

Dudly Buchman

JOHN LEWIS
STH DISTRICT, GEORGIA
CHIEF DEPUTY DEMOCRATIC WHIP
COMMITTEE
WAYS AND MEANS
GUBCOMMITTEE



# Congress of the United States House of Representatives Washington, DC 20515-1005

March 31, 1997

The Honorable Robert Fulton Commissioner Fulton Co. Board of Commissioners 141 Pryor Street Room 10035 Atlanta, Georgia 30303

Dear Mr. Fulton:

I write regarding CSX's proposal to build an intermodal facility in Fairburn. I met with representatives of the communities surrounding the proposed site of the facility. They are concerned that the intermodal facility will increase air pollution in the metropolitan area, pollute the water supply of Fayetteville and Peachtree City, and cause excessive noise and light pollution to the surrounding communities. I ask that you address these concerns before approving CSX's proposal to build the intermodal facility.

As you know, the Atlanta metropolitan area is a non-attainment area for ozone under the Clean Air Act. Medical studies have shown that ozone causes asthma and other respiratory illnesses. Ozone also harms trees, crops and other vegetation. Residents of the neighborhoods surrounding the proposed site are concerned that the intermodal facility will worsen ozone pollution in the Atlanta area. The intermodal facility should not be built before its effect upon air quality in the Atlanta metropolitan area is determined.

It is my understanding that the proposed site of the facility is on top of the headwaters of Line Creek, a water body which provides drinking water for Fayetteville and Peachtree City.

Constructing the intermodal facility will displace wetlands that serve as a buffer to Line Creek.

The intermodal facility should not be built until its effect upon the drinking water of Fayetteville Residents also raised concerns about the effect upon the drinking water of Fayetteville

the surrounding neighborhoods. In addition to noise and light pollution, there is the possibility of toxic spills from freight traveling through the facility. Recent spills at CSX intermodal facilities in Jacksonville and Charleston have heightened their concern.

For these reasons, I urge you to address the Fairburn community's concern regarding the proposed CSX facility. I thank you for your attention to and consideration of this matter.

Sincerely,

John Lewis

Member of Congress

NO. 889 P. 1/1

229 CANNON HOUSE OFFICE BUILDING WASHINGTON, DC 20515-1005 (202) 225-3801 Fax (202) 225-3861

DISTRICT OFFICE:

THE EQUITABLE STREET, N.W. SUITE # 1820 ATLANTA, GA 30303 (404) 869-0118

Fax (404) 331-0647

# DEVELOPMENTS OF REGIONAL IMPACT Comments from Affected Parties Form

Name of Commenting Organization: Fayette Co	Project I.D: CSX Intermodel Fact (From Repost for Community Form) ounty Board of Commissioners
Address: 140 Stonewall Avenue Fayetteville, GA 30214	
Contact Person: Chris Venice	Telephone Number: 170-460-5730,1
Do you believe your jurisdiction will be affected by the Please describe the effects (positive and/or negative) to	
1. The site is located in the line Creek Water supply stream and the site of a pabout stormwater management issues and	roposed reservoir. We are concerned
affect the water supply.	Tour I trou this development could
2. We are concerned about the development' movement, particularly as regards the d experienced at Exit 12 on Interstate 85	elays and safety issues already
3. We are concerned about increased air p	
hazardous materials will be stored on	site while awating transfer.
CARnesh Addition	nd Pages (F Message)
ignature: _ Chris Venice	Title: Dir. of Ping. and Eng.  Dens: July 22, 1996

3715 Northeide Parlowy 200 Morthcreek, Suite 300 .. Atlante, Ca. 30327

ATTENTION: REVIEW OFFICE

FAX NO. 404-364-2599

DCA/OCP 107/91

V-A-2 p.5

# Developments Of Regional Impact Comments From Affected Parties

X Interm	odal Facility		
oject ID_			
-		 	

Name of commenting organization: City of Fairburn

Address: PO Box 145. Fairburn, GA 30213 Contact: Anthony W. Cox, City Administrator

Phone: 770-964-2244

Do you believe your jurisdiction will be affected by the proposed development Yes No

There are several points about this development that are of concern to Fairburn.

First, the application is inaccurate to the extent that approximately 16 acres of the project are actually located within the corporate limits of Fairburn. We are more directly impacted than merely being adjacent to the project, portions of the project site are within our boundaries. We do not have detailed plans to determine if the proposed portion(s) of the project within our jurisdiction are in compliance with existing zoning and development regulations.

The largest impact to Fairburn will be traffic. Specific traffic issues are:

- Large volumes of truck traffic will be directed to the I-85 / Hwy. 74 interchange. This
  exit is already severely overcrowded at peak hours. We have expressed concerns to
  the DOT about public safety at this intersection due to overcrowding. The CSX
  development will add to the traffic volume and will encourage additional
  transportation related development which will further compound the problem at this
  intersection.
- Significant volumes of heavy truck traffic through the center of the historic district (Hwy. 29) will have a negative impact on the City's attempt to maintain an active retail center with a historic theme.
- McLarin Road will be a major conduit for truck traffic from the development to Hwy.
   74. This road is not designed to handle large volumes of heavy trucks. Degradation of the pavement quality and added congestion surrounding the existing businesses in the McLarin / Bohannon road area needs to be reviewed.
- Increased heavy truck traffic volume through Fairburn will increase the demand for police traffic enforcement and will increase number and severity of traffic accidents in Fairburn.
- The potential for trains to block railroad crossings during staging and "building" trains
  needs to be determined. Frequent and prolonged blockage of rail crossings would
  significantly impact the response times of Fire and Rescue personnel located on East
  Broad Street.

Issues of environmental impact need to be assessed. The impact on wetlands and the water table need to be determined. The level of noise, light, dust, and air pollution generated by the site needs to be assessed as well as the effectiveness of proposed mitigation efforts to control these factors.

We recommend that a study be undertaken to determine if many of the negative factors surrounding this development would be reduced by improvement of the I-85 / Hwy. 74 interchange and the construction of the new interchange at I-85 & Gullatt Road.

Form Completed by: A W. Cox, City Administrator

#### To whom it concerns:

Our family has rented the house at 147 East Broad Street for nearly 8 years. During that time we have tolerated but not appreciated the following due to close proximity of the railroad.

### 1 - Extreme vibrations

- a rattle distance, etc.
- b Shake particles of dust, debr's from the attic area causing need to dust almost daily.
- c causing accelerated settling of the house. We have been amazed at this very noticeable in such a short time.
- 2 The train track switch is almost directly in front of our house. Sometimes the hardendous noise of the care banging together as they are connected has literatly made our hearts stup a beat. I have definitely had extreme nervous reaction as this will occasionally occur in the middle of the night, waking me from a sound sleep.
- 3 At the times especially during the night trains will pass through at excessively high speeds, causing vibration and noise so extreme that we have thought either we were experiencing and earth quake or a tomado.
- 4 This excessive speed has also brought fear to my heart of possible derailment as the C S X crew members are often doing repair work on the stretch near our house. We find loose nails.

On behalf of the workers, however I would like to commend them for their attitudes most are very courteous and one took time to answer questions my ten year old son had concerning railroads, even referring him to contact C S X for more information.

- 5 We are forced to replace light bulbs bi- weekly because vibrations cause them to blow.
- 6 I have wondered about the effect of pollution from the diesel engines, particularly as they idle in front of our house for a long periods of time while switches are being made. Our house was freshly painted white shortly before we moved in.
  The outside walls, particularly those which face the street and railroad, have black soot on them, more than your normal dirt accumulation from cars going by.

In conclusion I would recommend that C S X sell the property they own where the proposed site for the rail yard is and find property in a much more rural area, knowing the effects of this switch yards activity upon residents it seems inconceivable to me that they would inflict this upon people who have already built their homes in the area designated.

Perhaps residents would even be willing to pay tax to cover cost of extra. track needed to build this further away from settled area.

Phyllis M. L. For

Submitted by Phyttis M. La Fon 147 East Broad Street Fairburn, Georgia 30213

cc: To all Fulton County Commissioners

10 whom it may concern;

I, Margaret P. Couch, have lived at 165 East Broad Street, Fairburn, Georgia since February 1,1982. Prior to that, I lived at 122 West Broad Street for twenty one years. Both addresses run

I resided at 122 West Broad Street from 1961 - to 1982. During those years we had tremendous problems with the interior wails of the house cracking and was replacing light bulbs quite often. The railroad traffic was much lighter during that period than it is now.

Since moving to 165 East Broad Street, I am having problems with vibrations from the rail and Examples

- 1 Have reinforced the house by pouring 15 inch cement pads underneath house and jacking up house and putting in 4 x 4's all under the house. My house continues to have tremendous
- 2 Recently spent \$4,000 to install new roof with new decking. The roof is now sliding off the house due to vibrations from trains.
- 3 Cannot keep light builds- vibrations cause them to blow.
- 4 Live in constant fear that we will have a derailment due to the following:

a - Trains run at tremendous sprieds (Mainly at night)

- b Faulty tracks in front of my house, repair crew works there at least twice weekty. They don't seem to be able to correct problem. One worker actually suggested I sell and
- C Trains switch tracks in front of my house. During switching they run the cars together so hard that the entire house shakes, dishes ratile in the cabinets, objects have
- d An engine is left running all night long on this switch track this has happened quite frequently. I suffer from asthma. What is this doing to my condition!
- 5 When I go to bed at night I feel that I need to tie myself on the bed to keep from falling off from the vibrations. I awaken at night not knowing if we are having a tornado tear through
- 6 Vibrations cause the float in the commode to get unbalanced, thus causing the water to run - resulting in a higher water bill.
- 7 Parked train cars left on the switch track have leaked a white substance, I gave sample to kde Hood, she has not found anyone at this time to check it but if you know of someone I would like to know what it is.
- 8 Cannot keep ceiting fans balanced due to vibrations.
- 9 I have also had my furnace thermostat replaced 3 times because of vibrations.

Please consider structural damage along the rail line as well as damage to the human body when making your decision about CSX on May 7.

