

STB

FD-33388

3-20-98

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ID-CITIES



Office of the Chairman

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

*File in
Docket*

*FD-33388
(Environmental)*

March 20, 1998

The Honorable Michael R. White
Mayor
City of Cleveland
Cleveland City Hall
601 Lakeside Avenue
Cleveland, OH 44114

Dear Mayor White:

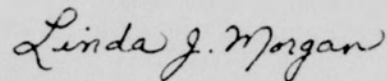
Thank you for your letter of March 19, 1998, following up on the Surface Transportation Board's (Board) Decision No. 71 in the Conrail acquisition case. Your letter reiterates the concern that you have previously raised regarding the potential impact of this proposal on Cleveland, of which the Board is very aware.

In your letter, you compliment the work of our Section of Environmental Analysis (SEA) staff to date in this matter, which I very much appreciate. SEA, and myself, my fellow Board Member, and the rest of the Board's staff, are committed in this matter, as with any other matter before the Board, to complete objectivity and to a thorough understanding of all sides of the issues presented to us. We at the Board are proud of our commitment to such professionalism and will continue to carry out our responsibilities in this way throughout the remainder of this proceeding.

You also reference in your letter your efforts to meet with the railroads and express your interest in meaningful, substantive discussion with them. I commend you for that commitment, and Decision No. 71 encourages just that result. I am hopeful that all parties will put their resources, as you have so aptly suggested, to working together to find mutually acceptable solutions.

Please be assured that the Board will continue to do what it believes is necessary to bring this entire matter to appropriate resolution, with the interests of all parties in mind. I am placing your letter and my response in the public docket for this proceeding. I appreciated hearing from you.

Sincerely,

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

Linda J. Morgan

cc: Secretary Rodney Slater, Department of Transportation
Congressman Louis Stokes
Congressman Dennis Kucinich
Vice Chairman Gus A. Owen, Surface Transportation Board
Governor George V. Voinovich
Thomas O'Leary, Ohio Rail Development Commission
Mr. John Snow, CSX Corporation
Mr. David Goode, Norfolk Southern Corporation



City of Cleveland
Michael R. White, Mayor

Cleveland City Hall
601 Lakeside Avenue
Cleveland, Ohio 44114
216/664-2270

March 19, 1998

Linda Morgan, Chairman
Surface Transportation Board
1925 K Street, N.W., Suite 820
Washington, D.C. 20423

Re: STB Docket No. 33388, CSX Corporation, et al,
Control and Operating Leases/Agreements,
Conrail, Inc. and Consolidated Rail Corporation

Dear Chairman Morgan:

I have received and reviewed the Board's Decision No. 71 issued in this proceeding on March 17, 1998. I am puzzled and concerned by the Decision. As you know, the impact of this proposed transaction on the health, safety, lives and living conditions of the people in Cleveland's neighborhoods has been at the forefront of all of the materials filed by the City in this proceeding.

- Unprecedented increases in train frequencies through residential neighborhoods ranging from 114% to 1,188%
- Life-threatening delays for Police, Fire and Emergency Medical Service at thirteen grade crossings on the affected rail lines
- One of the largest increases in hazardous materials transportation nation-wide, from 7,000 to 81,000 car loads per year through Cleveland's premier cultural district and the surrounding neighborhoods
- Up to a three-fold increase in noise for homes, schools, hospitals and businesses near certain tracks

The process in which the Section of Environmental Analysis (SEA) is now engaged, as I understand it, is to take a careful, detailed study of the potential impacts of the transaction, based on information SEA and its consultants gather from every possible source with knowledge of those impacts. The City has filed extensive Comments on the Draft

time and any where to engage in serious, meaningful negotiations with the railroads.

Unfortunately, rather than working with the affected communities to devise a routing plan that serves both the business interests of the railroads and the human needs of the people of this community, the railroads have attempted to isolate us from our neighboring communities by attacking our alternative proposals, and attempting to buy off our neighbors one by one. This is particularly disturbing because the proposed train frequencies will cause the greatest damage in the neighborhoods of Cleveland in terms of complexity and severity. We remain convinced, however, that if the railroads would use their expertise to work with us to find a mutually acceptable, long term regional solution - rather than expending their vast resources to attack us for trying - together we would find a way to resolve our differences.

Chairman Morgan, it is important to me that you understand that I am happy to meet and talk with Mr. John Snow of CSX - again. Over the past six months, I personally have met with Mr. Snow twice, spoken with him by telephone at least four times, and have met with CSX Chief Operating Officer Carl Taylor twice. In addition, key members of my Cabinet and Executive staff have participated in numerous meetings and telephone conferences with CSX staff.

I also am happy to meet and talk with Mr. David Goode of NS - again. While my staff has had ongoing meetings and telephone conversations with NS staff, Mr. Goode came to Cleveland to meet with me for the first time last week. While I would have expected Mr. Goode to come to meet with me much earlier in this process, I believe we had a productive meeting. On that same day, key members of my staff met with NS staff to hear their preliminary thoughts regarding environmental mitigation for the first time. The next day, NS engineers met with our planners and consultants to discuss the railroads' concerns with the Cleveland alternatives.

To date, the railroads have offered no meaningful solution to the problem of train frequencies in our neighborhoods. Now that the Board has issued Decision No. 71, I hope that our ongoing discussions with the railroads will be productive and that both CSX and Norfolk Southern will come to these meetings prepared to think creatively about solutions to the problems their transaction will create for the people of Cleveland and the surrounding communities. I hope that they will participate in these discussions with an open mind. I hope that we will be able to come to you together on April 15 with a report that we have reached an agreement about a plan for mitigation of the harm to Cleveland's people and neighborhoods. I also hope, however, that if we

Environmental Impact Statement (EIS) that I hope you have had a chance to review. We have documented the impacts of increasing train frequencies and proposed solutions in an attempt to engage the railroads in serious discussions about ways to reduce these impacts.

Now, the SEA is in the process of gathering its own information about these impacts. That is its job as it works to create the Final EIS. In the limited contacts that my staff and counsel have had with SEA and its consultants, SEA has been nothing but objective and entirely neutral - they have been forthright that all they want or are able to do at this time is listen and analyze, in order to gain a better understanding of our concerns, the potential impacts and the possible solutions to the serious problems the proposed transactions will create for the people who live, work, raise children and plan their futures in our neighborhoods.

SEA also offered to mediate discussions between Cleveland and the railroads, a function that appeared to the City to be entirely appropriate for the Board. This is particularly important, because in more than a dozen meetings with the railroads, there has been NO PROGRESS on the core issue of the need to reduce train frequencies in our residential neighborhoods in order to mitigate the communities' concerns with noise, safety, hazardous materials transportation, property values and environmental justice. At a time when the railroads were refusing to engage in any meaningful dialogue about the horrendous situation their proposal created and the solutions we proposed to address it, SEA's willingness to listen and its offer to mediate were a welcome change from the terse responses we had been getting in private meetings with the railroads, notwithstanding the many "feel good", "we can work this out" letters we continue to receive from the railroad companies. Decision No. 71 appears to cut the SEA staff and consultants off from being able to do their jobs fully.

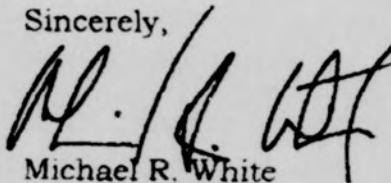
Please do not misunderstand my reason for writing. We in Cleveland are eager to have a meaningful, substantive discussion with the railroads about real solutions to the fundamental problem of increased train frequencies. We have tried before to meet with the railroads, but they have not demonstrated any real willingness to find a meaningful way to address our fundamental problem with their plan - the railroads are proposing to route too many freight trains through our residential neighborhoods when viable alternative routes exist in industrial corridors and around Cleveland. In fact, I personally have told Mr. Snow and Mr. Goode that I believe the best resolution would come from intense, good faith negotiations among the railroads and the affected communities, and that the City of Cleveland stands ready and willing at any

are not able to reach an agreement, that SEA will have been able to gather the information it needs to complete the analysis of the situation here and of possible remedies for it.

In closing, I want you to know that it is not my desire to fight the railroads. My clear preference is to achieve a negotiated settlement. However, if the railroads continue to refuse to directly deal with the core issue of train frequencies in our neighborhoods, I believe they will leave this community with no choice but to do everything within our means to fight this plan before the Board, and if necessary, the courts. No matter what the ultimate outcome – win or lose – the people of the City of Cleveland are worth the fight.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in dark ink, appearing to be 'M. R. White', written over a horizontal line.

Michael R. White
Mayor

cc: Secretary Rodney Slater, Department of Transportation
Congressman Louis Stokes
Congressman Dennis Kucinich
Vice Chairman Gus A. Owen, Surface Transportation Board
Governor George V. Voinovich
Thomas O'Leary, Ohio Rail Development Commission
Mr. John Snow
Mr. David Goode



City of Cleveland Facsimile
Michael R. White, Mayor

Cleveland City Hall 601 Lakeside Avenue, Room 227 Cleveland, Ohio 44114-1079 216/664-2220 Fax 216/664-3570		FAX NUMBER: 202 565 9615	Date/Time 3/19 7:00
TO: Chairman Morgan			
FROM: Andrew Cox		PHONE NO. 216 864 2220	
PAGE 1 OF 5 PAGES		SENDER HAS <input type="checkbox"/> HAS NOT <input type="checkbox"/> BEEN CALLED AHEAD TO ANNOUNCE TRANSMISSION. IF TRANSMISSION IS NOT COMPLETE, PLEASE CALL SENDER AT PHONE NUMBER LISTED ABOVE	

COMMENTS:

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OPPENHEIMER WOLFF & DONNELLY

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

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

186236

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



March 4, 1998

BY HAND DELIVERY

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

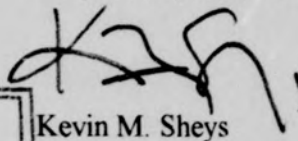
**Re: Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc.,
Norfolk Southern Corporation and Norfolk Southern Railway Company --
Control and Operating Leases/Agreements -- Conrail Inc. and Consolidated
Rail Corporation -- Transfer of Railroad Line by Norfolk Southern Railway
Company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

Dear Secretary Williams:

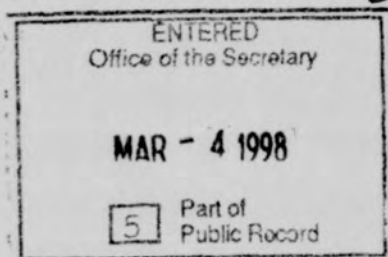
Enclosed you will find an original and 10 copies of the Errata to the Public Version of
Comments of Northern Virginia Transportation Commission and Potomac and Rappahannock
Transportation Commission on the Draft Environmental Impact Statement ("DEIS") and the
DEIS Verified Statement of Charles H. Banks.

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

Respectfully submitted,


Kevin M. Sheys

Enclosures



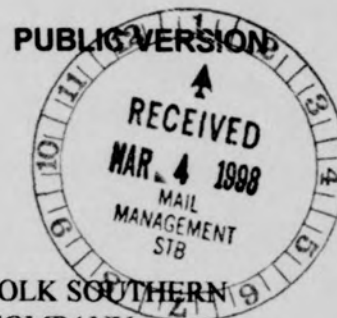
186236

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 33388

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

Finance Docket No. ~~33388~~ (Sub-No. 37)



**ERRATA TO COMMENTS OF
NORTHERN VIRGINIA TRANSPORTATION COMMISSION AND
POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION ON THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

The Northern Virginia Transportation Commission and Potomac and Rappahannock Transportation Commission hereby submit the following errata to their Comments on the Draft Environmental Impact Statement ("DEIS"), Public Version, filed in this proceeding on February 5, 1998:

Comments:

Comments, p. 7 - Change "1994" to "1994 and revised in 1995"

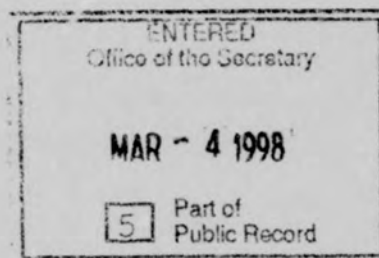
Verified Statement of Charles H. Banks:

Page 3, line 11 - Change "two" to "four"

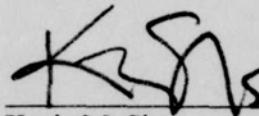
Page 3, line 11 - Change "One depicts" to "Two (morning and evening) depict"

Page 3, line 12 - Change "the second charts all" to "two corresponding charts depict"

Page 6, last line - Change "maintenance of way expenditures, an operating expense." to "routine, non capacity-enhancing maintenance of way expenditures."



Page 9, last line - Change "Sources: CSX Train Operations Train Inquiry 9/18/97 - 10/17/97; RLBA calculations." to "Sources: Amtrak Northeast Timetable, Fall/Winter 1997-98; CSX Train Operations Train Inquiry 9/18/97 - 10/17/97; VRE Schedule Manassas Line and Fredericksburg Line, Effective January 5, 1998; RLBA calculations."



Kevin M. Sheys

Paul M. Laurenza

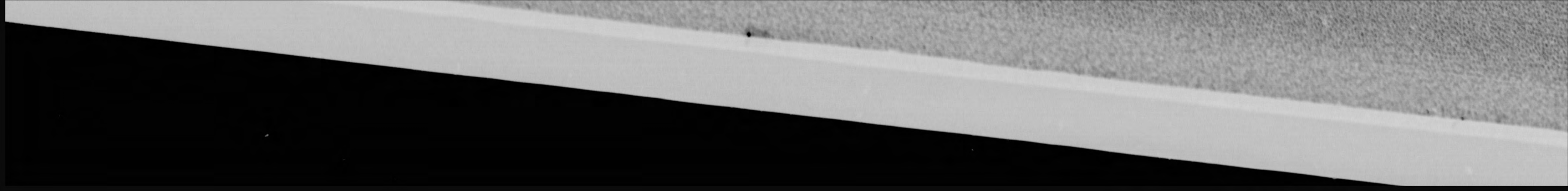
Oppenheimer Wolff & Donnelly
1020 19th Street, Suite 400
Washington, D.C. 20036
Tel: (202) 293-6300

Stephen A. MacIssac

Deputy County Attorney
Prince William County
One County Complex Court
Prince William, VA 22192
Tel: (703) 792-6620

Counsel for Northern Virginia
Transportation Commission and
Potomac and Rappahannock
Transportation Commission

Dated: March 4, 1998



STB

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185831

SLOVER & LOFTUS

ATTORNEYS AT LAW

1224 SEVENTEENTH STREET, N. W.

WASHINGTON, D. C. 20036

WILLIAM L. SLOVER
C. MICHAEL LOFTUS
DONALD G. AVERY
JOHN H. LE SEUR
KELVIN J. DOWD
ROBERT D. ROSENBERG
CHRISTOPHER A. MILLS
FRANK J. PERGOLIZZI
ANDREW B. KOLESAR III
JEAN M. CUNNINGHAM
PETER A. PFOHL

K

202 347-7170

February 23, 1998

BY HAND DELIVERY

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



Re: Finance Docket No. 33388
CSX Corporation and 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:

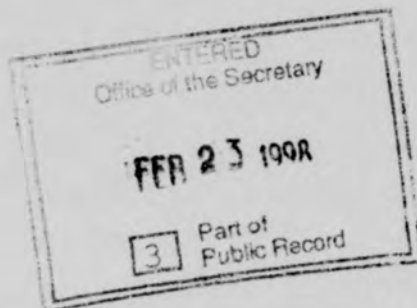
Enclosed for filing in the above-referenced proceeding, please find an original and ten (10) copies of the Supplemental Comments on Draft Environmental Impact Statement by the Cities of East Chicago, Indiana; Hammond, Indiana; Gary, Indiana; and Whiting, Indiana (collectively, The Four City Consortium) (FCC-14). Also enclosed, please find a computer diskette containing the text of this document in WordPerfect 5.1 format.

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

Sincerely,

C. Michael Loftus

C. Michael Loftus
An Attorney for the Cities of
East Chicago, Indiana; Hammond,
Indiana; Gary, Indiana; and
Whiting, Indiana (collectively,
The Four City Consortium)



Enclosures

cc: Dennis G. Lyons, Esq.
Richard A. Allen, Esq.
Paul A. Cunningham, Esq.

185831 ORIGINAL

FCC-14

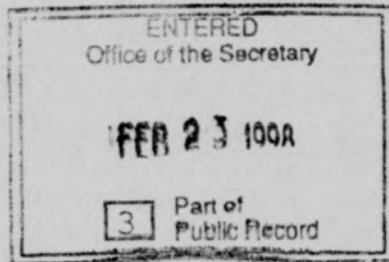
BEFORE THE
SURFACE TRANSPORTATION BOARD



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

Finance Docket No. 33388

SUPPLEMENTAL COMMENTS ON DRAFT ENVIRONMENTAL IMPACT
STATEMENT BY THE CITIES OF EAST CHICAGO, INDIANA;
HAMMOND, INDIANA; GARY, INDIANA; AND WHITING,
INDIANA (COLLECTIVELY THE FOUR CITY CONSORTIUM)



THE CITIES OF EAST CHICAGO,
INDIANA; HAMMOND, INDIANA;
GARY, INDIANA; AND WHITING,
INDIANA (COLLECTIVELY, THE
FOUR CITY CONSORTIUM)

OF COUNSEL:

Slover & Loftus
1224 Seventeenth Street, N.W.
Washington, D.C. 20036

Dated: February 23, 1998

By: C. Michael Loftus
Christopher A. Mills
Peter A. Pfohl
1224 Seventeenth Street, N.W.
Washington, D.C. 20036
(202) 347-7170

Attorneys for The Four City
Consortium

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

**SUPPLEMENTAL COMMENTS ON DRAFT ENVIRONMENTAL IMPACT
STATEMENT BY THE CITIES OF EAST CHICAGO, INDIANA;
HAMMOND, INDIANA; GARY, INDIANA; AND WHITING,
INDIANA (COLLECTIVELY THE FOUR CITY CONSORTIUM)**

I.

INTRODUCTION

The Cities of East Chicago, Indiana; Hammond, Indiana; Gary, Indiana; and Whiting, Indiana (collectively the "Four City Consortium") hereby submit this supplement to their October 21, 1997 Comments and Request for Conditions (FCC-9) ("October 21 Comments") and their February 2, 1998 Comments on Draft Environmental Impact Statement (FCC-13) ("Draft EIS Comments"). The purpose of these Supplemental Comments is to apprise the Board and the Board's Section of Environmental Analysis ("SEA") of a recent accident involving the collision of a Norfolk Southern ("NS") train and a motor vehicle at a rail/highway grade crossing in the City of Hammond. The crash resulted in the fatality of both motor vehicle occupants. This tragic accident confirms that

the safety implications of the Conrail transaction are very real, and that the lives of citizens in the Four Cities region will be put in heightened jeopardy if the Application is approved without the imposition of the Four Cities' proposed Alternative Routing Plan.

II.

DISCUSSION

A. The Safety Impacts of the Transaction

The Four Cities have demonstrated the serious safety impacts that are associated with the large amounts of railroad traffic crossing northwest Indiana on lines that have large numbers of heavily-used rail/highway grade crossings. In total, more than 150 trains per day pass through the Four Cities over a total of 243 rail/highway grade crossings. The total number of vehicles crossing these rail lines at-grade exceeds 450,000 per day. See October 21 Comments, Argument at 11. The pending Application before the Board will result in significant incremental increases in rail traffic over at-grade crossings in the region.

In this proceeding, the Four Cities have documented as a significant safety hazard in their region, the "around the gate" phenomenon. Due to the impatience of motorists who have to suffer frequent and lengthy delays at rail/highway grade crossings in the region, a large number of vehicles ignore crossing safety devices and use crossings even after safety protection

devices are activated with gates in their lowered position. In particular, the Four Cities' consultants observed and documented an excessive number of such around the gate occurrences as part of their train delay study conducted for the region.¹ As mentioned above, because the pending Application before the Board proposes incremental increases in rail traffic over at-grade crossings in the region, this serious safety problem would become worse if the Applicants' plan is approved without the imposition of certain mitigating protective conditions.

B. The February 8, 1998 Incident

On February 8, 1998, two 23 year old men were killed in the City of Hammond as a result injuries sustained in vehicle/train collision. The February 8 incident occurred at an at-grade rail/highway crossing of Grand Avenue and the NS's former Nickel Plate line between Van Loon and Osborn, Indiana, which is double-tracked at this location.²

¹ This phenomenon occurred an average of 484 times each day over the 12 crossings that were included in the Four Cities' train delay study. See Verified Statement of Philip H. Burris of L.E. Peabody & Associates, Inc. ("Burris V.S") at 12; Verified Statement of Dr. Gary M. Andrew of L.E. Peabody & Associates, Inc. ("Andrew V.S.") at 16. This "around the gate" phenomenon was also documented in the Four Cities' Draft EIS Comments at 20-23 as well as in the accompanying verified statements of Michael L. Cervay, the Director of Planning and Community Development for the City of Gary, Indiana ("Cervay Environmental V.S."), Philip H. Burris ("Burris Environmental V.S.") and Dr. Gary M. Andrew ("Andrew Environmental V.S.").

² Appended hereto as Exhibit No. 1 is an area map depicting the site of the February 8 incident.

The February 8 accident was apparently the unfortunate result of the region's endemic around-the-gates problem as well as the chronic problem whereby motor vehicle operators attempt to beat a train to the next open crossing. The accident involved two NS trains: westbound Train 307 which was on the northerly track in a stopped position, and eastbound Train 386 which was on the southerly track and moving at approximately 36 MPH.³ Grand Avenue is a two-lane north/south road that crosses this NS line at-grade. Protective devices at the crossing include two sets of reflective crossbuck signs, two sets of automated gates, and two sets of flashing lights with bells.

The motor vehicle involved in the crash was apparently traveling eastbound along an east-west alleyway located south of the NS line and was accelerating toward the Grand Avenue at-grade crossing. As stated above, Train 386 was also moving eastbound at an approximate speed of 36 MPH. The motor vehicle reached and turned onto Grand Avenue, and apparently proceeded northbound against the warning devices and around the activated crossing gates. As the motor vehicle crossed the southerly track, eastbound Train 386 struck the vehicle. As a result of the collision, the vehicle was thrust in an eastbound direction where it collided with the second Train 307, which remained in a stopped position on the northerly track facing westbound.

³ The police report describing the February 8 incident is appended hereto as Exhibit No. 2. Also appended to Exhibit No. 2 is a local press report describing the incident.

The impact of the train/motor vehicle collision caused the passenger in the motor vehicle to be thrown from the vehicle, and he became pinned under the vehicle's passenger side front tire. The motor vehicle driver remained inside the vehicle and sustained massive head injuries. Both the vehicle driver and passenger were transported by emergency personnel to a local hospital. Both died shortly thereafter from sustained internal and head injuries.

C. The Alternative Routing Plan Would Mitigate Safety Risks by Reducing Traffic Over At-Grade Crossings

The tragic accident that occurred on February 8, 1998, underscores the serious safety problems that are caused when frustrated vehicle operators and pedestrians who are faced with endemic crossing delays attempt to drive/run around lowered crossing gates in instances where a train is not actually occupying the crossing.

The installation of improved highway warning devices at at-grade railroad/highway crossings is clearly important as a means of preventing accidents and fatalities. However, the "around the gate" phenomenon in the Four Cities demonstrates that a strategy of installing improved warning devices at crossings by itself cannot fully protect citizens and property from the risks associated with at-grade rail/highway crossings.

The Board needs to do more to protect the residents of northwestern Indiana from the dangers of increased rail traffic moving over key rail/highway grade crossings than simply require

improvements in the safety protection devices at a few crossings. For the reasons set forth in the Four Cities' October 21 Comments and Draft EIS Comments, the Board should impose the Four Cities' Alternative Routing Plan as a condition to any approval of the Application. Imposition of this Plan would help save lives and property by routing rail traffic over grade-separated lines to the maximum feasible extent.

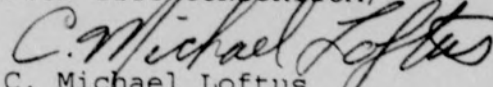
III.

CONCLUSION

The unfortunate February 8, 1998 tragedy further confirms the need for the Board to adopt the Four Cities' proposed Alternative Routing Plan as a means of mitigating the safety problems associated with granting the Application in this proceeding.

Respectfully submitted,

THE CITIES OF EAST CHICAGO,
INDIANA; HAMMOND, INDIANA;
GARY, INDIANA; AND WHITING,
INDIANA (COLLECTIVELY, THE
FOUR CITY CONSORTIUM)



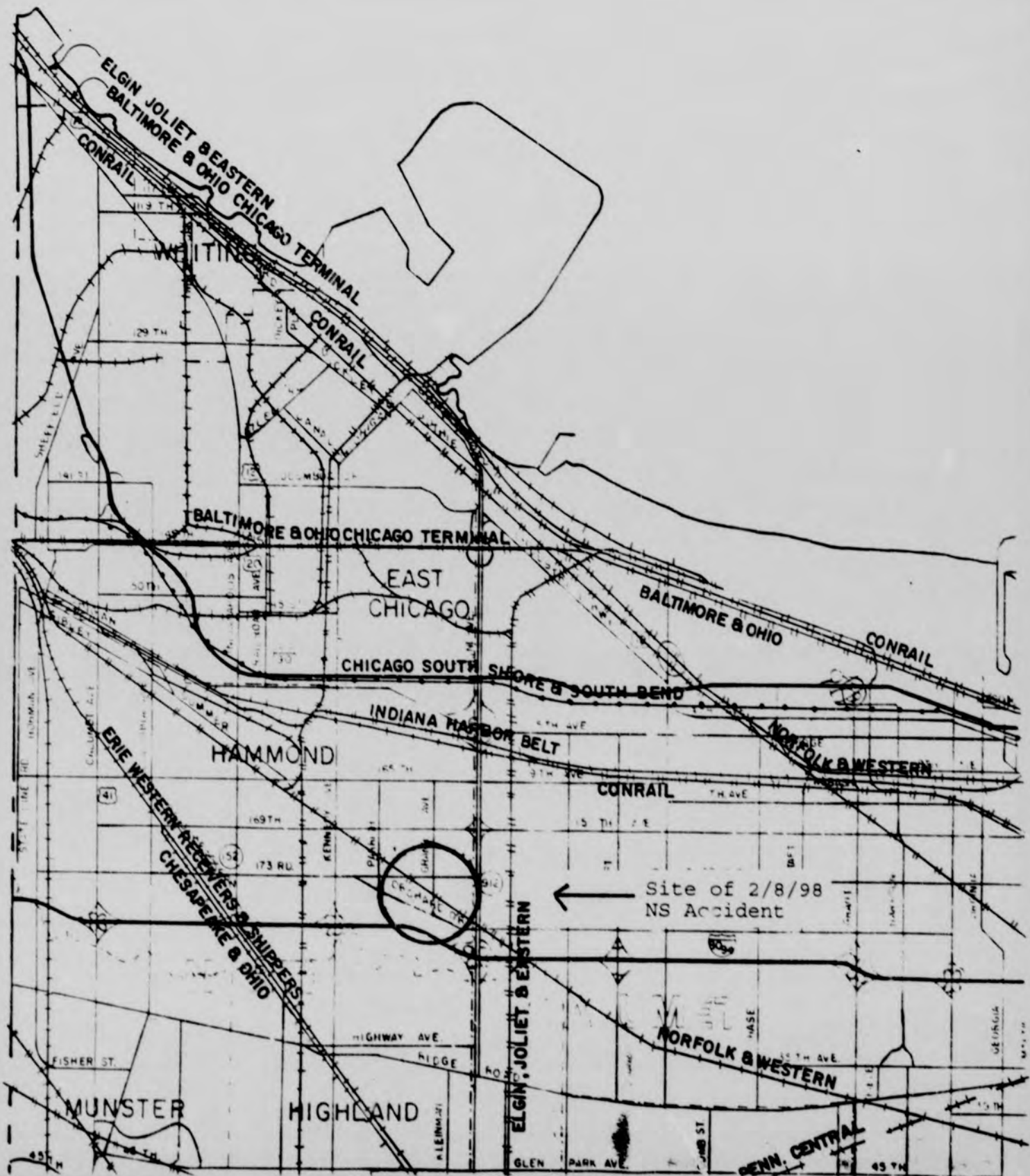
By: C. Michael Loftus
Christopher A. Mills
Peter A. Pfohl
1224 Seventeenth Street, N.W.
Washington, D.C. 20036
(202) 347-7170

OF COUNSEL:

Slover & Loftus
1224 Seventeenth Street, N.W.
Washington, D.C. 20036

Dated: February 23, 1998

Attorneys for The Four City
Consortium



PAGE 1 OF 2



INDIANA OFFICER'S STANDARD CRASH REPORT

 State Form 2068 (10/7-91) Stock 302
 500105-300102
 Issued by: Indiana State Police, Crash Records Section
 100 North Senate Avenue, Indianapolis, IN 46204

CASE # 98-2806

OFFICE USE ONLY

Crash I.D. No.

Date of Crash MONTH DAY YEAR 02 08 98	Day of Week SUNDAY	Actual Local Time 140	AM PM	No Motor Vehicles 1	No Injured 0	No Dead 2	No Tenders 0
County LAKE	Township NORTH	City/Town or Nearest City/Town HAMMOND					
Inside Corporate Limits? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Property? <input type="checkbox"/> DNR <input checked="" type="checkbox"/> Other	Distance and Direction From Corporate Limits Miles North _____ Miles South _____ Miles East _____ Miles West _____					
Road Crash Occurred On GRAND AVE	Intersecting Road/Highway/Interchange WILFORD-SOUTHERN R.R.						
If not at intersection, number of feet from 1900'	Direction S	Nearest Intersecting Road/Highway/Interchange 173 RD ST.					

Driver's Name (Last, First, MI) GRIFFIN, JAMES RAY			
Address (Street, City, State, Zip) 7318 DELAWARE HAMMOND, IN 46323			
Apparent Phys. Stat (enter no.) FEMALE	Sex M	Date of Birth MONTH DAY YEAR 08 20 74	Arrested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Driver's License No. 0630080117	Lic. Type OP	Lic. St. IN	Res. IN
Color GREEN	Veh. Yr. 97	Make GMC	Model Name 1500
Veh. Type (enter no.) 2	Lic. Yr. 97	License No. 5091905	Lic. State IN
Veh. Use (enter no.) 1	Speed Limit 25	Fuel Tax No.	
Direction of Travel N	No Occupants 2	Fire? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	No Ales 2
Towed To 3543 165th ST.		Towed By ABC TOWING	

Registered Owner's Name (Last, First, MI) PALMER, JOHN JR			
Address (Street, City, State, Zip) 7415 MONTANA AVE HAMMOND, IN 46323			
Registered Owner's Name (Last, First, MI)			
Address (Street, City, State, Zip)			
License No.	Make	Year	Lic. St. Lic. Yr.

