12-31-97 BUSINESS

ENVIRONMENTAL DOCUMENT

PUBLISHER'S AFFIDAVIT PROOF OF PUBLICATION

CALIF NEWSPAPER SVC BUREAU PT0207

STATE OF INDIANA COUNTY OF LAKE SS:

Before me, Judy Milne, a Notary Public, this day personally came R. A. Miller, who being duly sworn, according to law, says he is CREDIT MANAGER of the Post Tribune Publishing, Inc. publishers of THE POST TRIBUNE, a daily newspaper, published in Gary in said county and state and that the notice of which the annexed is true copy, was published in said paper.

6207

CNS1648888

Surface Transportation
Board Section of
Environmental Analysis
Release of Draft
Environmental
Impact Statement
Proposed Conrall
Acquisition

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) issued its Draft Environmental Impact Statement (EIS) for the proposed Connai Acquisition on December 1," 1997. The Draft EIS discus. SEA's Independent an 'sis of potential environmental impacts and includes SEA's preliminary recommendations for mitigating possible environmental effects of the proposed Acquisition of Connail by Norlolk Southern (NS) and CSX.

The Draft EIS is currently systable for public review and comment. Public comments are due by February 2, 1998. The public review and comment period is part of an ongoing evaluation of the potential environmental impacts associated with the Proposed Acquisition.

SEA will consider all comments received in response to the Dreft EIS in preparing the Final EIS and in making its final recommendations to the Surface Transportation Board (Board). SEA plans to serve the Final EIS in May 1996. The Board will consider the entire environmental record, including all public comment, the Draft EIS, and the Final EIS in making its final decision. The Board will issue its "sall written decision in July 1998.

SEA invites all interested agench and the public to comment on the Draft EIS. SEA is providing copies of the Draft EIS to Federal, state, and regional secretary and county administrators foreschipotentially affected county, and to all parties who have specifically requested a copy. If you have

On the 22 day of December 1997

R.A. Miller, Credit Manage

scribed and sworn to before me, this 23kd day of

my The

commission expires

april 27, 1998

free Environmental Hotline et 1-888-869-1997 (TDD for the hearing impaired: 202-565-1995), information about the proposed Acquisition and Draft EIS can also be found at the following Internet Web site http://www.conrellmerger.com.

All interested agencies, organizations, and individuals can comment on the Draft EIS by submitting written comments (include an original plus 10 copies) to the address listed below by February 2, 1998, the close of the public comment period.

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

Attn: Elaine K. Kaiser Environmental Project Director Environmental Filing 12/22

. . . .

STB FD 33388 12-31-97 K PUBLIC

ENVIRONMENTAL December 22, 1997 DOCUMENT

29016 Millard Drive Bay Village, Ohio 44140 Phone: (440) 835-3095

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

Dear Ms. Kaiser:

Re: FD-33388, planned increased heavy freight traffic through northwestern Cleveland, Ohio suburbs



I have written before requesting termination of freight traffic along the line through Bay Village-Westlake, Ohio and other western suburbs, but I would like to reiterate that the chief safety concern is that a derailment or collision causing a derailment will result in a disaster in loss of life, injuries, and severe destruction of people's homes.

In this regard, please refer again to my letter of September 26th and the accompanying police report about a very low speed derailment in 1982 that only good fortune and a few feet averted a catastrophe.

This is an excellent example of the kind of surprise situation that can arise with so much traffic along one track as the railroads wish to have approved. It also should be noted that this apparently was not a high speed situation, and the train merely stopped to avoid a collision. If there had been a collision between train and car, most of the cars of the train could have derailed, sending them careening into backyards and even houses for a mile of residential homes. The kind of breakdown of a car that caused the derailment in 1982 could happen again at any time, especially with such a heavy increase in freight traffic and the increase in population over the past 15 years who need to use the crossings much more often than anyone did in 1982.

So the increased threat of crossing incidents, compounded by the increased population having to use the crossings and the increase in toxic and even atomic waste carried on the freight cars headed west, would greatly jeopardize the population living 100 feet or so from the tracks all the way from Cleveland well into adjacent Lorain County.

In the opinion of my neighbors and I, the extreme danger is not an environmental problem with clean air or vibration but of a drastically increased likelihood of a serious derailment or collision that would result in death and massive destruction of property.

I wanted to point this out because most of the articles and letters I have read on this subject seem to be more concerned about serious but much more modest environmental and safety concerns—dirtier air, increased vibration, and an increase in individuals being struck at crossings by trains. I think the real major concern is to avoid a catastrophic case of multiple deaths, serious inuries, and extensive property damage.

As always, the judicious consideration of these dangers by you and your staff is appreciated.

Very truly yours,

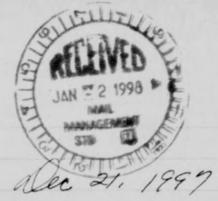
John A. Pfei

33388 12-30-97 K CITIES



ENVIRONMENTAL DOCUMENT

ENVIRONMENTAL DOCUMENT



U.S Surface Transportation Board washington, D. C.

Tentlemen:

Threw of The attached more

than the lettle people as against this

split. The only ones for it are the ones

that will reak monetary profets.

Conrail has been slow in order to

promote this split so they will make

obscere profets for the officals that

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a Conceened Citizen again

Conrail takeover worries shippers

By MIKE MAGNER

WASHINGTON — Snarled trains in the West are giving some big shippers second thoughts about the proposed takeover of Conrail by two railroad giants in the East.

Automakers, chemical companies and electric utilities are among the industries that have been squeezed by bottlenecks since Union Pacific Corp. acquired Southern Pacific Rail Corp. last year in the biggest rail merger in history.

Union Pacific's problems, largely blamed on beleaguered crews running more trains over fewer tracks, have led many rail-dependent industries to raise warning signals about the proposed sale of Conrail to CSX Corp. and Norfolk Southern Corp.