P.S. My neighbors all have similar problems.

cc: All Fulton County Commissioners

Margaret P. Couch

FD-33388 ID-CITIES

# Baltimore Metropolitan Council.



601 North Howard Street Baltimore, Maryland 21201-4585

Telephone: (410) 333-1750 Facsimile: (410) 659-1260

# ENVIRONMENTAL DOCUMENT

Anne Arundel County
Baltimore City
Baltimore County
Carroll County
Harford County
Howard County

PAUL FARRAGUT Executive Director

August 5, 1997



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

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

Dear Ms. Kaiser:

The Baltimore Metropolitan Council (BMC), staff to the federally-mandated Metropolitan Planning Organization (MPO) for the Baltimore region, is responding to your request to review the proposed scope of the issues to be addressed in the Environmental Impact Statement (EIS) for the proposed transaction between CSX and Norfolk Southern to acquire control of Conrail--Surface Transportation Board (STB) Finance Docket No. 33388. Although the proposed scope of the EIS is a comprehensive outline of important environmental issues, there are, however, issues of importance to BMC that I would request the EIS seek to address.

Designated as a "severe" nonattainment area for ground-level ozone, the Baltimore region is subject to strenuous compliance requirements and rigid timetables to meet National Ambient Air Quality Standards (NAAQS). The direct correlation between travel behavior and congestion to air pollution requires that the region's long-range transportation plan support the goals of Maryland's air quality plans.

Maryland's commuter rail service, MARC, has successfully been employed to confront the air pollution conditions that plague the region. MARC operates along CSX tracks between Camden Station in Baltimore and Union Station in Washington and between Union Station and Martinsburg, West Virginia. MARC also operates over Amtrak tracks between Perryville, in Cecil County, and Union

Station. All three commuter lines account for 79 daily trains and serve 10,000 daily riders.

Any transaction results that reduce current service or hinder future enhancements could impact area ridership and associated emission output and, thus, are of concern to BMC. Therefore, BMC requests the EIS include the following analyses as they relate to the Baltimore region's air quality and commuter rail service:

- Transportation System. The system-wide effects of the proposed operational changes, constructions, and environmental impacts on MARC commuter rail service.
- Air Quality. The estimate of the net increase in the Baltimore region's emissions from increased railroad operations associated with the proposed transaction.
- Air Quality. The evaluation of potential air quality benefits of system-wide emission reductions that would result from projected truck-to-rail diversions.
- Air Quality. The identification of the anticipated transportation of ozonedepleting materials.

Thank you for the opportunity to comment on this important matter. BMC welcomes the opportunity to help the STB with its environmental analysis or public hearing processes in the Baltimore region. Please contact me at 410/333-1730 with any questions or comments.

Sincerely,

Paul Farragut
Executive Director



# DOCUMENT

# COUNTY OF ROCKLAND OFFICE OF THE COUNTY EXECUTIVE

Allison-Parris County Office Building New City, New York 10956 Tel (914) 638-5122 Fax (914) 638-5426



C. SCOTT VANDERHOEF County Executive

August 6, 1997

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

RE: Consolidated Rail Corporation Merger STB Finance Docket No. 33388

Dear Ms. Kaiser:

This letter conveys our comments and concerns on the merger of Consolidated Rail Corporation with CSX Corporation (CSX) and Norfolk Southern Corporation (NS). The County of Rockland has some major concerns with increasing frieght activity on Conrail's West Shore Rail Line regarding the effect it may have on our existing transportation system and future improvements to the system, public health & safety, economic development on river communities, and environmental impact increased activity may have. Please keep in mind as you review this letter that this is the third transmittal of such letter. It has been sent to Mr. Gabe Hernandez at Burns & McDonnell, Ms. Carole W. Peter at Dames & Moore as well as to the New York State Department of Transportation:

## 1. Existing Transportation System:

#### Road network:

The West Shore Rail bed presently has at-grade crossings with the county's road system. Of particular concern are the crossings in the following areas:

- Congers: At present traffic on Congers Lake Road backs up for a
  considerable distance when waiting for a long freight train to pass. The traffic
  to the west can actually affect the intersection at Congers Lake Road & Kings
  Highway and causes problems with the operation of the intersection.
- Haverstraw: Haverstraw presently experiences problems created by the West Shore Rail Line in terms of access. Γhe Village of Haverstraw is literally cut-off from Route 9W. Access to the village is provided by municipal streets which are crossed at-grade by the railroad tracks. This not only creates congestion in the village but also on Route 9W due to the short distance between Route 9W and the rail bed. Of particular concern in this area is the crossing at Short Clove Road. This road provides access to a major mining operation and generates heavy truck traffic and will provide access to a future passenger ferry service to Ossining.
- In the past the County has experienced difficulty with Conrail maintaining, upgrading or repairing its overhead bridge crossings. Some have been repaired at county expense and others remain closed. A complete analysis needs to be performed of all overpasses to ensure safety and ability to handle increased rail traffic.

### **Public Transportation Network:**

 There are two bus routes that service the Village of Haverstraw; Transport of Rockland, a public "fixed" route bus system, and Red & Tan Lines, a private "fixed" route system. The schedule of these two routes experience delays when waiting for a long freight train to pass. The effect of encountering additional trains by these routes should be studied.

## **Future Transportation Network:**

New Jersey Transit is in the early stages of conducting a Major Investment Study to reestablish passenger service on the West Shore Rail Line. At this time the study area in Rockland County is from the New Jersey State line to the hamlet of West Haverstraw. The proposal to increase freight train traffic on the rail line raises a number of concerns:

 How will the additional freight trains affect New Jersey Transit's plans to reestablish passenger service? This proposal should be incorporated into New Jersey Transit's West Shore Major Investment Study, as well as this environmental report.  With the possibility of passenger service restoration, this environmental report should consider the construction of a second track and the widening of the Hook Mountain Tunnel. This would provide better service to CSX as well as making it possible to extend passenger service to Haverstraw and Stony Point.

#### II. Public Health & Safety:

The type, amount and frequency of toxic, volatile, or potentially dangerous or lethal cargo passing through the county is of great concern. Rockland is an urbanized area with high concentrations of population adjacent to the West Shore Rail bed Right-of Way. Furthermore, the rail bed is located in close proximity to areas of public water supply.

- The county requests that the above issue, including detailed specifics about present and future levels of this type of transport on this facility be addressed.
- Impacts that a toxic, volatile or nuclear spillage could have on the water supply and
  residents living in close proximity to the ROW should be addressed. Also, a detailed
  emergency response plan in case an event should occur should be developed.
- The effect a derailment could have on the transportation network as well as on the residents living in close proximity to the facility should be considered.
- At present there is no fencing or other type of barriers prohibiting children from entering the right-of-way. Will the increased freight train traffic create a safety concern warranting the installation of fences near residential areas?
- The increased possibility of train/motor vehicle accidents due to the increased level of freight trains and the numerous at-grade crossings with high traffic volume areas should be considered. Also, the need to construct rail or roadway overpasses should be addressed.

### III. Ambient Noise Levels/Air Quality:

Locations where the tracks are adjacent to residential areas and the effect of additional
freight trains on these communities should be considered. Furthermore, the proposal
to the STB should determine if there have been any previous requests for noise
barriers along the facility in Rockland County and explore how increased train traffic
will add to the existing condition. The Environmental Report should also discuss
what will be done to mitigate the increased noise levels and identify areas where
sound barriers will be needed.

- Rail storage yards of other rail systems in Rockland have continuing problems from
  nearby residents complaining of noise and air quality degradation. The county is
  concerned that the increased rail traffic will result in the need for freight train storage
  yards in the county. The Environmental Report should address these concerns and
  fully disclose any plans for future rail yards and their effect on communities adjacent
  to the rail facility.
- The effects on air quality by the increased number of diesel trains passing through Rockland in close proximity of residential communities is of concern. The county requests that this issue be given a "hard look" in any environmental report, especially due to the fact that Rockland County is a non-attainment area for ozone under the Clean Air Act.

#### IV. Economic Development

We are particularly concerned about the economic development of the Village of Haverstraw. There are current efforts underway to revitalize the downtown area and the vacant riverside area. These efforts are dependent on access to the village from the municipal roads previously discussed and Route 9W. Because of the deficiencies in the rail crossings of these roads, we feel that increased freight traffic will adversely impact future revitalization efforts in the village. The effects on the future economic health of the Village of Haverstraw should be addressed by any proposal.

I would like to take the time to thank you for the opportunity to express our concerns over the Conrail merger. If you have any questions, need additional information please contact Dr. James J. Yarmus, P.E., Commissioner of Planning & Public Transportation at (914) 638-5480.

Very truly yours

C. Scott Vanderhoef

County Executive

CSV/jd

FD-33388 ID-BUSINESS 8-8-97

- Jacksonville International

- Craig

- Herlong

July 29, 1997

Office of the Secretary

Washington, D.C. 20423-0001

Case Control Unit

1925 K Street, N.W.

JACKSONVILLE PORT AUTHORITY Post Office Box 3005

2831 Talleyrand Avenue Jacksonville, Florida 32206-0005

Ehttp://www.jaxport.com MONMENTA STB Finance Docket No. 33388 Surface Transportation Board

SEAPORTS

- Blount Island Terminal - Talleyrand Terminal



Attn: Ms. Elaine K. Kaiser, Chief

Section of Environmental Analysis

Environmental Filing

Re: Proposed EIS Scope in STB Finance Docket No. 33388

Dear Ms. Kaiser:

The Jacksonville Port Authority (JPA) appreciates this opportunity to provide comments on the Scope of Services for the EIS associated with the CSX and Norfolk Southern Railroad acquisition of Conrail. . e believe that the proposed acquisition and operating agreements proposed by CSX and NS are in the public interest and will provide great benefits to the U.S. economy by providing more efficient and e onomic transportation services for both freight and passengers.

We believe that the incremental analysis of potential impacts, above existing baseline conditions, as proposed by SEA is appropriate in this effort. The impact categories being considered are comprehensive and will allow for a careful determination of environmental costs and benefits which will arise from the proposed activity.

The JPA is available to provide information or comments during the analysis process as may be required.

If you have any questions/comments please feel free to contact me at (904) 630-3035.