INITIAL IMPACT VB 2	Area Damaged (Multiple) 11 - Undercarriage 12 - Trailer 13 - None
DAMAGE EST V1 6	VEHICLE 1
Name of Object	
OWNER'S NAME AND ADDRESS	
Damage Est (use chrt)	

Driver's Name (Last, First, MI) PULVER, RONALD HARRY			
Address (Street, City, State, Zip) 6118 COUNTY RD. 40 BUTLER, IN 46721			
Apparent Phys. Stat (enter no.) M	Sex M	Date of Birth MONTH DAY YEAR 08 20 74	Arrested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Driver's License No. FRA#30552565	Lic. Type T	Lic. St. IN	Res. IN
Color BLACK	Veh. Yr. 95	Make G.M.C.	Model Name 5D 70M
Veh. Type (enter no.) R.R. ENGINE	Lic. Yr. 2000	License No. 4052	Lic. State IN
Veh. Use (enter no.) 2	Speed Limit 45	Fuel Tax No.	
Direction of Travel E	No Occupants 3	Fire? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No Ales 3
Towed To		Towed By	

Registered Owner's Name (Last, First, MI) NEW YORK CENTRAL-SASKATCHEWAN JEWELRY			
Address (Street, City, State, Zip) NEW YORK			
Registered Owner's Name (Last, First, MI)			
Address (Street, City, State, Zip)			
License No.	Make	Year	Lic. St. Lic. Yr.

Direction	Street/Highway	Arrested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Apparent Phys. Stat (enter no.)
What was pedestrian doing before crash? Enter No.			
1 Not in roadway 2 Standing in roadway 3 Playing in roadway 4 Pushing or working on vehicle 5 Other working in roadway 6 Walking in roadway with traffic 7 Walking in roadway against traffic 8 Crossing on grade vehicle 9 Crossing grade off school bus 10 Crossing or entering not at intersection 11 Crossing or entering at intersection 12 Other			
Pedestrian Traffic Control? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

16	17	18	19	20	21	22	23	24	25	26	27	28	29
1	2	1		DRIVER OF VEHICLE 1 (as listed above)	7	5	6						
				DRIVER OF VEHICLE 2 (as listed above)									
1	3	1	2	3	JOHN W. PALMER	7415 MONTANA	HAMMOND, IN	46323	2	1	6	3	3



INDIANA OFFICER'S STANDARD CRASH REPORT

State Form 3306 (R3/7-81) Stock 302 500105-300102

Mail to: Indiana State Police, Crash Records Section

100 North Senate Avenue, Indianapolis, IN 46204

CASE # 98-2806

OFFICE USE ONLY

Crash ID No

Date of Crash 02/08/98	Day of Week SUNDAY	Actual Local Time 140	No Motor Vehicles 1	No Injured 0	No Dead 2	No Trailers 0
County LAKE	Township NORTH	City/Town or Nearest City/Town HAMMOND				
Inside Corporate Limits? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Property? <input type="checkbox"/> Private <input checked="" type="checkbox"/> Other	Distance and Direction From Corporate Limits Miles North _____ Miles South _____ Miles East _____ Miles West _____				
Road Crash Occurred On GRAND AVE	Intersecting Road/Mile Marker/Interchange Norfolk-Southern R.R.					
If not at intersection, number of feet from 1200'	Direction S	Nearest Intersecting Road/Mile Marker/Interchange 173RD ST				

Driver's Name (Last, First, MI) RAMIREZ, LISA M.		Address (Street, City, State, Zip) 1202 BRECK ST. FT. WAYNE, IN 46408	
Apparent Phys Stat (enter no.) 1	Sex F	Birth Date 11/1/74	Arrested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Driver's License No. FR 310-70-3282	Lic Type T-5	Lic St IN	Resi IN
Color BLACK	Veh Yr 99	Make G.E.	Model Name C30-7
Veh Type (enter no.) R.R. ENGINE	Lic Yr 99	License No. LEAD ENGINE #8078	Lic State IN
Veh Use (enter no.) 2	Speed Limit 45	Fuel Tax No. 45	
Direction of Travel W	No Occupants 2	Fire? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No Axles 2
Towed To	Towed By	Transporting Hazardous Mat? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Registered Owner's Name (Last, First, MI) Norfolk Southern R.R.			
Address (Street, City, State, Zip) 2040 E. 106th CHICAGO, IL 60617			
Registered Owner's Name (Last, First, MI)			
Address (Street, City, State, Zip)			
License No.			
Make			
Year			
Lic St			
Lic Yr			

Driver's Name (Last, First, MI)		Address (Street, City, State, Zip)	
Apparent Phys Stat (enter no.)	Sex	Birth Date	Arrested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Driver's License No.	Lic Type	Lic St	Resi
Color	Veh Yr	Make	Model Name
Veh Type (enter no.)	Lic Yr	License No.	Lic State
Veh Use (enter no.)	Speed Limit	Fuel Tax No.	
Direction of Travel	No Occupants	Fire? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No Axles
Towed To	Towed By	Transporting Hazardous Mat? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Registered Owner's Name (Last, First, MI)			
Address (Street, City, State, Zip)			
Registered Owner's Name (Last, First, MI)			
Address (Street, City, State, Zip)			
License No.			
Make			
Year			
Lic St			
Lic Yr			

INITIAL IMPACT V12	Areas Damaged (Multiples) 10 - Undercarriage 11 - Trailer 12 - None
DAMAGE EST V1	OTHER PROPERTY (INCLUDE CARGO)
Name of Object	OWNER'S NAME AND ADDRESS
Damage Est (use chart)	

Direction	Street/Highway	Arrested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Apparent Phys Stat (enter no.)
What was pedestrian doing before crash? Enter No			
1 Not in roadway 2 Standing in roadway 3 Playing in roadway 4 Pushing or working on vehicle 5 Other working in roadway 6 Walking in roadway with traffic 7 Walking in roadway against traffic 8 Getting on or off vehicle 9 Getting on or off school bus 10 Crossing or entering road at intersection 11 Crossing or entering at intersection 12 Other			
Pedestrian Traffic Control? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

16	17	18	19	20	21	22	23	24	25	26	27	28	29
DRIVER OF VEHICLE 1 (as listed above)													
DRIVER OF VEHICLE 2 (as listed above)													

THIS COPY FOR: RECORDS [☒] UNIFORM [] DETECTIVE [] PROS []

HAMMOND POLICE DEPARTMENT
SUPPLEMENTAL REPORT

CASE NUMBER: 98-2806

KEY CASE NUMBER:

DATE OF REPORT: 021098

OFFENSE: HOURS

PLACE OF OCCURRENCE: 173RD ST AND NORFOLK AND SOUTHERN TRACKS

COMPLAINANT:

ADDRESS:

PHONE #

INVESTIGATOR (DET ASSIGNED): CPL PLEMONS #331

REFERENCE: FATAL CRASH AT GRAND AVE AT NORFOLK AND SOUTHERN RAILROAD TRACKS

OFFICERS NAME: TRZCINSKI

ID: 365

TO THE CHIEF OF POLICE, PATROL CAPTAIN AND TRAFFIC LEIUTENANT;

ON FEBRUARY 08, 1998 AT 01:40 HRS I, OFC TRZCINSKI#365 WAS WORKING 1T41 WHEN I WAS DISPATCHED TO GRAND AVE AND 173RD ST REFERENCE A COLLISION AT THAT LOCATION INVOLVING A TRUCK VS TRAIN. UPON ARRIVAL ON SCENE AT 01:41 HRS I OBSERVED TWO TRAINS AT THE NORFOLK AND SOUTHERN RAILROAD TRACKS AND GRAND AVE. A GREEN 1997 GMC TRUCK WAS LOCATED AT THE SCENE, THE TRUCK HAD EXTENSIVE DAMAGE. THE TRUCK WAS LOCATED ON THE NORTH RAILROAD TRACKS RESTING AGAINST THE WESTBOUND TRAIN THAT WAS STOPPED ON THE NORTH RAILROAD TRACKS. THE 97 GMC TRUCK WAS FACING WESTBOUND. AS I APPROACHED THE TRUCK I OBSERVED A WHITE MALE LAYING FACE DOWN UPON THE GROUND PINNED UNDER THE PASSENGER SIDE FRONT TIRE. HE WAS LAYING WITH HIS HEAD POINTING WESTBOUND. THE VICTIM ON THE GROUND WAS LATER IDENTIFIED AS JOHN W. PALMER JR., D.O.B. OF 05-11-74, SS# 309-96-2875, ADDRESS OF 7415 MONTANA AVE. HAMMOND, IN 46323. I OBSERVED A SECOND PERSON LOCATED INSIDE THE 97 GMC TRUCK. HE WAS LOCATED IN THE CENTER OF THE FRONT SEAT WITH A HEAD INJURY. THE VICTIM

Page 1 OF 3

ENTERED-81

98-2806

WAS LATER IDENTIFIED AS JAMES RAY GRIFFIN, D.O.B. 08-20-74, SS#-307-02-1926, ADDRESS OF 7318 DELAWARE AVE HAMMOND, IN 46323. HAMMOND FIRE DEPARTMENT ARRIVED ON SCENE APPROXIMATELY 3 MINUTES AFTER MY ARRIVAL. BOTH VICTIMS OF THE CRASH WERE BREATHING UPON MY ARRIVAL AT THE SCENE. THE VICTIM INSIDE THE TRUCK WAS TRANSPORTED BY EMS#1618 TO ST CATHERINE'S HOSPITAL. THE SECOND VICTIM LAYING UPON THE GROUND WAS REMOVED BY HAMMOND F.D. FROM UNDER THE FRONT PASSENGER SIDE TIRE THEN TRANSPORTED TO ST CATHERINE'S HOSPITAL BY E.M.S.#0653. AT THE SCENE I SPOKE WITH THE ENGINEER FROM THE WESTBOUND TRAIN, TRAIN 307, LISA M. RAMIREZ, 1202 BRICK ST. FORT WAYNE, IN 46808 F.R.A.#-310703282. SHE INFORMED THIS OFFICER THE FIRST ENGINE WAS ENGINE#8078, THE SECOND ENGINE WAS ENGINE# 3298. THE CONDUCTOR FROM TRAIN 307, JAMES E TRAHIN JR. 4038 FAHLSING RD WOODBURN, IN, WAS OUTSIDE THE TRAIN ON THE SOUTHSIDE OF THE RAILROAD TRACKS AT THE TIME OF THE COLLISION. HE STATED TO THIS OFFICER HE OBSERVED A GREEN TRUCK HEADING EASTBOUND IN THE ALLEY JUST SOUTH OF THE NORFOLK AND WESTERN RAILROAD TRACKS. WHEN HE OBSERVED THE TRUCK IT WAS ACCERATING AS IT DROVE EASTBOUND IN THE ALLEY. HE STATED HE ATTEMPTED TO STOP THE TRUCK, BUT THE TRUCK DISREGARDED HIS SIGNALS TO STOP. THE TRUCK THEN PROCEEDED AROUND THE CONDUCTOR THEN MADE A LEFT TURN FROM ALLEY ONTO NORTHBOUND GRAND AVE. THE TRUCK THEN PROCEEDED AROUND THE RAILROAD GATES INDICATING THE APPROACH OF A TRAIN. AS THE TRUCK PROCEEDED NORTH BOUND ON GRAND AVE, IT CROSSED THE SOUTH RAILROAD TRACKS WHEN VEHICLE#2 (TRAIN#386) COLLIDED WITH THE TRUCK. THE TRUCK CONTINUED EASTBOUND AFTER COLLIDING WITH TRAIN 386. THE TRUCK THEN COLLIDED WITH TRAIN 307, WHICH WAS STOPPED ON THE NORTH RAILROAD TRACKS FACING WESTBOUND. AT THE SCENE I SPOKE WITH THE ENGINEER FROM TRAIN 386 RONALD HARRY PULVER 6118 CO. RD. 40, BUTLER, IN

98-2802

46721, F.R.A.# 305535165. HE STATED HE DID NOT SEE THE TRUCK UNTIL THE TRAIN COLLIDED WITH THE TRUCK. HE STATED THE TRAIN WAS TRAVELING APPROXIMATELY 36 MPH AT TIME OF COLLISION. THE ENGINEER INFORMED THIS OFFICER THE FIRST ENGINE WAS ENGINE#4052, THE SECOND ENGINE WAS ENGINE# 8647 AND THIRD ENGINE WAS ENGINE# 4004 THE CONDUCTOR OF TRAIN 386 WAS INSIDE THE TRAIN AT THE TIME OF COLLISION. THE CONDUCTOR WAS TRAVIS G CUIJTA, 1325 LINDENWOOD FORT WAYNE, IN. HE STATED HE DID NOT SEE THE TRUCK UNTIL IMPACT. THE THIRD PERSON INSIDE TRAIN 386 WAS STUDENT ENGINEER DENNIS M. NEE 14284 LINCOLN AVE DOLTON, IL 60419. HE ALSO STATED HE DID NOT SEE THE TRUCK UNTIL IMPACT.

AFTER LEAVING THE SCENE, I PROCEEDED TO THE HOSPITAL. AT THE HOSPITAL THE VICTIMS WERE IDENTIFIED BY THIS OFFICER AS THE PERSONS LOCATED AT THE SCENE OF THE CRASH. A NURSE WORKING IN THE EMERGENCY ROOM INFORMED THIS OFFICER THE DRIVER HAD DIED FROM INJURIES SUSTAINED TO HIS HEAD. THE PASSENGER IN THE TRUCK SHE INFORMED THIS OFFICER HAD DIED FROM INTERNAL INJURIES SUFFERED FROM THE CRASH.

AFTER LEAVING THE HOSPITAL I PROCEEDED TO THE REAR OF THE POLICE STATION WHERE I WAS CONTACTED BY CORONER #904, CORONER BORDEN. HE INFORMED THIS OFFICER JAMES R GRIFFIN WAS PRONOUNCED DEAD AT 0217 HRS BY DR DESHAIES. JOHN W. PALMER WAS PRONOUNCED DEAD AT 0220 HRS BY DR DESHAIES.

Ofc. Ronald E. Trzcinski #365 2-10-98

OFC RONALD E TRZCINSKI#365 FEB 10, 1998



ana Dunes National Lakeshore.

After a 30-day comment period, a final draft of the study will be presented to Congress, where Rep. Jerry Weller, R-Ill., plans to introduce legislation to designate the region

See LAND, A-5

ROBERT W. AHRENS / THE TIMES

Death of best friends in Hessville train accident 'a real tragedy'



John W. Palmer Jr.

BY DANIEL J. YOVICH
Times Staff Writer

Two men — best friends since high school — died early Sunday after their vehicle was crushed by a freight train in Hammond.

James Ray Griffin, of 7318 Delaware Ave., and John W. Palmer Jr., of 7415 Montana Ave., were pronounced dead about 2 a.m. at St. Catherine Hospital in East Chicago. Both men were 23 and had been best friends since their early high school days, family members of each said.

Griffin was driving a green 1997 GMC pick-up truck northbound on Grand Avenue toward the Norfolk and Southern Railroad crossing about 200 yards south of 173rd Street in the Hessville neighborhood. Police said one freight train had stopped near the crossing when a second train traveling eastbound struck their vehicle.

The accident is under investigation.

The police report indicated both the crossing gate and lights were working at the time of the accident. Police declined to say how far the train dragged the

pick-up truck after impact.

Palmer and Griffin had attended Morton High School. John Palmer Sr. said both men were fond of fishing and bowling.

"They were like brothers," Palmer said.

Jamie Lohse, a friend of the pair, said he had planned to go to dinner with them Saturday, but his plans changed at the last minute.

"They must have thought that the train that had stopped on the tracks was the one that caused the gates to go down," Lohse said. "It's been real hard on those who knew them, just a real tragedy."



James Ray Griffin

The Times
February 10, 1993

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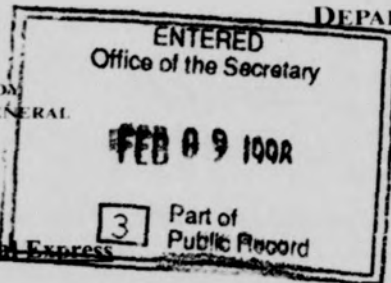
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STATE OF DELAWARE
DEPARTMENT OF JUSTICE

M. JANE BRADY
ATTORNEY GENERAL



Via Federal Express



PLEASE RESPOND TO:

P. O. Box 778
Dover, DE 19903
Ph: (302) 739-4575
Fax: (302) 739-6119
fschranck@smtp.dot.state.de.us

February 5, 1998

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
Case Control Branch
1925 K Street, N.W.
Washington, D.C. 20423-0001

ENVIRONMENTAL
DOCUMENT

K

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

Dear Secretary Williams:

Enclosed are an original and ten (10) copies of the Comments of the Delaware
Department of Transportation on the Draft Environmental Impact Statement (CLEV-10) for
filing in the above-referenced proceeding.

Respectfully submitted,

Frederick H. Schranck
Deputy Attorney General

FHS:sa
Enclosures

cc: The Honorable Jacob Leventhal
All Parties of Record

185580



STATE OF DELAWARE
DEPARTMENT OF JUSTICE

M. JANE BRADY
ATTORNEY GENERAL

February 4, 1998



P. O. Box 778
Dover, DE 19903
Ph: (302) 739-4575
Fax: (302) 739-6119
fschranck@smtp.dot.state.de.us

Via Federal Express &
Regular Mail

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

Attention: Elaine K. Kaiser
Environmental Project Director
Environmental Filing

**RE: Draft Environmental Impact Statement, Proposed Conrail Acquisition,
Comments from the Delaware Department of Transportation (DelDOT)**

Dear Ms. Kaiser:

The Delaware Department of Transportation (DelDOT) has reviewed the Draft Environmental Impact Statement (EIS) for the proposed Conrail acquisition by CSX and Norfolk Southern (NS). We find the report clear and concise in some areas of analysis. However, there are several unresolved issues that must be addressed and further detailed. For your records, the Department and State strongly recommend that the Surface Transportation Board's Section of Environmental Analysis (SEA) consider or conditionally accept the following comments and conditions before the final analysis of the EIS may be evaluated.

Specifically, there are several areas:

Air Quality

The Department feels that the determination of air quality impacts in Delaware have been collected and evaluated incorrectly.

Emission estimates within the EIS show that the increased countywide air pollutant emissions will exceed the threshold for New Castle County, Delaware. The assessment also concludes that there will be localized increases in emissions, a concern for many Delawareans. However, the analysis of determining the overall impact with mitigation measures was

February 4, 1998

evaluated on a regional basis. We feel that impacts with mitigation measures should be determined on a localized basis, since the entire freight operations are a stationary or linear source.

In addition, the EIS in Delaware also states that increases in air pollution are not likely to affect compliance with air quality standards. However, there is no proof or concurrence in this statement or assessment. In order to be consistent with NEPA guidelines, the Department would like to see a concurrence letter from the Delaware Department of Natural Resources and Environmental Control's Air Quality Branch. The letter should state that there will be no impacts to air quality standards in New Castle County and within the State.

Within the evaluation table for Annual NOx Emission Summary in New Castle County, the Department feels that truck diversion will not have immediate decrease of 49.18 annual tons per year. In addition, the denominator that is used to conclude a .61% increase in county NOx emissions is outdated. Specifically, the analysis used to compare and evaluate the Existing County Total NOx emissions comes from a 1995 figure. With such an outdated base figure, the overall percent increase of air pollution may be reaching the 1% threshold. The Department feels that updated information and numbers are necessary to fully determine and summarize the air quality analysis. The applicants "Netting" criteria used is not the best method, since it only dilutes numbers and figures.

In evaluating the air pollution data for Delaware, the anticipated NOx emission from freight rail will be approximately 184.85 annual tons per year. From an overall basis in New Castle County, this amount may be considered significant in Delaware (despite it not exceeding a countywide 1% increase). In Delaware, we consider this additional amount significant due to our smaller and localized region. As a result, the Department further suggests that the SEA should conditionally accept the proposed Conrail acquisition only if proper coordination, permits, and/or concurrence has been obtained from the Delaware Department of Natural Resources and Environmental Control's Air Quality Branch.

Commuter Service and Passenger Rail Service

DelDOT, through the cooperation of SEPTA officials, has contracted for a major commuter line and station in Newark, DE (along the Amtrak's Northeast Corridor). This station and location is key to the multimodal system and the administration's mission in providing alternative transportation choices. The passenger service of SEPTA in Newark to Wilmington and locations further north has been a major regional investment in this State. Future plans not indicated within the EIS assessment are to expand this SEPTA service line and offer service within the Stanton, DE region (i.e. Churchmans Crossing). Why was this not considered?

What is also questionable within the EIS report is that the Department's commuter rail service (SEPTA in Delaware) operates over freight carriers. However, the EIS also mentions that freight carriers operate over regional commuter lines (i.e. DelDOT's new SEPTA contract).

The Department is not sure what to believe and is concerned over the contradictions of these statements. These need clarification.

Overall, will the Conrail acquisition impact the Department's future plans for additional frequency and times for commuter rail service along the Amtrak northeast corridor? The Department would like to know, in writing or in proof, that the Delaware regional commuter service (i.e. the DelDOT - SEPTA contract) will not be impacted currently or into the future. This also includes additional commuter rail service plans to expand service and frequency of times. There is no indication of this within the EIS report.

Cultural Resources

According to the NEPA guidelines, all additional bridges, building facilities, and rail yards that are expected to be improved or updated (as indicated) may be considered a secondary impact. Therefore, an inventory of existing facilities should have been historically evaluated.

Overall, the Department agrees that NS shall undertake no construction or modification of the Shellpot bridge near Wilmington, DE, until completion of the Section 106 process of the National Historic Preservation Act (16 U.S.C. 470f., as amended) and appropriate mitigation measures are identified. However, with this commitment, the Department cautions the interpretation of what is considered "appropriate" mitigation. Over the years, DelDOT's coordination on past and current projects with the Delaware State Historic Preservation Office (DE SHPO) has not always been a give and take process. It is the Department's belief that cultural resource measures obligated by applicants will be extended beyond the most feasible, reasonable, and appropriate measures as desired by the applicants. The DE SHPO has and will require measures that extend beyond the reasonable and feasible thresholds that may seem appropriate under the Section 106 regulations. In sum, the applicants may not adhere to the DE SHPO measures for cultural resource identification, alternative analysis, and appropriate mitigation.

Environmental Justice

The Department would like to know how the applicant obtained information in Delaware for evaluating the social-economic data of land uses and people who live along the rail lines. How did they conduct, collect, or verify the data to determine that minority or a low-income population did not meet the threshold for further environmental justice analysis? It seems that there was no field evaluation or consultation with area representatives, so this evaluation could be incorrectly documented.

The EIS report indicates that a copy of the report has been placed/sent to area locations with high proportions of minority and low income populations. However, the applicants never considered the time, transportation needs, literacy, and ability to understand and interpret such a lengthy, complex, and professional document. By the time an individual or community is aware and can understand the available information and associated impacts, it is after the fact.

Therefore, the Department would like to know in what areas of Delaware's minority and low-income populations was this EIS report made available. Who are the points of contact and were they explained the background of the project? Were they able to explain or understand the associated impacts so they could disseminate information out into their community?

Hazardous Waste

Two rail line segments, Wilsmere to Elsmere (C-084) and Bell to Edgemore (N-010), were determined in the executive summary as exceeding threshold limits in hazardous material. However, within the individual report and analysis for Delaware, there was no discussion or mention of this exceeded threshold. In fact, within the Delaware Summary of Analysis (Vol. 3-A), the applicants determined that the site specific analysis did not apply. The Department questions this analysis due to inaccuracies in indication levels. Will the Conrail acquisition impact hazardous waste threshold limits? The Department does not know because there are two different assessments within the EIS. The Department would like this formal analysis clarified and a response back to the Department before any final EIS decision is reached. In addition, the Department would also like proper time allotted in order to determine and respond to the SEA if there is a hazardous waste threshold limit exceeded in Delaware.

Areas of Special Concern - Newark, DE

The EIS mentions that the increase in freight trains may have minor adverse effects on the public (particularly pedestrian) safety, noise, emergency vehicle response, and hazardous material transport. The EIS determined that the minor increase in train traffic would have only a minor incremental effect on the community. However, this increase will tend to worsen the pre-existing conditions. In fact, they will be aggravated by the increased train traffic.

The Department concurs with the preliminary recommendation that CSX shall consult with local agencies, the University of Delaware, DelDOT, and other appropriate parties to address potential safety concerns regarding the three highway/rail at-grade crossings in Newark. Specifically, CSX shall meet with these parties to negotiate a binding mutual agreement on the implementation and funding allocation for measures to address safety concerns at these crossings. Appropriate measures could include quadrant gates, pedestrian gates and fences, pedestrian overpasses, safety education, or other measures to address pedestrian safety.

At this point, there have been no appropriate alternative mitigation measures by freight carriers that have included consultation with the Department. Since the Department feels that mutual agreements stated above may never be reached before the release of the final EIS, the Department feels that additional measures shall also be included as a developing alternative mitigation.

As an additional provision, there are several overpasses and underpasses that pose as an immediate problem for traffic and pedestrian/bike safety. It is the Department's position

that CSX shall also consult with local agencies, the University of Delaware, DelDOT, and other appropriate parties regarding overpasses and underpasses throughout the Newark, DE. Specifically, one example is located at Casho Mill Road in Newark.

Further Analysis Needed – Cumulative Impacts

It appears that the EIS overlooks the induced, additive, and synergistic impacts of cumulative impacts.

The EIS states that both CSX and NS plan to undertake future facility improvements in Delaware as part of the proposed Conrail acquisition. As it stands, the proposed Conrail acquisition related activity that would meet or exceed the Board's thresholds for environmental analysis in Delaware include increased train operations on a total of four line segments.

However, the Department disagrees with the assessment that there are no intermodal facilities or rail yards that would meet or exceed the Board's thresholds for environmental analysis. The Department requests that the EIS report further analyze and list increases in specific activities at certain intermodal facilities and rail yards.

The EIS also states that Delaware shippers would gain new and more efficient routes and services. Even the Port of Wilmington would gain extended market reach to the midwest and southeast through the expanded CSX and NS networks. As it stands, the proposed Conrail acquisition related changes would be largely limited to changes in train operations on existing rail lines. However, with the extended market outreach expected there are also futures costs and secondary impacts/changes that are brought upon the State's transportation system. This was not addressed in the EIS.

Because the SEA did not take into account the increased freight activity with preventative maintenance provisions, the Department feels that safety operations in both freight and passenger/commuter rail operations in Delaware was inaccurately evaluated. In addition, the SEA did not accurately assess and conclude in estimating the potential risks of an accident.

The Department would like to know how maintenance agreements for safety concerns and operations will be addressed. The safety and increased maintenance concerns are also important factors for passenger operations through Delaware. What will be the future maintenance agreements shared by Amtrak, CSX, NS, and other governing agencies such as DelDOT?

Overall, the Department would like a commitment that maintenance of facilities and infrastructure needs will consider improvements that go beyond replacing in-kind structures or the least expensive options. For example, the overpass at Casho Mill Road in Newark is a one lane overpass that is extremely dangerous and is a safety concern. A longer span bridge is needed to address concerns both for rail service and transportation service along the road. When this bridge is replaced (or any other for this matter) the Department, along with many governing agencies, public officials, and citizens, feels that multimodal needs and the safety

for this bridge should be addressed. This would include the provision of signs, lighting, sidewalks/bike lane additions, drainage, clearance, traffic calming, and/or wider travel lanes.

Within the EIS, the Department would like to know how CSX and NS plan to undertake facility improvements so as not to inhibit potential impacts caused by hazardous waste, traffic flow, multimodal investments and facilities, cultural and historic resources (including bridges and stations), noise, and passenger traffic. Even though the immediate Conrail acquisition may not immediately impact intermodal facilities and rail yards, future actions will. For example, the EIS states that there will be certain facility improvements in the future. How can the SEA properly consider any secondary impacts when CSX and NS appear to be segmenting phases and projects for future actions? There should be a direct correlation with impacts indicated for all anticipated future actions and facility improvements.

As a result, the Department does not concur with the statement that "there will be no intermodal facilities and rail yards that would meet or exceed the Board's thresholds for environmental analysis and there are no new connections or proposed abandonment." The Department believes that a long-range plan for the entire rail network should be established.

In addition, the EIS states that increased freight and operations require rehabilitation of the Shellpot Bridge. However, was there a proper assessment done to ensure that other bridges and high maintenance areas are not easily prone to accelerated safety concerns (i.e. secondary impacts of safety not evaluated)? This would not only include other Delaware rail bridges (underpasses and overpasses), but other freight and intermodal facilities, traffic intersections, sensitive land uses, and anticipated expansion areas as indicated within the EIS.

Realizing that increased freight train activity would increase the probability of a freight train accident, the Department would also like an analysis or evaluation of the increased maintenance program. Specifically, there should be a base line structural analysis of bridges (at underpasses or overpasses, creeks/streams, etc.) and other anticipated maintenance areas. The EIS should discuss these existing base line conditions and how the expected weight and frequency travel consolidation will potentially increase maintenance operations.

As a specific provision in Delaware, the Department would like a commitment from the CSX and NS that they will partner with DelDOT both financially and administratively to determine that:

- On a continual basis, traffic and pedestrian safety at at-grade crossings and at overpasses and underpasses will be improved as reasonably needed or warranted.
- The Department would also like to see a document or special conditions for continual inspection of bridges, rail lines, and safety equipment (gating and lighting, etc.) at grade intersections.
- The SEA should also request a commitment for added maintenance. The Department and State do not expect rail companies to implement a maintenance or replacement program.

February 4, 1998

solely after an accident occurs. We want to ensure that an accident never happens. The Department wants a formal commitment and dedication that maintenance and inspection schedules are implemented on a more frequent basis. These measures should be adopted and concurred before the SEA approves of the acquisition application.

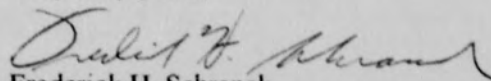
Noise

From the noise appendix table, the Department does not believe the consultants considered or measured sensitive noise receptors within the City of Newark. Noise study impacts in Newark should be considered because there are many sensitive receptors throughout this community.

The Department is also requesting that CSX and NS immediately commit to adopting and allocating funding programs towards implementing the future FRA rules on train horn blowing procedures. This should include a major commitment to instill or retrofit safety features, barriers, lights, and crossing arms, when required.

I hope that the Department's comments and stated positions are clear. If you have any questions or clarification, please contact me at 302-739-4575.

Very truly yours,



Frederick H. Schranck
Deputy Attorney General

FHS/mh

cc: Honorable Thomas R. Carper, Governor of Delaware
Anne Canby, Secretary of Transportation
Raymond Harbeson, Chief Engineer
Eugene Abbott, Director of Planning
Joseph Wutka, Assistant Director of Planning
Eli Cooper, Assistant Director of Intermodal Programs
Therese Fulmer, Manager, Environmental Studies
Michael Hahn, Senior Transportation Planner

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Public Safety

When the University Circle Police Department was formed in 1959, it was the only private police department in the country. The bold thinking that led to its creation was that of civic leader Mrs. William G. Mather and T. K. Glennan, the president of Case Institute of Technology, both of whom were instrumental in creating University Circle Incorporated two

years earlier. In 1959, public safety was a primary concern among the Circle institutions and there was full agreement that a police department exclusively dedicated to University Circle would complement the efforts of the Cleveland Police Department and enhance the security efforts of each institution.