The \$10.2 billion Conrail purchase would give the two Virginia

Some fear merger of 2 rail giants could result in service bottlenecks

railroads dominance over rail service in the eastern United States, with a 44,000-mile network linking every major city except Boston. Miami and Tampa, Fla

But first the sale must be approved by the U.S. Surface Transportation Board, which replaced the Interstate Commerce Commission in 1995 as the nation's rail overseer. The board plans to decide on the sale in July.

"The Conrail deal isn't even consummated, but the concern would be if they go through same kind of meltdown as Umon Pacific has gone through, we will have the same kind of worker fatigue and stress and the same kind of problems," said William Gebo, manager of North American rail services for Dow Chemical Co.

Dow, based in Midland, Mich., has lost more than \$20 million this year due to stalled rail shipments from its plants in Texas and Louisiana, Gebo said. Much of the freight had to be shifted to trucks at higher rates.

The Big Three automakers, who ship 70 percent of their new vehicles by rail, have had similar problems making deliveries to dealers in the West.

"Logistically it's been a nightmare," said General Motors Corp. spokesman Tom Klipstine. "Once you start to have bottlenecks in one part of the industry, it affects the whole industry."

The tie-ups have increased shipping times by about 10 percent and forced some GM plants to stockpile cars. Klipstine said Ford Motor Co has reported similar problems.

GM generally supports mergers if done for sound business reasons, Klipstine and, but the Union Pacific delays have raised concerns about the Conrail takeover. "When you have problems, you have second thoughts about everything."

Advocates for the sale say it will result in cheaper and more efficient rail service because CSX and Norfolk Southern will aggressively compete for business, but share access to virtually all trunk lines east of Kansas City

The two railroads, now serving the Midwest and the South, would divide up the 11,000-mile Conrail system linking the Midwest and the Northeast Conrail was created by Congress in 1976 out of six bankrupt railroads, including Penn Central and New York Central.

SEE RAIL/4-0

Conrail takeover concerns shippers

RAIL FROM 1-G

"You're going from three companies and, if you will, a lock on the Northeast that Conrail has had since its creation, to two competing, strong companies," said Marcus Higginbotham, a spokesman for Norfolk Southern

In their proposal to the Surface Transportation Board in June: CSX and Norfolk Southern claimed their consolidated service's would attract enough freight to take a million trucks off the nation's highway... reducing air pollution, traffic accidents and road damage

The American Trucking Association called that an "unsubstantiated claim," but said even it if were true, there would likely be more rail accidents from the increase in train traffic

The Federal Railroad Administration, which regulates train safety, has raised similar concerns, leading the Surface Transportation Board to demand detailed safety plans il is month from both CSX and Norfolk Southern.

Many businesses, including some that complained about poor service from Conrail, are urging approval of the sale. Nearly 500 of them, along with a few environmental groups, have joined a Washington 'obbying group organized by CSX and Norfolk Southern, Transportation Advocates for Competition (TRAC).

"The merger's going to be the best thing for the whole country," said John Meyer, manager of rail operations for Hager Group Cos. near Grand Rapids, Mich., a group of wood-product suppliers that joined TRAC.

"We need the competitive balance in the East," said Meyer. He complains that Conrail is not responsive when there are freight

from Northeastern and Southern states served primarily by one railroad, also have endorsed the Conrail sale.

But the high cost of the deal is troubling, two big industry groups opposed to it said in joint comments to the Surface Transportation Board.

The Chemical Manufacturers Association and the Society of the Plastics Industry noted that Conrail was worth \$6.3 billion and its stock was selling for \$71 a share on Oct. 15, 1996, when CSX of fered \$8.1 billion, or \$89 a share. to acquire the railroad.

Norfolk Southern, seeking to avoid domination by CSX in the East, then offered \$100 a share. In April, the two railroads agreed to jointly purchase Conrail for \$115 a share, or \$10.2 billion.

If the sale is approved, the two railroads could be forced into drastic cutbacks to recover the extra \$3.9 billion in debt, the Fourteen governors, mainly chemical and plastics groups

said. In fact, the purchase plan calls for eliminating 3,090 jobs in the first year, while adding only 1.109 new ones, they said.

"Norfolk Southern and CSX can pay for their purchase of Conrail stock only if they faultlessly execute their strategy of increasing traffic while cutting personnel and costs substantially." the two groups said. "It is doubtful this can be done."

Power companies that rely exclusively on the railroads for coal shipments fear their dependence could lead to rate-gouging

Consumers Energy Co., a large Michigan utility that uses 7.5 million tons of Western coal annually, has asked the Surface Transportation Board to block the Conrail sale.

"Ultimately, it will be highvolume, captive traffic - such as Consumers' coal traffic - which will finance the debt arising from the acquisition through imreasonably high rail rates," the utility told the board.

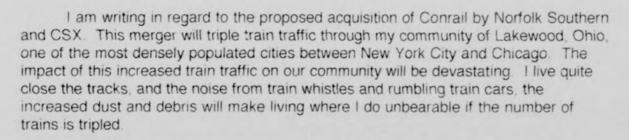
DOCUMENT

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

December 26, 1997

Re: Docket Number FD33388

To Whom It May Concern:



In addition, I am appalled at the audacity of Norfolk Southern's suggestion that taxpayers assume part of the cost of rerouting this increased train traffic. In my mind, this is tantamount to blackmail. NS is threatening the westshore communities with a choice: either endure the increased train traffic, or pay to have the trains diverted. It reminds me of the crime bosses who demanded small business owners pay "protection costs" during the 1920s. This cannot be allowed. NS and CSX are not non profit enterprises. They should not be subsidised by taxpayers.

I beg you to use common sense. Please insure that the decent, hardworking people of the westshore communities of Cleveland, Ohio are protected from big business and its ability to negatively change our lives. The lack of regard NS and CSX has for the quality of life we have established here in our cities is just another example of how big business lacks a conscience. We rely on you to make sure there is ethical and fair treatment of the citizens of our communities.