Sincerely,

Fredrick R. Ferrin

Vice President, Marine

rKF/DK/kje

FD-33388 ID-FEDS 8-8-97 Water Resources Division Federal Building, Box 13 355 East Hancock Avenue Athens, Georgia 30601-2769 (706) 546-2116

# ENVIRONMENTAL DOCUMENT

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

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

This letter is to acknowledge receipt of your correspondence soliciting Georgia NRCS assistance for comments relating to the proposed EIS Scope in STB Finance Docket No. 33388. We appreciate the opportunity to review, and comment on, this report.

We would like to offer the following issues for consideration in the final agreements and resulting increase in rail traffic on certain lines.

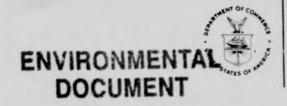
- 1. Minimize damage to existing vegetation,
- Minimize damage to natural drainage systems,
- 3. Quickly correct any damages that to occur,
- Develop, install, and maintain an erosion and sediment control plan when encountering the need to conduct land disturbing activities, and
- Comply with the 1981 Farmland Protection Policy Act.

If you have any questions regarding this information, please contact me at [706]546-2973.

Respectfully,

JIMMY BRAMBLETT Resource Conservationist

cc: Mac Hayes, Assistant State Conservationist [P]



UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration NATIONAL MARINE FISHERIES SERVICE
Silver Spring, Maryland 20910

AUG 6 1997

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

Dear Ms. Kaiser:

The National Marine Fisheries Service (NMFS), Office of Protected Resources, Endangered Species Division has reviewed the Notice of Intent to Prepare an Environmental Impact Statement (EIS) Request for Comments on Proposed EIS Scope (STB Finance Docket No. 33388).

After reviewing these documents, the Endangered Species Division has determined that the scope of the proposed EIS should address in detail potential adverse impacts to biologic resources. Examples of information needed in the Draft EIS include:

Section 7, Biological Resources, there is no discussion of the effects of rail operations on federal endangered or threatened species or designated habitats.

Section 8 - Water Resources fails to discuss how potential impacts to water quality could affect federally listed aquatic species or designated critical habitats.

The draft EIS should address possible effects on the federally listed species under NMFS' jurisdiction: shortnose sturgeon (Acipenser brevirostrum) and Gulf sturgeon (Acipenser oxyrhynchus desotoi). We also have concerns regarding Alabama shad (Alosa alabamae), saltmarsh topminnow (Fundulus jenkinsi), and Atlantic sturgeon, (Acipenser oxyrhynchus oxyrhynchus), all of which are NMFS candidate species. (See enclosure)

Thank you for allowing us to review these documents. If you have any questions, please contact Terri Jordan at (301)713-1401.

Sincerely,

Nancy Chu Division Chief

Mancy Ch

Endangered Species Division



documented in the System Commissioning and Support Function Demonstration Plans; and

(3) The operational and administrative infrastructures and technical development needed to support the modernized field offices be maintained as required by the modernization plan." It is expected that these qualifications can be met for the above proposed certifications. If these qualifications can not be met prior to the September MTC meeting, these proposed certifications may or may not be presented to the Committee. If a decision to certify is made, the Secretar of Commerce must publish the final certification in the FR and transmit the certification to the appropriate Congressional committees prior to automating and closing these offices.

Dated: July 8, 1997.

#### Robert S. Winokur,

Acting Assistant Administrator for Weathe Services.

[FR Doc. 97-18414 Filed 7-11-97; 8:45 am] BILLING CODE 3510-12-M

#### DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 063097D]

#### **Endangered Species; Permits**

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Issuance of modification 6 to permit 848 (P507D) and modification 1 to permit 1011 (P211J).

SUMMARY: Notice is hereby given that NMFS has issued modifications to permits to the Washington Department of Fish and Wildlife at Olympia, WA (WDFW) and the Oregon Department of Fish and Wildlife at La Grande, OR (ODFW) that authorize takes of Endangered Species Act-listed species for the purpose of scientific research/enhancement, subject to certain conditions set forth therein.

ADDRESSES: The application and related documents are available for review in the following offices, by appointment:

Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (301-713-1401); and

Protected Resources Division, F/ NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232-4169 (503-230-5400).

SUPPLEMENTARY INFORMATION: The modifications to permits were issued

under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543) and the NMFS regulations governing ESA-listed fish and wildlife permits (50 CFR parts 217–222).

Notice was published on April 16, 1997 (62 FR 18587) that an application had been filed by WDFW (P507D) for modification 6 to scientific research/enhancement permit 848. Modification 6 to permit 848 was issued to WDFW on May 23, 1997. Permit 848 authorizes WDFW takes of adult and juvenile, threatened, Snake River spring/summer chinook salmon (Oncorhynchus tshawytscha) associated with a supplementation hatchery program and scientific research/monitoring. For modification 6 to permit 848, WDFW

is authorized takes of juvenile, threatened, Snake River fall chinook salmon (Oncorhynchus tshawytscha) associated with scientific research designed to answer questions on fall chinook salmon production in the lower Tucannon River. Also for modification 6, WDFW is authorized to return adult, ESA-listed, Snake River spring/summer chinook salmon carcasses from the supplementation program back to the Tucannon River for nutrient enrichment. Modification 6 is valid for the duration of the permit. Permit 848

expires on March 31, 1998.

Notice was published on April 16, 1997 (62 FR 18587) that an application had been filed by ODFW (P211J) for modification 1 to scientific research/ enhancement permit 1011. Modification I to permit 1011 was issued to ODFW on June 20, 1997. Permit 1011 authorizes ODFW takes of juvenile. threatened, Snake River spring/summer chinook salmon (Oncorhynchus tshawytscha) associated with a captive broodstock program for Catherine Creek, upper Grande Ronde River, and Lostine River populations. For modification 1, ODFW is authorized to collect returning adult, ESA-listed, naturally-produced fish from the three watersheds in 1997 to begin a supplementation program. ODFW anticipates sufficient adult returns to these watersheds in 1997 to allow the collection of ESA-listed adults for hatchery broodstock. ODFW believes that the collection of ESA-listed adults for hatchery supplementation will increase the probability of the persistence of the populations because of the survival advantage provided by the hatchery. The collection of ESAlisted adults for broodstock is authorized in 1997 only. The incubation of eggs and the rearing of ESA-listed juveniles is authorized for the duration of the permit. Permit 1011 expires on December 31, 2000.

Issuance of the permit modifications, as required by the ESA, was based on a finding that the modifications: (1) Were requested/proposed in good faith, (2) will not operate to the disadvantage of the ESA-listed species that are the subject of the permits, and (3) is consistent with the purposes and policies set forth in section 2 of the ES and the NMFS regulations governing ESA-listed species permits.

Dated: July 7, 1997.

#### Nancy Chu,

Chief, Endangered Species Division, Offic of Protected Resources, National Marine Fisheries Service.

[FR Doc. 97-18297 Filed 7-11-97; 8:45 am]
BILLING CODE 3510-22-F

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### [I.D. 061097B]

Endangered and Threatened Species; Revision of Candidate Species List Under the Endangered Species Act

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of modification of list of candidate species.

SUMMARY: NMFS identifies marine and anadromous species as candidates for possible addition to the List of Endangered and Threatened Species NMFS is soliciting information concerning the status of these species and nominations of additional species that appear to warrant listing consideration. This notice is not a proposal for listing, and the involved species do not receive substantive or procedural protection under the Endangered Species Act of 1973 (ESA). The candidate species list serves to notify the public that NMFS has concerns regarding these species/ vertebrate populations that may warrant listing in the future, and It facilitates voluntary conservation efforts. NMFS encourages Federal agencies and other appropriate parties to take these species into account in project planning.

DATES: Comments will be accepted until rurther notice (see ADDRESSES).

ADDRESSES: Comments and reliable documentation for these and any recommended additions or deletions to the candidate species list should be sent to the Chief, Endangered Species Division, NMFS, Office of Protected

Resources, 1315 East-West Highway, F/PR3, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Nancy Chu or Terri Jordan at (301) 713– 1401.

SUPPLEMENTARY INFORMATION: The ESA requires determinations of whether species of wildlife and plants are endangered or threatened, based on the best available scientific and commercial data. "Species" includes any species or subspecies of fish, wildlife, or plant. and any distinct population segment of any vertebrate species that interbreeds when mature (vertebrate population). NMFS and the U.S. Fish and Wildlife Service (FWS) share responsibilities under the ESA. With some exceptions, NMFS is responsible for species that reside all or the major portion of their lifetime in marine or estuarine waters. The regulations implementing Section 4 of the ESA (49 FR 38900, October 1, 1984) define "candidate" as "any species being considered by the Secretary for listing as an endangered or a threatened species, but not yet the subject of a proposed rule." As resources permit, NMFS conducts a review of the status of each candidate species to determine if it warrants listing as endangered or threatened under the ESA

On February 28, 1996, the FWS published a revised candidate notice of review in the Federal Register (61 FR 7596) that candidates for listing under the ESA. The FWS noted its intention to discontinue maintaining a list of species that were previously identified as "Category-2 candidates." Category-2 candidates were species for which NMFS or the FWS had information indicating that protection under the ESA may be warranted but for which they lacked sufficient information on status and threats. The FWS' new definition of candidate species is "thos species for which the FWS has on file sufficient information to support issuance of a proposed listing rule."

NMFS intends to continue using the original definition of candidate species as defined in the joint FWS/NMFS section 4 regulations. Candidate species include unlisted species for which biological status reviews have been initiated or have been completed. NMFS believes it is important to highlight species for which listing may be warranted so that Federal and state agencies, Native American tribes, and the private sector are aware of which species could benefit from proactive conservation efforts.

In addition, NMFS has developed more specific criteria for determining which species/vertebrate populations should be included on the NMFS candidate species list. These criteria include the requirement for reliable information and the consideration of: (1) The biological status of a species or vertebrate population; and (2) the degree of threat to its continued existence in the wild.

#### **Biological Status**

Biological status is determined by both demography and genetic composition of the species/vertebrate population. If there is evidence of demographic or genetic concerns that would indicate that listing may be warranted, the species/vertebrate population should be added to the candidate species list.