Thirty-eight years later, the UCPD's success speaks for itself—by any measure, University Circle has long been one of Cleveland's safest areas. The presence of the UCPD, along with its reputation for quick response, is a strong deterrent to criminal activity in the Circle. Minimized opportunity coupled with timely and decisive intervention in actual criminal incidents has characterized the UCPD's safety strategy since its inception.

This year, in its continued dedication to community policing, the 28-member department increased the presence of officers in the Circle's busiest area—the intersection of Mayfield Road and Euclid Avenue—by opening a mini-station in an attractive storefront on Euclid. With an ever-growing number of special events in University Circle, the UCPD has hired 4 part-time officers who are available when extra police power is needed—this federally-funded part-time program has worked very well during the past year. Congratulations are extended to two longtime members of the force, James Radca and Kenji Kurokawa, who were recently promoted to the rank of sergeant.

Now in its third year, the University Circle Mounted Courtesy Patrol has proved to be a popular addition to the Circle's security efforts. Comprised of 12 seasoned equestrians, the Patrol rides in pairs on weekends from June through October to provide friendly assistance and information to Circle visitors. Recently, two Patrol members graduated from the Cleveland Heights Police Academy and now serve as part-time UCPD officers.



"University Circle is safe today because for nearly 40 years the institutions that comprise University Circle have been committed to making it safe."

—Chief Timothy J. Peppard, University Circle Police Department

We keep this one-square mile



University Circle is not only one of Cleveland's most beautiful areas—it is one of the safest.

Created in 1959 by University Circle Incorporated, the 28-member **University Circle Police Department** is unique in that it serves the 44 important institutions that make their home in University Circle's one-square mile.

A full-service police department, the UCPD's success is noteworthy given University Circle's concentration of institutions and activity—during an average day, 35,000 people come here to work, study, or visit.

FOR MORE INFORMATION ABOUT UNIVERSITY CIRCLE INCORPORATED, CALL 216/791-3900.



Established in 1957, University Circle Incorporated is the non-profit service organization dedicated to ensuring the excellence of University Circle—the cultural, medical, and educational center of Northeast Ohio.

Parking and Transportation



University Circle is a dynamic urban neighborhood—5,000 people live within its one-square mile and every day more than 15,000 employees and 16,000 students come here to work and learn. To take in a concert, exhibit, or lecture—or to keep a medical appointment, thousands more visit daily. The 70-plus institutions located within the Circle and its adjacent rim have diverse missions and, accordingly, have different needs. But common to all of the institutions is the need for well-run functional elements, such as parking and transportation, so that they can successfully carry on with their business. University Circle Incorporated has not only been instrumental in providing these services for decades, but in constantly bringing together the Circle institutions to discuss how best to meet their ever-changing needs.

UCI maintains a fleet of 20 buses that transports more than one million passengers annually. Known fondly

come together to provide a visitor amenity that makes the total University Circle experience a friendly one."

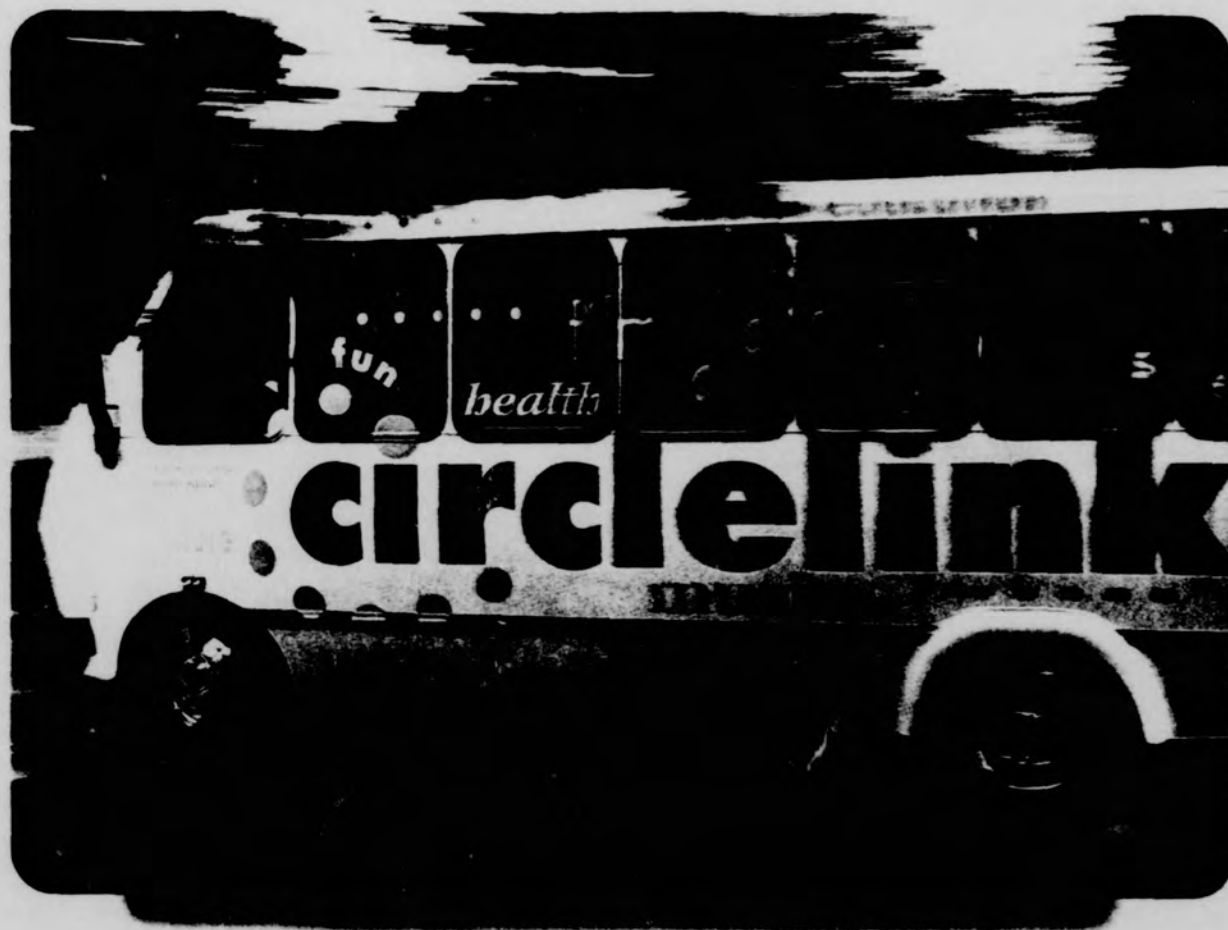
—Dr. James E. King, Director, The Cleveland Museum of Natural History

as the "greenies" for many years because of their color, the updated look of our vehicles reflects the attention we pay to their maintenance and appearance. This free shuttle service efficiently delivers employees from parking lots to workplaces, takes students to all points of the CWRU campus, and is available to casual visitors. To better serve the latter, Circlelink service was created—its friendly, easy-to-spot buses and signs make it particularly appealing to those visiting the Circle for the first time.

"We want our visitors to have a positive experience in University Circle even before they enter our museum. The Circlelink shuttle is a fine example of how the Circle institutions have

Most urban centers face the challenge of providing adequate parking space where it is most needed, and with its high concentration of institutions and people, University Circle is no exception. To that end, UCI and eight Circle institutions work collaboratively to provide accessible, safe, and cost-effective parking. Included in the system are 11 parking garages and 51 parking lots containing more than 10,000 parking spaces. In keeping with the level of service that the University Circle institutions warrant, our parking lot attendants are ready at a moment's notice to provide assistance to our customers—from fixing flat tires to supplying emergency gasoline.

We make *museum hopping* **easy.**



University Circle's one-square mile is an extraordinary cultural, medical, and educational center—complete with free **Circlelink** shuttle service provided seven days a week by University Circle Incorporated.

Whether you are here to visit the Circle's wonderful museums, take a class at one of its prominent schools, enjoy a superb performance, or keep an important appointment in this renowned medical hub, we are here to serve you.

FOR A CIRCLELINK MAP AND SCHEDULE CALL UNIVERSITY CIRCLE INCORPORATED, 216/781-3000.



Established in 1957, University Circle Incorporated is the non-profit service organization dedicated to ensuring the excellence of University Circle—the cultural, medical, and educational center of Northeast Ohio.



Community Planning

"University Circle is the most outstanding institutional complex in the country—it truly sets Cleveland apart from all other cities. Without a doubt, the decades of guidance and planning provided by University Circle Incorporated have made the Circle what it is today."

—Michael R. White, Mayor, City of Cleveland

University Circle did not happen by chance—well-planned community development has always been critical to the success of University Circle and its institutions. While Circle institutions have individual development plans, University Circle Incorporated works for the collective whole to allow the Circle to reach its maximum potential. To this end, there have been two major planning tools for the Circle—the 1957 and the 1990 University Circle Master Plans—both were created by the Circle institutions and implemented under UCI's guidance.

The 1957 Master Plan accomplished many things, including the formation of UCI to oversee the Circle's progress. The need for a coordinated approach to physical development led to the creation of a "land bank" to allow UCI to buy available land and hold it until needed by Circle institutions for expansion or for projects that benefit the Circle community. To ensure that the Circle's high architectural standards were maintained, the Architectural Review Board was established—its nationally noted architects continue to review all proposed building plans.

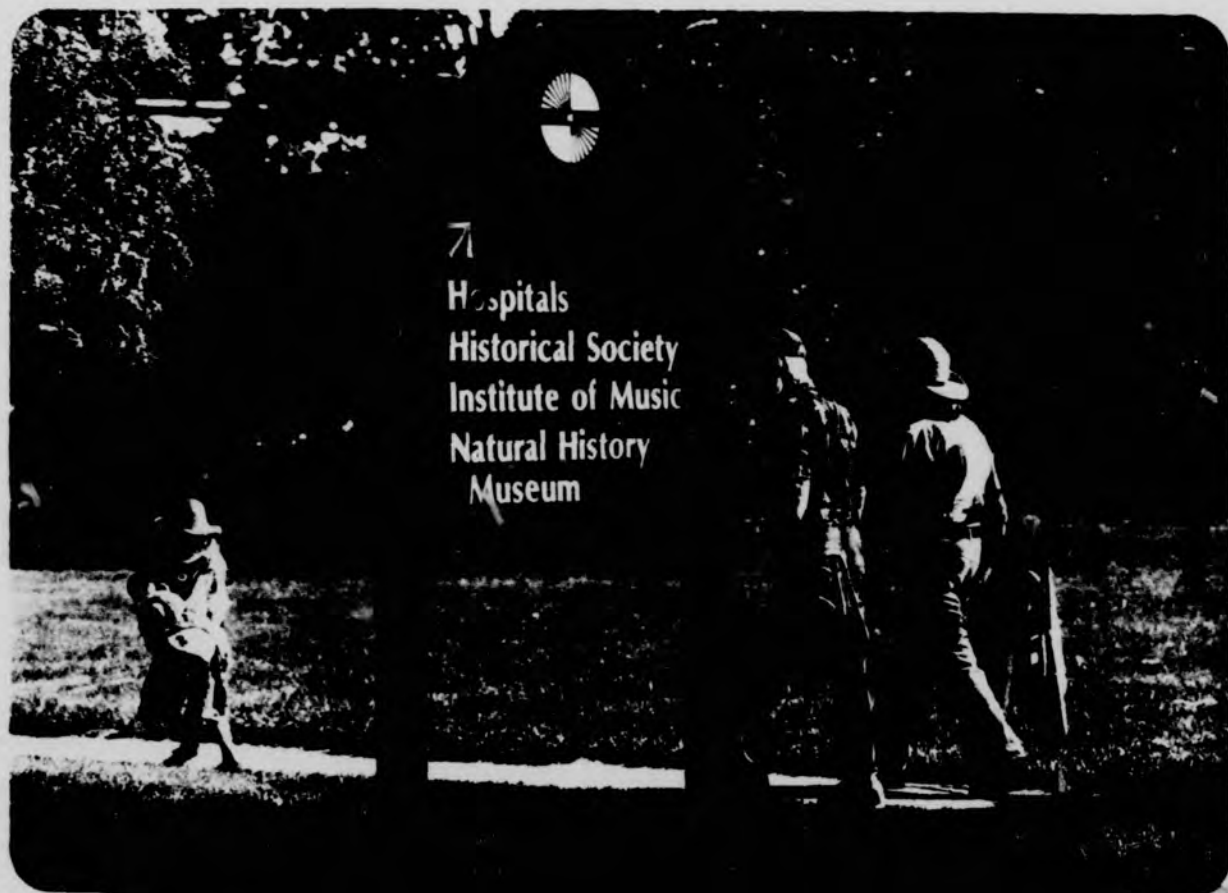
The 1990 Plan, which re-examined and updated the 1957 Plan, set forth new development guidelines to make the Circle more accessible, coherent, and beautiful. A few examples of completed and proposed projects include the comprehensive wayfind-

ing system comprised of 100 handsome signs and the multi-headed lanterns lighting the Fine Arts Garden. With the goal of redesigning Euclid Avenue as the Circle's "main street," a task force made up of institutional representatives is reviewing proposed plans. Although still in the planning stages, the building of an apartment complex at the corner of Euclid Avenue and Ford Drive remains a priority. Add to these the extraordinary level of investment our institutions have made in keeping with the Master Plan's goals—since 1990 new building projects have exceeded \$350 million.

One of the most important components of our planning efforts is maintaining strong partnerships with the neighborhoods adjacent to University Circle and working together to improve their respective residential and commercial areas. Currently, UCI is focusing on the refurbishment of East 105th Street at the Circle's northern edge. The well-being of University Circle and that of its surrounding neighborhoods are inextricably linked; we are dedicated to planning that is mutually beneficial.

We take care of this

place.



University Circle did not happen by accident. Planned community development has always been essential to the Circle—and University Circle Incorporated provides the vision and services necessary to maintain the quality environment so important to this very special place.

Our wayfinding system is comprised of 100 handsome signs that efficiently guide you in your Circle destination.

It is but one example of the coordinated approach taken by University Circle Incorporated and its 10 member institutions to make University Circle a better place for all.

FOR A BROCHURE ABOUT OUR COMMUNITY DEVELOPMENT PROGRAM, CALL UNIVERSITY CIRCLE INCORPORATED AT 216-863-1100.



**UNIVERSITY
CIRCLE**
INCORPORATED

Established in 1970, University Circle Incorporated is the non-profit service organization dedicated to the development and maintenance of University Circle—the cultural and educational center of Northeast Ohio.

Community Outreach

In 1970, University Circle Incorporated was reorganized so that it could take a more active role in serving the neighborhoods around the Circle both in terms of physical development and in the programs it offered. One goal was to bring the area children more closely together with the Circle's cultural institutions; to that end, UCI's Community Education Department was established in 1973.

Each year, this effort reaches 35,000 Cleveland students through many worthwhile programs. The

most comprehensive is the Field Trip Program that serves students from 26 Cleveland schools and arranges field trips with 16 of the Circle's cultural institutions. The field trips are designed to be relevant to current lesson plans to maximize each student's experience. In addition to providing the admission fees, UCI provides transportation on our "Enrichment Express" buses. (When UCI buses are not in use for school programs, they shuttle senior adults who live in the

University Circle area to many Circle museums and events.)

Other offerings include the Artist in Education Program that arranges in-school residencies for artists who lend their expertise in dance, drama, visual arts, and creative writing—this year museum visits will add a valuable dimension. For a select group of outstanding high school students, the Summer Scholar Program provides a five-week internship at one of 15 University Circle institutions.

For the first time, a program is being offered that addresses the learning needs of preschool children. Modeled after a Smithsonian Institution program, the Early Learning Initiative is an exciting effort that brings together seven Circle institutions and five area preschools under the direction of UCI's Museum Education Specialist, Diane V. Hansson. This important collaboration features a curriculum that takes full advantage of the wonderful museum collections and performances offered by the participating institutions.

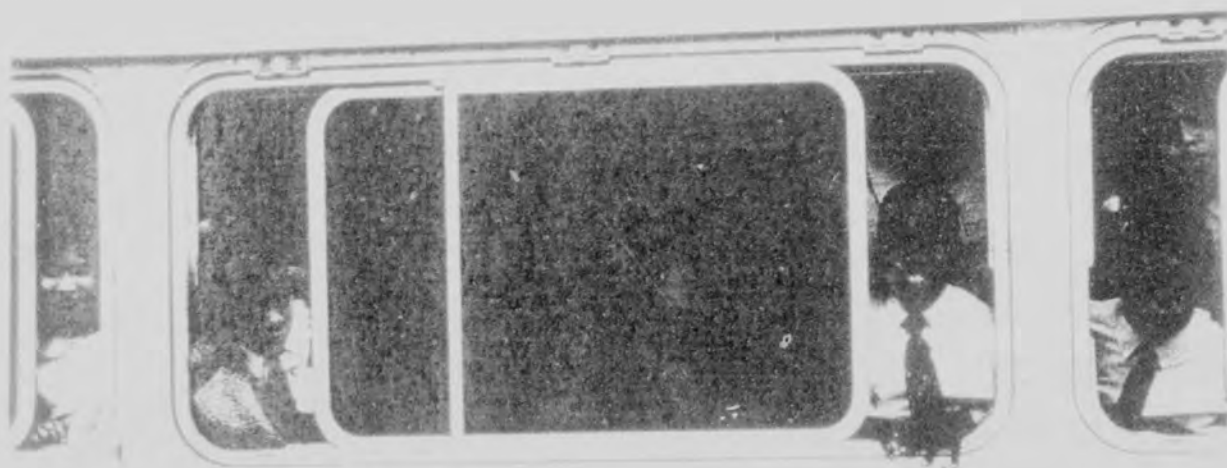
"The lives of more than two million Cleveland schoolchildren have been enriched by visits to University Circle's museums, theaters, concert halls, and gardens—and University Circle Incorporated has made this possible. We look forward to working together to serve many more."



—Ms. Elizabeth O. Ward, Principal, Harvey Rice Elementary School

We

that never close.



UNIVERSITY CIRCLE INCORPORATED

COMMUNITY EDUCATION PROGRAM

University Circle's concert hall, theaters, museum galleries, rose gardens are living classrooms—and the bringing together of these preeminent educational resources with the schoolchildren of our community is one of the many services provided by University Circle Incorporated.

Since its creation in 1973, our **Community Education Program** has happily served more than two million students.

Partner with our local schools, University Circle Incorporated encourages children to enjoy the joys of learning in University Circle.

FOR MORE INFORMATION ABOUT OUR COMMUNITY EDUCATION PROGRAM, CALL UNIVERSITY CIRCLE INCORPORATED, 216/731-3900.



UNIVERSITY
CIRCLE
INCORPORATED

Established in 1957, University Circle Incorporated is the non-profit service organization dedicated to ensuring the excellence of University Circle—the cultural, medical, and educational center of Northeast Ohio.

Tourism and Promotion



"Cleveland is enjoying remarkable tourism growth which has contributed significantly to the state's economy and has helped propel Ohio to its rank of sixth in the nation in the number of leisure visitors. An outstanding attraction, University Circle is vital to our national standing as a destination."

—George Zimmerman, State Tourism Director, Ohio Division of Travel & Tourism

University Circle has been a prime visitor destination for more than 75 years. Both local visitors and out-of-towners alike are drawn to what is perhaps the most impressive cultural center that has ever been built—today, it attracts more than 2 million visitors annually. With nine museums, outstanding performing arts organizations, and beautiful gardens, there is constant activity—the rich architectural heritage and beauty of the setting are a bonus. Add to that great local restaurants and the ease of getting around on the free Circlelink shuttle; the result is a perfect destination that satisfies a wide range of interests from symphony-goers to families seeking a full day of fun.

Tourism is one of the fastest growing industries in the world—U.S. tourism generates \$422 billion annually. Cleveland is happily seeing an increase in its tourism market and University Circle is a full partner in the efforts of both the Convention & Visitors Bureau of Greater Cleveland and the Ohio Division of Travel & Tourism.

To garner a greater share of the group tour segment of the market and to better position the Circle as a fascinating destination, five of the Circle's largest attractions—The Cleveland Museum of Natural History, The Cleveland Play House, The Cleveland Museum of Art, The Cleveland Orchestra, and The Western Reserve Historical Society—have come together under the direction of University Circle Incorporated to hire Nancy Feighan, the Circle's first Tourism Manager. With a focus on group tours, she is packaging and selling the Circle to groups from many states, as well as Canada.

In addition to tourism, UCI works in other ways to promote University Circle. Now in its second year, the *University Circle Calendar of Events* remains in high demand and more than 500,000 *Visitor Guides* are distributed annually. We handle inquiries from all over the world—not only about the Circle as a cultural mecca, but as a medical and educational center as well.

To showcase this extraordinary place and to encourage people to visit, two annual community events are hosted in the Circle. Coordinated by UCI, the summer's "Parade The Circle Celebration" and December's "Holiday CircleFest" have become beloved traditions and are enjoyed by thousands.

We make our



University Circle Incorporated welcomes visitors from near and far to the most remarkable cultural center in the world.

University Circle is not only a fascinating destination, it is one of the most beautiful. With nine museums, outstanding performing arts, and wonderful gardens—all in one square mile—it offers the perfect combination of culture and fun.

University Circle Incorporated strives to make the Circle visitor-friendly for all of our guests.

Our Tourism & Events works exclusively with non-profit groups.

(the Circle is bee-friendly, but please do not feed the bees or other animals.)

FOR A FREE VISITORS MAP & GUIDE, CALL UNIVERSITY CIRCLE INCORPORATED 216/781-4400



UNIVERSITY
CIRCLE
INCORPORATED

Established in 1960

501(c)(3) non-profit organization

100% of the funds

are for the non-profit

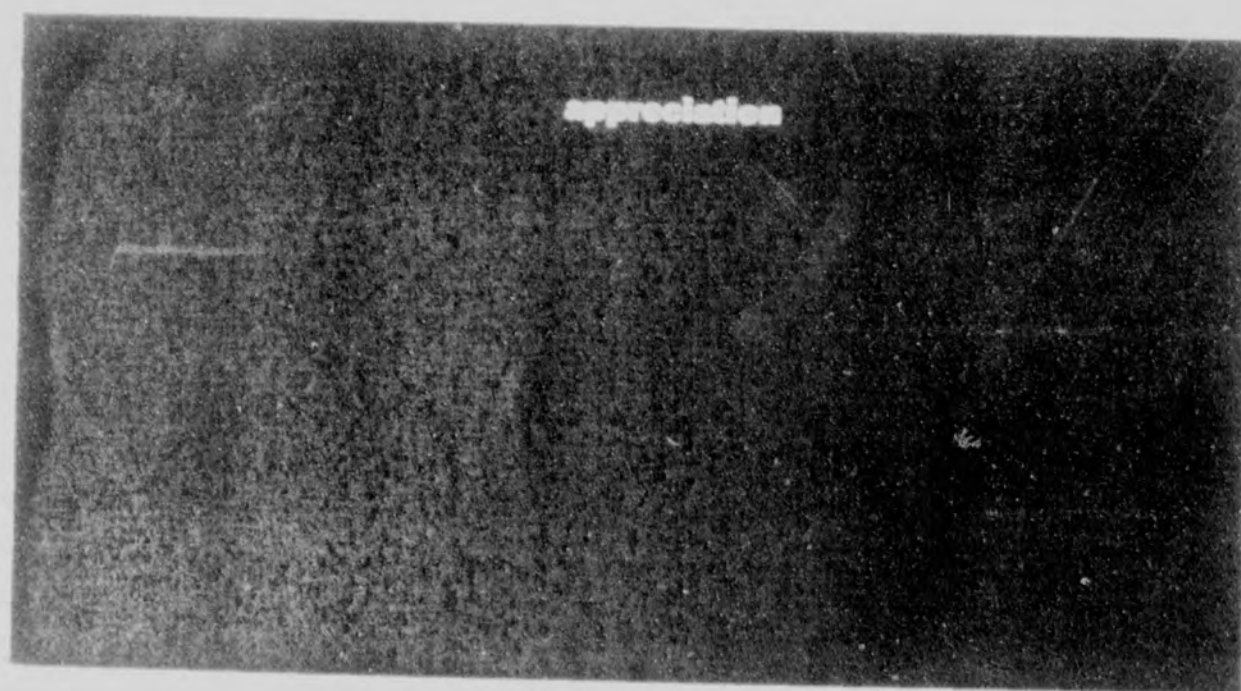
University Circle

in Cleveland, Ohio



A multifaceted organization, UCP's many areas of responsibility are:

- Planning and facilitating physical development in the Circle;
- Seeking and securing properties to make them available for projects that benefit the Circle community;
- Maintaining public safety through the University Circle Police Department;
- Managing many of the Circle's parking areas;
- Working with various organizations toward shared goals and benefits;
- Providing a University transportation system;
- Promoting the Circle's role as a center of Circle activities through educational programs;
- Enhancing the area's natural beauty; and
- Promoting University Circle as a center of University and Southern Ohio's public service dedication and most important assets.



Annual Fund

University Circle Incorporated's Annual Fund is the lifeline that sustains our Community Development, Community Education, and Communications programs. We are grateful to all who contributed to UCI's 1997 Annual Fund:

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Bernice and David E. Davis
The Estate of Edward H. deConingh, Sr.
Rev. James F. Dowd
Rosemary Linch Downing
John D. Drinko Endowment
The Hostetler Foundation
The Mellen Foundation
Raymond J. Durn
John J. Dwyer
Early Childhood Options
of University Circle
Robert Edgerton

Mrs. Ruth Eppig
Natalie and Morton G. Epstein
Euclid Fish Company
Hubert L. Fairchild
José C. Feliciano
Stanley A. Ferguson
Ferro Foundation
Firman Fund
Dr. and Mrs. John A. Flower
Allen H. Ford
The GAR Foundation
GenCorp Foundation
Benjamin S. Gerson Family Foundation
John H. Gherlein
Robert E. Glaser
Mr. and Mrs. Brian S. Gleisser
Rev. Bruce T. Goode
The BFGoodrich Foundation, Inc.
Goodyear Tire and Rubber Company
Greater Cleveland Growth Association
The Gries Family Foundation
Fred J. Griffith
Mr. and Mrs. James B. Griswold
The Gordon and Llura Gund Foundation
The Honorable Timothy F. Hagan
Gerald J. Haggerty, Jr.*
Stephen P. Hansler
James C. Hardie
Gordon D. Harnett
Brian E. Hartzell
Mr. and Mrs. Henry ? Hatch, III
Mrs. Scott B. Hayes
Hickory Investment Advisors, Inc.
Hill House
Mr. and Mrs. Arthur S. Holden Jr.
Brian E. Holley
John B. Hollister, Jr.
Mr. and Mrs. Michael J. Horvitz
George M. and Pamela S. Humphrey Fund
George M. Humphrey, II
The Huntington National Bank
Mrs. David S. Ingalls*
The Louise H. and
David S. Ingalls Foundation
Dr. and Mrs. Scott R. Inkle
Mrs. Cornelia Ireland*
Mr. and Mrs. James D. Ireland III
The Ireland Foundation
In Memory of R. Livingston
and Margaret Allen Ireland
Jones, Day, Reavis, & Pogue
Philip B. Kalin
Mr. and Mrs. G. Robert Klein
S. Lee Kohrman, Esq.
David E. Leahy
Mr. and Mrs.* David W. Lehman
Anne and Elmer Lindseth Endowment †
Elmer L. Lindseth
Catherine D. LoPresti
The LTV Foundation
Robert R. Lucas
McDonald & Company Securities
Foundation
James J. McMonagle
Alex Machaskee
Mrs. Anne M. Manuel
Elizabeth Ring Mather and
William Gwinn Mather Fund

Robert A. Mayer
Mrs. Rhea G. Meltzer
Mr. and Mrs. A. Malachi Mixon, III
M. Thomas Moore
Mr. and Mrs. John C. Morley
The Murch Foundation
David & Inez Myers Foundation
NACCO Industries, Inc.
Mr. and Mrs. Sterling Newell, Jr.
Mr.* and Mrs. R. Henry Norweb, Jr.
Ohio Montessori Training Institute
F.J. O'Neill Endowment
The William J. and
Dorothy K. O'Neill Foundation
Mr. and Mrs. C.W. Eliot Payne
PaineWebber, Inc.
Mrs. Tommie Patty
The Payne Fund
Mr. A. Dean Perry*
Mr. Charles E. Pierson
Mr. and Mrs. Joseph D. Pigott
Mr.* and Mrs. Kenneth J. Pinkerton
Mr. and Mrs. Edward J. Podojil
Richard W. Pogue
Preterm Cleveland
RPM, Inc.
Mrs. Alfred M. Rankin
Mr. and Mrs. Alfred M. Rankin, Jr.
Mr.* and Mrs. Lincoln Reavis
Sarah P. Robertson
Thomas H. Roulston
Dr. Theodore A. Sande
Michelle L. Sanson
John and Sally Schulze
Mr. and Mrs. Samuel K. Scovil
Robert and Jean Seaton
The Second Foundation
Mrs. Ellery Sedgwick, Jr.
The Sedgwick Fund
of The Cleveland Foundation
Marla and Joseph Shafran
Robert J. Shakno
John F. Shelley
Michael Sherwin
Craig R. Smith
Nancy King Smith
Stein Roe & Farnham
Mr. and Mrs. David S. Steiner
Mr. and Mrs. Robert D. Storey
Sullivan Family Foundation
Franny and Seth Taft
Nelson Talbott Foundation
Dr. J. Mary Taylor
Mr. and Mrs. Joseph H. Thomas
Tremco
The Elizabeth M. and William C. Treuhart
Fund of The Cleveland Foundation
Mr. and Mrs. Richard B. Tullis
Dr. Evan H. Turner
University Hospitals of Cleveland
The George Garretson Wade
Charitable Trust #2
William M. Weber
Thomas E. Wheeler
Alton W. Whitehouse
Henry L. Williams
Diane and Jay Wish
Mr. and Mrs. Robert E. Woide
Henry L. Zucker

The Circle Bench Project

In appreciation to the following contributors who have purchased park benches in the initial phase of The Circle Bench Project:

Alfred F. Arthur
The Brick Family
Mrs. Carol H. Butler
Mrs. John B. Doughty
Doughty's, Inc.
Mr. and Mrs. George M. Humphrey II
George M. & Pamela S. Humphrey Fund
Robert and Ruth Kanner
Mary Elizabeth Klein
G. Robert Klein
Kulas Foundation
Mr. and Mrs. John C. Morley
NACCO Industries, Inc.
Mr. and Mrs. James D. Reid, Jr.
Mr. and Mrs. Samuel K. Scovd
Mr. and Mrs. Joseph D. Sullivan
Mr. and Mrs. Joseph H. Thomas
V & V Foundation
Mr. and Mrs. Charles D. Weller
Mr. and Mrs. John S. Wilbur, Jr.