PLEASE DO NOT ALLOW INCREASED TRAIN TRAFFIC THROUGH THE WESTSHORE COMMUNITIES OF CLEVELAND, OHIO.

Thank you for your consideration of my request. I trust in the fairness and the clearthinking of your committee.

Sincerely,

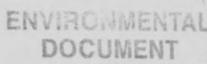
Kathy Ingersoll

Resident, Lakewood, Ohio

12-30-97 K BUSINESS

Ohio Historical Center

1982 Velma Avenue Columbus, Ohio 43211-2497 614/297-2300 Fa 297-2411



December 19, 1997



OHIO HISTORICAL SOCIETY SINCE 1885

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

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

Dear Ms. Kaiser,

This purpose of this letter is to transmit to your office letters from four interested parties submitted to the OHPO in response to the request for public input regarding the above referenced Conrail acquisition project. The correspondence from the interested parties provides information, comments and concerns for historic preservation issues and is submitted under provisions of the National Historic Preservation Act. The comments of the Ohio Historic Preservation Office (OHPO) are submitted in accordance with provisions of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 [36 CFR 800]); the Surface Transportation Board (STB) serves as the lead federal agency.

We feel that the comments are helpful and useful, and in several cases provide the important function of extending the range of options for preservation for your consideration. Letters were received for the Norfolk Southern connector, Bucyrus, Crawford County, construction and changes in the Cleveland area, and construction and changes in the Columbus area. We have also received telephone calls regarding this project as a result of requests for public input. I believe that we were able to resolve the questions raised thus far from telephone inquiries.

The letter from the Bucyrus Historical Society has been instrumental in developing the basis for a Memorandum of Agreement for the demolition of the TOC Freight House. It is our expectation that this agreement will be drafted in the near future and submitted to this office for review.

The letter from the Cleveland Landmarks Commission raises preservation concerns for several areas including the Collinwood Yard. It is our opinion that the information and concerns help in establishing a broader context to interpret historic properties and evaluate effects in the Cleveland area. We recommend that additional consideration should be given to this part of the project. The extent of changes in the Collinwood Yard pose problems for resolving preservation concerns, and we feel that working with the Cleveland Landmarks Commission could help in framing the approaches along a broader background.

Ms. Elaine K. Kaiser December 19, 1997 Page 2

The letter regarding the Buckeye Intermodal Terminal Yard makes a request for clarification of the Area of Potential Effects for the project. We recommend revisiting this part of the project to ensure that the area considered encompasses the full range of work and modifications.

Finally, the letter from the Glen Echo resident expresses concern for the preservation of a contributing element to the Glen Echo Historic District. We recommend that specific conditions be imposed to control construction in this area to avoid any impacts to this feature. We also recommend that the construction people contact this office when construction reaches this area so that personnel from this office can have an opportunity to monitor the construction.

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

Sincerely,

David Snyder, Archaeology Reviews Manager Resource Protection and Review

David Suply

DMS/ds

Attachment

xc (without attachment):

Dan Shinn, Burns and McDonnell Bruno Maestri, NS Carole Peter, Dames and Moore Barbara J. Harris, CSXT Barry Wharton, HDR Engineering, Inc. Richard Starzak, Myra L. Frank & Associates, Inc. Laura Henley Dean, ACHP



Mr. David Snyder Review and Compliance Dept. Ohio Historic Preservation Office 567 E. Hudson St. Columbus, Ohio 43211-1031

Re: Finance Docket No. 33388 - CSX and Norfolk Southern - Control and Acquisition of Conrail: Section 106 of the National Preservation Act Process in Ohio

Dear Mr. Snyder:

We are in receipt of correspondence from Ms. Elaine K. Kaiser, Chief, Section of Environmental Analysis of the SURFACE TRANSPORTATION BOARD, Washington, D.C. The subject is the National Register structure known as the T.& O.C. Railroad Depot, located at 715 E. Rensselaer St. here in Bucyrus. We, the Bucyrus Historical Society, are owners of the building, while the ground beneath is currently owned by Conrail.

We are writing to you at the suggestion of Ms. Kaiser, since we are intensely interested in rehabilitation and possible restoration of this historic structure, which we understand boasts unique construction as far as R.R. stations are concerned. We have established a special BUCYRUS HISTORICAL SOCIETY STATION FUND to help launch our efforts toward stabilization of the structure (now in deplorable condition) and to further resurrect it for the appreciation of the public. We have no plans for commercialization of the building.

We estimate the stabilization effort (i.e. roof, spouting and drainage restoration) will require approx. \$25,000. Some estimates for meaningful (total?) restoration run from \$250,000 to \$500,000, but we feel these figures are based on complete work by restoration experts and, at least at this time, we do not feel this is a realistic goal.

We do, however, have numerous offers of assistance, both from professional people and local "do-it-yourselfers", all of whom are eager to get inside and do their thing. After a review of the qualifications of those involved, I believe we can actually rehabilitate the building and make it available for Historical Society and community use ... after we get the basic roof/gutter/drainage stabilization completed ... for well under the high-end restoration estimates. I believe \$100,000 (above the initial \$25,000), along with our volunteer force, would go a long way toward

bringing this historic building back to a condition of respectability.

And since the station is located in a rather neglected area of our community, we feel an added advantage connected with restoration would be an automatic upgrading of the area, to our entire community's benefit. Some people in the area have already expressed enthusiastic approval of our announced efforts.

We are enclosing a copy of a rather lengthy proposal we have just submitted to our local Bucyrus Area Community Foundation, on the possibility they might be able to financially support our efforts. We have also contacted local industries and financial institutions, as well as private individuals. In the face of numerous fund drives now going on in Bucyrus, our efforts have not met with great success.