(a) Demographic concerns would occur when there is a significant decline in abundance or range from historical levels that would indicate that listing may be warranted. This could result from overharvest, habitat degradation, disease outbreaks, predation, natural climatic conditions, and hatchery practices that lead to competition with

fish for use as hatchery broodstock.
(b) Genetic concerns that would indicate that listing may be warranted include outbreeding and inbreeding depression resulting from poor hatchery practices or substantially reduced numbers of natural individuals.

natural stocks or depletion of natural

#### Degree of Threat

If a species/vertebrate population is rare or in poor biological condition AND faces a high degree of threat (i.e., the threat is relatively severe, and/or imminent), then it should be added to the candidate species list.

The previous list was published on June 11, 1991, at 56 FR 26797. NMFS is removing 37 species from this list. The status of four species has been changed. While NMFS determined that the bottlenose dolphin is depleted under the Marine Mammal Protection Act on April 6, 1993, it also determined that it did not warrant listing under the ESA (58 FR 17789). The Saimaa seal was listed as endangered on July 28, 1993 (58 FR 40538). FWS listed the Delta smelt and the tidewater goby as threatened on March 5, 1993 (58 FR 12854) and February 4, 1994 (59 FR 5494), respectively. Six marine mammals, the flatback turtle, and the giant and southern giant clams are being deleted from the 'ist because they are foreign species for which significant proactive conservation efforts are unlikely to be stimulated due to inclusion in the candidate species list. Because there are insufficient data to determine population trends for the

northern bottlenose whale and the starlet sea anemone, they are removed from the list. Ten fishes are removed from the list because the information available to NMFS does not meet the more stringent standard of documentation now required for candidate status. Also, ten coral species are being deleted because the information available indicates declines in certain populations, but not throughout the species' ranges. Corals are invertebrates, and the ESA only allows invertebrates to be listed at the species level, and not at the population level.

With this notice, 15 new species for which reliable information is available to NMFS meeting the criteria stated above, are added to the list of candidate species.

Among these 15 species are six Pacific salmonids. On September 12, 1994, NMFS announced that comprehensive status reviews would be conducted for all populations of Pacific salmon and anadromous trout in California, Oregon, Washington, and Idaho (59 FR 46808). This decision effectively classified all seven salmonid species under NMFS jurisdiction-coho, chinook, pink, chum, and sockeve salmon, steelhead and sea-run cutthroat trout-as candidate species. These status reviews are at various stages of completion and have resulted in proposed or final listing determinations for several distinct population segments of Pacific salmon. The status review of pink salmon has been completed and it has been determined that listing is not warranted. During the next 12-18 months. NMFS expects to conclude all of these status reviews and make population-specific determinations regarding listing status under the ESA.

NMFS intends to consider the results of the status reviews and all data received in response to this notice to make appropriate amendments to the accompanying tables.

It is important to note that this list is limited by the information available. Therefore, it does not encompass all declining marine and anadromous species that may warrant listing in the future. Moreover, inclusion of a species on the candidate list does not create a higher listing priority for that species. As appropriate, NMFS may initiate a status review for any species or vertebrate population of concern, regardless of whether it is a candidate species, and the public may petition to list any species or vertebrate population Inclusion in the candidate species list i intended to stimulate voluntary conservation efforts, which, if effective

can result in a lower likelihood of an ESA listing.

In Table 1, Revised list of candidate species, the common name appears as the first entry followed by the scientifi name, the family name, and the area of concern. This area denotes the general geographic boundaries of the species or the vertebrate population for which

concern has been expressed. Ongoing or future Biological status reviews may narrow the geogra; hic area or population of concern in the future.

Table 2 lists species and vertebrate populations which have been proposed for listing under the ESA. Two of these were on the previous 1991 candidate species list. As final determinations are made, these species/vertebrate populations may be determined to not warrant listing, to warrant listing, or b designated as candidate species.

Dated: July 8, 1997. Patricia A. Montanio, Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

#### TABLE 1.—REVISED LIST OF CANDIDATE SPECIES

Common name	Scientific name	Family	Area of concern®
Marine Mammals			
Beluga Whale 1	Delphinapterus leucas	Monodontidae	AK (Cook Inlet population).
Dusky Shark *	Carcharhinus obscurus	Carcharhinidae	Atlantic; Gulf of Mexico; Pacific.
Sand Tiger Shark *	Odontaspis taurus	Odontaspididae	Atlantic; Gulf of Mexico
Night Shark *	Carcharinus signatus	Carcharninidae	Atlantic; Gulf of Mexico
Atlantic Sturgeon	Acipenser oxyrhynchus oxyrhynchus	Acipenseridae	Atlantic, anadromous.
Alabama Shad*	Alosa alabamae	Clupeidae	AL, FL, anadromous.
Searun Cutthroat Trout *,4	Oncorhynchus clarki clarki	Salmonidae	Pacific, WA to CA, anadromous.4
Chum Salmon •.4	Oncorhynchus keta	Salmonidae	Pacific, WA, OR, anadromous.4
Coho Salmon*	Oncorhynchus kisutch	Salmonidae	Pacific, anadromous. Puget Sound S' ait of Georgia, Southwest WA, Lower Columbia River, and OR Coast ESUs <sup>2</sup>
Steelhead Trout*5	Oncorhynchus mykiss	Salmonidae	Pacific, anadromous. Middle Columbia River ESU
Sockeye Salmon*4	Oncorhynchus nerka	Salmonidae	Pacific, WA, anadromous and fresh- water.4
Chinook Salmon*	Oncorhynchus tshawytscha	Salmonidae	Pacific, WA to CA, anadromous.4
Atlantic Salmon*3	Salmo salar	Salmonidae	Atlantic, anadromous. Kennebec River, Tunk Stream, Penobsoot River, and St. Croix River DPSs.
Mangrove Rivulus*	Rivulus marmoratus	Aplocheilidae	FL, estuarine.
Saltmarsh Topminnow	Fundulus jenkinsi	Cyprinodontidae	TX, LA, MS, AL, FL.
Key Silverside	Menidia conchorum	Atherinidae	Florida Keys
Opposum Pipefish	Microphis brachyurus lineatus	Syngnathidae	Florida, Indian River Lagoon
Speckled Hind*	Epinephelus drummondhayi	Serranidae	NC to Gulf of Mexico.
Jewfish 1	Epinephelus itijara	Serranidae	NC southward to Gulf of Mexico.
Warsaw Grouper*	Epinephelus nigritus	Serranidae	MA southward to Gulf of Mexico.
Nassau Grouper 1	Epinephelus striatus	Serranidae	NC southward to Gulf of Mexico.
White Abalone*	Haliotes sorenseni	Halio idae	CA, Baja CA.

addition to list.

1 research initiated as a result of being on 1991 candidate species list.

2 ESU=evolutionarily significant unit. Pacific salmon populations can only be listed under the ESA if they are "evolutionarily significant", per NMFS policy (56 FR 58612).

3 DPS=distinct population segment.

4 under ESA status review, specific ESUs meriting candidate status will be identified in the future following status review.

5 for this species, certain ESUs/DPSs are candidate species, while others are proposed for listing under the ESA (see Table 2).

<sup>6</sup> Defines the general geographic area or populations of concern for the species.

TABLE 2 .- SPECIES THAT HAVE BEEN PROPOSED FOR LISTING UNDER THE ESA

Common name	Scientific name	Family	Area under consideration
Marine Mammals Harbor Porpoise	Procoena phocoena	Delphinidae	Gulf of Maine.
Steelhead Trout*-I	Oncorhynchus mykiss	Salmonidae	Pacific, anadromous. Lower Columbia River, OR Coast, Klamath Moun- tains Province, Northern CA, Central CA Coast, South/Central CA Coast, Southern CA, Central Valley, Upper Columbia River, Snake River Basin ESUs.
Atlantic Salmon*-1	Salmo salar	Salmonidae	Atlantic, anadromous. Dennys, E. Machias, Machias, Pleasant, Narraguagus, Ducktrap, and Sheepscot River DPS <sup>3</sup> .

### TABLE 2 .- SPECIES THAT HAVE BEEN PROPOSED FOR LISTING UNDER THE ESA-Continued

Common name	Scientific name	Family	Area under consideration
Plants Johnson's Seagrass	Halophila johnsonii	Hydrocharitaceae	FL.

<sup>\*</sup>Addition to list.

¹ Under status review.

[FR Doc. 97-18326 Filed 7-11-97; 8:45 am] BILLING CODE 3510-22-P

#### DEPARTMENT OF COMMERCE

#### Patent and Trademark Office (PTO)

#### Deposit of Biological Materials for Patents

**ACTION:** Proposed collection; comment request.

SUMMARY: The Department of Commerce (DoC), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before September 12, 1997.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Robert J. Spar, Patent and Trademark Office (PTO), Washington, D.C. 20231, telephone number (703)

#### SUPPLEMENTARY INFORMATION:

#### I. Abstract

305-9285

Every patent must contain a description of the invention written so as to enable a person knowledgeable in the relevant science to make and use the invention. When the invention involves a biological material, sometimes words alone cannot sufficiently describe how to make and use the invention in a reproducible or repeatable manner. In such cases, the required biological material must either be known and readily (and continually) available, or be deposited in a suitable depository to obtain a patent. When a deposit is necessary, the PTO collects information

to determine whether the patent statute has been complied with including whether the public has been notified about where samples of the biological material can be obtained.

#### II. Method of Collection

By mail, facsimile or hand carry when the applicant or agent files a patent application with the Patent and Trademark Office (PTO) or submits subsequent papers during the prosecution of the application to the PTO.

#### III. Data

OMB Number: 0651-0022. Form Number: None. Type of Review: Renewal without change.

Affected Public: Individuals or households, business or other non-profit, not-for-profit institutions and Federal Government.

Estimated Number of Respondents: 3,500.

Estimated Time Per Response: One hour.

Estimated Total Annual Burden Hours: 3,500 hours.