In Memory of Kenneth J. Pinkerton, 3 benches

Mrs. Cornelia Round*
Mr. and Mrs. James P. Ireland III
Elizabeth Ring Mather and
William Gwinn Mather Fund

Named Endowed Funds

The 1525 Foundation
The Cleveland-Cliffs Foundation
John D. Drisko Endowment
The Hostetler Foundation
The Mellen Foundation
Mrs. David S. Ingalls Fund
The Louise H. and
David S. Ingalls Foundation
The Ireland Foundation
In Memory of R. Livingston
and Margaret Allen Ireland
Mr. and Mrs. G. Robert Klein
Anne and Elmer Lindseth Endowment[†]
Elizabeth Ring Mather and
William Gwinn Mather Fund
E.J. O'Neill Endowment
The Second Foundation
The Elizabeth M. and
William C. Treuhaff Fund

Restricted

In appreciation to the following contributors for:

Supporting UCI's land banking efforts

Anonymous
American Greetings Corporation
Centerior Energy Foundation
The George W. Codrington Foundation
Mrs. Elizabeth W. Evans
Harry K. and Emma R. Fox Charitable Fund
The Albert M. Higley Company
National City Bank
Elisabeth Sevettine Prentiss Foundation
The Sherwick Fund
of The Cleveland Foundation
University Hospitals of Cleveland
Village Capital Corporation

Investing \$100,000 and above in vital initiatives

The 1525 Foundation
The Abington Foundation
The Cleveland Foundation
The George Gund Foundation
KeyCorp
Mr. and Mrs. G. Robert Klein
Kulas Foundation
Elizabeth Ring Mather and
William Gwinn Mather Fund
John P. Murphy Foundation
The Reinberger Foundation

Funding UCI's 10th Annual Summer Scholar Program

The Martha Holden Jennings Foundation
David & Inez Myers Foundation
The Nordson Corporation Foundation

Upgrading the University Circle Police Department's Communications System

The Lubrizol Foundation

Designating contributions to other restricted funds

Claude M. Blair
The Cleveland Foundation
John P. Murphy Foundation
Elizabeth Ring Mather
and William Gwinn Mather Fund
Mrs. Kent H. Smith

Supporting a planning study for improvements to East 105th Street

Bank One, Cleveland NA
The Huntington National Bank

*In appreciation for contributions to
University Circle's two community
events, Parade the Circle Celebration
and Holiday CircleFest:*

Major sponsorship support

Aetna Health Plans
Cleveland Coca-Cola Bottling Company, Inc.
The George Gund Foundation
Metropolitan Savings Bank

Generous assistance

American Greetings Corporation
B & M Distributors
Best Sand Corporation
City Blue
Cleveland Parent
Fabri-Centers of America, Inc.
Free Times
Hillside Dairy Co., Inc.
Ohio Arts Council
WDOK-FM
WKSU-FM
WUAB-TV43

* Deceased

† Established by others



Statements of Financial Position

University Circle Incorporated

June 30

1997

1996

Assets

Cash	\$ 59,692	\$ 6,073
Accounts receivable	986,927	837,232
Interest receivable	37,907	46,586
Prepaid expenses	56,010	59,290
Contributions receivable	758,860	610,693
Other assets	76,202	76,202
Office equipment, net	53,725	68,583
Notes receivable	223,891	231,719
Unrestricted investments	7,108,773	5,637,688
Restricted investments	8,475,037	6,644,375
Prepaid lease	555,558	578,626
Land	5,127,067	5,127,067
Buildings, net	3,805,100	4,067,328
Total Assets	<u>\$27,324,749</u>	<u>\$23,991,462</u>

Liabilities and Net Assets

Liabilities

Accounts payable	\$ 1,048,226	\$ 895,033
Prepaid revenue	10,043	21,710
Other liabilities	276,810	262,967
Long-term debt	376,006	466,054
Total liabilities	<u>1,711,085</u>	<u>1,645,764</u>

Net Assets

Unrestricted	15,674,580	14,356,286
Temporarily restricted	752,941	714,781
Permanently restricted	9,186,143	7,274,631
Total net assets	<u>25,613,664</u>	<u>22,345,698</u>
Total liabilities and net asset	<u>\$27,324,749</u>	<u>\$23,991,462</u>

Audited Financial Statements are available upon request.

Statements of Activities

University Circle Incorporated

For the Year Ended June 30

1997

1996

Changes in Unrestricted Net Assets

Revenue

Program and operating income	\$11,926,561	\$11,646,305
Unrestricted contributions	471,573	615,659
Parking return	396,415	359,710
Investment income	853,292	608,650
Unrealized gain from investments	609,401	277,832
Mayfield triangle rent	31,230	31,230
Other income	242,599	273,625
Total unrestricted revenue	<u>14,531,071</u>	<u>13,813,011</u>

Net Assets Released from Restrictions

Satisfaction of program restrictions	702,737	793,323
Expiration of time restrictions	50,000	65,000
Total net assets released from restrictions	<u>752,737</u>	<u>858,323</u>
Total unrestricted revenue and net assets released from restrictions	15,283,808	14,671,334

Expenses

Program and operating expenses	12,982,656	12,813,407
General and administrative	750,318	790,089
Fund raising	157,424	153,301
Transfer to permanently restricted programs	75,000	166,000
Other expenses	116	34
Total expenses	<u>13,965,514</u>	<u>13,922,831</u>
	1,318,294	748,503

Changes in Temporarily Restricted Net Assets

Temporarily restricted contributions	753,446	976,579
Investment income	10,021	13,670
Other income	27,430	39,163
Net assets released from restrictions	(752,737)	(858,323)
Increase in temporarily restricted net assets	<u>38,160</u>	<u>171,089</u>

Changes in Permanently Restricted Net Assets

Permanently restricted contributions	1,452,090	392,071
Net investment income	467,448	86,747
Unrealized (loss) gain from investments	(83,026)	269,178
Transfer from unrestricted programs	75,000	166,000
	<u>1,911,512</u>	<u>913,996</u>

Total increase in net assets	3,267,966	1,833,588
Net assets at the beginning of the year	<u>22,345,698</u>	<u>20,512,110</u>
Net assets at the end of the year	<u>\$25,613,664</u>	<u>\$22,345,698</u>

Cleveland Hearing & Speech Center



January 30, 1998

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

Attn: Elaine K. Kaiser,
Environmental Project Director

Dear Ms. Kaiser:

Last Wednesday a group of University Circle executives met to review the proposed routing of CSX and Norfolk Southern freight traffic through University Circle in Cleveland, Ohio. As was clear from our numerous questions, many of us have significant concerns, particularly from a safety perspective.

As detailed, the possibility that up to 81,000 freight cars containing hazardous cargo would be transiting through University Circle annually. While the accident statistics that were presented are somewhat reassuring, it was expressed quite clearly that the possibility of serious accident cannot be eliminated. I would like to most strongly encourage you to convey to the Surface Transportation Board the unique nature of the University Circle area. It certainly has the largest concentration of hospitals, nursing and elderly care facilities and other institutions, such as our own Cleveland Hearing & Speech Center, which work with very special populations. How could a hazardous cargo accident be contained should it occur within the confines of densely populated University Circle?

This organization, Cleveland Hearing & Speech Center, must express its particular concerns regarding the significant increases in noise which such volumes of rail traffic would create. On a daily basis our agency serves persons with significant hearing loss resulting from long term exposure to noise. We also see the psychological consequences to persons who suffer from noise exposure. Why are the noise abatement considerations which always are applied to airports not relevant to this instance? Should there not be similar noise abatement regulations which apply to the railroad industry.

11206 Euclid Avenue

Cleveland, Ohio

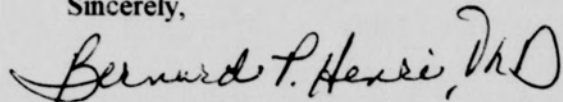
4 4 1 0 6

216.231.8787, Voice & TTY, Fax, 216.231.7141

Of an even more significant nature is our concern that the proposed rail traffic is being routed through low income neighborhoods. Are there not alternative routes that could be used?

While I understand the need for railroad transportation, particularly in a booming economy, I am hoping that the questions raised in this letter can be constructively addressed and reviewed.

Sincerely,

A handwritten signature in cursive script that reads "Bernard P. Henri, Ph.D." The signature is fluid and elegant, with the letters connected in a continuous line.

Bernard P. Henri, Ph.D.
Executive Director



Timothy J. Peppard
Chief of Police

January 30, 1998

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

Ladies or Gentlemen:

CSX and Norfolk Southern Railroads have filed a joint application with the Surface Transportation Board to acquire the Conrail Railroad, and subsequently divide Conrail's assets. I have been advised that this joint venture will result in a threefold increase in freight train traffic thru University Circle to include 44,000 carloads of hazardous waste.

University Circle is the cultural, medical, and educational center of Cleveland and Northeast Ohio. It is the home of internationally renowned museums, illustrious performing arts organizations, an eminent university and college, noted music and art schools, prominent hospitals and clinics, important health and human service agencies and many religious institutions.

Maintaining public safety in University Circle is the responsibility of the University Circle Police Department (UCPD). A key ingredient of the UCPD mission is to provide a safe environment that allows the valuable institutions located in the Circle to thrive. I would be remiss in my responsibility to this mission if I failed to express my concern for the affect the proposed rail plan may have on the safety and quality of life in University Circle. This community has yet to be engaged in dialogue by the parties to the proposed acquisition. This lack of inclusion is both inappropriate and unacceptable. University Circle is far too important to the life and vitality of greater Cleveland to be excluded from a decision that will have affect thru the next millennium. I request you consider University Circle as this process proceeds.

Sincerely,

Timothy J. Peppard
Chief of Police



11501 Mayfield Road • Cleveland, Ohio 44106
(216) 791-5025 • Fax: (216) 791-0370

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

January 29, 1998

Attn: Elaine K. Kaiser, Environmental Project Director

Located in University Circle, Abington Arms is an HUD assisted high rise apartment building for low-income elderly and mobility disabled residents. Abington was built in this cultural area to offer its residents a quality living environment. We have a total of 152 units with 157 tenants with approximately 60 in the disabled category.

Abington Arms is located approximately 475 feet from the bridge, with elevated railroad tracks, in Little Italy, an Historic District. Of great concern to us is the new CSX merger. Their proposed route will increase freight rail traffic through our area from 20 trains/day to approximately 81 trains/day and as the economy improves, volume would also increase. The negative impact on our residents, in terms of health and well-being is enormous; ie, a triple increase of noise levels which cannot be ameliorated because the tracks are elevated; dangerously increased levels of pollutants and carcinogenic materials in the immediate environment; and the increased probability of accidents involving railroad transported hazardous materials.

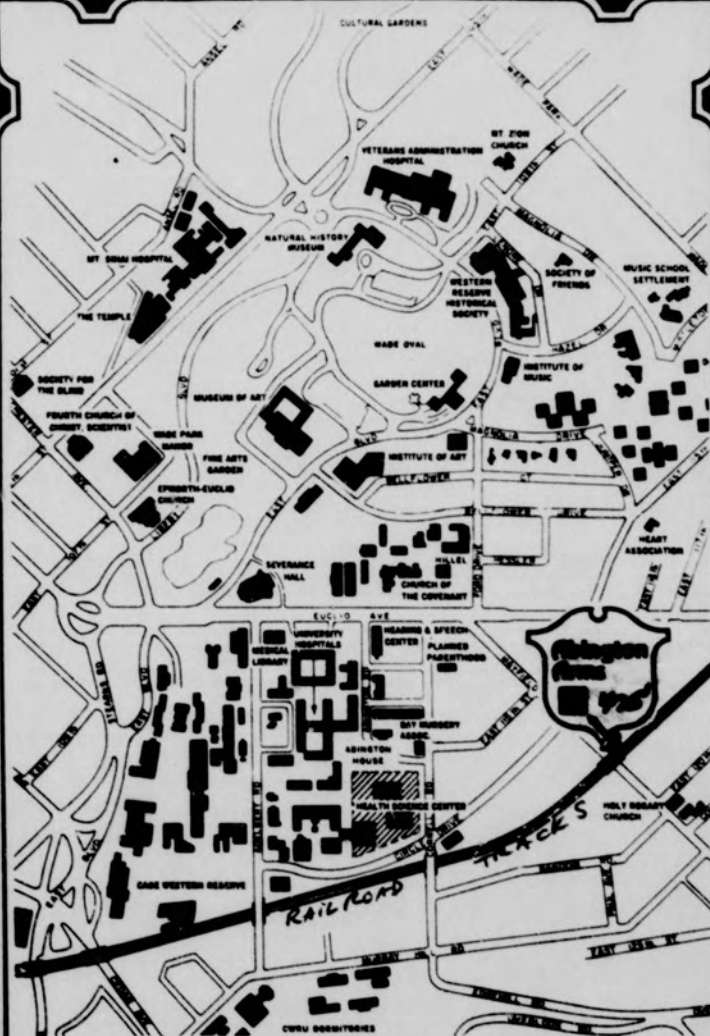
Abington Arms is only one of many HUD assisted senior apartment buildings located in the University Circle area comprised of approximately 1200 units, with approximately 1210 elderly, of which 225 could be identified as disabled. A daytime railroad accident, involving an hazardous spill, necessitating evacuation of these numbers of people plus all of the other approximately 30,000 people who work in the University Circle area daily would be a disaster of immeasurable proportions.

Please consider the alternate routes proposed by our City of Cleveland Mayor White.

Most sincerely yours,

ABINGTON ARMS

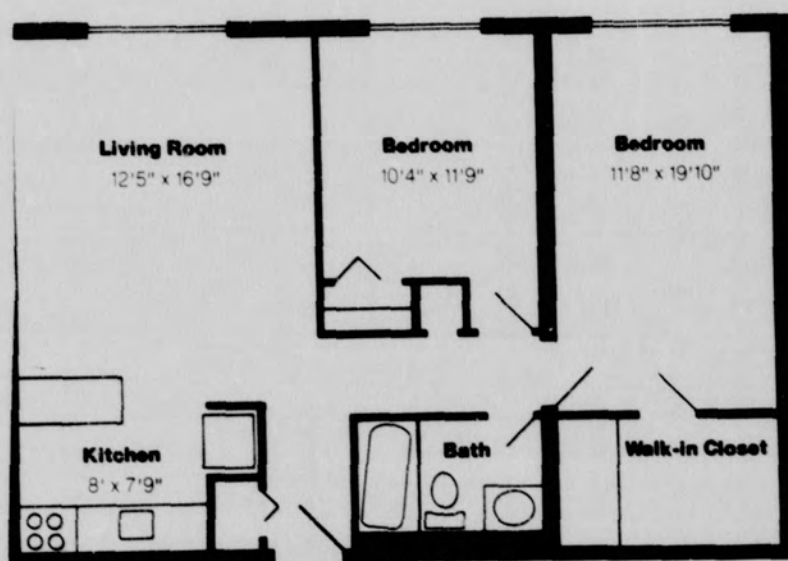
Elizabeth B. Heil,
Administrator



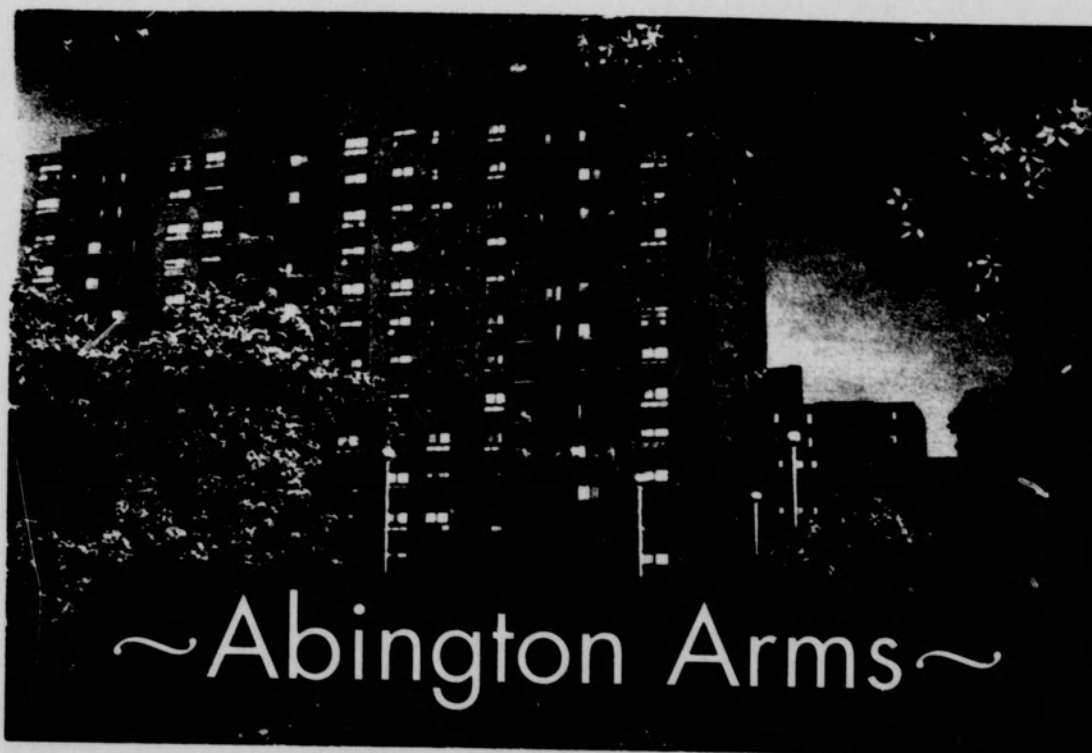
UNIVERSITY CIRCLE



FOR FURTHER INFORMATION CALL:
ABINGTON ARMS RENTAL OFFICE 791-5025
Elizabeth Hill, Adm. 791-5026



TYPICAL 2-BEDROOM SUITE



~Abington Arms~

Independent, Active Living For Seniors



ABINGTON ARMS

1 & 2 BEDROOMS

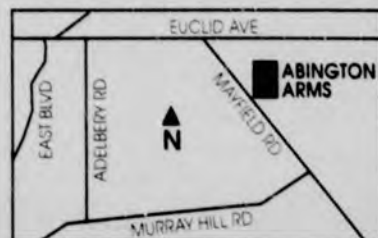
**11501 Mayfield Road
Cleveland, Ohio 44106**

Abington Arms features the perfect mix of comfort, care and convenience in the historic Murray Hill area. We understand the special needs of seniors, and we provide for them in a friendly environment that offers the service, quality and value those who have reached retirement age deserve and expect. Designed with a variety of features and amenities, Abington Arms offers attractive, comfortable suites, gracious community areas and personalized services that cater to active seniors seeking an independent retirement lifestyle. Make it your new home today.



ASSOCIATED
ESTATES REALTY
CORPORATION

(216) 791-5025



Independent, Active Living For Seniors



ABINGTON ARMS

1 & 2 BEDROOMS

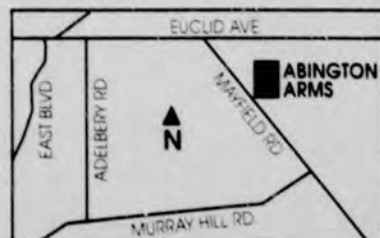
**11501 Mayfield Road
Cleveland, Ohio 44106**

Abington Arms features the perfect mix of comfort, care and convenience in the historic Murray Hill area. We understand the special needs of seniors, and we provide for them in a friendly environment that offers the service, quality and value those who have reached retirement age deserve and expect. Designed with a variety of features and amenities, Abington Arms offers attractive, comfortable suites, gracious community areas and personalized services that cater to active seniors seeking an independent retirement lifestyle. Make it your new home today.



ASSOCIATED
ESTATES REALTY
CORPORATION

(216) 791-5025



ABINGTON ARMS

11501 Mayfield Rd.
Cleveland, Ohio 44106

(216) 791-5025

*A Quality Associated Estates
Community for Independent
Seniors Offering:*

APARTMENT FEATURES

- 1 and 2 Bedrooms
- Special Wheelchair Adapted Suites
- Heat, Water & Electric Included
- Kitchen with Breakfast Bar
- Refrigerator & Electric Range
- Fully Carpeted Suites
- Abundant Closet Space
- Handicap Accessible Entry-Ways
- Individually Controlled Heat
- Mini-Blinds In Bedrooms
- Smoke Detectors & Automatic Sprinklers
- Four Laundry Centers in Building
- Intercom Entry System
- Cable TV Available

RECREATION

- Picnic Area with Grill
- Library, Chapel, Music Room and Art Room
- Big Screen TV In Community Room
- Social Activity Programs
- Art Therapy Program

DINING

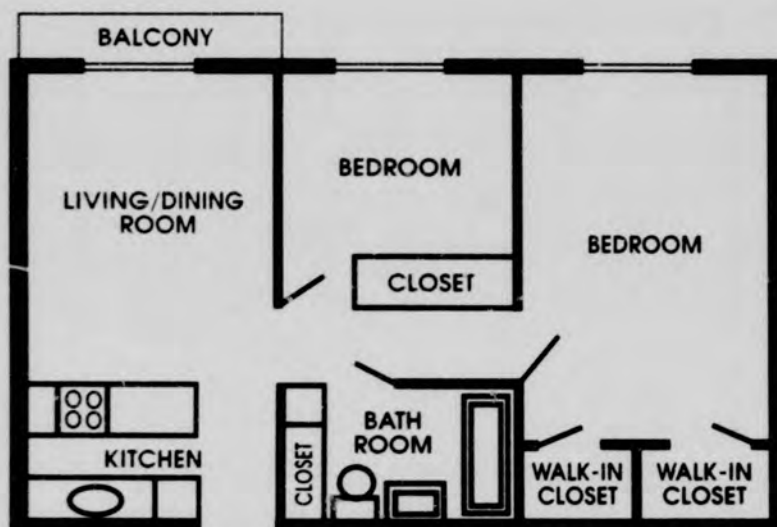
- Community Room with Kitchen
(Home Cooked Breakfast 5 Days-a-Week)

CONVENIENCE

- RTA at Your Door
- Door-to-Door CRT Senior Transportation Service
- Walk to Shopping & Dining
- Visiting Podiatrists Twice Monthly
- Services Coordinator
- Easy Access to Major Highways, Medical
Facilities, Senior & Community Center



1-BEDROOM SUITE



2-BEDROOM SUITE

Professionally Managed By Associated Estates Management Company

**Artist renderings only; actual dimensions & features may vary slightly.*



Arnold Dahm
Church of the Covenant
11205 Euclid Ave.
Cleveland, OH 44106

January 29, 1998

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

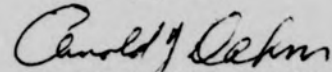
Dear Sirs,

The Church of the Covenant is located in University Circle, Cleveland, Ohio. The CSX and NS railroads have proposed a change in rail traffic through the City of Cleveland which would dramatically increase rail traffic through the heavily congested University Circle area. We oppose this plan and urge the Surface Transportation Board to adopt an alternate plan proposed by Cleveland mayor, Michael White.

Our church has a large number of elderly members who live in the Judson retirement and nursing communities in close proximity to the rail line. We also serve students at Case Western Reserve University located next to the rail lines. We feel that these populations of our members, particularly the elderly and infirm, are endangered by the proposed heavy traffic, 81,000 cars/year, of Hazardous Materials. It would be difficult to rapidly evacuate these members in the event of an accident accompanied by a spill of hazardous materials.

Our church is a leading advocate for the poor, and powerless and for minorities in Cleveland. We have by intention a racially diverse congregation. We object to the proposed plan of the CSX and NS railroads which will place the burden of an increase in noise, pollution, and danger of hazardous spills on the minority and low income population through which this increased rail traffic will pass.

Sincerely yours,



Arnold J. Dahm, President
Church of the Covenant

Attn: Elaine K. Kaiser
Environmental Project Director
Environmental Filing



CASE WESTERN RESERVE UNIVERSITY

January 30, 1998

The Honorable Michael R. White
Mayor, City of Cleveland
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Mayor White:

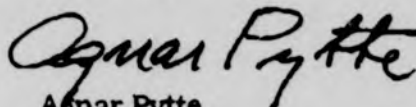
Thank you for bringing to our attention the proposal by CSX and Norfolk Southern to increase significantly the number of trains being routed through University Circle. These tracks run directly through our campus, where we accommodate 10,000 students and nearly 5,000 faculty and staff members. In discussion with University Circle, Inc., and our institutional neighbors here in the Circle, it is apparent that the proposed increase in train traffic raises important issues that need to be examined before the project can proceed.

At best, the increased noise generated by additional traffic would be a nuisance. Perhaps more troublesome is the effect of the increased vibration that would be produced. These are matters we will need to examine carefully.

Most disturbing, however, is the prospect that emissions from train engines would be quadrupled in an area which previous studies (not conducted by CWRU) have shown to be one in which air currents do not rapidly disperse. Thus, particulates and other emissions from increased train traffic might be expected to concentrate in the University Circle area, a situation that has implications for public health. We have not had an opportunity to study this matter adequately yet, but I suspect it is an issue that will be of interest to the larger community as well.

My heartfelt request is that the Surface Transportation Board expect that the railroads engage the community in a thorough discussion of these and other concerns that have been raised about their proposal, including a review of the environmental consequences of the change. We support your effort to secure such a commitment, and we will cooperate with your office in doing so.

Sincerely,


Agnar Pytte
President

Office of the President

MAILING ADDRESS
Case Western Reserve University
10900 Euclid Avenue
Cleveland, Ohio 44106-7001

VISITORS AND DELIVERIES
216 Adelbert Hall
2040 Adelbert Road

Phone 216-368-4344
Fax 216-368-5881



ASSOCIATED
ESTATES
MANAGEMENT
COMPANY

January 30, 1998

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

Dear Ms. Kaiser,

I am writing to you regarding grave concerns I have related to the proposed radically increased routing of train traffic through University Circle by CSX and Norfolk Southern.

I manage over 625 suites and 70,000 square feet of office and retail establishments some directly adjacent to and others in close proximity to the Mayfield Road elevated tracks.

Over 400 of my residents live in low income HUD subsidized properties for the elderly and handicapped and low income families. Abington Arms, a HUD Building for low income elderly and handicapped, is located less than 500 feet from the elevated tracks.

I do not believe that the data provided by CSX and NS sufficiently relates the negative impact of increased traffic of approximately 20 some trains a day to 80 plus trains a day. While the added noise alone for elevated tracks is of concern, my greater concern is the heavy increase of pollutants that not only significantly impact air quality, but may in fact be introducing carcinogenic and other pollutants with wide reaching medical repercussions.

With the increased transportation of toxic waste, comes the increased potential for the devastating effect of a major spill which would occur in this densely populated area.

5025 Sweetland Court

Richmond Hts., Ohio 44143

Phone 216-261-5090

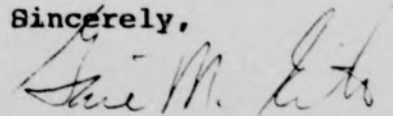
Fax 216-289-9600

You may not be aware of the unique nature of University Circle. Directly adjacent to the rail line is the historic community of Little Italy and nationally renowned hospitals and university. The Circle is home to many cultural institutions including, the world renowned Cleveland Museum of Art and the Cleveland Orchestra. The Circle is also the home of an additional 1200 HUD subsidized suites for the elderly, as well as many conventional apartments and businesses. Studies show that upwards of 30,000 people populate the Circle on any given day.

On behalf of myself, my residents and neighbors, I urge you to demand from the train companies more inclusive information on the adverse affects. I further urge you to support the alternate plans proposed by Mayor Michael R. White, which takes the additional traffic through the industrial corridors with minimal impact upon the residential neighborhoods.

I believe an open meeting with yourself and the residents and institutions of University Circle will enable you to make a more informed decision that would best benefit the community as a whole.

Sincerely,



Gail M. Eovito
Senior Property Manager

ATTN: Elain K. Kaiser,
Enviromental Project Director
Enviromental Filing

TAB 2

**Potential Incremental Increase of Criteria and Toxic (Non-Carcinogenic and Carcinogenic) Air Pollutants
in the Collinwood Corridor**

No.	Pollutants ¹	Increase in Emissions (Due to Increase in Train Operations)
		lb/year
	Criteria Polutants and VOCs	
1	Carbon Monoxide	42,874
2	Nitrogen Dioxide	196,506
3	Particulate Matter (PM-10)	17,864
4	Total Organic Compounds (as CH ₄)	5,717
	Carcinogenic Pollutants	
1	Benzene	1.60E+01
2	Formaldehyde	1.63E+00
3	Acetaldehyde	5.20E-01
4	Acrolein	1.62E-01
5	Propylene	5.75E+01
6	Benzo(a)pyrene	5.30E-03
7	Benzo(a)anthracene	1.28E-02
8	Anthracene	2.54E-02
9	Pyrene	7.65E-02
10	Chrysene	3.15E-02

Note:

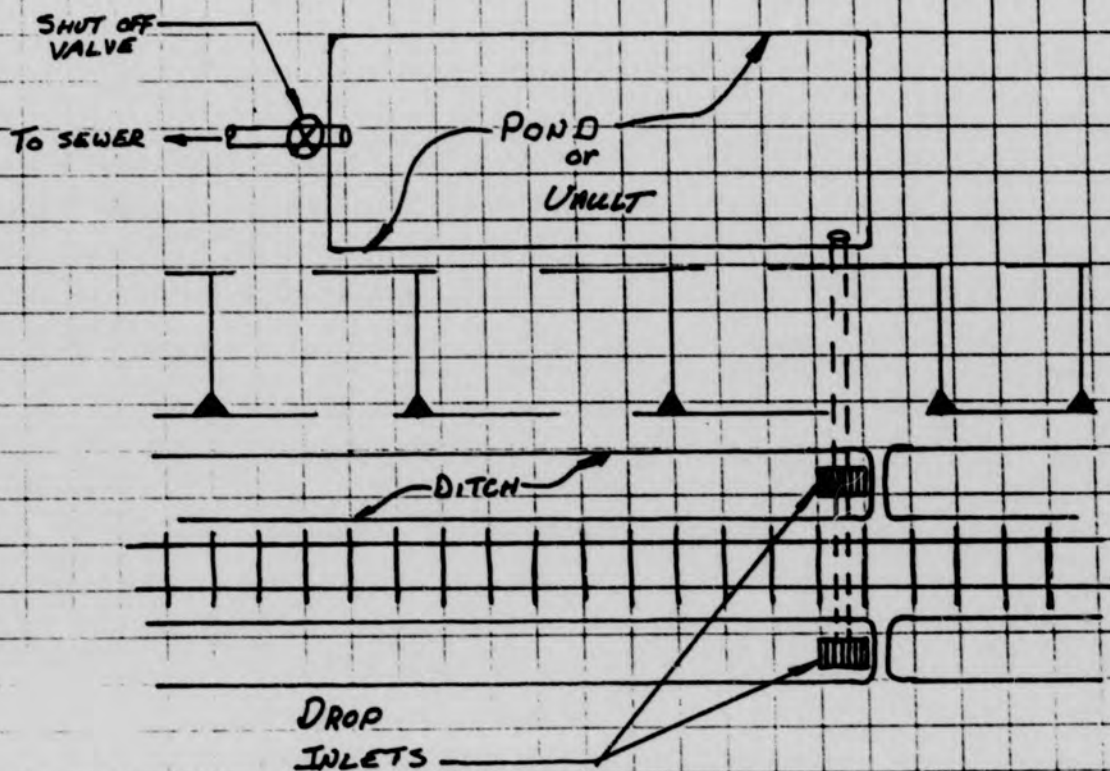
1. Pollutants and their emission factors were selected based on information provided in the EPA Document AP-42 "Compilation of Air Pollutant Emission Factors," Emission Factors for Large Stationary Diesel Engines, Section 3.4.1 through 3.4.4.