A verbal discussion with a representative of Norfolk & Southern, here in Bucyrus for survey work regarding the proposed spur line from the north-south N&S to the east-west line nearby, made it clear that they, too, appreciated the historic value of the depot building, and assured us their tentative plans for the spur would not affect our property. They also indicated a possibility that grading and landscape work for the building might be included in their activities, and even a further possibility that the firm might make some restoration funds available.

We are soliciting your attention to this project, and offer our assistance in bringing you up-to-date on any information we might have.

Sincerely,

Ben Anslow, Jr.

Chrmn, BUCYRUS HISTORICAL SOCIETY STATION FUND

enc. (3 pgs.)

CC: Elaine K. Kaiser, SURFACE TRANSPORTATION BOARD
Dr. John Kurtz, Pres., BUCYRUS HISTORICAL SOCIETY
Atty. Richard Cory, Treas., BUCYRUS HISTORICAL SOCIETY

Please direct any reply to: Ben Anslow, Jr.
1090 Mary Ann Lane
Bucyrus, Ohio 44820
Tel. (419) 562-8057



BUCYRUS HISTORICAL SOCIETY

202 S. WALNUT ST .

BUCYRUS, OHIO 44820

Oct. 17, 1997

BUCYRUS AREA COMMUNITY FOUNDATION 231 S. Poplar St., P.O. Box 387 Bucyrus, Ohio 44820

Att: Mr. John Bridges, Exec. Secy.

This is in response to your letter of March 14, 1997, with which you enclosed guidelines and miscellaneous details regarding application for a grant in 1998.

Following is a recap of our project, present status, short-term and long-term needs, as best we can ascertain at the present:

PROJECT:

Restoration of the Bucyrus T.& O.C. Railroad Depot on E. Rensselaer St. Built in 1892, the building is of brick-and-stone construction, and stands on ground currently owned by Conrail. We are assuming the surviving owner will be Norfolk and Southern, not CSX. The Historical Society owns the building, and we have just received real estate tax exempt status from the State of Ohio. The building is on the National Register of Historic Places, and we believe it merits the sincere efforts, not only by our Society, but the Bucyrus community as a whole, to stabilize the property and work toward rehabilitation of this historic landmark.

FINANCE:

Estimates for complete restoration (in our minds not a practical aim) run between \$250,000 and \$500,000. Our immediate aim is for stabilization as quickly as possible. This means repair of the slate roof (not replacement) and complete replacement of the spouting and drainage arrangement. Our estimate for this necessary work is \$20,000 to \$25,000.

We currently have a bank account of \$1,800. We have written to a number of local industries and the five financial institutions for help to achieve this immediate goal, and any assistance from the Community Foundation, however small, would be of great help. We hope to make this a local effort if at all possible, at least in our immediate stabilization program, since we feel immediacy is extremely important.

. (page 2)

BUILDING STATUS: The structure is in admittedly deplorable condition, not having been meaningfully maintained since having been acquired by the Telegraph Forum in approx. 1952. It was donated to the Historical Society by Richard Hord, who took possession in the 1960's.

We have been advised by a restoration expert from Marion, Ohio, however, that the building is definitely restorable and, in his words, "should be restored."

We have also received great encouragement from the Bucyrus City Council, the Ohio Historical Society, Congressman Michael Oxley and, just this week, the United States Surface Transportation Board.

The latter, incidentally, has acknowledged the historic significance of the building. A planned spur line from the north-south Norfolk and SouthernLine to the east-west (CSX?) line would deliberately bypass the depot building while taking out the T.& O.C. freight depot across Remsselaer St. There is even a good possibility N&S will supply landscape and grading to enhance the property, and have even suggested the possibility of some funds for the restoration project.

We would be happy to share with you our correspondence from these various sources, and walk you through the facility if you like.

The building once contained a number of fine stained glass windows, three of which remain. Five additional ones have been promised, and we feel some others will be available.

WORK STATUS: We have been offered assistance by a number of individuals and groups, including the Bucyrus Jaycees, garden clubs, railroad clubs, several artisans (stained glass and wood restoration), an electrician and several others experienced in building repair

Until the building is stabilized, however (roof and spouting/drainage), we are reluctant to turn anyone loose inside regardless of their enthusiasm for the project. Quite frankly, unless we can reach our stabilization goal (\$25,000), we will not proceed on the project. Much to the loss of our community, we believe. The stabilization work would be done on a contract basis with qualified builders.

We are confident that, once these important preliminary repairs are accomplished, we can successfully follow through with rehabilitation of both the exterior and interior with our volunteer work force and a figure well under the high-end estimate for total restoration. While a qualified quotation would be hard to obtain, our "qualified guess" would be under \$100,000, to make the structure habitable and useful for the community.

USES:

We find it difficult to put a finger on specific uses for a rehabilitated T.& O.C. Railroad Station. We have no intention to put it to a commercial use (i.e. restaurant, shops, etc.). We see it as an ideal place for community involvement, historical events and activities, railroad club headquarters (there are two such clubs in Bucyrus), garden club functions, youth meetings and activities, etc.

The important thing now, as we see it, is to "stop the rot" as quickly as possible and to make this community prize something we will be able to point to with pride, both to our own citizens

and to visitors as well.

MISC.

Be advised that, although the Bucyrus Historical Society now owns this building, funds for restoration will not be taken from society funds, since the society itself is barely selfsupporting. All restoration monies must be raised from outside efforts.

The Bucyrus Historical Society was founded in 1969, and operates in the Scroggs House at 202 S. Walnut St., Bucyrus, Ohio 44820. The telephone number is (419) 562-6386.