Estimated Total Annual Cost: \$350,000 to submit the information to the PTO. Capital costs include testing and storage fees. A one time/per deposit testing fee typically costs \$100.00 to assess the viability of the biological material. The one time/per deposit storage fee is approximately \$960.00. The sum of capital costs is \$3,710,000 annually. (\$1060 X 3500)

#### IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: July 8, 1997.

#### Linda Engelmeier.

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 97–18429, Filed 7–11–97; 8:45 am]

BILLING CODE 3510–16–P

#### COMMODITY FUTURES TRADING COMMISSION

Coffee, Sugar & Cocoa Exchange, Inc. Petition for Exemption From the Dual Trading Prohibition in Affected Contract Markets

AGENCY: Commodity Futures Trading Commission.
ACTION: Order.

SUMMARY: The Commodity Futures
Trading Commission ("Commission") is
granting the petition of the Coffee, Sugar
& Cocoa Exchange, Inc. ("CSCE" or
"Exchange") for exemption from the
prohibition against dual trading in its
Sugar #11 futures contracts.

DATES: This Order is effective July 8, 1997.

#### FOR FURTHER INFORMATION CONTACT:

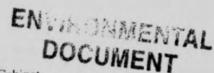
Andresen, Special Counsel,

Di . of Trading and Markets, dity Futures Trading C C assion, Three Lafayette Centre, 1155 21st St., N.W., Washington, DC 20581; telephone (202) 418-5490. SUPPLEMENTARY INFORMATION: On October 19, 1993, the Coffee, Sugar & Cocoa Exchange, Inc., ("CSCE" or "Exchange") submitted a Petition for Exemption from the Dual Trading Prohibition for its Sugar #11 and Coffee "C" futures contracts. Subsequently, the Exchange submitted an amended petition on March 21, 1997. Upon consideration of these petitions and other matters of record, including Exchange submissions and undertakings

<sup>\*</sup>In its amended petition, the Exchange petitioned for the dual trading exemption for six contract markets: Coffee "C". Sugar #11 and Cocoa futures and futures option contracts. This Order is applicable to the Sugar #11 futures contract market, which currently is the only affected contract market at the Exchange.

FD-33388 ID-GOV





Education, Arts and Humanities Cabinet

#### KENTUCKY HERITAGE COUNCIL

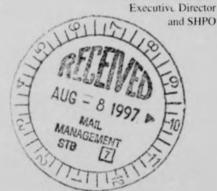
The State Historic Preservation Office

David L. Morgan

Paul E. Patton Governor Roy Peterson Cabinet Secretary

August 4, 1997

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



Dear Ms. Kaiser

Thank you for your letters of July 3 and July 23, 1997 concerning CSX and Norfork Southern's application to acquire control of Conrail and its assets which involves over 44,000 miles of rail line in the eastern United States (Finance Docket No. 33388). We have reviewed three volumes (6A, 6B, and 6C) of the "Environmental Report" for this project and the "Notice of Intent to Prepare an Environmental Impact Statement (EIS) and Request for comments on Proposed EIS Scope". The proposed construction projects initially reviewed Kentucky were apparently deleted from the overall project since they are not mentioned in the "Environmental Report". As currently proposed, the project would only result in increased rail traffic on existing trackage in Kentucky. Consequently, the proposed consolidation in Kentucky will have no effect on any property listed in or eligible for listing in the National Register of Historic Places and I have no objections.

Should you have any questions, feel free to contact Charles Hockensmith of my staff at (502) 564-7005

> Sincerely. David L. Mayon

David L. Morgan, Director Kentucky Heritage Council and State Historic Preservation Officer

cc: Alex Barber

300 washington Street Frankfort, Kentucky 40601



Telephone (502) 564-7005 FAX (502) 564-5820 FD-33388 ID-PUBLIC

DOCUMENT

Office of the Secretary
Case Control Unit
STB Finance Dockett #33388
Surface Trasnportation Board
1925 K Street, NW,
Washington, D.C. 20423-0001
Attn: Elaine K. Kaiser, Chief

Section of Environmental Analysis. Environmental Filing

Dear Ms. Kaiser,

I am writing to you on behalf of members of Old Newark Civic Association, which includes residential areas along the railroad tracks by U of D and Chrysler. We are very concerned about the plans to increase rail traffic and car switching of hazardous materials in the Newark rail yard. This is a densely populated area with many houses, apartments, a private school, a public school, and University of Delaware classrooms, offices, and housing.

We feel that any increase in rail freight traffic through this area would have a negative impact. In addition, although we realize the past good safety record of Conrail, any increase of toxic materials poses an unnecessary added danger in such a heavily populated area.

It was clear in the public meeting last fall that no plans were in effect for informing residents in case of an emergency or even any evacuation procedure. It would seem that this at least should be put into place before any increase is instituted.

We hope you will reconsider this plan or postpone the decision until these concerns are addressed.

Sincerely,

Ann Brown

Old Newark Civic Association

arm Brown

32 Kells Avenue

Newark, Delaware 19711

# ENVIRONMENTAL DOCUMENT

REBECCA Y. HERMAN 150 West Main Street Newark, Delaware 19711

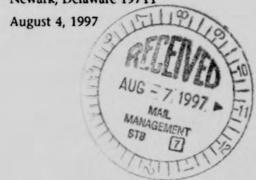
THE OFFICE OF THE SECRETARY

Case Control Unit STB Finance Docket #33388

Surface Transportation Board

1925 K Street, NW

Washington, D.C. 20423-0001



Attention: Elaine Kaiser, Chief Section of Environmental Analysis

Dear Ms. Kaiser,

I am a resident of the City of Newark living @600 feet from one of the three atgrade rail crossings on the Northeast Corridor Rail line in the heart of the city and a member of the City of Newark's Western Newark Traffic Committee.

I appreciate your consideration regarding the impact the CSX/Norfolk Southern/Conrail reorganization will have on our community. Our community, both residents and civic officials, has pressed for the reduction of heavy rail traffic through Newark for nearly thirty years. The number of at-grade crossings in Newark already complicates the city's traffic flow to the point that existing train traffic compromises pedestrian, bicycle, and automobile traffic safety as well as emergency vehicle response times.

Other grave concerns are noise and air pollution and the neglect of the land owned by rail companies on either side of the tracks. These areas are dumping grounds for trash.

These trains also regularly carry hazardous materials through our residential communities and also regularly exceed speed limits and experience equipment failure. Increased rail traffic will exacerbate an already dangerous situation.

Moreover, the history of disregard by railroad interests for community safety and

well being are thoroughly documented. The fact that the rail companies offer your office regular timetables for their carriers does not reflect the reality of rail time leased to other carriers or the fact that there is no motivation for keeping these schedules beyond corporate profit.

My hope is that you and your colleagues will examine critically the full environmental consequences of the new rail companies with a particular eye to those of us who ultimately bear that environmental burden.

Sincerely

Rebecca Herman

#### RYH

cc: Roy H. Lopata, Planning Director
Carl F. Luft, City Manager
Meinbers, WNTRC
Senator William V. Roth, Jr.,
Senator Joseph R. Biden
Representative Michael N. Castle

FD-33388 ID-CITIES



## MARYLAND DEPARTMENT OF THE ENVIRONMENT

2500 Broening Highway • Baltimore, Maryland 21224 (410) 631-3000

Parris N. Glendening Governor

Jane T. Nishida Secretary

July 31, 1997

# 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

RE:

MDE Identification Number: ES970721-0033

Project: CSX Corporation et al

Dear Ms. Kaiser

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

- The EIS needs to address the air quality implications of the proposed merger on MARC commuter service, in particular how will mobile emissions change if MARC service is curtailed or is not allowed to expand in the future. MARC expansion is important to long range air quality goals because as the population of the Baltimore Washington area increases, Vehicle Miles Traveled (VMT) will increase unless there are alternatives to the automobile.
- Use of commuter rail is part of the regional effort to achieve compliance with National Ambient Air Quality Standards (NAAQS), standards for ozone reductions in mass transit service or prohibitions to its expansion will make compliance with the NAAQS more difficult. As it appears now, the proposed rail merger will not affect current or proposed levels of MARC service. If there is a reduction in current or proposed MARC service caused by this action, air quality modeling has to be performed and mitigation measures proposed.
- The EIS should cover impacts of the proposed merger, if any, on planed transitoriented development, either by limiting expansion of commuter rail or by increasing night-time freight operations that might make living near the rail stations less attractive from a noise standpoint.

July 31, 1997 Page Two

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

Sincerely,

Steven Bieber
Steven Bieber

Clearinghouse Coordinator

cc: Jane Nishida, Secretary



# STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR. GOVERNOR RAIL DIVISION P.O. BOX 25201. RALEIGH. N.C. 27611-5201 AUG - 7 1997 MANA
MANAGEMENT
STB
GARLAND B. GARRETT R.
SECRETARY

August 5, 1997

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

Dear Ms. Kaiser.

After reviewing the Environmental Report (ER) and the recent EIS scoping request, it is apparent that several environmental issues remain to be addressed with regard to the proposed Conrail merger. One item noticeably absent from the ER is any discussion of surface or groundwater resources and water quality for areas affected by new projects or increases in rail traffic. Thus, the North Carolina Department of Transportation (DOT) and the North Carolina Department of Environment, Health, and Natural Resources (DEHNR) have collaborated to identify the following issues for clarification in the Surface Transportation Board's final EIS:

- The EIS should identify all major surface waters that may be affected by the merger (including stream names and affect River Basins) and discuss their current classifications, use support ratings, and overall stream health. This discussion should identify all potential water quality and wetland impacts anticipated by the merger, including new construction and changes in capacity on existing lines. Information to assist with this task can be provided upon request by Alan Clark, Basinwide Planning Supervisor, at (919) 733-5083, ext. 570.
- 2. The EIS should evaluate the potential impacts to surface water quality from chemical inputs resulting from normal train operations, including effects on aquatic life and surface drinking water sources. What are current stormwater controls on affected rail corridors? Are catch-basins utilized to control discharge of pollutants into surface waters?
- The EIS should evaluate the potential risks associated with the likelihood of derailments, spills, and collisions due to increased rail traffic. The report should identify and implement appropriate mitigation measures to assure protection of surface and groundwater quality.