Assumptions used in the analysis:

1. The maximum rated power of 6,000 hp was assumed for each diesel engine.
2. Increase in exposure to potential emissions due to train traveling through corridor was estimated using the following assumptions.
 - Link length = 3 miles
 - Train average speed = 30 mph
 - Number of trains increased = 37 train a day.
 - Number of days per year = 365 days

TAB 3

Subject TYPICAL SYSTEM
HAZ MAT CONTAINMENT



CONCEPT

SKETCH

PB PARSONS BRINCKERHOFF
COMPUTATION SHEET

Page 2 of 3

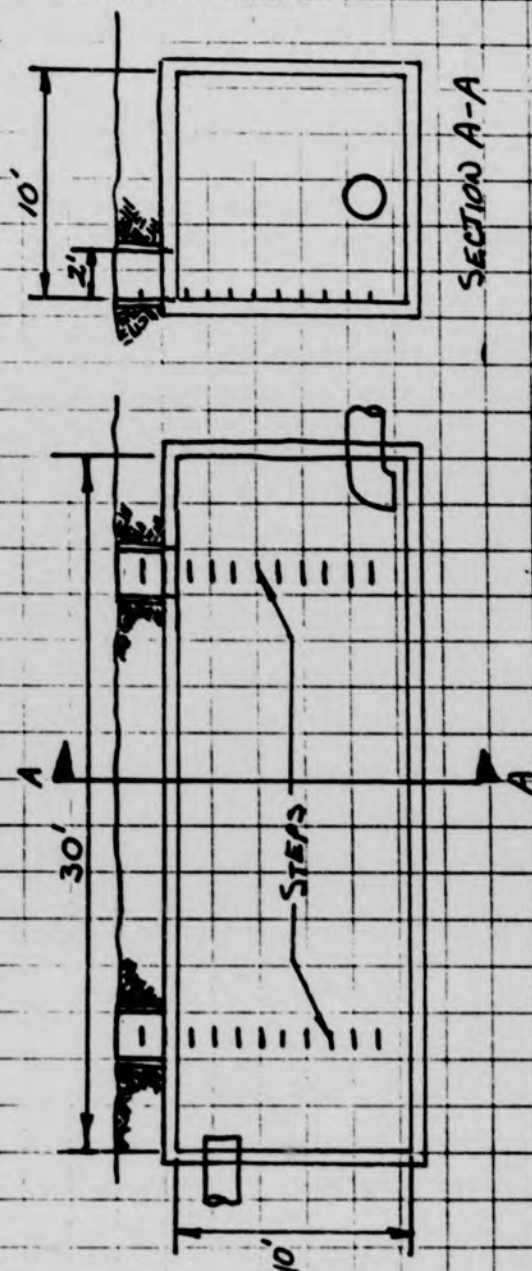
Made by CJH

Date 1/16/98

Checked by _____

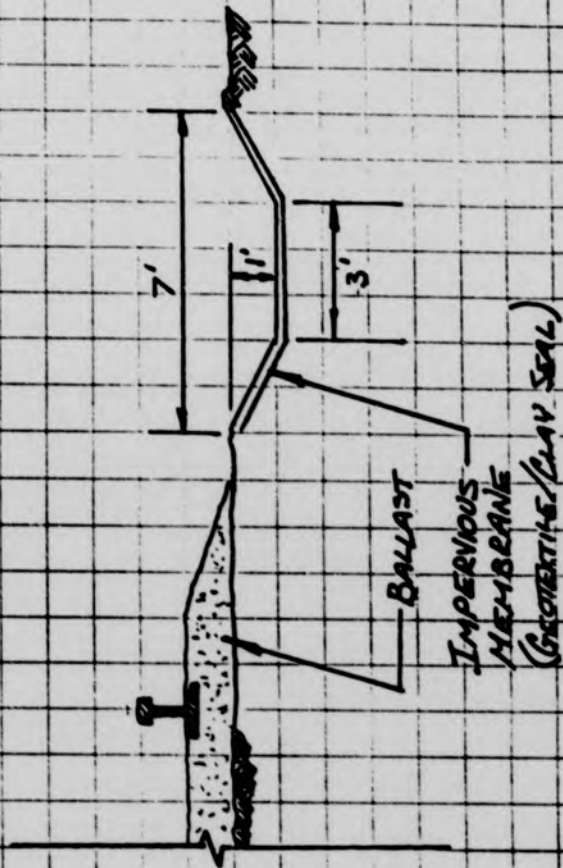
Date _____

Subject CAST IN PLACE VAULT - 20,000 GAL.
CAPACITY



Subject TYPICAL DRAINAGE DITCH

Page 3 of 3
Made by CJH
Date 1/16/98
Checked by _____
Date _____



TAB 4

INSERT INSTRUCTION SHEET

Insert #

1-4

Description of Insert

Title of Insert

① color insert.
② original NS/CSX
③ Revised
④ Alternative 1
Alternative 2

The

CIRCLE ONE
Original # / Blue # / Bates #

BEFORE This Insert Is:

TAB 4

The

CIRCLE ONE
Original # / Blue # / Bates #

AFTER This Insert Is:

TAB 5

SPECIAL INSTRUCTIONS:

TAB 5

Berea Grade Separation

The construction of a rail/rail grade separation in Berea requires an engineering and construction effort on the scope of a major freeway interchange. Two primary existing Conrail lines converge from each direction in BE Tower interlocking, located in the northern portion of the City of Berea. These lines extend from Chicago; St. Louis via Greenwich; Buffalo via the Cleveland Lakefront and CP 190; and Pittsburgh via the Short Line. Additionally, Front Street, a major arterial roadway, crosses both main lines at grade about 1200 feet to 1600 feet east of the Tower itself.

Based on conceptual analysis, it appears that the best design solution would locate an NS double track line from Chicago to the Short Line over a CSX double track line from Greenwich to the Lakefront. Two potential schemes were developed. One would keep CSX approximately at grade, with the NS line changing in elevation. The total distance involved would be about 10,000 feet and would result in a gradient of 0.6 percent or less. At the south crossing of Front Street, an underpass would carry Front Street under NS, with the new roadway about 6 feet below current elevation. Front Street would continue downgrade to pass under CSX at the north crossing, about 23 feet below current elevation. All dimensions are approximate only. The approaches to the rail/rail overpass would be earth embankment wherever no encroachment on adjacent property owners would result. Significant lengths of retaining walls were included, and would be required to accomplish this objective.

At the rail/rail separation, a second scheme would raise NS about 15 feet above its current elevation, and drop CSX 15 feet. This would allow the approach distances to be reduced to 7500 feet, with gradients of 0.6% or less on both CSX and NS. This would also have the benefit of minimizing structural quantities and visual impacts, and minimizing the impact on Front Street. In this scheme, the north Front Street crossing

would be an overpass over the railroad. In either scheme, Front Street gradients would be in the 5 percent range after accounting for vertical curvature and sight distances. However, as a trade-off, this scheme appears to have greater constructibility challenges because of the need for traffic to be maintained on both railroads and on Front Street. Temporary relocations and structures are likely required.

Obviously, additional schemes that involve other final railroad and roadway elevations, with corresponding cost and benefit trade-offs, are also possible, and should be considered.

A connection track, oriented eastbound from NS to the CSX corridor leading to the Lakefront, is included to accommodate Amtrak trains and NS trains that must pick up and set off at Rockport. The connection, designed for 40 mph, could diverge from the NS main line near the crest of the overpass, then curve north to parallel CSX. It would tie into the existing Conrail south control siding located parallel and immediately southeast of the two CSX main line tracks. Ownership of the control siding would be with NS. This arrangement would allow NS trains destined for Rockport to reach the yard without conflicting with any CSX traffic.

Alternatively, the connection track could be located east of the properties just east of Front Street. The county owns vacant parcels, proposed to be the location of a waste transfer station, that appear to be sufficient to accommodate the connection and the transfer station if desired. A portion of the connecting track would be located parallel to Front Street, about 800 feet to the east. In either case, the connecting track would reach grade west of the next at-grade crossing, Sheldon Road.

The control siding is currently used by Conrail trains working at Rockport, so little change in operating practices would be necessary. If additional capacity is required at the west end of Rockport, since some yard switching would likely occur

there, the parallel second lead track (which leads also to Ford Yard) would be upgraded and could be signaled. Ford plant switching is performed from the west end of the Ford Yard, so it appears reasonable that any conflict with switching movements would be minimal, and would be mitigated by the upgrade of the second lead track, which is now only lightly used.

This conceptual investigation did not include detailed consideration of utility impacts. It is known, however, that in Berea the Northeast Ohio Regional Sewer District interceptor sewer does parallel the line from the Lakefront, then crosses under the tracks to parallel the line to Greenwich. According to our information, this sewer is located about 60 feet below grade. Additional investigation is necessary, but no insurmountable conflict appears to exist.

To accommodate the needs of the public and of the railroads, the project would include the following components:

- Rail/rail grade separation and approaches
- Grade separation of Front Street from both railroads. The south crossing with NS likely involves NS over the road, while at the north crossing with CSX Front Street could go either over or under the railroad, depending on the configuration selected for the rail/rail overpass
- Reconstruction of Front Street for its entire length through the two railroad crossings, beginning near the First Street intersection to the south and continuing to or beyond the Emerson Street intersection to the north
- Connection track from NS to CSX for Rockport trains and Amtrak
- Modification of the NS (north) stone arch bridge over the Rocky River. No modification appears necessary to the CSX (south) bridge, now under reconstruction
- Replacement of the NS (north) bridge over Rocky River Drive. No modification appears necessary to the CSX (south) bridge
- Sheldon Road crossing of the line to the Lakefront may require grade separation for the scheme with CSX at-grade, depending on the rail/rail bridge elevation. This crossing is not affected with a partial NS up/CSX down scheme

Most construction can occur on railroad-owned property except:

- A Front Street grade separation will require property impacts, even under the railroads' plans
- A temporary connection track may be required west of the Rocky River over NEORSD property
- The connection east of Front through county property

The consideration of this grade separation project in Berea was not taken lightly; the proposed project involves numerous trade-offs and significant engineering and construction phasing considerations. However, it appears very feasible, and should be considered.

TAB 6

NEIGHBORHOOD IMPACTS OF FREIGHT RAIL TRAFFIC INCREASES
Comparison of Alternatives

ALTERNATIVE	TRAINS per DAY current → proposed (or lines with proposed increases)	RESIDENTS LIVING WITHIN 1,000 FEET OF RAIL LINES PROPOSED FOR INCREASED FREIGHT RAIL TRAFFIC						IMPACT INDEX*
		POP.	% NON- WHITE	% HISPANIC	% BELOW POVERTY	MEDIAN INCOME	GRADE CROSSINGS	
NS/CSX Original Proposal	42 → 115 174% increase	67,847	52.3% (35,489 persons)	5.3% (3,598 persons)	37.0% (25,132 persons)	\$14,868	13	22.4
NS/CSX Revised Proposal (12/5/97)	42 → 115 174% increase	68,317	51.6% (35,260 persons)	4.7% (3,207 persons)	33.9% (23,500 persons)	\$16,282	7	21.4
Alternative 1: La Beshore/ West Side	46 → 67 46% increase	49,547	37.1% (18,359 persons)	6.0% (2,955 persons)	29.2% (14,458 persons)	\$17,456	4	8.1
Alternative 2: La Beshore/ Short Line	46 → 67 46% increase	32,625	54.5% (17,794 persons)	1.0% (319 persons)	28.7% (10,561 persons)	\$16,175	4	5.2

* The "Impact Index" numbers were determined on the basis of the following calculation:

$$\text{additional trains per day on each rail line segment} \times \text{population within 1,000 feet of tracks on each rail line segment} \\ + 100,000 = \text{Impact Index}$$

The rail line segments and the associated neighborhoods are identified on the maps and tables which show the neighborhood impacts of increased freight rail traffic.

Higher impact numbers indicate greater impacts on neighborhoods. Lower impact numbers indicate lesser impacts on neighborhoods.

Revised 1/5/98

TAB 7

URGENT

HOPKINS & SUTTER

(A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS)

333 SIXTEENTH STREET, N.W., WASHINGTON, D.C. 20006-4103 (202) 835-8000
FACSIMILE (202) 835-8136
INTERNET <http://www.hopnet.com>

CHICAGO OFFICE THREE FIRST NATIONAL PLAZA 4000-4003
DETROIT OFFICE 3800 LIVERMORE SUITE 220 TROY, MI 48063-1220

CHARLES A. SPITULNIK
(202) 835-8196

FEBRUARY 2, 1998

Sarah McCarty
Balmar Copy Center
17th Street Shop

Sarah:

Following are instructions for filing with the Surface Transportation Board and serving on parties of record **COMMENTS IN RESPONSE TO DEIS ON BEHALF OF THE CITY OF CLEVELAND (CLEV. 10)**:

Run a total of 290 copies of Comments and 260 copies of Letter and disseminate as follows:

SURFACE TRANSPORTATION BOARD

ORIGINAL plus 25 copies of **Comments** with **ORIGINAL** of **Letter** and (also include diskette) to be hand delivered to STB (label provided). One copy of **Comments** and **Letter** are to be date stamped and returned to this office (envelope and label provided):

HAND DELIVERIES

Three copies each of **Comments** and **Letter** are to be hand delivered to (envelopes and labels provided):

Richard Allen
Zucker, Scoutt

Dennis G. Lyons
Arnold & Porter

Samuel M. Sipe, Jr.
Steptoe & Johnson LLP

Paul A. Cunningham
Harkins & Cunningham

One copy each of **Comments** and **Letter** are to be hand delivered to (envelopes and labels provided):

The Honorable Jacob Leventhal, Federal Energy Regulatory Commission
John M. Nannes, Skadden Arps
David H. Coburn, Steptoe Johnson

Continued.....

255 Screen for
25 copies for STB
1 Stamped copy H&S
1 client
8 H&S
260

CERTIFICATE OF SERVICE

I hereby certify that on February 2, 1998, a copy of the Comments of The City of Cleveland, Ohio on the Draft Environmental Impact Statement (CLEV-10) was served by hand delivery upon the following:

The Honorable Jacob Leventhal
Administrative Law Judge
Federal Energy Regulatory Commission
888 First Street, N.E.
Suite 11F
Washington, D.C. 20426

John M. Nannes
Skadden, Arps, Slate, Meagher
& Flom L.L.P.
1440 New York Avenue, N.W.
Washington, D.C. 20005-2111

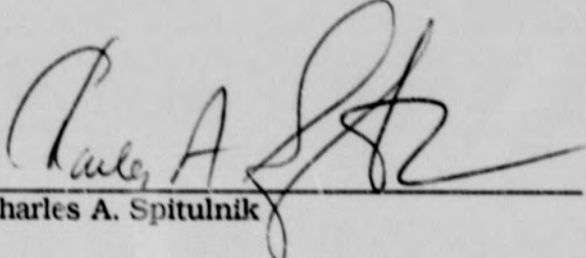
Samuel M. Sipe, Jr.
Steptoe & Johnson L.L.P.
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036-1795

Richard A. Allen
John V. Edwards
Zuckert, Scoutt & Rasenberger, L.L.P.
888 Seventeenth Street, N.W.
Suite 600
Washington, D.C. 20006-3939

Dennis G. Lyons
Drew A. Harker
Arnold & Porter
555 12th Street, N.W.
Washington, D.C. 20004-1202

Paul A. Cunningham
Harkins Cunningham
1300 Nineteenth Street, N.W.
Suite 600
Washington, D.C. 20036

and by first class mail, postage pre-paid upon all other Parties of Record in this proceeding.



Charles A. Spitulnik

CITY OF CLEVELAND
CONRAIL ACQUISITION CLEVELAND ROUTING ALTERNATIVES
CONCEPTUAL ESTIMATE OF POTENTIAL CAPITAL COSTS
JANUARY 30, 1998 REVISION

Item	CSX/NS Plan Original	CSX/NS Plan Rev. 12/5/97*	CSX/NS Rev. Plan with Mitigation	Alternative 1 Lakeshore/West Side	Alternative 2 Lakeshore/Short Line	Origin of Estimate
Berea Separation Rail Components	\$0	\$0	\$0	\$60,000,000	\$60,000,000	PB estimate for NS over CSX
Berea Separation Roadway Components	\$0	\$19,600,000	\$19,600,000	\$30,000,000	\$30,000,000	PB estimate
Flats Industrial (West Side) Connection	\$0	\$24,400,000	\$24,400,000	\$24,400,000	\$0	NS estimate
Vermilion Connection (Wbd NS to CR)	\$3,000,000	\$3,000,000	\$3,000,000	\$0	\$0	NS estimate
University Circle Connection (NS to CSL)	\$0	\$0	\$0	\$0	\$2,000,000	PB estimate
Short Line Upgrade Short to Marcy	\$18,600,000	\$18,600,000	\$18,600,000	\$18,600,000	\$18,600,000	CSX discussion; orig. est. \$11.6M **
Short Line Upgrade Marcy to Collinwood	\$6,500,000	\$6,500,000	\$6,500,000	\$0	\$0***	CSX estimate, may be req. for Alts.
Short Line Enlarge Tunnels (Optional)	\$0	\$0	\$0	\$0	\$0***	CSX estimate is \$25M
Harvard Connection Second Track	\$0	\$0	\$0	\$5,500,000	\$5,500,000	PB estimate
NS Nottingham/Dille Underpass	\$0	\$0	\$5,000,000	\$5,000,000	\$5,000,000	PB estimate
NS London Underpass	\$0	\$0	\$6,800,000	\$6,800,000	\$6,800,000	PB estimate
Hazardous Materials Mitigation Measures	\$0	\$0	\$925,000	\$0	\$480,000	PB estimate
Noise/Vibration Mitigation Measures	\$0	\$0	\$7,100,000	\$4,200,000	\$2,400,000	PB estimate
Improve Track/Signals near Rockport/Ford	\$0	\$0	\$0	\$2,000,000	\$2,000,000	PB estimate
CSX Bagley Road Underpass	\$0	\$0	\$15,000,000	\$15,000,000	\$15,000,000	PB estimate
Bessemer Ave. Crossing Realignment	\$0	\$0	\$300,000	\$0	\$0	City of Cleveland estimate
TOTAL	\$28,100,000	\$72,100,000	\$107,225,000	\$171,500,000	\$147,780,000	***

Notes:

These estimates should be considered conceptual in nature, and are subject to change following further investigation.

These estimates generally do not include improvements common to all alternatives, such as Collinwood intermodal improvements.

* Norfolk Southern's revised submittal regarding the Flats Industrial (West Side) Connection is actually dated 11/25/97.

** It is our understanding that CSX's estimate for this Short Line segment and Cuyahoga River bridge upgrade, originally documented at \$11.6M, may increase to over \$18M. Note that this uncertainty does not affect the comparison of the costs of the alternatives.

*** Several estimates are based on railroad-provided figures. Following the re-designation of ownership of certain segments, evaluation by the other railroad may result in the need for different improvements with different costs. This is especially true regarding the possible need for the Harvard tunnels and improvements on the Short Line from Marcy to Mayfield in Alt. 2.

PARSONS
BRINCKERHOFF

Alt-cv35.xls
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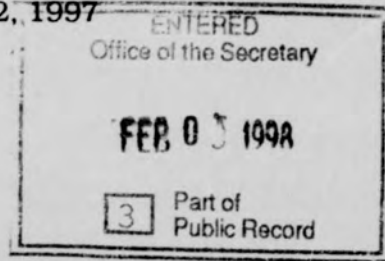
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DETROIT OFFICE 2800 LIVERNOIS SUITE 220 TROY, MI 48063-1220

CHARLES A. SPITULNIK
(202) 835-8196

February 2, 1997

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



RECEIVED
SURFACE TRANSPORTATION
BOARD

FEB 2 5 16 PM '98

RECEIVED
OFFICE OF ECONOMICS
DIRECTOR'S OFFICE

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

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, Finance Docket No. 33388

Dear Ms. Kaiser:

Enclosed are an original and twenty-five (25) copies of the Comments of The City of Cleveland, Ohio on the Draft Environmental Impact Statement (CLEV-10) for filing in the above-referenced proceeding. An additional copy is enclosed for file stamp and return with our messenger. Please note that a copy of this filing is also enclosed on a 3.5-inch diskette in WordPerfect 5.1 format.

Sincerely,

Charles A. Spitulnik

Enclosures

cc: The Honorable Jacob Leventhal
All Parties of Record

Before the
SURFACE TRANSPORTATION BOARD
Washington, D.C. 20423



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

**COMMENTS OF THE CITY OF CLEVELAND, OHIO
ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT**

The City of Cleveland, Ohio, by its undersigned counsel, hereby submits its comments with respect to the Draft Environmental Impact Statement (the "DEIS") served by the Board's Section of Environmental Analysis ("SEA") on December 12, 1997. The DEIS was prepared to analyze the impact on the environment of the proposed acquisition of Conrail Inc. and Consolidated Rail Corporation ("Conrail") by CSX Corporation and CSX Transportation, Inc. (collectively, "CSX") and Norfolk Southern Corporation and Norfolk Southern Railway Company ("NS").¹

The DEIS falls far short of achieving its purpose. While recognizing the multifaceted problem this transaction will create for Cleveland, it minimizes the scope by focussing on regional impacts rather than on the direct impacts to the many

¹CSX and NS are occasionally referred to jointly in these Comments as "Applicants."

communities located along the railroads' lines in the Cleveland area. By looking broadly at the issues, rather than on the serious adverse impacts the transaction will have across Cleveland and throughout its neighboring communities, the study minimizes the impacts on the minority and low income populations who would bear the worst brunt of the proposed transaction. Worse, it falls far short of recommending satisfactory or effective mitigation measures for the many and extensive impacts the transaction will cause.

I. INTRODUCTION

The City of Cleveland will experience a devastating increase in noise, vibration, potential exposure to hazardous materials, delays to emergency response vehicles at crossings -- all from a significant increase in train frequencies. The railroads' response to the City's concerns have been inadequate or nonexistent. CSX's proposal to plant trees and install low noise walls made of railroad ties along the Short Line will not mitigate the three-fold increase in noise impact on the adjacent residential neighborhoods. NS has made no proposals to mitigate the impacts of their intended actions.

The DEIS almost recognizes the scope of Cleveland's problem, but has proposed that CSX and NS talk to the communities. This is not enough. The purpose of an EIS is to assess comprehensively the adverse impacts on the natural and human environment, and to propose comprehensive and effective solutions. The DEIS in this case, despite its bulk and the appearance of thoroughness its size implies, does not begin to address the serious harm that Cleveland and its suburban neighbors will experience. The shortcomings in the DEIS begin with problems in the methodology

used to address certain of the impacts, and end with the failure to identify and recommend appropriate mitigation.

Cleveland has summarized the substantial impacts of this transaction on its neighborhoods in its Comments and Request for Conditions, filed on October 21, 1997 (CLEV-9).² SEA acknowledges many of those impacts. In some neighborhoods, such as the Kinsman/South Broadway neighborhood, train frequencies will increase by more than 1000%. City-wide, more than 64,000 residents live within 1,000 feet of the two railroads' routes. As Cleveland explained in CLEV-9 and as has been documented in studies conducted by the Mayor and his staff, the negative impacts of the increased train traffic include safety hazards, noise, vibration, odor, dust, congestion and decreases in access, property values and overall quality of life for residents along these rail corridors. Among the harmful impacts, emergency response times will be jeopardized as trains block crossings for periods of time ranging from 2 to 10 minutes. Volumes of hazardous materials transported through Cleveland's residential neighborhoods will increase from zero (0) to forty-four thousand (44,000) carloads in east side neighborhoods and from seven thousand (7,000) to eighty-one thousand (81,000) carloads in University Circle, the region's second largest employment center and home of nationally prominent cultural, educational and medical institutions -- the Cleveland Symphony, the Cleveland Museum of Art, Case Western Reserve University,

²Cleveland provided SEA with a copy of its comments on November 6, 1997. To avoid burdening the record with duplicative recitation of the facts presented there, Cleveland incorporates CLEV-9 by reference as though fully set forth.

and University Hospitals, as well as 40 other institutions of regional and national significance.

The impacts on University Circle, masked by the way the DEIS and Applicants have drawn the line segments used in the study, have drawn criticism not just from the Mayor of Cleveland but from civic, religious, institutional and business leaders in that community. Copies of letters to the STB that explain of the unique nature of the University Circle area and statements of extreme concern about the extraordinary impact of the NS/CSX proposal on this region are attached to these comments at Tab 1. These letters are from: John S. Wilbur, Jr., President and Chief Executive Officer of University Circle, Inc., a non-profit planning and service organization for University Circle ("It is our collective concern that the increased train traffic that will result from the proposed CSX merger will adversely affect our economic progress and plans. We base this on the convictions that the increased traffic will adversely affect air quality; increase noise pollution (which may prove problematic to the Cleveland Orchestra); and bring hazardous materials into the Circle creating the potential need for emergency evacuation in an area with **three major hospitals.**") (emphasis supplied); Bernard P. Henri, Ph.D., Executive Director, Cleveland Hearing & Speech Center ("... Cleveland Hearing & Speech Center must express its particular concerns regarding the significant increases in noise which such volumes of rail traffic would create."); Timothy J. Peppard, Chief of Police, University Circle Police Department; Elizabeth B. Heil, Administrator, Abington Arms, an HUD assisted high rise apartment building for low-income elderly and mobility-disabled residents ("The negative impact on our residents, in terms of health and well being is enormous; i.e. a triple increase of the noise levels

which cannot be ameliorated because the tracks are elevated; dangerously increased levels of pollutants and carcinogenic materials in the immediate environment; and the increased probability of accidents involving railroad transported hazardous materials."); Arnold Dahm, President of the Church of the Covenant ("We feel that these populations of our members, particularly the elderly and infirm are endangered by the proposed heavy traffic, 81,000 carloads/year of Hazardous Materials. It would be difficult to rapidly evacuate these members in the event of an accident accompanied by a spill of hazardous materials."); Agnar Pytte, President, Case Western Reserve University; Gail M. Eovito, Senior Property Manager, Associated Estates Management Company ("While the added noise alone for elevated tracks is of concern, my greater concern is the heavy increase of pollutants that not only significantly affect air quality, but may in fact be introducing carcinogenic and other pollutants with wide reaching medial repercussions. With the increased transportation of toxic waste, comes the increased potential for the devastating effect of a major spill which could occur in this densely populated area.")

The focus in the DEIS on impacts by line segments has created an analysis that masks the impacts on the disadvantaged populations that live and work along the routes the companies plan to use to route their trains after the transaction. In the Cleveland area, the railroads' lines head towards the east or west from the center of the City, the population densities decrease and the demographics of the population shift to more affluent, less racially and culturally diverse communities. By basing impact measurements on line segments that are longer than the stretches that extend through the low income and minority populations Cleveland has identified in CLEV-9, the DEIS and the Applicants dilute the analysis of the problems this transaction will create. The

President's Environmental Justice Order requires more rigorous attention to the impacts on the disadvantaged populations that will see, hear and feel the effects of the proposed transaction.

There is only one way to most effectively mitigate these harms: rerouting trains away from the residential communities and into the industrial corridors that have rail lines already serving them. Because the Applicants have not been able, despite their expertise and substantial resources available, to find any rerouting alternatives, the Mayor of Cleveland has spent his and his staff's time and resources to study the problem carefully and find a proposed solution. The solutions proposed by Cleveland are discussed in Section IV of these Comments. Cleveland recognizes that these are not the only possible alternatives that CSX and NS should consider. However, an analysis of these possible solutions can form the baseline for beginning to create a solution that meets all of the parties' objectives. Relying on the expertise of staff and of rail industry professionals and consultants the City has retained, the City has proposed two alternative routing arrangements that are designed to prevent the potentially devastating impact of the enormous increase in freight traffic that will result from the CSX/NS proposal. Either of the Cleveland solutions would limit the harm to Cleveland's neighborhoods while at the same time providing an arrangement that will allow CSX and NS to move cross-country traffic efficiently through the City, which is a key junction point on both of their systems. As explained more fully in section IV, below, the Cleveland solution will improve upon the CSX/NS proposal by:

- Redirection freight traffic from residential areas to industrial corridors;
- Substantially reducing the adverse impacts on minority and low-income populations;

- Providing grade separations to minimize emergency response times and improve traffic flow;
- Minimizing increases in noise levels;
- Decreasing the need to spend money on mitigation measures that will have limited positive effects, which, in turn will allow the railroads to spend money on providing efficient and competitive freight service, thus enhancing regional development.

Cleveland recognizes that neither of its solutions to the problems CSX and NS will create will come free. According to the City's studies, the cost will be in the range of \$148 to \$171 million, which includes the cost of investment in improvements to the infrastructure in the adjacent City of Berea. NS and CSX have projected a cost of \$72 million to construct improvements in Cleveland, but this does not include the cost of mitigating the substantial noise, hazardous materials, safety and crossing delay concerns raised by this proposal.

The City believes that the cost to mitigate the existing CSX/NS proposal will continue to escalate as the railroads confront the true costs of mitigation in the City and in the adjacent suburbs. In fact, as Cleveland and its suburban neighbors have focussed attention on the serious problems this transaction will create, CSX and NS have both begun to demonstrate their willingness to spend money to appease the concerns of the various communities. However, more will be required. According to the City's analysis, the actual cost to the railroads of implementing their own proposals, with their proposed mitigation measures that provide, at best, only a partial solution, would be \$107 million. In the context of a proposed transaction that is projected to

yield to the two rail giants a total of nearly \$1 billion in benefits annually³, the differential between the cost of implementing the current NS/CSX proposal and the cost of the Cleveland solution diminishes in scope.

In preparing both its estimate of the full cost of mitigating the railroads' proposal and the two alternative routing proposals, the City has been true to its tradition of being a city that designs and builds things that work. Cleveland is a city with a 200 year tradition of engineering and precision manufacturing. From its early years as the center of the country's oil and steel industries to its preeminence as a center of automotive and machine tool manufacturing, to its more recent pioneering role in biomedical and polymer research, the Greater Cleveland community takes pride in being a community that designs products to micrometer tolerances and manufacturing them more effectively than others. The City's approach to solving the multiple problems created by the proposed Conrail acquisition reflects this disciplined approach. The City has retained recognized professional experts and has tasked them to analyze the existing proposal and to develop workable alternatives that will best meet the needs of the railroads, the City and its suburban neighbors. The City takes the position that it needs an efficient through railroad system but not at the expense of existing residential communities and unique institutional districts. City staff and the City's consultants identified and evaluated numerous rail routing alternatives -- at the City's expense -- two of which it believes will best balance the interests of the railroads, the

³Railroad Control Application, filed June 23, 1997, at Vol. 1, p.19.