Below is a listing of current officers and some board members:

Dr. John Kurtz, Pres., 714 S. Walnut St., Bucyrus, Ohio Atty. Richard Cory, Treas., 1080 Mary Ann La., " " Richard Zahn, V. Pres., 811 Rogers St., Martha Ann Lown, 1006 Woodlawn Ave. (Secy.) Ben Anslow, Jr., 1090 Mary Ann La. (Committee Chairman, Bucyrus

Historical Society STATION FUND) James Starner, Board Mmbr., 4338 Stetzer Rd., " Joan Carver, 1100 Mary Ann La. (Board Mmbr.),

The Bucyrus Historical Society board is made up of approx. 24 local men and women.

NOTE:

Society The Bucyrus Historical Station Fund is a separately established committee with responsibility for funding and direction of the rehabilitation efforts connected to the T.& C.C. Depot. No funds may come directly from the society itself, since the Bucyrus Historical Society is itself barely self supporting. The society does, however, hold ownership of the depot building, and it is covered on the society's all-inclusive liability insurance policy.

The Station Fund Committee is, of course, responsible to the Historical Society, and society board members vote on any major decisions regarding the depot project.

The BUCYRUS HISTORICAL SOCIETY STATION FUND carries a separate deposit and checking account at First Federal Savings & Loan in Bucyrus, Acct. No. 241270233 - 016023969400 - 9996. It is administered by Richard Cory, Treas. and Ben Anslow, Jr., Station Fund Committee Chairman. Present balance is approx. \$1,800.

The Bucyrus Historical Society, a tax-exempt organization, carries a Federal I.D. No. 23-7032428.

We will be most happy to supply you with any additional information you may require to aid you in making a favorable decision regarding this most worthwhile community project. We can also walk any of your representatives through the facility, if you so desire.

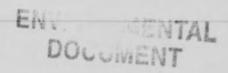
Den Curelm,
Ben Anslow, Jr.

cc: Richard Cory, Treas. John Kurtz, Pres.



Mid-Ohio Regional Planning Commission

An association of local governments providing planning, programs and services for the region.



November 14, 1997

REC'DBY OHF O NOVI 7 1997

Judith W. Stillweit

Gary Panek Vice Chair

Richard A. Browning Secretary

Bill Habig Executive Director Mr. David Snyder Review and Compliance Department Ohio Historic Preservation Office 567 East Hudson Street Columbus, OH 43211-1030

Dear Mr. Snyder:

Our agency has had an opportunity to review your letter dated October 30, 1997, concerning the CSX Corporation (CSX) and Norfolk Southern (NS) merger application with regard to the Section 106 Process of the National Historic Preservation Act. We offer the following comments for consideration.

While reviewing these documents, we noticed that there were discrepancies between the project description section and the supporting documentation and analysis. These discrepancies concern references to a new CSX fueling facility that would require accessition of new right-of-way and construction of a new CSX intermodal facility. These construction projects, although outlined in the project description section of the report, were not discussed further in the analysis that follows.

It was our understanding that CSX would be assuming operations of the Buckeye Intermodal Terminal Yard from Conrail, providing them with a facility previously unavailable in this region. If this is the "new" intermodal yard referenced in the project description, it needs to be clarified. Furthermore, the new right-of-way, its location, historical impacts and other pertinent information need to be expressly addressed.

We look forward to having the above issues incorporated in the National Historic Preservation Act Process. Thank you for the opportunity to comment and participate in the merger proceedings.

Very truly yours,

William C. Habig Executive Director

Willeau C. FAILLE

WCH:jrh



Kathy Mast Kane 2595 Summit Street Columbus OH 43202

November 20, 1997

Mr. David Snyder
Review and Compliance Department
Ohio Historic Preservation Office
567 East Hudson Street
Columbus OH 43211-1030

DOCUMENT

Re: Finance Docket No. 33388 - CSX and Norfolk Southern - Control and Acquisition of Conrail: Section 106 of the National Historic Preservation Act Process in Ohio

Dear Mr. Snyder:

I am writing in response to the October 30, 1997 letter soliciting comments from the community. I am a resident of the Glen Echo neighborhood which runs adjacent to the railroad where the proposed construction is to take place. This neighborhood was listed in the National Register of Historic Places on October 24, 1997. The historic district is bounded by the Glen Echo Ravine on the north, Indianola Ave. on the west, Hudson Street on the south and the alley running parallel to the western edge of the railroad tracks on the east. If construction is to occur between the existing tracks, as stated, the only resource directly impacted by the work may be a c. 1860? coursed stone round-arched culvert which spans Slate Run in the ravine. It is located on the western edge of the tracks' embankment where it crosses the creek. (See pages 7-2, 7-15, 7-21 in "Glen Echo Historic District" National Register nomination.) Furthermore. because the ravine, city park and many outbuildings are contributing features in the historic district, and because the construction site abuts the eastern boundary of the district. I am concerned about the deposit of any debris or sedimentation created by the construction into the area. Please consider these issues as the project is reviewed.

Thank you for the opportunity to comment.

Sincerely.

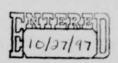
Kathy Mast Kane

Glen Echo Historic District resident

xc: Chairperson, University Area Commission

United States Department of the Interior National Park Service

National Register of Historic Places Registration Form



This form is for use in nominating or requesting determinations for individual properties and distincts. See instructions in how to Complete the National Register of Historic Places Registration Fam. (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If an item does not apply to the properly being documented, enter "NIA" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only dilegones and subsategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

Name of Property		
toric name _ GLEN ECHO HISTORIC	DISTRICT	
CHE HELL LEND HISTORIC	DISTRICT	
er names/site number Glen Echo Pare	cels (partial) Indianola I	Park View Addition (marrial)
and Indianola	Park View Addition 2	are view modicion (partial)
Location	Tark Free Hadeeron 2	
set & number Roughly bounded by G	len Echo Ravine. Big Four F	Railroad. Inct for publication
Indianola Avenue and	Hudson Street	N/A
or townColumbus		N Z vicinity
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State/Federal Agency Certification		
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United States Department of the Interior - National Park Service

National Register of Historic Places Continuation Sheet

Section number 7 Page 2

GLEN ECHO HISTORIC DISTRICT Columbus, Franklin County, OH

district. Bridges for cars span the ravine in two locations within the district and a coursed stone culvert for the railroad spans the creek at the tracks. Use at the southwest corner of the district was converted from residential to commercial in 1916, with the existing commercial structure dating from 1926 (Photo #10, noncontributing). "Developers realized the commercial potential of land bordering major streets or streetcar lines,... and sometimes permitted commercial or apartment buildings on the major streets while reserving the interior lots for single family use..." (Burgess, p.48).