- 4. The application suggests a diversion of the Norfolk Southern main-line from its current Greensboro-Charlotte routing to an alternate routing through eastern Tennessee. Thus, potential secondary impacts from the merger include increases in truck traffic to compensate for lost railroad services between North Carolina and interstate destinations. It is acknowledged in the ER that rail transportation is considered a safer mode of hauling materials than truck transportation. Therefore, the EIS should discuss the potential for significant impacts to surface waters from the project if substantial increases in truck trips are projected for North Carolina highways. The EIS should discuss the potential for hazardous and toxic releases of chemicals from an increased rate of truck trips (and, therefore, potential for increased number of accidents and spills) on North Carolina highways. The EIS should evaluate the potential risk of these incidents on surface water quality in affected areas. The EIS should also identify and implement appropriate mitigation measures to assure protection of surface water quality from significant increases in truck traffic resulting from the proposed merger.
- 5. What impacts are anticipated from increases in rail traffic over existing or proposed corridors traversing wetlands and other surface waters?
- 6. Discuss any secondary development expected with the increase in freight traffic, particularly with respect to intermodal facilities.
- Discuss the practices and facilities that will be utilized to address typical stormwater runoff from any existing or proposed intermodal facilities.
- 8. Discuss the procedures and facilities that will be installed at intermodal facilities to contain toxic material in the event of a spill or an accident.
- 9. Provide information on procedures and facilities that will be utilized to contain hazardous materials from spills into terrestrial and aquatic habitats, including lakes and rivers. This discussion should emphasize potential impacts to anadromous fish habitats in the Roanoke River and the Carolina heelsplitter in Waxhaw Creek.
- 10. Discuss the impacts that any increase in rail traffic or changes in existing or proposed rail facilities will have on endangered species in affected areas (see attached memoranda for specific corridors and species identified).

Attached for your information are supporting memorandum discussing the possible environmental impacts of the merger in North Carolina. Should you have any questions concerning water quality issues, please contact Michelle Suverkrubbe in the Water Quality Branch, DEHNR, at (919) 733-5083, ext. 567. For questions concerning wildlife and fish habitat issues, please contact Owen Anderson, Habitat Conservation Program, Wildlife Resources Commission, at (919) 528-9886. Contact Linda Pearsal in the North Carolina Natural Heritage Program, DEHNR, at (919) 715-8697 for more information about endangered species and habitats.

We appreciate the opportunity to comment on the proposed merger and look forward to seeing the final EIS. If you have any general questions, please contact me at (919) 733-4713, ext. 263.

Sincer

Patrick B. Simmons
Director, Rail Division

**Enclosures** 

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

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



March 26, 1997

### **MEMORANDUM**

TO:

Melba McGee

FROM:

Michelle Suverkrubbe

THROUGH: Alan Clark AC

RE:

Comments on DEHNR # 97-0552; DWQ #11534 CSX and Conrail Merger - Railroad Traffic Increase; Scoping Request from Frisco, VA to Bostic, NC;

Multiple Counties

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

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

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

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

97-0552; 11534 March 26, 1997 Page 2

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

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

mls:\970552 enclosed plans -French Broad Catawba State of North Carolina Department of Environment, Health and Natural Resources **Division of Water Quality** 

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



### **MEMORANDUM**

TO:

Melba McGee

FROM:

Michelle Suverkrubbe

THROUGH: Alan Clark

RE:

Comments on DEHNR # 97-0456; DWO#11495

CSX and Conrail Merger - Railroad Traffic Increase; Scoping Request;

Northampton and Union Counties

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

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

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

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

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

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

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

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

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



## ☼ North Carolina Wildlife Resources Commission ☒

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

#### MEMORANDUM

TO:

Melba McGee.

Office of Legislative and Intergovernmental Affairs
Owen F. Anderson, Pledmont Region Coordinator

FROM:

Habitat Conservation Program

DATE:

February 14, 1997

SUBJECT:

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

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

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

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

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

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

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

### CSX-Conrail Consolidation

1

February 14, 1997

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

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

TWJ/OFA/ofa

cc: John Hefner, Supervising Biologist, USFWS



## 

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

January 31, 1997

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

Subject: Increased Train Traffic Associated with Proposed Merger

of Norfolk Southern Corporation with Conrail

Dear Ms. Sanford:

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

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

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

 Discuss any secondary development expected with increase movement of freight. This would primarily be associated with intermodal facilities. Norfolk Southern Conrail 2 . . . . January 31, 1997
Traffic Increase

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

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

Sincerely,

Owen F. Anderson

Piedmont Region Coordinator Habitat Conservation Program State of North Carolina Department of Environment, Health and Natural Resources Division of Parks & Recreation

James B. Hunt, Jr., Governor Jonathan B. Howes, Secretary Dr. Philip K. McKnelly, Director



March 27, 1997

### **MEMORANDUM**

TO:

Melba McGee

FROM:

Stephen Hall SH

SUBJECT:

Information Request -- Proposed CSX and Conrail Consolidation

REFERENCE: 97-0552

The railroad affected by the proposed merger runs along habitat for rare species at several points along its length. Any major maintenance projects or new construction in the right-of-way associated with increases in traffic has the potential for adverse impacts on these sites.

The first segment of the line after it crosses from Tennessee into North Carolina parallels the Nolichucky River as it passes through the Nolichucky Gorge. Several populations of Virginia spirea (Spiraea virginiana) have been recorded along the river and railroad bed within the gorge. This plant is federally listed as Threatened and state listed as Endangered.

Upstream from the gorge, the railroad continues to parallel the Nolichucky and North Toe Rivers. More Virginia spiraea populations have been recorded in the riparian habitats in this area and these river reaches also support a number of rare aquatic species. The most significant of these is the Appalachian elktoe mussel (Alasmidonta raveneliana), which is federally and state listed as Endangered. Other rare aquatic species recorded in this habitat include:

Blotchside darter (*Percina burtoni*), state listed as Endangered
Logperch (*Percina caprodes*), state listed as Threatened
Sharphead darter (*Etheostoma acuticeps*), state listed as Threatened
Wavy-rayed lampmussel (*Lampsilis fasciola*), state listed as Special Concern
Tangerine darter (*Percina aurantiaca*), considered significantly rare in North Carolina

Melba McGee Page 2 March 27, 1997

Other rare species have been recorded near the railroad further south, after it crosses into the Catawba River drainage. Populations of northern oconee bells (Shortia galacifolia var. brevistyla), state listed as Endangered and a federal Species of Concern, have been found near the railroad right-of-way along the North Fork of the Catawba River southeast of Woodlawn. and also near the bridge over McGregors Branch northwest of Hankine. A population of bog turtles (Clemmys muhlenbergii), state listed as Threatened and federally Proposed as Threatened, have been found at Vein Mountain Bog, which is located next to the railroad right-of-way south of the community of Vein Mountain in Rutherford County.

Due to the presence of two federally listed species close to the railroad, we strongly recommend that consultation be held with the US Fish and Wildlife Service regarding the potential for impacts. We also recommend that thorough biological surveys be conducted for the presence of rare species wherever the increase in traffic along the railroad may require significant maintenance projects or new construction.

State of North Carolina Department of Environment, Health and Natural Resources Division of Parks & Recreation

James B. Hunt, Jr., Governor Jonathan B. Howes, Secretary Dr. Philip K. McKnelly, Director



February 17, 1997

### MEMORANDUM

TO:

Melba McGee

FROM:

Stephen Hall

SUBJECT: Notice - Potential Traffic Increases on Rail Line Segments

REFERENCE: 97-0456

The Division has reviewed the potential rail traffic increases for impacts to threatened and endangered species, as well as to State Parks and Recreation Areas, Wild and Scenic Rivers, Dedicated State Nature Preserves, Registered Natural Heritage Areas, and Priority Natural Heritage Areas. While we have no concerns in these regards with respect to the Richmond to Weldon Segment, we have significant concerns regarding the Monroe to Clinton Segment.

The rail line right-of-way between Monroe and Waxhaw, Union County, NC, supports populations of a number of rare plant species. The most significant of these is Schweinitz's sunflower (Helianthus schweinitzii), which is federally and state listed as Endangered. Populations of this species have been recorded at several sites along this rail line, particularly between Mineral Springs and Waxhaw. Other rare species recorded along this rail line include Georgia aster (Aster georgianus) and Carolina birdfoot-trefoil (Lotus helleri), both federal Species of Concern and candidates for state listing. Smooth sunflower (Helianthus laevigatus), considered significantly rare in North Carolina, also occurs at several points along the railroad right-of-way.

One of the only sites in the state that retains the natural habitat for these species (most populations are known from roadside and railway rights-of-way) occurs at the Mineral Springs Barrens Nature Conservancy Preserve. This site is located immediately adjacent to the rail line just east of the community of Mineral Springs. One of the largest known populations of Melba McGee Page 2 February 17, 1997

Schweinitz's sunflewer occurs there, where many individuals grow along the rail line right-of-way.

Because of the potential for impacts to the endangered Schweinitz's sunflower, we strongly recommend that the US Fish and Wildlife Service be consulted about ways to minimize or otherwise mitigate these impacts. We also recommend that the North Carolina office of the Nature Conservancy be contacted in order to determine how best to minimize the impacts to the Mineral Springs Barrens Preserve.



William F. Weld

Argeo Paul Cellucci

Patrick J. Moynihan Secretary and MBTA Chairman The Commonivealth of Massachusetts Executive (ffice of Transportation and Construction Ten Surk Slaza, Boston, MA 02116-3969

Office of the Secretary

## ENVIRONMENTAL DOCUMENT

August 5, 1997



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

Attention: Elaine K. Kaiser, Chief

Section of Environmental Analysis

Environmental Filing

RE: Notice of Intent to Prepare an Environmental Impact

Statement (EIS) Scope in STB Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements-Conrail, Inc. and Consolidated Rail

Corporation.

Dear Ms. Kaiser:

I am writing with three major concerns regarding the Surface Transportation Board's (STB) draft scope of the EIS regarding the above referenced transaction.

First, STB has made the statement that CSX and Norfolk Southern would "expand their competition to areas in which Conrail is currently the only major rail carrier." This statement does not hold true for Massachusetts. Competitive rail access to Massachusetts is not accomplished by this transaction.