City and the suburbs and which will provide a 100-year "global fix" that will best serve these parties.

The alternatives proposed by the City are just the beginning of the analysis that is required at this stage. While the City has done some analysis of the comparative impacts of its proposals (see Section IV, *infra*), SEA should undertake a careful analysis of these alternatives as part of its obligations under the applicable regulations before issuing the final EIS with respect to the proposed transaction.

These Comments are divided into three sections: a generalized discussion of defects in the DEIS; a description of specific areas that Cleveland has identified as requiring additional study because the DEIS does not fully assess the impacts on the City; and a description of the Cleveland solutions, along with a description of the ways these alternative routing arrangements will diminish, where they do not remove entirely, the otherwise enormous impacts of the proposed transaction.

II. GENERAL COMMENTS

A. Methodology

1. The study does not focus adequately on impacted neighborhoods or communities.

Because the scope of the SEA's analysis is so broad, encompassing nearly one half of the country, it does not deal in detail on the impacts to specific communities within the regions studied. The study does, to be sure, begin on a state-wide level, then break down into county or city-specific analyses. For the most part, however, the analysis is by line segment. If the line segment studied is too long or encompasses more than one town, or more than one distinct community within the larger region

traversed by the line segment, the impacts on a particular location that may in fact be substantial, are masked.

For example, segment N-075, Ashtabula to Cleveland, is 50 miles long. DEIS, vol. 3B, Table 5-OH-1 at OH-6. It traverses three counties -- Ashtabula, Cuyahoga and Lake -- and crosses several communities within those counties. The aggregate impacts over this line, when analyzed in terms of the entire segment and the population along it, minimizes the impacts on the large population concentrations closer to the heart of Cleveland. If, for example, the particulate emissions were studied along this line segment, the impact to residents in more densely populated segments would appear smaller than it actually is as a result of spreading the measurement along a lengthier corridor. Similarly, Table 5-OH-49 DEIS, vol. 3B at OH-120, states that only 22.4% of the population along this segment falls within the low income category. However, for the 13 mile stretch in Cuyahoga County, the population demographics is different, and higher. The percentage of people living in poverty is higher, and the impact is far more serious and more accurately stated, if this line segment was studied in smaller segments that correspond to the Cleveland neighborhoods identified in CLEV-9. The comparison is even more dramatic when one looks at the demographics within the City and compares them with the demographics on the Cleveland-Ashtabula NS segment (N-075) as a whole. This 50-mile segment is estimated by the SEA to have a total population of 71,286, with 47.6% minority and 22.4 low income. Cleveland's analysis of this segment within the City (1000 feet from the centerline) is 19,853, with 67% minority and 38% low income. See CLEV-9, VS Morrison at Attachments 1 and 2. These dense urban neighborhoods clearly deserve more detailed and focused

examination than is possible when environmental impacts are analyzed using rail segments that are up to 50 miles long.

Before completing the Final EIS, SEA should require the studies that have been done to focus more on the individual neighborhoods and communities such as University Circle which are along these line segments. While it is tempting, due to the sheer magnitude of the transaction being studied, to assess impacts on a regional basis, SEA can not permit the use of such a broad approach to trivialize the impacts on the individuals and the communities that will feel the adverse effects of the increases in train frequency that will plague Cleveland's residential, commercial and cultural centers.

2. The analysis of air quality impacts is incomplete.

Similarly, the assessment of the impacts of the transaction on air quality in Cleveland misses two important points about increased emissions because of the regional, rather than a more localized, approach that the study takes. While giving some attention to air quality, the DEIS does not address localized air quality impacts and fails entirely to analyze particulate emissions (PM_{10}) which may have serious health consequences to the young, elderly and infirm. While the impacts of air pollution on these populations are alluded to in the DEIS's section on Environmental Justice, SEA has made no attempt to quantify, analyze or propose mitigation for the effects of the dramatic increase in rail traffic on these sensitive populations.

For example, the DEIS does not take into account the unique dispersion patterns and populations concentrated in University Circle, an institutional district through which over 80 trains will pass each day. As indicated in the attached letter from Agnar

Pytte, the President of Case Western Reserve University (included in Tab 1), the dispersion characteristics found within the University Circle district demand specific detailed analysis and clearly defined mitigation.

3. The DEIS assessment of risk from hazardous materials incidents employs an arbitrary measure, fails to account for variability in the data and side steps the need for mitigation in Cleveland.

One aspect of the study of increases in Hazardous Material incident potential raises questions about the validity of the study overall, since it seems designed to trivialize the increased risk and to avoid finding impacts that are sufficient to warrant further study or mitigation, or both. Table 5-OH-6, DEIS Vol. 3B at OH-15, shows changes in years between accidents. For two segments in Cleveland (C-072 and C-073) the interval changes from one accident every 1344 years and 666 years, per mile on the segments, respectively, to one accident every 101 years per mile on both segments. These same rail segment will experience an enormous increase in the volume of hazardous materials transport. **In fact, this is the largest (by far) increase across in hazardous material transportation across the entire system, yet SEA requires no further analysis of potential mitigation.** On segment C-072, the number of trains will increase by 40.4 per day (Table 5-OH-6), and the amount of hazardous materials shipped on the segment will increase from 0 to 44,000 carloads annually (Table 5-OH-10, DEIS Vol. 3B at OH-30). On segment C-073, train frequencies will increase by 37.0 per day (Table 5-OH-6) and the amount of hazardous materials shipped also will increase from 0 carloads to 44,000 carloads annually (Table 5-OH-10).

Moreover, the differing demographics along the various line segments demonstrates another fundamental flaw in the one accident per 100 years per mile

standard. In Cleveland, the population densities along these lines are high and thousands of people live within 1,000 feet of the tracks. The situation in rural counties is different. To be sure, people live near the two carriers' tracks throughout their systems. But in rural, less densely populated areas, the number of people per mile who are placed at increased risk of exposure to hazardous materials declines dramatically. Any increase in exposure to this risk requires careful study to determine whether other alternatives might provide a safer, or at least less risky, solution. In this case, where CSX and NS propose some of the highest increases in hazardous materials carloads across their newly configured systems, the population density along the routes in the City of Cleveland suggests that a different standard should be used.

In view of these enormous increases (enormous whether measured in terms of raw numbers or of percentage increases), SEA should have pursued studies of whether mitigation is warranted. SEA's description of its methodology for study of mitigation of hazardous materials impacts includes the following statements:

"To be conservative, SEA applied a level of one accident per 100 years as the significance criteria for determining when mitigation is warranted.

....

SEA determined that, nationally over the last 20 years, the number of accidents varies plus or minus 10 percent each year from the previous year."

DEIS Vol. 1 at 3-7. This appears to say that the statistical variation is plus or minus 10% between years. For line segments C-072 and C-073, the projected incident rate was every 101 years, apparently plus or minus 10 years. This could mean an accident every 91 years, or one every 111 years. To be conservative and careful about protecting

the lives of the citizens who live and work along these lines, an enormous increase in hazardous material traffic and a dramatic increase in the rate of likelihood of an incident should have led SEA to determine that these line segments required the next level of analysis of mitigation. No such analysis was conducted.

With respect to this issue, the DEIS side steps the mitigation issue through arbitrary manipulation of statistics to the potentially serious detriment of the people of Cleveland. The discussion below of the relative costs of the NS/CSX proposal and the Cleveland solution includes in the cost of implementing the current proposal, estimates for containment and other mitigation of hazardous materials spills. The DEIS should study mitigation that will be required for the types of materials that NS and CSX expect will be moved across the lines in the City of Cleveland, and assess whether, as the City believes, the best mitigation is to reroute the traffic as proposed by the Cleveland solution.

B. Environmental Justice

The NS/CSX proposal falls squarely within the requirements of Executive Order 12898, which focuses on whether federally approved or mandated actions have a disproportionately high and adverse impact on minority and low income populations. See Executive Order No. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations, §1-101, 3 C.F.R. 859 (1995), 30 Weekly Comp. Pres. Doc. 276 (Feb. 11, 1994). In CLEV-9, Cleveland explained in detail the scope of the impacts on the City's poor and minority populations. *E.g.*, CLEV-9 at 10 - 11 and Verified Statements of Hunter Morrison at Attachments 1 and 2, and Terri

D. Hamilton at 3 - 11. The DEIS recognizes the importance of this issue and, in fairness, does not minimize the impacts, stating:

Proposed rail increases would affect these populations because of the following:

- The lack of financial resources and options to move away from the affected area.
- The lack of financial resources to install necessary home improvements such as sound insulation, air conditioning and air filters.
- A higher number of senior citizens, disabled persons and children represented in lower-income households who are prone to the hazards associated with freight rail lines such as limited mobility and sensitivity to noise or other impacts.

DEIS, vol. 3B at OH-149. Incredibly, and notwithstanding this recognition of the magnitude of problem, there is no careful analysis of the communities and the respective effects on each.

Worse, the only specific mitigation recommended to date is outreach. This is far from enough. Informing the public about the transaction will not mitigate its impacts. This approach ignores the economic reality of the residents along the lines whose lives will be most severely impacted by the transaction. They will not necessarily have a choice, upon learning of the enormous increases in trains, in noise, in volumes of hazardous materials, in delays in response time by police and ambulances, to go elsewhere. NS and CSX must be required to take actions that will address the substantial and "disproportionately adverse" impacts of this transaction on the minority and poor populations of Cleveland, and the DEIS should enumerate those actions with specificity.

C. Lack of Specific Recommendations for Mitigation of Projected Harms

For each of the areas where specific harms were identified, the DEIS goes no further than to recommend further consultation. This is not sufficient. In the methodology section of the DEIS, SEA lists general approaches to mitigation for the various types of harm. See DEIS at vol. 1, chapter 3. Now is the time to be more specific. The role of the EIS process is to identify and recommend solutions for the adverse impacts that will result from the transaction being scrutinized. In preparing the Final EIS, SEA needs to list each of the areas studied and identify the specific harm that will be addressed. Adoption of either of Cleveland's alternative solutions will fix much of those harms. However, even after that, at-grade crossings in some locations will still see increased train frequencies and, thus increased delays. Increased train traffic on some lines will continue to produce increased noise and other air pollutant emissions. Any solutions should be identified now, as part of this process, since it is this transaction that is causing the harm to the area in the first instance.

D. Absence of Analysis of Alternatives

Neither applicants nor the SEA staff identified alternatives to the proposed transaction, except for the no action alternative, that is, "no transaction." This is simply not credible. With the robust rail network that exists in and around Cleveland, there are other ways to route this traffic than the system proposed in the NS/CSX Operating Plans. Indeed, because of the railroads' unwillingness to come forward with solutions, other than their initial carve-up of Conrail assets that was negotiated without concern for the neighborhood impacts or consultation with the City, and because SEA likewise has failed to identify practical alternatives to the railroad's existing plan,

Cleveland has been forced to develop and present practical alternatives. In Part IV of these comments, Cleveland will describe these alternatives to the proposed transaction and, to the extent that the resources and information are available, will analyze and compare the impacts on the residents of Cleveland from the proposal as presented by the railroads, to the environmental impacts from the alternatives. SEA should complete the study of the Cleveland solution. Upon confirming the City's initial determination that these alternatives provide a realistic and effective solution to the environmental problems created by the proposed transaction, SEA should recommend that the STB not approve the transaction without imposition of the Cleveland solution as a mitigating condition to that approval.

III. SPECIFIC ISSUES

In the previous section, Cleveland identified some broad categories of deficiencies in the DEIS. This section focusses on specific issues raised by the increases in train frequencies, carload volumes and hazardous materials transported through the City, and proposes approaches to further assessment of the issues that will bring the analysis in the DEIS to a level that is consistent with SEA's obligation under the STB's regulations, under NEPA 49 U.S.C. § 4332(C), and under the CEQ guidelines, 40 C.F.R. Part 1502.

A. Noise

1. The DEIS.

The grossly oversimplified evaluation of noise impacts, which provides an indication of the number of additional residences in corridors that are included in the estimated 65dB contour, does not provide enough information for a thorough evaluation

of impacts. The DEIS does not even comply with the STB regulations implementing its obligations under NEPA, 49 C.F.R. §1105.7 (e)(6), which require the evaluation to go much further than this DEIS goes and *quantify the noise increase for these receptors*.

At its own expense, the City of Cleveland has undertaken continuous noise monitoring along the sensitive sections of the Short Line (identified by the Applicants as line segment C-073) and has conducted an independent study of the noise impacts of the dramatic increases in traffic on this currently little-used line.⁴ Looking at this line segment, which runs through the neighborhoods of Forest Hills, Glenville and the University Circle institutional district and abuts the Little Italy historic district, it is evident that the DEIS does not consider the following:

- The actual number and nature of sensitive receptors for which an impact is predicted;
- The noise level at the receptors;
- The effectiveness of any proposed mitigation;
- The effects of the proposed additional track that will be located closer to some homes, which will also create a scenario in which two trains could be passing over a line segment simultaneously; or
- Whether alternative routes in Cleveland would have less of an impact.

Moreover, the SEA is not clear about when noise mitigation would be considered appropriate. Although the EIS indicates that it would be negotiated at receptors where noise levels are 70dBA and have a 5dBA increase in noise. This threshold is too high.

⁴The City hired the firm of Parsons Brinckerhoff to advise on the engineering and operating aspects of this transaction and to conduct various preliminary studies such as the noise monitoring study referred to here.

Federal Transit Administration ("FTA") noise criteria are specified in terms of increments in L_{dn} (daytime noise level) above the existing ambient L_{dn} , and not in terms of a specific absolute level of 70 dBA. Also, the DEIS does not take into consideration situations where ambient noise is low yet incremental increases in noise are significant.

2. The CSX Noise Study

CSX has provided the City with a technical report entitled "CSX Noise Analysis, Cleveland, Ohio" that was prepared by TranSystems Corporation and presented to the City's staff and experts on January 22, 1998. The report purports to address the localized issue of noise in the City. The report purports to address the localized issue of noise in the City. It fails to do so. Upon review, the CSX Noise Analysis Document was found to include several inaccuracies and omissions. It identified one parochial and four public schools (including three in East Cleveland), one university, and one hospital (Kaiser) within one fourth of a mile from the centerline of the Short Line track between Quaker and Rockport. Review of this analysis showed that one of the schools (Murray Hill) that was identified as being a receptor in the corridor no longer functions in that capacity, but has been converted to an art gallery. In addition, Kaiser Hospital was mislocated on the map and is not within the corridor. Conversely, at least three parochial schools were not identified in the analysis nor was University Hospital or numerous churches, parks and playgrounds, and cultural institutions. Importantly, no historic resources were identified as being noise receptors. While the City's experts have not yet had the opportunity to conduct a complete analysis, the following observations follow the first review of this purported study:

a. The Assessment Methodology. The methodology used in the CSX report does not adequately address the sensitivity of the receptors in the corridor. The noise metric used to describe the existing conditions in the project area was an L_{eq} value, which is based on short-term noise monitoring for a single train event. This descriptor does not adequately address noise impacts in sensitive areas and is not normally used in train noise impact assessments. The evaluation of train noise impacts in the sensitive areas should be based on measurements taken over a longer period of time, typically 1-hour or 24-hours, depending on the type of land use.

Land uses not involving nighttime sensitivity would typically require a determination of 1-hour L_{eq} . For residential land uses, on the other hand, nighttime sensitivity is an important consideration. The appropriate measurement duration is a 24-hour period, with noise levels measured on an hourly basis through a 24-hour period. The appropriate metric that is normally applied for residential land uses is the L_{dn} (day/night) noise levels calculated from 24-hour data, which accounts for the additional sensitivity during sleeping hours.

The CSX methodology projects a 65 L_{dn} noise contour based on a train noise model, which was modified to account for topography. It also projected a 70 L_{dn} contour using the erroneous assumption that there would be a 5dBA increase halfway between the 65dBA contour and the railroad tracks. The uncertainties associated with this procedure makes the CSX noise impact assessment suspect, if not invalid.

The following impact assessment procedure, which is the widely accepted standard, should have been used:

- Identify areas of sensitive land uses and classify them based on their day and nighttime sensitivity.
- Monitor L_{eq} (1-hour) and L_{dn} (24-hours) noise levels at sites likely to experience the greatest project impacts. The locations selected by the CSX consultant are inappropriate for a rail traffic project impact assessment. None of the sampling locations in Collinwood included the homes closest to the tracks. The only sampling location reported in the Collinwood section, for example, was located 250 feet from the track, and is shielded by industrial buildings. There was no sampling reported in the area where the homes are immediately adjacent to the tracks in sections 2 and 3 (as defined in the CSX report) in the City of East Cleveland and the Cleveland neighborhoods of Forest Hills and Glenville. The reliance on 24-hour monitored data and the use of the L_{dn} metric is critical in segments of the corridor where residential land uses predominate and the increase in frequency of nighttime train movements is proposed.
- Calibrations of the train noise model using the monitored data.
- As required by the STB procedures, plot future 65 & 70 L_{dn} noise contours using the calibrated model. Although this portion of the procedure, the plotting of the future noise level contours to identify impacts based on the number of properties within the two contours, has been followed by the CSX consultants, these contours are not valid because they did not use an appropriate methodology. A more appropriate approach in sensitive areas where levels of impact need to be disclosed and the effectiveness of mitigation needs to be tested, is to apply FTA methodology. The impact assessment procedure contained in the FTA methodology is based on an allowable increase in future project noise levels compared to the existing ambient L_{dn} noise levels. Under this methodology, projected future noise contours more indicative of the actual resulting conditions would be established.

b. Results of Continuous Noise Monitoring by City of Cleveland.

Because of the inadequacies of the studies reported in the DEIS, and of CSX's and NS's unwillingness to work with the City to assess impacts and required mitigation, Cleveland's consultant Parsons Brinckerhoff conducted its own study of the noise impacts of the Applicants' proposals. The results of that limited noise monitoring

program conducted in sensitive residential areas adjacent to the tracks, are included here. This program included 24-hour continuous noise monitoring in the rear yard of a residential property adjacent to the rail corridor in the East 131st Street vicinity of Cleveland, in the area designated by CSX as Zone 3 (the Forest Hills neighborhood of the City). The data were collected on January 21 and 22, 1998.

Based on this data, L_{dn} noise levels were determined to be 66 at a typical residential receptor adjacent to the tracks. Based on CSX projections of future train movements (44 per 24-hour period), with 65 percent of the train operations occurring during the night (10PM-7AM), and a speed increase of 15 mph over the existing speed, a level of 81 L_{dn} is projected—an increase in L_{dn} of 15. This projected level is significantly greater than the level projected in the CSX report for this corridor segment. ***By subjective measures, residents will experience a tripling of existing noise levels.*** Furthermore, according to FTA criteria, allowable increases in L_{dn} in a zone with an ambient L_{dn} of 66 is limited to a value of 1, which is far less than the project increase of 15.

The City's consultants also monitored day and nighttime noise levels at a residential location near Bellaire and West 130th Street in the Puritas - Longmead neighborhood. This is adjacent to the Conrail Flats Industrial Branch, a rail corridor on the west side of the City on which NS plans to increase rail traffic following the acquisition. Daytime noise levels of about 65 dBA at the site appear to primarily result from aircraft activity in the area. However, at night in the absence of aircraft noise, the nighttime noise levels were found to be low, in the range of 40 to 45 dBA. Future noise levels resulting from rail traffic would increase both at night and in the

day. Daytime noise levels would not likely increase significantly, but nighttime levels would likely require mitigation measures such as noise barriers.

c. The Effectiveness of Mitigation. The measures proposed by the CSX study fail to mitigate the noise impacts that will be created by the dramatic increase of freight traffic that CSX proposes to run on the Short Line through the neighborhoods of Cleveland and East Cleveland and through the University Circle district. CSX has proposed the installation of landscaped noise berms to mitigate noise impacts that will result from the increased rail traffic. In reality, this proposal will address only wheel/rail noise, and even reduction will be very limited. It erroneously assumes that by reducing the wheel/rail noise, the L_{dn} level, which more accurately represents the impacts that would be noticed by residents, would be significantly reduced. The report itself indicates that at the location where monitoring was performed, the wheel/rail noise is near background noise levels. The peak noise levels, though of shorter duration, are reported to be 15-20 dBA higher than the background noise levels. Consequently, the short duration high peak levels will determine the L_{dn} noise levels. These peak levels are associated with the elevated noise sources (such as the engine exhaust and train horns). The impact from these sources would remain untouched by the recommended mitigation.

The report provides no quantification of the impact level or effectiveness of mitigation (in terms of its ability to affect noise levels). The low landscaped berm and railroad tie walls that are recommended in the CSX report simply do not provide a credible method for mitigation of the substantial increases in noise along the affected line segments. The cosmetic approach to a serious noise problem

fails to mitigate the noise that will be generated by the dramatic increase in freight traffic on the Short Line. The berms, trees and low railroad tie walls will, at best, achieve a noise reduction of 5 L_{dn} , nowhere near the 15 required to eliminate the project impact on the adjacent communities. The landscape-only "solution" proposed by CSX as the sole noise mitigation measure on the segment between Fairhill Road and Norman in the Fairfax neighborhood, is completely without noise mitigation value. Simply put, the "solution" proposed by CSX to mitigate the **three-fold increase** in noise through predominantly minority residential communities, University Circle and the Little Italy historic district, is inadequate, impermanent, and unacceptable.

B. Vibration

The DEIS contains virtually no reference to the increases in vibration from the increased train frequency, and includes no analysis or description whatsoever of sensitive receptors. This is particularly important in the portions of the alignment where homes encroach on the railroad right-of-way. Interior vibration levels may be of particular importance as the effect of increased vibration levels may be magnified by the structure, depending on type. These impacts could be significant since train vibration levels can be magnified 10VdB by the house structure. Before issuing a Final EIS, SEA should complete a study of the increases in vibration along the segments that will experience the largest increase in train frequencies, and determine the location of the sensitive receptors that are least likely to tolerate substantial increases in vibration, as well as the impact of the increases on the numerous residences that are adjacent to these lines.

C. Air Quality

The DEIS only addresses air quality at a regional level. As is the case with noise, it is not sufficient to say that increases in train operations in one location will be offset by decreases in another. This is a localized issue and must be addressed on that level. Dispersion modeling should have been utilized along the critical corridors with increasing rail traffic to evaluate the potential for a localized impact -- particularly with respect to particulate matter (PM_{10}). Where significant increases in the number of trains are proposed in sensitive land use corridors, a more refined analysis should have been completed to assess whether localized and problematic increases would occur and whether a viable alternative would eliminate or reduce these impacts.

Of particular concern to the City is the University Circle district. The City has examined the additional burden that will be placed on this employment center and unique institutional district by the dramatic increase in rail traffic on the right of way that lies between the core of Case Western Reserve University and University Hospitals campus and the Little Italy historic district. The City's analysis is summarized in the table attached to these Comments at Tab 2. Data prepared by the City predicts that the CSX/NS proposal will result in the emission in the University Circle area of an additional 35.092 pounds of carbon monoxide, 160,838 pounds of nitrogen dioxide, 14,622 pounds of particulate matter (PM_{10}), and 4,679 pounds of organic compounds. City studies indicated an increase in 10 carcinogenic pollutants as a result of the implementation of this proposal. Worse, prior studies of wind patterns in the vicinity of the Case Western Reserve campus indicate that the dispersion of pollutants is limited and that unique wind patterns may exist which allow concentration of pollutants in this

area. See Letter from Agnar Pytte, President of Case Western Reserve University, included in Tab 1.

Clearly, given the dramatic increase in freight traffic due to the combined actions of CSX and NS, the intensity of development and the concentration of sensitive receptors, and the uniqueness of the University Circle and Little Italy districts, special attention to air pollution impacts on these districts is necessary for the final EIS. Further analysis that specifically addresses the concentration and dispersion of pollutants and the impact of air pollution on the sensitive receptors and populations must be undertaken.

As reflected in the summary table attached at Tab 2, the project is estimated to result in increases in criteria pollutants (those for which National Ambient Air Quality Standards have been set), as well as hazardous air pollutants. While an increase in criteria pollutant emissions may not represent a significant increase in pollutant burden on a regional basis, it may result in impacts at sensitive receptors in the immediate project vicinity. Even where it is determined through a detailed dispersion modeling analysis at this and other sensitive portions of the corridor (including the University Circle segment, in which the two combined rail lines would create an even greater increase in a segment adjacent to the Rainbow Babies and Childrens Hospital and the Abington Arms subsidized elderly apartment building) that primary or secondary standards may not be exceeded, increases in emissions may represent a degradation of existing environmental conditions. The increase in carcinogenic pollutants is especially troublesome here given the proximity of nearby residences, and the cumulative effect that may result from exposure to numerous

carcinogens. For example, the Abington Arms apartment complex, which is home to senior citizens and handicapped persons living in unassisted arrangements less than 500 feet from the elevated tracks in this area. See Letter dated January 29, 1998, from Elizabeth B. Heil, Administrator, Abington Arms, to Elaine Kaiser, a copy of which is included in the letters attached to these Comments at Tab 1. The 1210 elderly residents, of whom 225 can be identified as disabled, are more susceptible to disease and the numerous ailments that come from poor air quality and living in close proximity to sources of air and noise pollution.

In addition, it should be noted that a portion of the respirable particulate matter (PM₁₀) is less than 2.5 microns in diameter, a size for which a new standard has been promulgated due to health risk concerns – and for which no local exposure background data exists.

D. Hazardous Materials

CSX and NS propose to increase the volume of hazardous materials transported across some lines in the City of Cleveland from zero to 44,000 carloads per year. Through University Circle, the combined plans of the two railroads indicate that hazardous materials volumes will grow from the current volume of 7,000 carloads per year to 81,000, one of the largest hazardous materials concentrations on the former Conrail system, according to the information supplied with the DEIS. **In fact, this is the largest (by far) increase across in hazardous material transportation across the entire system, yet SEA requires no further analysis of potential mitigation.** Worse, because of the proximity of some of these line segments to each other, the numbers of carloads predicted are in some cases substantially understated. In response

to this enormous increase, the mitigation proposed by the DEIS is -- safety drills! Surely, more study and a substantially heightened level of mitigation -- that reduces the risk rather than merely responding to the disaster once it occurs -- is required for this line.

The magnitude of the railroads' disregard for the impact of their proposals on the lives of the people of Cleveland is perhaps most glaring when viewed in the context of the potential disasters that could occur with this volume of this traffic moving so close to the bedroom windows of these communities. Projected accident rates along the Short Line through the City of East Cleveland, the Cleveland neighborhoods of Forest Hills, Glenville, and Fairfax and the University Circle and Little Italy districts (line segments C-072 and C-073) are projected to grow from 1:666 years per mile and 1:1344 years/mile, respectively, to 1:101 years per mile on both -- a rate curiously just above the 1:100 years/mile threshold for "significance" that SEA defines in the DEIS. The proximity of the Short Line to people's homes, the fact that the line runs through these neighborhoods on elevated section and is therefore difficult to access, and the fact that, elsewhere in the DEIS, the SEA acknowledges that accident rates may fluctuate on a year-to-year basis by as much as 10%, should indicate that the Short Line deserves special and careful scrutiny before the SEA can properly determine that this line is suitable for conversion from a little-used bypass to main line freight service with one of the highest HazMat throughput to found in the entire CSX/NS proposal.

The situation in University Circle is even more urgent. The combined accident rates of the two independent rail lines which will operate through the Circle -- CSX at

1:101 years/mile and NS at 1:118 years/mile -- suggest that a true accident rate along the two mile section of parallel operations will be 1:54 years/mile, a rate significantly worse than the SEA's criteria for significance. Given this fact alone, let alone the concentration of employees, students, patients, elderly and poor households, along with other sensitive receptors in this important commercial, residential, cultural and institutional area of the City, require that special attention and study be given to this section before the Final EIS is prepared and accepted, and not at some yet-to-be specified time in the future.

Furthermore, these lines pass not only residences but scores of health care facilities, senior citizen residences, schools, and businesses. The Abington Arms complex, referred to above, is but one example. Despite the presence of all of these potential victims of a hazardous materials incident, Applicants have provided no plans for evacuation routes to insure that affected citizens can escape. There is no discussion of an obligation on the part of the railroads to develop these plans in consultation with the affected communities' leaders. Safety drills are a necessary but nowhere close to a sufficient measure to mitigate the potential impact of the transportation of this volume of hazardous materials through these communities.

A few points bear particular emphasis. First, the DEIS Table 5-OH-55, which identifies five Cleveland area segments that will become key routes, underestimates the impacts and risks by the increased load of hazardous materials on the key routes. The five key routes include:

C-072	Mayfield-Marcy
C-073	Quaker-Mayfield

C-069	Marcy-Short
C-074	Short-Berea
N-081	White-Cleveland

The study fails to mention that segments of C-072 (Mayfield-Marcy) and C-073 (Quaker-Mayfield) are parallel and quite close to segment N-075 (Cleveland-Ashtabula), thereby increasing the overall load of hazardous materials in this rail corridor. The three lines occupy the same depressed/elevated rail corridor for a distance of about 2.5 miles with a separation distance of approximately 100 feet or less. The actual increase in hazardous materials transport frequency in this corridor is from 7,000-cars/year base case to a total of 81,000-cars/year-post acquisition.

Second, the proposed mitigation measures are inadequate. These proposed measures include no requirement for physical spill containment/collection and/or remediation in the event of the statistically projected eventual accident. These new key routes are located in primarily residential neighborhoods where topography and/or physical structures limit access to the rail corridor. For these segments, unless the Cleveland alternative is approved, mitigation must be required that will equip these line segments with spill containment/collection facilities. Segments that meet these criteria are:

- C-073/N-075 and C-073 - Elevated trackage with current access at each end of a 2-mile segment. Noise mitigation measures could limit access, but would be required to adequately mitigate the projected three-fold increase in noise levels on this segment will further limit access.
- C-072/N-075 - Depressed and elevated trackage.

Additionally, segment C-072 (Elevated trackage) meets this criteria, but is located in an area with less residential density.

No matter what route is used for movement of these commodities through Cleveland, even the Cleveland alternative, mitigation measures to address the presence of this volume of hazardous materials must be part of the solution mandated by the STB. These facilities should be designed with the objective of collecting spilled liquid materials before the material can enter a natural waterway or impact a residential area, thereby minimizing the spread of contaminated materials onto adjoining properties endangering the health and safety of the local residents. The system would consist of a series of drainage channels, piping, and valves as well as detention basins and/or vaults, as required.