THE RAVINE

The Glen Echo Run (formerly Slate Run), is one of several major streams running westerly into the Olentangy Piver, creating scenic natural, ravines on Columbus' north side. The ravine's cliffs are shale and its banks are wooded. The Glen Echo Pavine extends east of the district to just east of I-71 and west of the district to the Olentangy Piver. The stream serves as a major stormwater drainage way for the area channeling the flow to the river. The ravine is "composed of Ohio and Olentangy shale bedrock.... The shales are covered by a thin mantle of glacial till. The ravine soils which are derived from this material are subject to severe erosion without vegetative or other controls." (The Ravine Quarterly, pp.1,4.) Because of this serious erosion problem, gabions (wire mesh filled with stone) were installed c.1975, primarily along the creek bed. They are compatible with the original stone retaining walls (Photo #102).

THE PARK

A part of the Glen Echo ravine was delineated as a park "reserved for future disposition" in the original plats for the subdivision recorded July, 1909. The park was dedicated to the City in July, 1912. The 3.9 acre park is minimally improved. The Indianala Avenue Bridge, built in 1914, spans Parkview Drive and the Glen Echo Run (Photos #15,16). It anchors the west end of the park and its Classical Revival style contributes to the aesthetics of the district. Other remnants of early 20th century improvements in the park include stone retaining walls along the creek bed, and stone wall "traffic barriers" along the east end of

United States Department of the Interior National Park Service

National Register of Historic Places Continuation Sheet

Section number 7 Page 15

GLEN ECHO HISTORIC DISTRICT Columbus, Franklin County, OH

Glen Echo Ravine Culvert - A coursed stone, round arched culvert over Glen Echo Ravine at west side of Conrail Railroad crossing and eastern edge of district boundary. Date unknown, but railroad was extended north from Columbus in 1851. (Photo #120)

NONCONTRIBUTING BUILDINGS

There are 59 noncontributing buildings/structures in the Glen Echo Historic District. There are five noncontributing houses, one noncontributing apartment building, one noncontributing commercial building, one noncontributing bridge, and 51 noncontributing garages.

The following buildings are considered noncontributing to the Glen Echo Historic District due to construction dates cutside of the period of significance, the use of modern construction materials, incompatible styling and/or degree of alteration. These buildings do not detract from the overall integrity of the district.

- 1. 350 Hudson Street: A 1 story "modern broad front" commercial building constructed in 1926 as an A & P grocery store. The building has brick bearing wall construction covered in stucco with a corpeled parapet. Storefront entries on Indianola Avenue and Hudson Street have been altered with blue glazed brick c.1960. This building is at the southwest corner of the district. (Photo #10)
- 2. 2636 Indianola Ave.: A 2 story L-shaped brick eight-unit apartment building (1957). These lots were undeveloped from the time they were platted until construction of these apartments. (See Photo #14)
- 3. 2546 Glen Echo Drive: A 1 story residence (c.1961): A house built on this lot c.1911-12 was torn down c.1981. |Photo #118
- 4. 2593 Glen Echo Drive: A 1 1/2 story residence (c.1951 . A house built on this lot c.1914 was torn down c.1931. (Photo #119)
- 5. 2650 Glen Echo Drive: A 2-story residence (c.1970). This lot was undeveloped from the time it was platted until construction of this house.

United States Department of the Interior National-Park Service

National Register of Historic Places Continuation Sheet

GLEN ECHO HISTORIC DISTRICT Columbus, Franklin County, OH

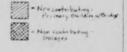
Photo #	Former Address Address	Circa Date Notes	Non- Cont.	Garage (C/NC)
GLEN EC	HO DRIVE Continued			
112	2578 2581 2582 2583 2586 2587	1912-13 1913 1915 1915 1911-12 1914		C NC C
	2597 2593 2597-2599 2598 2604	1915 1951 1918 1916 1915	NC	000
114	2607 2608 2611 2612 2617 2621-2629	1913-1916 1914 1923 1918 1917 1926 4-unit Apts.		C NC
21	2650 2653 2663	1970 1915 1917	NC	NC
GLEN EC	CHO RAVINE			
120	Culvert	1860 Structure		



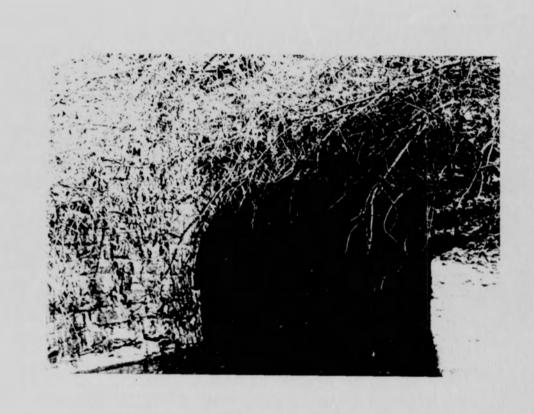
Glen Echo Historic District Columbus, Franklin County, Ohio

(Contributing + Non contributing)











City of Cleveland Michael R. White, Mayor

DOCUMENTAL

Cleveland Landmarks Commission

Robert Keiser, Secretary 601 Lakeside Avenue, Room 519 Cleveland, Ohio 44114 216/664-2531

New War ONFO NOVE 4 1997

November 20, 1997/

Mr. David Snyder Review and Compliance Department Ohio Historic Preservation Office 567 East Hudson Street Columbus, Ohio 43211-1030

Dear Mr. Snyder:

The staff of the Landmarks Commission of the City of Cleveland has reviewed the letter dated October 30, 1997, from the Surface Transportation Board regarding the proposed acquisition of Conrail by CSX Corporation (CSX) and Norfolk and Southern Corporation (NS). Attached to the letter was a portion of a draft study prepared by the Board's Section of Environmental Analysis (SEA) purportedly describing the possible effects of the proposed acquisition on historic properties in the Cleveland area.