Our second major area of concern is found within the section entitled Environmental Impact Analysis. In item one, STB states "In cases where the Board's environmental rules do not provide a threshold, the EIS generally will use increases of eight (8) trains per day or more as the threshold for addressing environmental impacts." We believe that the impact to intercity and commuter

Elaine K. Kaiser August 5, 1997 Page 2

rail service should be evaluated for all lines regardless of the average daily increases in freight traffic. Any change in freight traffic on a mixed freight/ passenger line may negatively impact passenger service. We request an additional item be added to the scope reflecting this concern.

Our final major area of concern also falls under item one of the Environmental Impact Analysis. Any changes in the level of operations on rail lines currently connecting to short line railroads could have significant impacts regardless of the threshold applied by STB. We request that the impact upon short line railroads be included in the environmental analysis.

Thank you for your attention to this matter.

Sincerely,

Patrick J. Moynihan

Secretary

### CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of August, 1997, I served a copy of the foregoing Executive Office of Transportation and Construction's Comments on Proposed Environmental Impact Statement Scope by first class mail, postage prepaid, upon:

Richard A. Allen, Esq. Zuckert, Scoutt & Rasenberger, LLP 888 Seventeenth Street, N.W. Suite 600 Washington, DC 20006-3939

Administrative Law Judge Jacob Leventhal Federal Energy Regulatory Commission 888 First Street, N.E., Suite 11F Washington, DC 20426

Dennis G. Lyons, Esq. Arnold & Porter 555 12th Street, N.W. Washington, DC 20004-1202

Paul A. Cunningham, Esq. Markins Cunningham 1300 19th Street, N.W., Suite 600 Washington, D.C. 20002

Richard G. Slattery, Esq. National Railroad Passenger Corporation 60 Massachusetts Avenue, N.E. Washington, D.C. 20002

James C. Bishop, Jr., Esq. Norfolk Southern Corporation Three Commercial Place Norfolk, VA 23510-2191

John M. Nannes, Esq. Scot B. Hutchins, Esq. Skadden, Arps, Slate, Meagher & Flom, LLP 1440 New York Avenue, N.W. Washington, DC 20005-2111

Mark G. Aron, Esq.
Peter J. Schudtz, Esq.
Ellen M. Fitzsimmons, Esq.
CSX Corporation
One James Center
901 East Cary Street
Richmond, VA 23129

P. Michael Giftos, Esq. CSX Transportation, Inc. 500 Water Street Jacksonville, FL 32202

Samuel M. Sipe, Jr., Esq. Steptoe & Johnson, LLP 1330 Connecticut Avenue, N.W. Washington, DC 20036-1795

Timothy O'Toole, Esq.
Constance L. Abrams, Esq.
Consolidated Rail Corporation
Two Commerce Square
2001 Market Street
Philadelphia, PA 19101

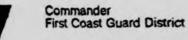
John D. Cirame

Deputy General Counsel
Counsel for the Commonwealth
of Massachusetts Executive
Office of Transportation and
Construction

FD-33388 ID-FEDSUSCG 8-7-97

U.S. Department of Transportation

United States Coast Guard



Battery Park Bldg. New York, NY 10004-5073 Staff Symbol:(obr) Phone:212-668-7165

## **ENVIRONMENTAL** DOCUMENT

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AUG 0 6 1997

Ms Elaine K. Kaiser Chief, Section of Environmental Analysis Surface Transportation Board

CENTRAL ADMINISTRATIVE UNIT

DOCUMENT # 8/7/77 7:04:06 PM

Dear Ms Kaiser:

Washington, D.C. 20423

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: Mithough we recognize you desire not to mit rate presentating conditions, summitted impacts resulting recommendate contract the second contract to the second contract to
- 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 bridge knowledge of 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.

Sinterely

Gary Wassof Bridge Administrator

First Coast Guard District

By direction of the District Commander



Commander (obr)
First Coast Guard District
Tel. No.:
Fax. No.:

Battery Park Bldg New York, NY 10004 (212) 668-7021 (212) 668-7967

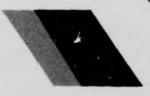


FAX COVER LETTER

ATTENTION:	MIKE	DALTON		CUMENT
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# The Way To Go!



August 4, 1997

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

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

Re: Finance Docket No. 33388

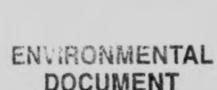
Dear Ms. Kaiser,

By the letter, New Jersey Transit Corporation ("NJT") is responding to the Request for Comments on Proposed Environmental Impact Statement ("EIS") Scope served by the Surface Transportation Board (the "Board") on July 3, 1997. The proposed action is the Applicants' acquisition and control of the rail lines and facilities of Consolidated Rail Corporation, as described in the Operating Plan and Environmental Report filed with the Board.

NJT offers the following comments on the draft scope of the EIS: .

- 1. The Environmental Report submitted by the Applicants is based on a three-year period, which may not be adequate for assessing the environmental impacts of the proposed action. The EIS should be based on all reasonably foreseeable impacts as a result of the proposed transaction, including but not be limited to such impacts beyond three years. The introductory section of the final scope of the EIS should reflect this point.
- 2. In reviewing the Impact Category of Safety, the final scope of the EIS should include consideration of the compatibility of applicant carriers' locomotives with existing or planned on-board train safety systems. Also, the final scope of the EIS should include consideration of the compatibility of Applicants' operating rules with the Operating Rules of the Northeast Operating Rules Advisory Committee ("NORAC") currently in effect on Conrail and NJT rail lines so as to ensure that a crew is in compliance with only one set of rules during its tour of duty.





- In reviewing the Impact Category of Transportation System, the final scope of the EIS should consider the impact of the proposed transaction on current as well as planned commuter rail operations under active study as of the effective date of filing.
- 4. In reviewing Impact Category of Transportation System, the final Scope of the EIS should consider the impact of new intermodal facility construction to meet the needs of the traffic movement as per the proposed transaction. This is especially true of new facility construction necessitated by capacity constraints at existing facilities, but remotely located from the markets served by the existing facilities.

The Scope should also address impacts as a result of potential diversions from rail carload (i.e. boxcar) to rail intermodal.

 In reviewing the Impact Categories of Biological Resources and Water Resources, the final scope of the EIS should consider the impact of the proposed action on rail yard/ intermodal construction projects under active study as the effective date of filing.

We appreciate the opportunity to comment on the draft scope of the EIS.

Respectfully submitted,

Robert A. Randall

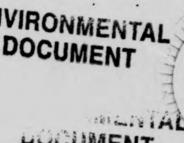
Vice President & General Manager

Rail Operations

# ENVIRONMENTAL



August 6, 1997





Elaine K. Kaiser, Chief Section of Environmental Analysis, Environmental Filing Office of the Secretary Case Control Unit STB Finance Docket No: 33388 Surface Transportation Board 1925 K Street, N.W.

- UNIENT

Re: Notice of Intent to Prepare an EIS and Request for Comments on Proposed EIS Scope in STB Finance Docket No. 33388

Dear Ms. Kaiser:

Washington, D.C. 20423-0001

This letter provides the comments of Metro-North Railroad and the Long Island Railroad concerning the proposed EIS scope for the above referenced project - the CSX and Norfolk Southern Railroads acquisition of Conrail.

Metro-North would like the EIS to evaluate the impacts of the proposed increase in freight operations on existing passenger service and on Metro-North's ability to expand service in the future on the Port Jervis Line in New York State. Also, the Railroad Control Application indicates that the number of freight trains on the Port Jervis Line will be increased by approximately 4 trains per day and the gross ton miles will be increased by 58% per day. The EIS should indicate Norfolk Southern's plans to expand freight service in the future, and evaluate how the expanded freight service will impact future levels of passenger service on the Port Jervis Line.

Thank you for the opportunity to comment.

Sincerely,

N. Nelson (by Pars) Donald N. Nelson

H. Permut cc:

R. Bernard

R. Rubenfeld

ENVIRONMENTAL DOCUMENT

REC'D: S17197 MTA METRO-NORTH RAILROAD PRESIDENT'S OFFICE 347 Madison Avenue DOCUMENT# 8/7/975:45:50 New York, NY 10017

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City: \_\_\_\_ Facsimile No.: 202-505-9000

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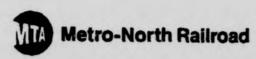
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Donald N. Nelson President

## ENVIRONMENTAL DOCUMENT



CENTRAL ADMINISTRATIVE UNIT DOCUMENT

August 6, 1997

Elaine K. Kaiscr, Chief Section of Environmental Analysis, Environmental Filing Office of the Secretary Case Control Unit STB Finance Docket No: 33388 Surface Transportation Board 1925 K Street, N.W. Washington, D.C. 20423-0001

Notice of Intent to Prepare an EIS and Request for Comments on Proposed EIS Scope Re: in STB Finance Docket No. 33388

Dear Ms. Kaiser:

This letter provides the comments of Metro-North Railroad and the Long Island Railroad concerning the proposed EIS scope for the above referenced project - the CSX and Norfolk Southern Railroads acquisition of Conrail.

Metro-North would like the EIS to evaluate the impacts of the proposed increase in freight operations on existing passenger service and on Metro-North's ability to expand service in the future on the Port Jervis Line in New York State. Also, the Railroad Control Application indicates that the number of freight trains on the Port Jervis Line will be increased by approximately 4 trains per day and the gross ton miles will be increased by 58% per day. The EIS should indicate Norfolk Southern's plans to expand freight service in the future, and evaluate how the expanded freight service will impact future levels of passenger service on the Port Jervis Line.

Thank you for the opportunity to comment.

Sincerely,

ON. Nolam (by Pars) Donald N. Nelson

H. Permut cc:

R. Bernard

R. Rubenfeld

MTA Metro-North Railroad is an agency of the Metropolitan Transportation Authority, State of New York L. Virgil Conway, Chairman



Office of the Secretary, Case Control Unit STB Finance Docit #33388 Surface Transportation Board 1925 K St., N.W. Washington, D.C. 20423-0001 Attn: Elaine K. Kaiser, Chief Section of Environmental Analysis, Environmental Testing

July 29, 1997

AUG - 7 1997

MANAGEMENT
STB

ENVIRONMENTAL DOCUMENT

Dear Ms. Kaiser:

My name is Rita Cohen and I am head of the parent teacher association of Newark Center for Creative Learning. I am writing on the behalf of our school community to express our concern regarding the proposed increase in rail traffic through the city of Newark. Our school is located directly across the tracks from the Newark switching station located near Chrysler. Our school is attended by students ages 5-13; those students play outdoors on the school playground which is located directly next to the tracks.