A typical hazardous materials spill containment system would consist of three parts: conveyance, containment, and discharge. Attached at Tab 3 are schematic concept drawings prepared by Parsons Brinckerhoff for a typical system.⁵ Normally, the system will convey storm drainage through the system without containment in the pond or vault. This would be accomplished through the construction of drainage ditches adjacent to the railroad track. Such ditches would be designed to convey the peak runoff volume to the containment structure without flooding. Preliminary calculations were made that indicated ditch 1-foot deep and 7 feet across at the channel top would provide adequate capacity to convey the storm runoff in the Cleveland area.

⁵Cleveland recognizes and emphasizes that these are preliminary concept drawings only. Working together, the City, SEA and the railroads can develop a containment system that will address the potential spills along the affected lines.

Unlike a normal drainage ditch, a ditch that must also serve to convey hazardous materials would include an impervious membrane. This membrane, either a clay layer or an impervious geotextile, would be installed in the ditch to prevent hazardous materials from seeping into the surrounding soils.

Since much of the track is elevated, it is most likely built on fill material that would quickly absorb the hazardous substance, making cleanup more challenging. The discharge would be conveyed from the ditch via inlets to underground pipes to the containment structure. These pipes will be concrete pipes ranging from 12" to 18" in diameter. Other materials may be used if proper protection from potentially damaging hazardous materials is provided. Properly coated steel or ductile iron pipe may be substituted. The runoff (storm drainage or hazardous materials) will discharge from the underground pipe into a containment structure. This structure would either be a below ground vault or a surface pond. In either case the overall volume of the structure would be the same. It is assumed that in the event of an accident, a maximum spill of 20,000 gallons would be expected. This volume equates to the capacity of one fully loaded liquid tank car or the fuel capacity of six locomotives. A catastrophic accident is unlikely and would likely over-exert any containment measures. The hazardous materials containment system is designed to contain materials from fuel spills, low speed collisions, and/or tank failures.

NS or CSX could choose to use surface ponds, vaults, or both depending on site constraints and/or financial issues. Surface ponds are generally less expensive than large, cast-in-place concrete vaults. However, ponds require more space, flat terrain, and may require property purchases. A vault can be "squeezed" into the

confined space of a railroad corridor. A more thorough analysis of the type of structure to use would have to be made during the preliminary design phase of the project. A sketch of both structures is included in Tab 3.

The outlet would typically be a pipe connected to the storm sewer system or with an outfall to a nearby water body. The outlet pipe would be equipped with a manual control valve. This valve would remain in the open position to allow rainwater to discharge freely from the pond. In the event of a hazardous materials spill, the valve would be closed by the response team, thereby containing the spill within the corridor and the containment structure. As part of the cleanup process, materials would be removed from the containment structure and the right-of-way before the outlet valve would be opened.

E. Impact on Existing Highway Infrastructure, Including Bridges

The substantial increase in rail traffic through the City of Cleveland will create adverse effects that will ripple through a host of aspects of the City's life and the infrastructure that supports it. Increased truck traffic to and from the new Collinwood Yard intermodal facility is conservatively estimated by the applicants to show growth of only 49 trucks per day, see DEIS vol. 3B at OH-42, in order to avoid the 50 truck per day threshold that would require further study.

The extent of the impact on the City goes far beyond those 49 (or more) truck trips per day to and from Collinwood, creating impacts on the environment that require further careful study. What, for example, will be the impact on the infrastructure from increased delays to vehicle traffic at crossings? When cars and trucks are blocked at grade crossings, traffic will seek alternative routes through

residential neighborhoods. Besides the deterioration of streets not designed for this level of traffic loading, the quality of life in the residential areas will suffer from increased traffic, more air pollution that accompanies vehicle traffic, and the increased safety risks that follow as well.

Increased train traffic will also have an impact on the crossings themselves, having further effect on the citizens that use them. Grade crossings are subject to faster deterioration due to increased train frequency. As a result, the adjacent roadways are subject to increased raveling, and potholes appear. Safety is diminished as vehicles cross the uneven tracks. Crossings in Cleveland at East 40th, East 39th, East 53rd, Bessemer, London, Nottingham and West 110th that will see substantial increases in freight traffic will require attention to be able to withstand the impacts of the volumes projected by Applicants.

F. Delays in Emergency Response

The DEIS correctly identifies increased delays at grade crossings as an area of significant impact from the Conrail acquisition. Specifically, Table 5-OH-54, DEIS, vol. 3B at OH-146, identifies "Estimated Maximum Delay for At-Grade Roadway Crossings on NS Cleveland-Ashtabula Line" for two crossings that meet SEA's threshold. The City of Cleveland shares this concern, and agrees with this designation. However, the table underestimates the actual impacts of the transaction. The way the criteria are applied to the two intersections in Cleveland suggests that, when applied properly based on the realities of train movements and vehicle usage of Cleveland's busy streets, the impacts will be as bad as was projected in CLEV-9 (see VS Denihan) and will require more mitigation than NS and CSX have planned.

One of the table's criteria, the change in crossing delay per stopped vehicle, is a function solely of the slightly increased train lengths. While the incremental change is not significant, this criterion is not relevant. The other criterion, total blocked time, is significant and is understated for Dille Road because the train speed used in the calculation ($V = 50$ mph) is too high. Train speeds are limited to 35 miles per hour less than 1.5 miles from this crossing. With a train length of 5,000 feet, and the need for the train to be within authorized speed before entering the limit for the decreased speed, it is highly unlikely that speeds significantly over 35 mph will occur at this location. The total blocked time for Dille Road is more likely to be as much as 70.3 minutes, which results in a **more than three-fold increase over pre-acquisition levels**.

The actual impacts are also understated, as the DEIS correctly notes, because the potential for delay in emergency response times is so significant and so difficult to quantify. In fact, the situation is even worse than the picture the DEIS paints because the areas that are potentially isolated by rail traffic delays at crossings are at the far reaches of the City limits. No Cleveland emergency services are located on the south side of the tracks in this vicinity.

The increased delays at crossings across the City will create a problem that NS and CSX must mitigate. SEA should require a recheck of the data for all of the crossings in the City to determine whether the actual speeds of the trains through crossings are, like Dille Road, less than the posted speed at the track at that location. Reality, not the optimal situation, should govern the analysis. When that is done, SEA should require NS and CSX to work with the City to identify the actual delays expected to occur at busy grade crossings and to implement plans to mitigate these delays and

insure that the residents of the affected areas will not suffer from increased response time for police, fire, and rescue vehicles delayed by an increase in the frequency and length of trains crossing City arterial streets.

G. Historic Resources

The DEIS recognizes that "[c]ultural resources include historic and archaeological features", DEIS, vol. 3B at OH-75. However, without further study of the impacts of the transaction on structures or use patterns in places like Cleveland that will experience dramatic increases in train frequencies, the DEIS then concludes that "potential effects to cultural resources would most likely occur during new construction and rail line proposed abandonment activities that meet or exceed the Board's threshold for environmental analysis." *Id.* Contrary to this conclusion, many local landmarks and historic districts face the potential for experiencing the types of adverse effects outlined by the Advisory Council on Historic Preservation that are listed in the DEIS itself, including "physical destruction, damage or alteration; isolation; introduction of elements that are out of character; neglect; and transfer, lease or sale." DEIS, vol. 1, section 3.13 at 3-38. Because of the impacts on the surroundings and the quality of life that the substantial increase in train frequencies will bring, the City's historic structures and districts face some or all of these risks, and SEA should conduct further study of the impacts.

One tool available to communities seeking to protect areas of historic significance is the designation of "historic districts". In Cleveland, such districts can be designated on a national basis, as part of the National Register of Historic Places, or on a local basis, as Cleveland Landmark Districts. National Register Districts are

protected by virtue of the fact that federally funded development and exterior renovation in these districts is evaluated for compatibility by a hierarchy of local, state and national review bodies. The Cleveland Landmarks Commission, designated by the State Historic Preservation Officer as a "Certified Local Government", undertakes the local review of National Register designations and actions which may affected listed properties and districts. Local Cleveland Landmark Districts are created by legislative action of the City government and provide protection to listed properties and districts by virtue of the fact that all development and exterior renovations in these districts must be evaluated for appropriateness by the Landmarks Commission.

Currently in the City, 26 historic districts are listed on the National Register and 19 districts are designated as local Landmark Districts. Many of the districts listed nationally are also included within larger locally-designated districts. Of the 19, 14 are located on the City's east side, including four in the Downtown area. The National Register Districts are concentrated in four areas of the City: Downtown, Ohio City, Shaker Square and University Circle. Among the largest locally-designated districts is Little Italy, adjacent to University Circle. This Landmark District has approximately 375 buildings in it and, since its designation in the 1980's has become a vibrant arts and restaurant district immediately adjacent to the cultural resources of University Circle.

The Cleveland Landmarks Commission maintains a listing of existing and potential landmark properties and districts and undertakes surveys and studies necessary to determine the eligibility of potential properties and districts for local and national designation. In 1985, the Landmarks Commission, in cooperation with the

City's Department of Community Development, undertook a complete city-wide survey of residential and commercial areas to identify additional locations warranting consideration for historic designation based on architectural significance. the City Planning Commission subsequently adopted the Landmarks Commission's recommendations as part of the Citywide Plan, the official General Plan of the City of Cleveland. Among the largest of such eligible districts was the Magnolia Drive/Wade Park Avenue District in University Circle.

Two historic districts lie within half a mile of the proposed CSX/NS routes through University Circle: Little Italy and the Hessler Road and Court District. Two National Register Districts -- the Mather College Historic District and the Wade Park Historic District -- lie in the immediate vicinity as do 17 individually-listed properties:

- | | |
|--|---------------------------|
| • Parkside Dwellings | • Severance Hall |
| • Allen Memorial Medical Library | • Church of the Covenant |
| • Mary Chisholm Painter Gate | • Backus School of Law |
| • Cozad-Bates House | • Amasa Stone Chapel |
| • Holy Rosary Church | • Flora Stone Mather Hall |
| • Cleveland Museum of Art grounds | • Lakeview Cemetery |
| • Garfield Memorial | • Wade Memorial Chapel |
| • Ford Motor Co. (Cleve. Inst. of Art) | • Cedar Glen Apartments |
| • Mayfield Theatre | |

The routing proposed by CSX and NS, which is immediately adjacent to Little Italy, will have a serious detrimental impact on this district. The cumulative impacts of increased noise and pollution resulting from the dramatic increase in freight train traffic, will degrade the quality of this district. The same is true for the Hessler Road and Court District, a unique multi-family residential community, and for the Mather College District. The cumulative effects on the environment in these two Historic Districts, and upon individually listed buildings, have not been analyzed.

Severance Hall, the home of the Cleveland Orchestra, is a good example of the buildings in this area that are of particular concern. Built in 1931 of porous sandstone, it is highly sensitive to pollution. The increased burden of pollutants -- specifically particulate matter from the projected 80 or more multi-engine trains that will operate daily one block south of Severance Hall -- is of grave concern.

The DEIS makes no mention of any of these culturally significant buildings and districts. Presence or absence of construction is an inadequate criterion for determining the likelihood of impact on cultural resources like the many in Cleveland, the use and the longevity of which will be dramatically affected by the increased train frequencies proposed by CSX and NS. For the final EIS to be complete, SEA should require a careful analysis of the impacts of the proposed transaction on the City of Cleveland's many historic resources.

IV. DESCRIPTION OF THE CLEVELAND SOLUTION, AND COMPARISON OF IMPACTS

The evaluation of alternatives has been called the heart of the EIS by the CEQ. 40 C.F.R. § 1502.14. There should be a comparison of reasonable alternatives on relevant environmental and other grounds, particularly when a locally identified, environmentally preferable alternative exists. In making its decision, the STB should be informed of the full range of alternatives, and given a complete assessment of their commercial and operating viability along with the required comparison of the relative environmental impacts of each. In this case, the DEIS includes no analysis that could provide the Board with a basis to make that decision. The City of Cleveland is proposing alternatives here, and these Comments include some preliminary comments

on the cost and the comparative impacts on the environment. However, just as NS and CSX should have developed alternative routing arrangements in the first instance, they, working together with SEA, should be responsible for preparation of careful, objective review of the solutions proposed by Cleveland.

A. The Cleveland Solution

The City of Cleveland has identified operationally feasible alternatives for the routing of freight through the City. These alternatives reduce the net level of environmental impact. They route most rail traffic through industrial corridors, minimizing impacts on residential neighborhoods, reducing safety hazards and preserving quality of life. These plans provide a "global fix" because they not only benefit Cleveland's neighborhoods, but they provide a solution to the traffic increases or congestion problems that would otherwise be created for the west shore suburbs, East Cleveland, Euclid, Berea and others. The new traffic patterns will allow CSX and NS to provide efficient, competitive freight service, preserve the ability to provide commuter rail service in the future, and enhance regional development.

Each of the alternatives was assessed in terms of its ability to reduce the potential for noise, air quality, hazardous materials, and environmental justice impacts to the City of Cleveland while providing for efficient rail movement through the City. The two alternatives identified by the City and the original and modified alternatives identified by NS and CSX were evaluated in a screening procedure. This was based on the number of sensitive receptors located at critical distances to the tracks and socio-economic profile of neighborhoods most affected. Based on that analysis, both City alternatives were estimated to meet the goals and objectives of achieving a lower

potential for environmental impact. It is therefore recommended that a second tier EIS that will include the alternatives identified by the City, be prepared to address the localized affect.

CSX and NS have submitted an operating plan that calls for one primary CSX route and two primary NS routes through greater Cleveland. CSX would use a route from Greenwich in Huron County through Berea to Short, a rail junction near Brookpark Road/West 150th Street⁶. CSX would use the Short Line route, which parallels I-480 to White (located in the Broadway area south of Harvard), then via University Circle and East Cleveland to the Collinwood Rail Yard.

NS traffic destined for Pittsburgh and beyond would also enter the area at Berea, then use the Lake Shore route via the Cleveland Lakefront. It would then use the former Pennsylvania Railroad route via the east side of Cleveland and Bedford. The second NS route, for traffic destined to Buffalo and beyond in the northeast, would use the existing NS route from Bellevue, which passes through the western suburbs, skirts the south edge of downtown Cleveland, then passes through University Circle to Euclid.

While all of these routes use existing lines, some will see tremendous increases in rail traffic. As a result of concerns expressed by the western suburbs, NS submitted an alternative plan to reroute a portion of its Buffalo traffic to the Flats Industrial Track (the former Clark Branch) corridor, which diverges near Cloggsville (near west 25th Street) and runs to Short and Berea. This alternative plan would require substantial public funding. This alternative plan would require substantial public funding and

⁶Maps showing the original CSX/NS proposal, the CSX/NS proposal as revised in November 1997, and the two Cleveland alternatives are attached at Tab 4.

would substantially increase NS traffic through the City of Berea as a result of reducing traffic through the West Shore suburbs to the north.

Cleveland has a better idea. It has studied the configuration of lines in the region and developed two alternative arrangements that reverse the ownership of the lines in the area from the arrangement proposed by CSX and NS. In the first Cleveland alternative solution, CSX traffic from Greenwich would continue to enter the region in Berea, but would use the Lake Shore route via the Cleveland Lakefront to Collinwood. This line is currently used heavily by rail traffic. NS traffic bound for Pittsburgh and beyond would continue to enter the area at Olmsted Falls/Berea, but would use the Short Line to White, then diverge southeast through Bedford. In Alternative Number 2, NS Pittsburgh traffic would not use the Flats Industrial Track north and east of Short, using instead the Short Line east to Marcy. The southern portion of the Short Line would become NS's main line for both Pittsburgh and Buffalo traffic flows. At Marcy, NS traffic bound to and from Buffalo would continue on the existing Short Line through University Circle to Mayfield. Near the existing Mayfield connecting track, a new higher-speed connection would be built between the Short Line and the NS line to Buffalo for trains to join the existing route.

Under both alternatives, each railroad would also have the use of a secondary line for overflow traffic, transfer movements, maintenance needs and emergency use. CSX's secondary route would be via the Short Line from Collinwood to Berea as CSX has currently proposed in its operating plan. Ownership of the Collinwood to Marcy segment could be in the hands of CSX. Trackage rights over NS would be required from Marcy to Berea. NS's secondary route for Pittsburgh traffic would also be the via

the route it now designates as its primary route, that is from White to the Cleveland Lakefront to Berea. Under the City's alternatives, the route from the Cleveland Lakefront to Berea would be via trackage rights over CSX.

Both of Cleveland's alternative solutions accept the fundamental premise of the railroads' revised proposal (see the second map included in Tab 4): to mitigate the impacts of increased freight traffic through the West Shore suburbs and Cleveland's Edgewater and Detroit Shoreway neighborhoods⁷, it will be necessary to divert the traffic southward through Berea. Cleveland's two alternative solutions differ from the revised CSX/NS proposal by addressing the increased road - rail conflicts that will result in Berea and, in so doing, enabling the rerouting of traffic on the east side of Cleveland away from predominantly residential neighborhoods to predominantly industrial corridors. Both of Cleveland's alternatives also maintain joint access by both railroads to key shippers and yards. This includes the Ford Motor plants in Brookpark, the Chevrolet plant in Parma, and NS's Rockport Yard. Traffic that must use the secondary routes to achieve maximum efficiency could also be accommodated -- at this time the City's proposals would not preclude use of the line between the Lakefront and White (the Conrail Cleveland line) for limited traffic such as the NS (post-acquisition) ore traffic from the Port of Cleveland. The only requirement here would be NS's use of trackage rights to cross lines assigned to CSX (under the City's proposed arrangements) over the Cuyahoga River drawbridge.

⁷These neighborhoods' populations and the impacts of the Applicants' proposed routing are reviewed in detail in CLEV-9.

Both Cleveland alternatives require the two carriers' traffic flows to cross each other at Berea, and both propose to meet the problem of converging rail traffic in Berea on a permanent basis. In recognition of the railroads' need for efficient and competitive options, Cleveland proposes grade separation of the two lines through use of a rail/rail overpass structure. Other components of the project would include elimination of both Front Street at-grade crossings as well as elimination of the grade crossing at Bagley Road. In addition, the Cleveland solutions include grade separation on the NS Nickel Plate Line in Cleveland and Euclid at London and Nottingham/Dille Roads.

B. Infrastructure Requirements

Cleveland developed these alternatives with a "global fix" in mind. To this end, infrastructure components of the alternatives include those required to mitigate the impacts on the City of Cleveland and to meet the railroads' needs. These proposals recognize and account for the improvements Cleveland has assumed would be required to mitigate the impacts on Cleveland's suburban neighbors in conjunction with these alternatives. The following listing of infrastructure improvements, like the cost estimates that follow, are based on the City's work with its consultants and provide the beginning, not the end, of the analysis of the operating feasibility, the cost and the environmental impacts of these solutions.

The key infrastructure elements of the two alternative solutions include the following⁸:

(1) Alternative One:

⁸Locations of the various projects and improvements are in the vicinity of the locations identified on the maps included in Tab 4.

- Berea rail/rail grade separation project, referred to above and described more fully in the text attached at Tab 5
- Flats Industrial (West Side) Connection, as proposed (and cost estimated) by NS
- Short Line capacity improvements between Short and Marcy
- Harvard Connection (Marcy to Short) Secondary Track -- provides subgrade improvements, additional capacity and lessened gradient
- Nottingham/Dille Road Underpass -- mitigates transportation and emergency response time impacts caused by increased traffic on the NS Cleveland - Ashtabula line
- London Road Overpass -- mitigates transportation and emergency response time impacts caused by increased traffic on the NS Cleveland - Ashtabula line
- Noise/Vibration Mitigation Allowance -- preliminary investigation suggests that certain line segments, even under the Cleveland solution alternatives, may require mitigation measures to reduce noise and vibration impacts. Additional evaluation by SEA prior to completion of the Final EIS is necessary.
- Track/Signal Allowance at West End Rockport/Ford Yard -- allowance to improve track conditions and signalization on the easterly lead track between the west end of Rockport Yard and Ford Yard. This is intended to increase flexibility and the capacity for switching movements at Rockport and at Ford Yard. Additional operating and engineering investigation is required.

(2) Alternative Two:

- Berea rail/rail grade separation project, referred to above and described more fully in the text attached at Tab 5
- University Circle connection -- allowance for connecting the NS Buffalo line to the Short Line
- Short Line capacity improvements between Short and Marcy, as proposed and cost-estimated by CSX. Additional improvements may be required from Marcy to Mayfield, including the provision of

additional capacity in the tunnels, depending on NS's operational needs.

- Harvard Connection (Marcy to Short) Secondary Track -- provides subgrade improvements, additional capacity and lessened gradient
- Nottingham/Dille Road Underpass -- mitigates transportation and emergency response time impacts caused by increased traffic on the NS Cleveland - Ashtabula line
- London Road Overpass -- mitigates transportation and emergency response time impacts caused by increased traffic on the NS Cleveland - Ashtabula line
- Hazardous Materials Mitigation -- preliminary investigation suggests that certain line segments within the City may require mitigation measures, even under the proposed alternatives. Further analysis is required.
- Noise/Vibration Mitigation Allowance -- preliminary investigation suggests that certain line segments, even under the Cleveland solution alternatives, may require mitigation measures to reduce noise and vibration impacts. Additional evaluation by SEA prior to completion of the Final EIS is necessary.
- Track/Signal Allowance at West End Rockport/Ford Yard -- allowance to improve track conditions and signalization on the easterly lead track between the west end of Rockport Yard and Ford Yard. This is intended to increase flexibility and the capacity for switching movements at Rockport and at Ford Yard. Additional operating and engineering investigation is required. A portion of the cost of constructing these improvements may already be included in the NS estimates for the cost of the West Side Connection.

C. Comparison of Benefits of the Cleveland Alternatives

Cleveland's Alternative One provides a host of benefits to both the carriers and to the City. These include the following:

- The highest concentrations of rail traffic are concentrated in the existing industrial corridors in and around the City, ***away from the City's residential, commercial and institutional neighborhoods.***

- Train traffic in Cleveland's Collinwood and Forest Hills neighborhoods will decrease, minimizing impacts on residents.
- Train frequencies in the City's west shore neighborhoods and the adjacent communities will decrease, minimizing the impacts on residents, businesses and infrastructure.
- Both of the at-grade crossings on Front Street in Berea will be grade-separated. Benefits include elimination of traffic and emergency response delays, and dramatic decreases in noise from train horns.
- Grade separation of the Bagley Road CSX crossing in Berea will similarly reduce delays and noise.
- Grade separation of two of the four at-grade crossings heavily affected by increased NS traffic in the Euclid/Green neighborhood.
- Decreases the length of the CSX route through Cleveland by 2.7 miles.
- Decreases the length of the NS Pittsburgh route by 7.3 miles, including elimination of the drawbridge crossing.
- Minimizes freight traffic on certain key line segments potentially of interest to the public sector for the development of commuter rail services, such as the Cleveland Lakefront to Erie Crossing, Harvard or White and Lorain to Cleveland Lakefront.

Alternative Two provides many of the same benefits, but with even greater reductions in the impact on the City's neighborhoods, as described more fully below. The major difference between the two alternatives is in the impact on NS operations. As compared to Alternative One, the NS Buffalo route distance would be .3 miles longer as opposed to the route that uses the West Side (Cloggsville) connection. It also increases traffic on the Short Line. However, it has the advantage of providing NS with a route that does not include use of the drawbridge. It may also permit a reduction in the need for continued investment in operations at the East 55th Street Yard.

Recognizing the complex operating issues and trade-offs that would be involved in adoption of either of these scenarios for either of CSX or NS, the City does not aspire to submit with these comments a detailed comparison of the operating impacts of the two alternatives for the two carriers. However, Cleveland does submit that both of these alternatives are feasible and should be carefully evaluated by SEA and by CSX and NS in order to comply fully with the requirements of the CEQ guidelines.

D. Comparison of Alternatives

The City has had three focal points in mind while considering solutions to the problems created for its and its suburban neighbors' populace by the NS/CSX proposal - reduction of impacts on the communities through routing trains away from sensitive residential and institutional sections and into the industrial corridors where they belong; reduction of the astonishingly disproportionate impact on low income and minority communities; and recommendation of a solution that is at the same time operationally and economically feasible for the two carriers. The City's two recommended re-routing arrangements accomplish all three.

To begin with the train frequencies on the line segments through the residential communities, such as Cleveland - Vermilion on NS, Quaker - Mayfield, and Mayfield - Marcy diminish dramatically. Cleveland estimates the following numbers of daily train movements under the City's alternative routing arrangements, determined based on information available from the Application and other documents in this proceeding:

Train Frequencies

Line Segment	CSX/NS Revised Plan	Cleveland Solution -- Alternative One	Cleveland Solution -- Alternative Two
C-069 Marcy-Short	45.8	28.1	48.3
C-072 Mayfield-Marcy	43.8	Minimal*	20.2
C-073 Quaker-Mayfield	43.8	Minimal	Minimal
C-074 Short-Berea	50.6**	50.6**	50.6**
C-691 Quaker- Drawbridge	12.9	54.2	54.2
N-074 Cleveland-Short	17.7	17.7	2.0
N-075 Ashtabula- Cleveland	36.6	36.6	36.6 (Minimal west of Mayfield)
N-080 Cleveland- Vermilion (NS)	16.4	16.4	16.4
N-081 White-Cleveland	29.7	2.0	2.0
N-293 Cleveland- Vermilion (CR)	32.9	50.6	50.6

** Will be reduced by the number of trains using Rockport and the connection to Berea, improving conditions at grade crossings on this segment.

* Minimal, in this table means traffic ranging from zero to an average of several daily trains.

In terms of noise impacts, the number of sensitive receptors at critical distances (properties estimated to be within about 75 feet) from the nearest tracks were evaluated for each segment. This evaluation identifies the number of receptors expected to be affected, and the distance along the right-of-way that may require some form of mitigation. As shown in the following table, the number of affected residents and the amount of additional mitigation required both decline dramatically:

Preliminary Noise Analysis

<u>Alternative Route</u>	<u>Number of Receptors</u>	<u>Potential Length of Noise Mitigation Required</u>
Original CSX/NS Operating Plan	154	17,000 feet
Revised CSX/NS Plan	173	20,250 feet
Cleveland Solution -- Alternative One	84	12,300 feet
Cleveland Solution -- Alternative Two	25	6,500 feet

A preliminary study of comparative vibration impacts, using similar methodology, estimated houses located within a critical distance from the nearest track:

Preliminary Vibration Analysis

<u>Alternative Route</u>	<u>Number of Receptors</u>	<u>Potential Length of Mitigation Required</u>
Original CSX/NS Operating Plan	62	15,850 feet
Revised CSX/NS Plan	54	13,300 feet
Cleveland Solution -- Alternative One	33	6,550 feet
Cleveland Solution -- Alternative Two	16	4,900 feet

The reduction in impacts on the City's neighborhoods in every respect is obvious. While many of the at-grade crossings remain, the frequency of train operations will not increase to a point where delays from train movements pose a nearly constant threat to the health and safety of the communities' residents. Hazardous materials will continue to be moved through and near the City, but mitigation is available that could

be effective on corridors where the lines are accessible and do not pass so close to the bedroom windows of such a substantial number of households, schools, hospitals and cultural institutions. The minority and disadvantaged populations of the City will not bear the overwhelming share of the burdens of a transaction from which they will derive virtually no benefit. As shown on the table attached at Tab 6, the relative impacts of the two Cleveland solutions on the poor and minority communities are substantially less than the impacts described in CLEV-9. In order to accurately and objectively compare the Original and Revised proposals with the two Alternatives advanced by the City, the City undertook an Impact Analysis which examined the impact of additional freight traffic on people living within 1000 feet of each rail segment in the City. Base demographic data for this analysis was prepared for the City by Cleveland State University, using their Census mapping capabilities. The number of persons, minority persons, Hispanic persons, and persons of low income were calculated for each 1000-foot wide line segment in each of the four alternatives. Implementation of Alternative One will affect 49,547 people within 1000 feet of the combined rail corridors. Of these 18,359 (37.1%) are non-white, 2,955 (6%) are Hispanic and 14,458 (29.2%) are low income. The impacts from implementation of Alternative Two have a similar effect of reducing the environmental injustice of the CSX/NS proposal. It affects 32,625 people living within 1,000 feet of the rail lines, of whom 17,794 (54.5%) are non-white, 319 (1%) are Hispanic and 10,361 (28.7%) are low income. From the table that resulted, it is possible to compare each of the alternatives in terms of number of persons affected by increased freight traffic in each alternative. To adjust and account for the variations in impact that occur with varying levels of increased freight traffic on each

line segment, the City developed an "Impact Index" both rail proposals and both City proposals. That index considered two factors: 1) the number of additional trains proposed for a particular segment and 2) the number of residents living within 1,000 feet of the tracks. For each scenario or alternative, consideration was given to only those rail lines where an increase in freight traffic was proposed. Mathematically, the formula can be expressed as follows:

additional trains per day on each affected rail segment
x population within 1,000 feet of tracks on each segment
divided by 100,000

For each of the alternative scenarios, the Impact Index numbers for each affected segment were added to compute the overall Impact Index for the alternative.

The City's proposals make sense in relation to all three of the principal objectives the City has stated throughout its attempts to address the substantial impacts of this proposed transaction on Cleveland and its neighboring communities: it reduces of impacts on the communities through routing trains away from sensitive residential and institutional sections and into the industrial corridors where they more belong; it reduces the astonishingly disproportionate impact on low income and minority communities; and provides a solution that is at the same time operationally and economically feasible for the two carriers. As described more fully in the next section, the City's solution is more expensive than either of the NS/CSX proposals, but these costs pale by comparison to the nearly \$1 billion in annual economic benefits that the two railroads have stated they will achieve on the backs of the people of this City and its neighbors and without regard for the burdens on their lives that their proposals will create.

E. Cost of the Alternatives

Neither the Applicants' original proposed routing and operating arrangements through the City of Cleveland, nor the City's solutions to the problems the Applicants will create by those arrangements, is without cost. The City's solutions require more investment in infrastructure improvements but present a fair solution to the problems the City did not seek and from which it will derive relatively little benefit. As shown in the table attached at Tab 7, the cost of completing the improvements and mitigation required to implement the various operating scenarios is:

Operating Scenario	Estimated Cost of Improvements
CSX/NS Original Operating Plan	\$28,100,000
CSX/NS Plan, revised on November 25, 1997, to include Cloggsville/West Side Connection	\$72,100,000
CSX/NS Plan, as revised on November 25, 1997, and including additional mitigation estimated to be required to begin to address impacts of the proposed transaction	\$107,225,000
Cleveland Solution -- Alternative One	\$171,500,000
Cleveland Solution -- Alternative Two	\$147,780,000

The meaningful comparison here is among the last three rows on the above table. While the Applicants' revised operating plan included some cost of capital improvements in and around the City of Cleveland, it did not reflect the cost of the noise mitigation, crossing improvements, hazardous material spill containment, vibration mitigation and other measures that would be required to begin to offset the impacts of the transaction. The City has estimated the cost of some of that mitigation,

and those estimates are reflected in the adjustment to Applicants' proposal in the cost on the third scenario in the above table. It bears emphasis here that the cost of noise mitigation in this scenario is for measures that likely will not fully address the substantial increases in noise from wheels, from locomotive engines and from train horns that will result from implementation of the revised CSX/NS proposal while also being acceptable in terms of visual impacts and access for emergency response. In reality, the cost on this line is understated by the amount that would be required to construct further mitigation.