The SEA's study looked exclusively at the effect of the proposed rail line acquisition on the area surrounding the Collinwood Rail Yards. The Landmarks Commission staff has concluded that the study should have considered the effect of the merger on several additional existing or potential historic districts and individual landmarks within the City of Cleveland along portions of the rail lines routes which are experiencing significant increases in freight rail traffic.

On the basis of data provided by NS and CSX, the City estimates that rail traffic will increase from 114% to 1188% in certain neighborhoods of Cleveland. The rail lines targeted for these increases run through or near seven (7) nationally or locally designated historic districts.

I am enclosing a map that delineates these existing or potential districts as well as individual landmarks within the City of Cleveland that may be affected by the proposed acquisition. I am also enclosing a summary of findings prepared by Cleveland's City Planning Commission which further elaborates the proposed impacts on historic sites within the

Mr. David Snyder Page Two

City. This data was included in the comments on the railroads' application filed by the City of Cleveland with the Surface Transportation Board on October 21, 1997.

There may be additional potential districts affected by the rail line acquisition, particularly in the Forest Hills neighborhood of Cleveland and in adjoining neighborhoods in East Cleveland and Cleveland Heights.

The potential impact of the proposed rail line acquisition on historic areas of Cleveland could be significant and can only be understood with a thorough analysis of all of the affected areas of historic value in Cleveland, not just the area surrounding the Collinwood Rail Yards. We would urge the Ohio Historic Preservation Office to join with us in requesting that the Surface Transportation Board expand the SEA's study to assess the possible effects of the proposed acquisition on all of the existing and potential historic districts and landmarks in the City of Cleveland and adjoining communities which are near the affected rail lines.

Thank you for your consideration of this matter.

Sincerely,

Robert D. Keiser, Secretary
Cleveland Landmarks Commission

cc: Sharon Sobol Jordan Hunter Morrison Christopher Warren

IMPACTS OF PROPOSED FREIGHT RAIL CHANGES ON CLEVELAND NEIGHBORHOODS

City Planning Commission

LAND USE AND DEMOGRAPHIC ISSUES

Summary of Findings

The proposed increases in freight rail traffic by Norfolk Southern and CSX would impact residential areas in approximately 13 neighborhoods in the City of Cleveland. Over 60,000 residents live within 1,000 feet of these rail lines. Collectively, the additional trains proposed on two Norfolk Southern lines and one CSX line will increase traffic on these lines from an average of approximately 33 trains per day to approximately 108 trains per day, for an increase of approximately 227% — or a 3-fold increase.

For purposes of the following analysis, the impacted areas have been grouped into 8 clusters of neighborhoods. In 7 of these 8 neighborhood areas, the population within 1,000 feet of the fill lines is characterized by poverty rates above the citywide average and median household incomes below the citywide average. In addition, in 4 of the 8 neighborhood clusters, the proportion of non-whites in the population is over 70%. Therefore, it can be concluded that the proposed increases in freight rail traffic in the City of Cleveland disproportionately impact poor and minority residents.

The CSX line proposed for an increase in freight traffic begins on the east side of Cleveland in the South Collinwood neighborhood, south of the I-90 near East 131st Street, and continues in a southerly and southwesterly direction through the Little Italy, University, Fairfax, Kinsman and South Broadway neighborhoods, before crossing the Cuyahoga River and paralleling I-480 to West 150th Street. The typical increase in traffic proposed for this line is from approximately 7 trains per day to 44 trains per day – for an over 6-fol l increase.

One Norfolk Southern line crosses Cleveland in an east-west direction, entering from the west in the Edgewater and Cudell neighborhoods, continuing through the Detroit-Shoreway and Ohio City neighborhoods, crossing the Cuyahoga River through the Industrial Valley, and continuing east through the Kinsman, University/Fairfax and Little Italy neighborhoods, passing through East Cleveland, and then exiting Cleveland through the Euclid-Green and South Collinwood/Nottingham neighborhoods. This line is proposed to increase from approximately 14 trains to 38 trains per day – for a nearly 3-fold increase.

The second Norfolk Southern line proposed for an increase in traffic begins near downtown Cleveland (off of the former Conrail Lakeshore Line) and continues in a southerly and southeasterly direction through the Goodrich (Payne-Sterling), Central, Fairfax, Kinsman, and South Broadway neighborhoods before exiting into Garfield Heights. This line is proposed to increase form approximately 13 trains to 27 trains per day – for a more than 2-fold increase.

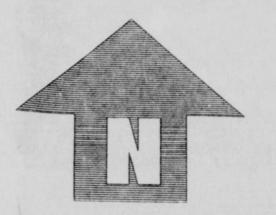
NOTE: This analysis is limited to consideration of those rail lines for which a significant increase in traffic is proposed and to those areas in which residential uses are located in close proximity to the rail line. Therefore, the old Conrail Lakeshore Line and the Norfolk Southern line which runs in a southwesterly direction between Cleveland and the City of Brooklyn are excluded from the analysis, because traffic on these lines is not proposed to increase. Similarly, the CSX line running along I-480 is excluded, because it traverses mostly industrial areas or areas that are buffered by I-480.