Initially, we meet with representatives of Conrail as well as our state and federal lawmakers in November of 1996 when Conrail planned to increase the rail traffic and, thus, switching in the Newark rail yard. We are concerned that car switching is one of the most dangerous times during transit of toxic chemicals. At that time, there was not an adequate plan to inform our school should a toxic leak occur. It seems crucial that we be informed immediately by Conrail workers in the yard itself since we are virtually on site. We also expressed the hope that less traffic could be routed through Newark than planned because of the potential negative impact on our children. The safety concerns posed by the increased traffic still exist, and there is still no plan to directly inform our school in the event of an emergency.

Now, it is proposed that even more traffic be routed through Newark and the concerns about the safety for our children are still unaddressed. We understand that these chemicals are handled quite safely yet there is always a possibility of an accident. We would like some assurance that our school will be informed by the railyard itself to allow time for safe evacuation, if necessary. Beyond that, the impact of an increase in daily traffic and noise on our students during school hours is also damaging. Therefore, we would like to express our opposition to any increase in rail traffic through Newark. At a minimum, we would like any increase in traffic postponed until an adequate plan for informing the public in the event of an emergency be developed.

Sincerely,

BARNEY FRANK 4TH DISTRICT, MASSACHUSETTS

2210 RAYBURN BUILDING WASHINGTON, DC 20515-2104 (202) 225-5931

> 29 CRAFTS STREET NEWTON, MA 02158 (617) 332-3920

## Congress of the United States House of Representatives Washington, DC

558 PLEASANT STREET ROOM 309 NEW BEDFORD, M A 02740 (508) 999-6462

222 MILLIKEN P. ACF THIRD FLOOF FALL RIVER, MA 02721 (508) 674–3551

89 MAIN STREET BRIDGEWATER, MA 02324 (508) 697–9403

August 5, 1997

# ENVIRONMENTAL DOCUMENT

Ms. Elaine K. Kaiser Chief, Environmental Analysis Case Control Unit STB Finance Docket No. 33388 Surface Transportation Board 1925 K Street, N.W. Washington, DC 20423

Dear Ms. Kaiser,

I am writing to express two important concerns with respect to the draft Scope of the Environmental Impact Statement for the acquisition and division of CONRAIL's assets to CSX and Norfolk Southern. These concerns relate specifically to the impact of the proposed acquisition on Southeastern Massachusetts.

First, CONRAIL currently has liability as a responsible party for the clean-up of contaminated soil at the New Bedford rail yard, a site that is known to have significant deposits of PCBs and other potentially harmful substances. While the precise extent and composition of the contamination are not fully known at this point, it is vital that the new owner of the site explicitly acknowledge responsibility for remediating the damage. This is especially important, beyond the obvious need to remove PCBs from populated areas, because a portion of the rail yard is now under consideration as a possible terminal site for the extension of MBTA service from Boston to Southeastern Massachusetts. Therefore, I strongly urge that an agreement on the part of the new owner of CONRAIL's assets in Massachusetts to cooperate fully as a responsible party with the EPA in the rail yard clean-up work be an explicit element of the EIS and of the final acquisition agreement.

Secondly, an important result of the acquisition is expected to be improved rail service in Massachusetts, and specifically in the Southeastern part of the State. Beyond the normal benefit to the population and economy from such an improvement, better rail service should also produce tangible environmental improvements, since some passenger and freight traffic that would otherwise move by automobile or truck will likely be picked up by rail. However, in order to ensure that the potential environmental benefits of improved rail service in the region are fully realized, it is essential that some upgrades be made to the existing rail lines. It is not clear to what extent rail line improvements are contemplated as part of the acquisition, but,

again, I believe it is essential, and I urge that this also be made an explicit part of the EIS and the acquisition documents.

I appreciate having the opportunity to comment on these matters.

Baugnank BARNEY FRANK

BF/pk

FD-33388 ID-CITIES



JOHN A RUPP CITY ATTORNEY CITY OF RICHMOND

OFFICE OF THE CITY ATTORNE ENTRAL ADMINISTRATIVE UNIT 900 EAST BROAD STREET, SUITE 300 REC'D: 8/7/97
RICHMOND, VIRGINIA 23219

TELEPHONE 804-780-7940

DOCUMENT # 87/91 1:21:36PA

TELECOPIER 804-780-6653

## **ENVIRONMENTAL DOCUMENT**

DATE	8/6/97 TIME	3;25 pm	
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FAX #(	202) 565-9000		
NUMBER C	OF PAGES (including co	over sheet)3	
COMPANY	Suyace Trans	portation Board	
	NUMBER C	NUMBER OF PAGES (including co	NAME DAVID B. KEARNEY



JOHN A. RUPP CITY ATTORNEY

## CITY OF RICHMOND OFFICE OF THE CITY ATTORNEY ON EAST BROAD STREET SUITE 300

900 EAST BROAD STREET, SUITE 300 RICHMOND, VIRGINIA 23219

> TELEPHONE 804-780-7940 TELECOPTER 804-780-6653

> > DAVID B. KEARNEY ASSISTANT CITY ATTORNEY

August 6, 1997

### BY FACSIMILE (202) 568-9000 AND REGULAR MAIL

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

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

Notice of Intent to Prepare an Environmental Impact Statement (EIS) and Request for Comments on Proposed EIS Scope in STB Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements-Conrail, Inc. and Consolidated Rail Corporation.

Dear Ms. Kaiser:

This letter responds on behalf of the City of Richmond, Virginia (the "City") to the Surface Transportation Board's Request for Comments on Proposed EIS in the above docket.

The City asks that the scope of the proposed EIS include a discussion of the potential impacts of the proposed transaction in each of the proposed scope topic areas (transportation system, land use, water resources, cultural and historic resources, etc.) regardless of the cause of the potential impacts, so long as the potential impacts could result from the proposed transaction. Several of the proposed EIS scope topic areas appear to focus only on planned construction and abandonment activities. However, impacts within all of the scope topic areas in a given locality could be caused by other aspects of the proposed transaction. For instance, anticipated increases or decreases in

Attention: Elaine K. Kaiser August 6, 1997 Page 2

rail traffic in a particular locality could affect local biological, water, or cultural and historic resources.

The City asks that the EIS address any environmental issue of which the applicants become aware and that is relevant to the application, even if the issue is not within the current scope.

As a matter of clarification, the Railroad Control Application's Environmental Report in this docket improperly discusses potential air quality impacts within the City of Richmond under the heading "Impact Analysis by County" (see Environmental Report, Part 2, Sections 22.1.1 & 22.1.1.1.8). Unlike most other states, under the Virginia form of local government, an "independent" city, such as Richmond, is not a part of any county.

The City is interested in the application and the EIS, and appreciates this opportunity to comment. We are forwarding these comments by facsimile, with the requisite hard copies to follow by mail. Please don't hesitate to contact me if you have any questions concerning the City's comments.

Sincerely,

David B. Kearney

Assistant City Attorney

wi B. Kearing

cc: Robert C. Bobb Charles T. Peters, Jr. Vicktoria Badger



### AKRON METROPOLITAN AREA TRANSPORTATION STUDY

806 CitiCenter / 146 South High Street / Akron, OH 44308-1423 (330) 375-2436 FAX (330) 375-2275

August 5, 1997

# 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

Dear Ms. Kaiser:

The Akron Metropolitan Area Transportation Study (AMATS), is the Metropolitan Planning Organization (MPO) for Portage and Summit counties and for Chippewa Township in Wayne County, Ohio. The AMATS Staff wishes to submit the following comments on the proposed Scope of the STB's Environmental Impact Statement (EIS) regarding the CSX-Norfolk-Southern acquisition of Conrail. Specifically, the Staff wishes to comment on the following sections of the proposed EIS Scope:

1. Safety.

The EIS will:

- C. Address potential effects of increased freight traffic on commuter and intercity passenger service operations.
- 2. Transportation System.

The EIS will:

A. Describe system-wide effects of the proposed operational changes, constructions, and rail line abandonments and evaluate potential environmental impacts on commuter rail service and interstate passenger service.



Office of the Secretary August 5, 1997 Page 2

AMATS recommends that the wording of these sections be amended as follows:

- C. Address potential effects of increased freight traffic on EXISTING, OR PROPOSED commuter and intercity passenger service operations.
- A. Describe system-wide effects of the proposed operational changes, constructions, and rail line abandonments and evaluate potential environmental impacts on ALL EXISTING OR PROPOSED commuter rail service and INTERCITY passenger service.

NOTE: PROPOSED refers to documented recommendations or plans by public entities.

This recommendation is offered because of the extensive public expenditures made throughout the area affected by the proposed transaction by the Applicants. Over 85 rail passenger service proposals that have received Federal Transit Administration (FTA) funds are in various stages of development throughout the country, many with the area affected by the proposed transaction. In addition, AMATS is aware of the following publicly funded actions regarding potential rail passenger services on routes affected by the proposed transaction:

- Access Ohio, the state's long range multi-modal transportation plan, includes specific recommendations for passenger rail service improvements using rail lines affected by this proposed merger. Several of these recommended routes would serve the AMATS area.
- AMATS Statement of Long Range Public Transportation Needs includes a recommendation for commuter rail service linking Canton, Akron and Cleveland.
- The on-going Northeast Ohio Commuter Rail Study, a line item in the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA).

Each of the rail passenger studies cited above were supported by federal (and non-federal) public funds. In addition, over \$10 million in federal funds have been appropriated to purchase, preserve and improve rail lines in this region in anticipation of their eventual use for commuter and/or intercity rail passenger services. These federal funds have been appropriated and spent with the understanding that successful implementation of the planned passenger rail services will require access to one or more of the Conrail lines now to be acquired by CSX or Norfolk-Southern.



Office of the Secretary August 5, 1997 Page 3

Careful consideration of these comments will be appreciated. If you have any questions, please call me.

Yours truly,

Kenneth a Hanson Kenneth A. Hanson, P.E.

**Technical Director** 

KAH:lmw