The estimates to complete the City's proposed solutions are based on preliminary assessments by the City's staff and consultants. Cleveland recognizes that as engineering work and additional expertise is brought to the analysis of all of these alternatives, the costs will change. The data available to the City suggests that its solutions are realistic and prudent, but they remain conceptual in nature. As the railroads' needs develop based on a further understanding of the implications of the revised operating scenarios, the costs could change. Additional savings through changes elsewhere in the area might be realized, and additional costs might be incurred as the precise requirements become known.

V. CONCLUSION

There is no substitute for careful analysis of the potential impacts of a transaction of the scope of this one on the communities along the railroads' lines, and there is no excuse for those railroads' failure to consider from the outset the impacts this transaction will have on the City of Cleveland and its neighboring suburbs. These

Comments begin the meaningful assessment of those impacts, and note the additional work that is required before a Final EIS can be prepared.

The City of Cleveland has striven to devise rerouting plans that will reduce the impacts on its residents, the fabric of its communities' lives and on the institutions it has fostered and housed over the course of its 200 year history. No matter which alternative rerouting plan is finally selected, there are some elements that must be included in any solution to the serious adverse impacts this transaction will create for Cleveland and the surrounding communities. The mandates of the President's Environmental Justice Order must be at the forefront of SEA's consideration of these impacts and of the solutions that Cleveland has presented. Unless the Applicants are willing to adopt rerouting arrangements that accomplish the City's objectives, SEA should recommend and the STB should impose train limits or curfews that hold the neighborhoods harmless from the impacts they will experience from the implementation of Applicants' proposal. Fairness to Cleveland, its residents and its neighbors should prevent the STB from approving the proposed transaction without requiring mitigation of the substantial impacts it will otherwise create -- not trifling attempts to appease the citizens by planting trees and erecting low, nearly useless noise walls, but real efforts to reduce noise and intrusion into the peoples' lives by adoption

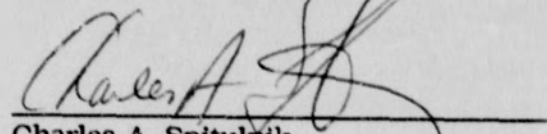
of a rerouting alternative that truly and effectively addresses the problems that the proposed transaction will create.

Dated: February 2, 1998

Sylvester Summers, Jr.
Director of Law
Richard Horvath
Assistant Director of Law
City of Cleveland
Department of Law - Room 106
601 Lakeside Avenue
Cleveland, Ohio 44114
(216) 664-2808

Anthony J. Garofoli
Climaco, Climaco, Lefkowitz &
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Ninth Floor
The Halls Building
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Cleveland, Ohio 44115
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Respectfully submitted,



Charles A. Spitulnik
Robert P. vom Eigen
Rachel Danish Campbell
Hopkins & Sutter
888 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 835-8000

Attorneys for The City of Cleveland,
Ohio

TAB 1



Forty Years of Ensuring Excellence in University Circle

January 30, 1998

Office of the Secretary
Case Control Unit
Finance docket No. 33388
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-001

**Re: CSX and Norfolk Southern (NS)
Proposed Acquisition of Conrail**

Dear Office of the Secretary:

University Circle Incorporated (UCI) is the nonprofit planning and service organization for University Circle. **University Circle** is the cultural, medical, and educational center of Cleveland and northeast Ohio - it is one-square mile in size and home to 44 institutions (with an additional 35 institutions in the area immediately adjacent to its boundaries). University Circle is a very unique area, not only to the city of Cleveland but nationally - no other city in the world has such a prominent concentration of institutions. I have enclosed a copy of our current annual report that lists all of these institutions.

I am writing on behalf of many UCI member institutions to document our concern that we have not been afforded the opportunity to meet, raise questions, and obtain specific information about the many potential impacts of the proposed merger of CSX and Norfolk Southern in our community. It is UCI's role to insure that the quality of its environment is not only preserved, but continually improved. The density of the Circle's daily population makes infrastructure matters critical. Note that:

- Our health care institutions serve 1.7 million patients who come to the Circle each year;
- University Circle is an employment center with approximately 26,800 employees (for a point of reference, downtown Toledo draws 25,000 employees daily);

University Circle Incorporated
January 30, 1998
Pg. 2

- 16,400 students are enrolled in Circle educational institutions, the largest of which is Case Western Reserve University;
- More than 5,000 people reside in University Circle; and
- As a major tourist destination, the Circle attracts 2 million visitors annually.

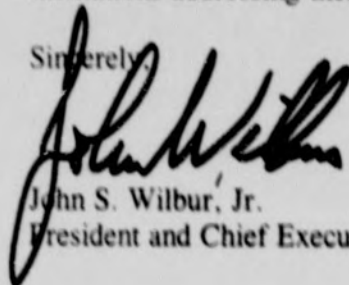
University Circle institutions play a significant economic role in Cleveland. Since 1990, University Circle institutions have invested approximately \$500 million in capital expenditures to build state-of-the-art facilities, and expect to invest more than \$200 million in additional capital expenditures during the next five years.

It is our collective concern that the increased train traffic that will result from the proposed CSX merger will adversely affect our economic progress and plans. We base this on the convictions that the increased traffic will adversely affect air quality; increase noise pollution (which may prove problematic to The Cleveland Orchestra); and bring hazardous materials into the Circle creating the potential need for emergency evacuation in an area with three major hospitals.

Based on the issues identified, UCI and many of its institutions support the city's proposal that alternate routes should be considered that would lessen the impact on residential, business, and other non-industrial neighborhoods of Cleveland. In addition, we believe that representatives of the railroads should meet with members of our community to discuss such impacts.

I strongly encourage you to read the enclosed statements from specific individual institutions addressing their specific concerns.

Sincerely,



John S. Wilbur, Jr.
President and Chief Executive Officer

Attn: Elaine E. Kaiser
Environmental Project Director
Environmental Filing



Report to the **Community**

University Circle's one-square mile is home to a concentration of 44 institutions that is unmatched in the world.

An additional 35 institutions (our associate members), are located in the area immediately adjacent to our boundaries.

Member Institutions

Ambrosia Tavern
 American Heart Association, Northwest Ohio Affiliates, Inc.
 Case Western Reserve University
 The Center for Dialysis Care, Inc.
 The Church of the Covenant
 Cleveland Botanical Garden
 Cleveland Friends Meeting
 Cleveland Hearing & Speech Center
 Cleveland Hill Foundation, Inc.
 The Cleveland Institute of Art
 The Cleveland Institute of Music
 Cleveland Medical Library Association
 The Cleveland Museum of Art
 The Cleveland Museum of Natural History
 The Cleveland Music School Settlement
 The Cleveland Psychoanalytic Institute
 Cleveland Sight Center
 Cleveland Student Housing Association
 Early Music America
 Epworth-Euclid United Methodist Church
 Fine Arts Garden Commission
 First Church of Christ, Scientist
 Gestalt Institute of Cleveland
 Helman Center
 Home Pickens School
 The Hill House
 Hope Lodge
 Judson Manor/Judson Park
 The Junior League of Cleveland, Inc.
 Kucinich Independent Living
 The Mt. Sinai Health Care Foundation
 Mt. Zion Congregational Church
 Musical Arts Association
 Ohio College of Podiatric Medicine
 Ohio Montessori Training Institute
 Pentecostal Church of Christ
 Rainbow Children's Museum & TRW Early Learning Center
 Ronald McDonald House of Cleveland, Inc.
 The Sculpture Center
 The Terrace-Tidworth Israel
 University Circle Housing, Inc.
 University Hospitals of Cleveland
 The Western Reserve Historical Society
 Young Audiences of Greater Cleveland, Inc.

Associate Member Institutions

African American Museum
 Alta Social Settlement
 Amasa Stone House
 American Sickle Cell Anemia Association
 Antioch Baptist Church
 Calvary Presbyterian Church
 Catherine Harbmann House
 Church of the Transfiguration
 Cleveland Center for Contemporary Art
 Cleveland Center for Research in Child Development
 The Cleveland Chamber Music Society
 The Cleveland Clinic Foundation
 Cleveland Cultural Gardens Federation
 The Cleveland Play House
 Cleveland Signage Theatre
 Dunham Tavern Museum
 Eliza Bryant Center
 Ernest J. Brady Golden Age Center of Cleveland
 Euclid Avenue Congregational Church of the United Church of Christ
 Fairchild Center for Aging
 First English Lutheran Church
 Grace Lutheran Church
 The Health Museum of Cleveland
 Hirschman Center for Women, Inc.
 Holy Rosary Church
 Hough-Borwood Family Health Care Center
 The Institute for Creative Living
 Karam House
 The Lake View Cemetery Association
 Lexington Hall Community Center
 MetroHealth Cleveland Center for Family Care
 Nature Center at Shaker Lakes
 St. Adalbert Church
 Shaker Historical Society
 Unitarian Society of Cleveland
 United Cardinal Policy of Greater Cleveland, Inc.

Featured throughout this report are the public service advertisements that appear in *Cleveland Magazine* in conjunction with the quarterly *University Circle Calendar of Events*. They depict the major services provided by University Circle Incorporated—what we do day-to-day for this very special place called University Circle and for all of those who come here.

About University Circle and University Circle Incorporated

The story of University Circle begins with blacksmith Nathaniel Doan, a member of Moses Cleveland's surveying party that founded our city in 1796. He soon found city living not to his liking and moved his family to a woodland area just five miles to the east along an old Indian trail that would become Euclid Avenue. As Doan's Corners (as it came to be called) flourished, the leading citizens of the day recognized the area's potential and began to create something extraordinary—something that would distinguish our city from all others.

Three significant events shaped the destiny of this location. In 1882, Jephtha H. Wade, founder of the Western Union Telegraph Company, thought the area well enough developed to donate 75 acres of land to the city of Cleveland for a public park and an art gallery. When Western Reserve University moved from Hudson (Ohio) in 1882, railroad tycoon Amasa Stone donated \$500,000 to establish Adelbert College in memory of his son. And, in 1883, real estate magnate Leonard Case, Jr. relocated his Case School of Applied Sciences to the site from downtown.

The streetcar line that served Euclid Avenue made a turnaround at East 117th Street—the stop was called University Circle—and so the area was given its name. By 1900, the colleges and beautiful setting attracted other organizations and an educational and cultural district of note was becoming a reality. As was Jephtha Wade's dream, The Cleveland Museum of Art was built in 1916 overlooking the Wade Park Lagoon. The Cleveland Orchestra was given a permanent home when Severance Hall opened in 1931; that same year, University Hospitals was dedicated.

By 1950, 34 institutions had chosen University Circle as their home—but the Circle was facing some serious challenges. In the words of Mr. Stanley A. Ferguson, then president of University Hospitals: "...after nearly 20 years of depression and war, the institutions in University Circle faced a mammoth need for expansion and improvement... the city's population had grown... people were enjoying more leisure time and were looking for worthwhile ways of spending it... museums, libraries, and concerts were filled as never before... however, expansion was more than a matter of money or determination because there just wasn't enough room, and because the area was becoming built up like a patchwork quilt."

Enter one of Cleveland's most spirited civic leaders, Mrs. William G. Mather, who recognized that University Circle was at a pivotal point. Her vision and generosity made possible the hire of the renowned Boston planning firm of Adams, Howard & Greeley, and after a rigorous 18-month study, the 1957 *University Circle Master Plan* was issued. The Plan not only gave direction for the Circle's orderly growth, it did something inspiring: it reaffirmed that Cleveland had succeeded in creating the most impressive concentration of educational, cultural, and medical institutions in the country.

Perhaps the most important recommendation made was to "establish a central organization to administer the Plan and give it some real authority." And so, with full institutional support, the University Circle Development Foundation (the predecessor of University Circle Incorporated) was formed. Initial efforts were focused on creating a land bank to purchase and hold available land until needed by an institution for expansion. Soon, services that could be provided more efficiently if done collectively—parking, shuttle bus service, public safety, architectural review, and landscaping of common areas—were added. The stability provided by these services gave new confidence to the institutions and the Circle's growth skyrocketed.

In 1970, the University Circle Development Foundation was reorganized as University Circle Incorporated (UCI) with an added emphasis on strengthening the relationship between University Circle and its adjacent neighborhoods. In its outreach to the broader community, UCI began working closely with neighborhood organizations to build housing and provide access to broader community resources. UCI's Community Education Program was created in 1973 to bring the Circle together with Cleveland schoolchildren—a wonderful collaboration that thrives today. The 1990 *University Circle Master Plan*, which updated the 1957 Plan, strongly reinforced the importance of neighborhood partnerships.

UCI's reorganization moved it from simply being the "caretaker" of the Circle's physical environment (although that role remains very important) to being a catalyst for economic development and an advocate for the whole of University Circle as a major force in the progress of our city and Northeast Ohio. Uniquely positioned to look to the future with a collective eye on behalf of the institutions it serves, UCI has been dedicated to ensuring the excellence of University Circle for 40 years.

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From the Chairman and President

This is a milestone year for University Circle Incorporated (UCI)—our 40th anniversary—and in the spirit of celebration we are presenting this report to the larger community by its inclusion in *Cleveland Magazine*. University Circle is a very special place and Clevelanders are rightly proud of it—as a source of civic pride it has long ranked high on the list of city assets.

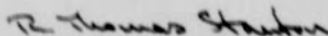
What many do not know about University Circle, however, is that since 1957 there has been an organization dedicated exclusively to ensuring the Circle's collective well being. As described in the preceding introduction, the 1950's brought the Circle to a turning point that was met boldly and determinedly by the formation of UCI. It is our privilege to work on behalf of this organization that is integral to the success of a remarkable concentration of institutions—one only needs to consider the level of achievement that is reached every day in this one square mile to understand the Circle's significance.

The core of what UCI does for the Circle is tangibly depicted on the following pages. Our services make it possible for each of our member institutions to thrive in a place that is safe, convenient, orderly, and beautiful—and to carry on with their important work for their visitors, clients, and patrons. But it is the combination of providing day-to-day services, formulating longer-term strategies, and taking the collective long view that captures UCI's role. Simply put, UCI is working to make University Circle—today and tomorrow—a vibrant, active community that is known as one of the truly extraordinary urban districts in the country.

We are glad to report that the financial status of UCI is sound. UCI's unrestricted operating revenue for the year totaled \$15.3 million, which included annual fund contributions of \$472,000. In addition, UCI received \$1.4 million in endowment fund gifts. We acknowledge the foundations, business organizations, public agencies, and individuals who so generously contributed to this organization.

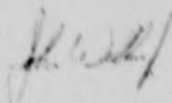
Our gratitude is also extended to UCI's Board of Trustees and our dedicated volunteers. With sad regret we note the deaths of four of our trustees, three of them noteworthy women who served us so well: Dr. Ruth R. Miller, Mrs. A. Dean Perry, and Mrs. Herman L. Vail. Frank R. Borchert, Jr., Vice President for Budget & Planning at Case Western Reserve University, will be much missed as a colleague and friend.

We are grateful for the contributions of our valued employees and acknowledge each of our member and associate member institutions for all that they bring to the quality of life in Cleveland and Northeast Ohio.



R. Thomas Stanton

Chairman of the Board of Trustees



John S. Wilbur, Jr.

President and Chief Executive Officer

September, 1997

Tom Stanton (standing) and John Wilbur are pictured with the handsome park bench in front of UCI's Administrative Office on Magnolia Drive. It is one of many being placed throughout University Circle by The Circle Bench Project — an endowed beautification program started by UCI in 1996.



STB

FD

33388

1-14-98

K

CITIES



January 2, 1997

Office of the Secretary
Case Control Unit
Finance Docket No. 33388
Surface Transportation Board
1925 K Street, NW, Room 500
Washington, DC 20423-0001

**ENVIRONMENTAL
DOCUMENT**

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

Dear Ms. Kaiser:

I am writing on behalf of the Village of Wellington, Ohio, Mayor Barbara O'Keefe and Wellington Council Members regarding the proposed merger of CSX and Norfolk and Southern Railroads in an attempt to acquire certain Conrail properties. Obviously, any municipality that will be affected by this merger will have concerns as to how this proposed project will impact their community. This is why I am writing.

I feel that due to Wellington's proximity to the railroad, we will incur much greater environmental impacts than others. I am attaching a map so that you can better visualize the potential problems. As you can see, our Village is dissected by two state routes; Route 58 runs north and south, while Route 18 runs east and west. The point at which these two routes intersect is our central business district and the location of our only traffic light. There is already heavy traffic and by having the two state routes we experience a lot of truck traffic as well. Route 58 is classified as Lorain County's north-south corridor to Route 71.

Please note that the railroad in question intersects both Route 58 and Route 18 less than 1/4 mile away from our one traffic light, so needless to say, we currently experience significant disruption in traffic flow. With the proposed **increase** in trains traveling through Wellington of **14.5 -54.16** (Berea to Greenwich), traffic could be at a complete standstill for lengthy periods of time!!

Such disruption of traffic is more than just an aggravation or an inconvenience; this would contribute to loss of sales for downtown businesses and cause untimely delivery of services. While it is certainly frustrating for school bus drivers transporting children, employees trying to get to work and drivers trying to make deliveries, it is **dangerous for the people that require vital and immediate attention to be deprived of timely service by our police, fire and ambulance departments just because of train traffic.** Our town is **split in half by these railroads** with the police and ambulance on one side and the Fire Department on the other. Our Fire Department does have two small trucks housed on the other side of the tracks, but they would not provide adequate coverage for a house or business fire.

Wellington Fire Department is responsible for approximately 125 square miles of rural area in this southernmost part of Lorain County. The tracks running through town which include 7 crossings, do not present the only stumbling block for our department; there are 22 other crossings in our district that may need to be negotiated when traveling to the scene of a fire. Fire calls in 1997 totaled 362 as of December 29. These same circumstances prevail for our ambulance squad. Last year alone they made in excess of 700 runs. Both fire and ambulance are run by volunteers, so when the siren sounds it is imperative that those in town respond to the call. Depending on the seriousness of the call, police are often requested for traffic control at the scene. These **services are severely compromised by untimely arrivals due to train delays.**

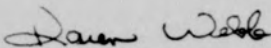
Another area of major concern is that of unguarded crossings. As previously mentioned, there are 29 crossings that need to be negotiated in our area. One death is too many; Wellington has had 4 in the past 8 years! There were two fatalities in 1989 at the Barker Street Crossing. Most recently in 1992, 4 teenagers were involved in a car/train accident that resulted in two deaths. With the proposed **increase** in the number of trains from **14.5 -54.16**, we feel such **risk is elevated.** It took the deaths of two young men to get lighted crossings gates at the Webster Road crossing; we do not want to experience such tragedy again. We want to feel safer knowing that our residents and those simply passing through and not familiar with the area, are better protected.

We would be remiss if we failed to mention our concern over the transporting of hazardous materials through our area. Again, **proximity** to the railroad places us at **greater risk** should there be **derailment.** We have approximately 4100 residents living within a 2 mile radius. Based on the product, wind direction and the weather, our Safety Services Director has determined that if a spill occurred at any of the crossings within the Village, 2/3 of the residents would need to be evacuated.

Finally, we are concerned with the quality of the crossings. We currently undergo approximately 4-5 crossing repairs per year; with the additional track being laid, the amount of repairs are likely to increase. The increased traffic will cause a rapid deterioration of the road which has a substantial impact on the community when crossings are closed for repairs. The **condition** of the **recently installed track** at the North Main Street crossing is **deplorable** and no trains have even traveled over it yet!! These railways should be required to install state of the art crossings if their proposed project is accepted.

In summary, I would like to reiterate that the very location of our small community to the proposed railway **burdens** us with the potential for **increased safety concerns and environmental degradation**. We urge the Board to carefully analyze our concerns and would certainly welcome you to visit Wellington and witness first hand the magnitude at which our everyday lives are currently impacted by the railway. In viewing our community, you no doubt would realize our concern and the scope of potential environmental problems confronting us in the event of a hazardous cargo spill. We **implore** you to **help us preserve the safety and well being of our community and its residents**.

Sincerely,

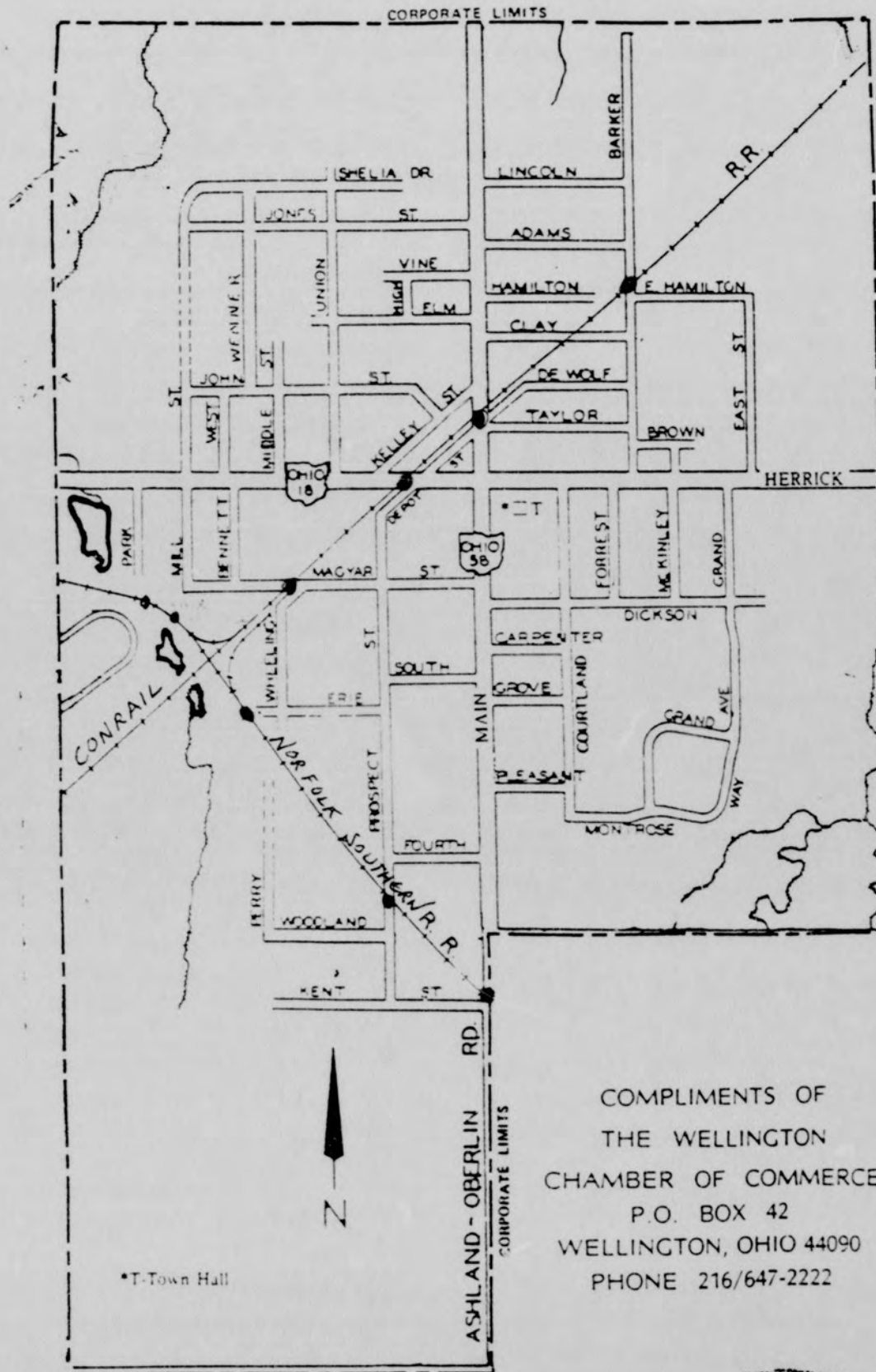


Karen Webb, Clerk Treasurer
Village of Wellington

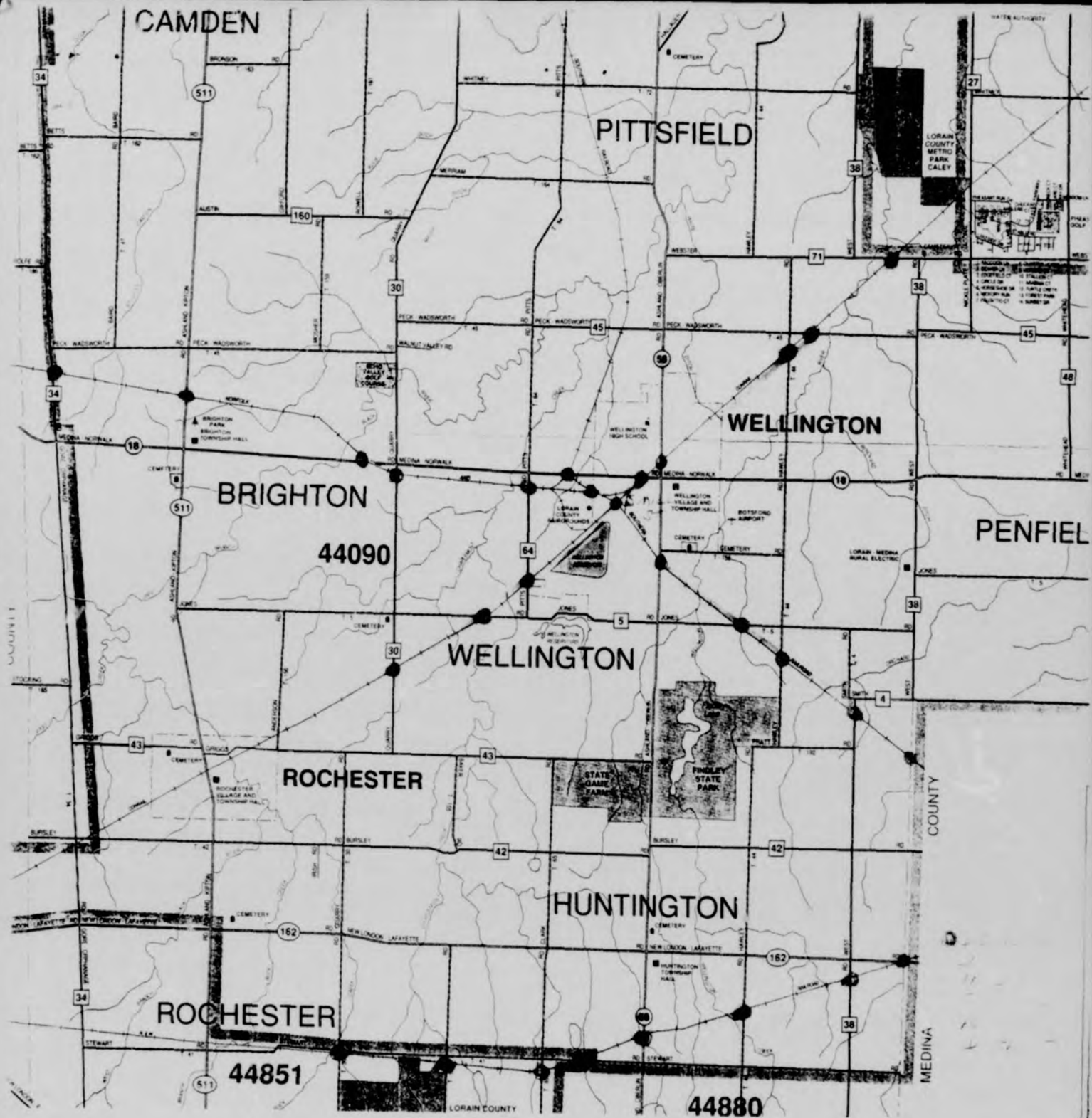
KW/ml

Encl.

THIS IS JUST THE IMMEDIATE DOWNTOWN AREA
OF THE VILLAGE OF WELLINGTON.



COMPLIMENTS OF
THE WELLINGTON
CHAMBER OF COMMERCE
P.O. BOX 42
WELLINGTON, OHIO 44090
PHONE 216/647-2222



STB

FD

33388

1-7-98

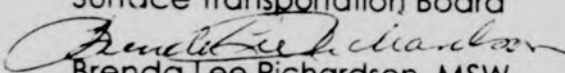
K

BUSINESS

ENVIRONMENTAL
DOCUMENT

WOMEN LIKE US

TO: Elaine K. Kaiser, Chief, Section of Environmental Analysis
Surface Transportation Board

FROM: 
Brenda Lee Richardson, MSW
Consultant

DATE: January 5, 1998

RE: Comments on CSX & Norfolk Southern-Control & Acquisition



I would like to request a community meeting in Anacostia to discuss the proposed Conrail Acquisition. I have reviewed the information that you were so kind to send me through the mail. However, there are several issues that I am extremely concerned about:

- First, a community of color will be disproportionately exposed to poorer air quality with a potential increase from 23.9 trains to 30.8 trains per day if this project is approved. This becomes an environmental justice issue that needs to be addressed.
- Secondly, if the air quality in this already distressed community is impaired what kind of responsibility will the company take for the eminent impact this will have on the public health of our children, seniors, HIV/AIDS population, cancer population, etc.?
- Thirdly, I am concerned about the safety measures as it relates to the public.
- Fourthly, the potential for noise pollution will increase and ultimately adversely impact this community. What kind of measures will be taken to deal with this issue as it relates to the health of the community?
- Fifthly, we certainly do not need anymore highway congestion in Southeast than we already have. The EIS does not clearly articulate how this will be addressed.
- How many residents from Ward 8 will be employed through this effort? As a proponent of environmental stewardship, my responsibility is to look at this issue as it relates to environmental justice, economic development and public health.

3008-24th Place, S.E. Washington, D.C. 20020 (202) 678-1978

Our natural resources in distressed urban communities are quite limited when we look at quality of life issues. I am concerned that the real issues that will ultimately impact the people that live and work near the railways are the ones who will ultimately suffer in the name of efficiency. Again, I would like to recommend a public hearing in Ward 8 at Young's Memorial Church where Rev. Herbert B. Chambers is the Pastor. He would be happy to open his doors to afford you an opportunity to address the community's concerns. Should you require any further information regarding this matter, please do not hesitate to contact me on (202) 678-1978.

Your attention and consideration in this matter is deeply appreciated.

cc: Councilmember Sandra Allen (Ward 8)
Councilmember David Catania (At-Large)
Damon Whitehead, Earthjustice Legal Defense Fund
Eric Olson, Natural Resource Defense Council
Robert Nixon, Earth Conservation Corps
Dorothea Ferrell, Barry Farm Public Housing Development
Rev. Herbert B. Chambers, Young's Memorial CDC
Rhoda Burwell, United for Change CDC
Robert Boone, Anacostia Watershed Society
Chris Niles, Surface Transportation Planning Project Washington
Regional Network/Intersect
Frazier Walton, Jr., Kingman Park Civic Association
Bev Baker, U.S. EPA/Anacostia Liaison