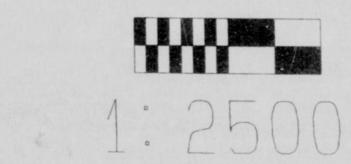
Historic Districts. The NS and CSX lines targeted for significant increases in freight rail traffic run through or close to 7 nationally or locally designated historic districts in the City of Cleveland. The affected districts include the following:

- Franklin West Clinton Historic District, designated nationally, located in the vicinity of West 74th Street, just north of the NS line through northwest Cleveland.
- Lorain Avenue and Market Square Historic Districts, designated locally and nationally, located generally between West 25th and West 58th Streets, just north of the NS line traversing northwest Cleveland.
- Tremont Historic District, designated locally and nationally, located south of the NS line as it passes to the south of downtown Cleveland.
- Little Italy Historic District, designated locally, located on either side of Mayfield Road, just east of the NS and CSX lines which traverse the University Circle area on Cleveland's central east side.
- Miles Park Historic District, designated locally and nationally, located just east of the CSX and NS lines in the vicinity of East 91st Street, between Harvard and Miles Avenues, near Cleveland's southern boundary with the City of Garfield Heights.
- Prospect Avenue Historic District, designated locally (with individual buildings designated nationally), located just west of the NS line in the vicinity of East 55th Street on Cleveland's near east side.

It should be noted that expenditures of federal funds and certain other federal actions which may affect National Register Historic Districts must be preceded by a Section 106 review. This also applies to areas which have been identified as "potential" historic districts. The Cleveland Landmarks Commission has formally identified a number of potential historic districts, including one large district which directly abuts the NS line in northwest Cleveland. This is the potential *Edgewater Historic District*, located north of the NS line in the northwest corner of Cleveland, bordering the City of Lakewood.

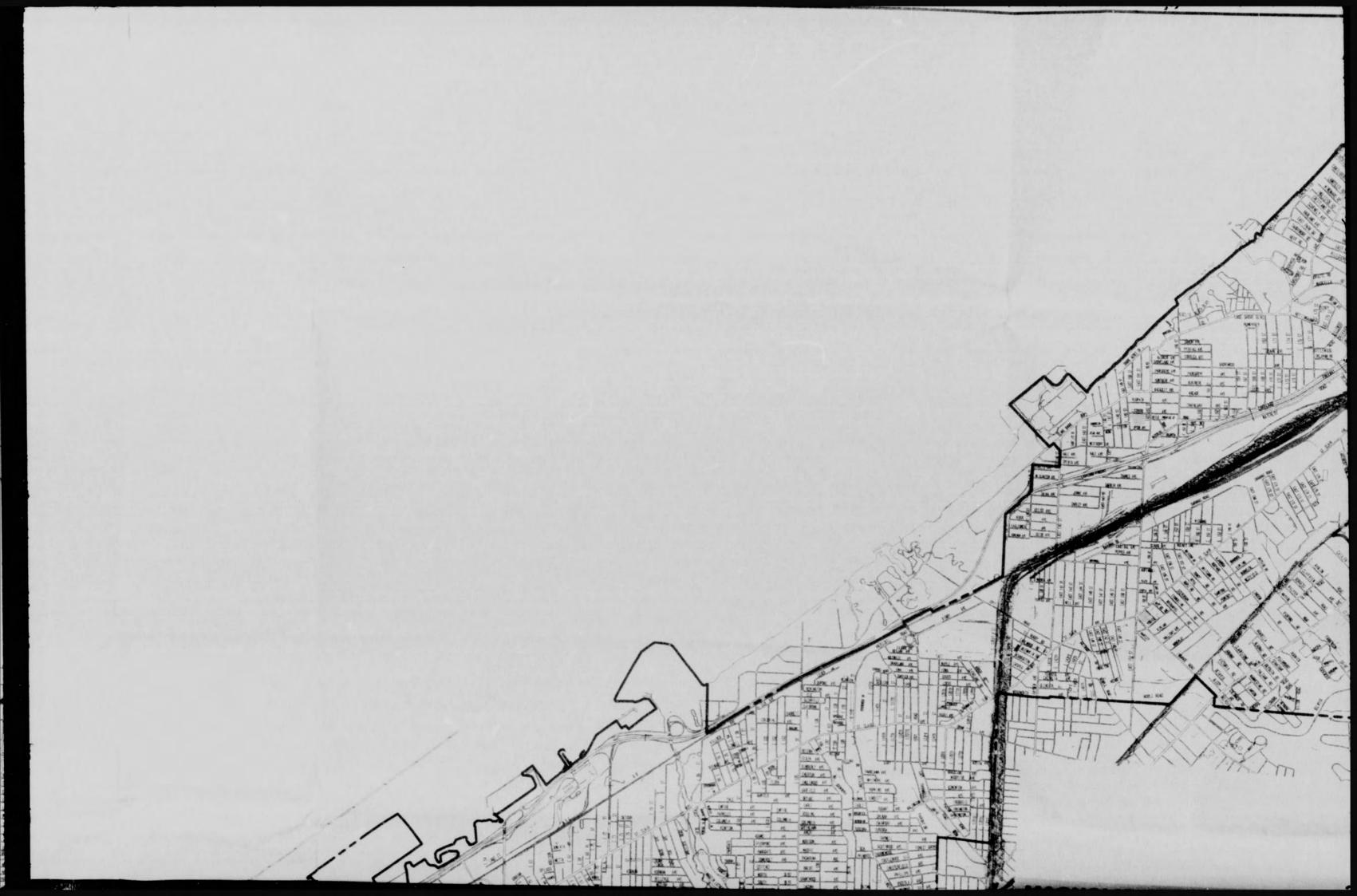
In many cases, these historic districts are the focal points which establish the character and identity of larger neighborhoods. Anything which lessens the desirability of a historic district, thereby lowering property values, works against the goal of preserving the districts and their architectural assets. Consequently, the proposed increases in freight rail traffic – with the associated increases in noise, vibration and safety hazards – threaten the viability of these valued and protected urban districts.

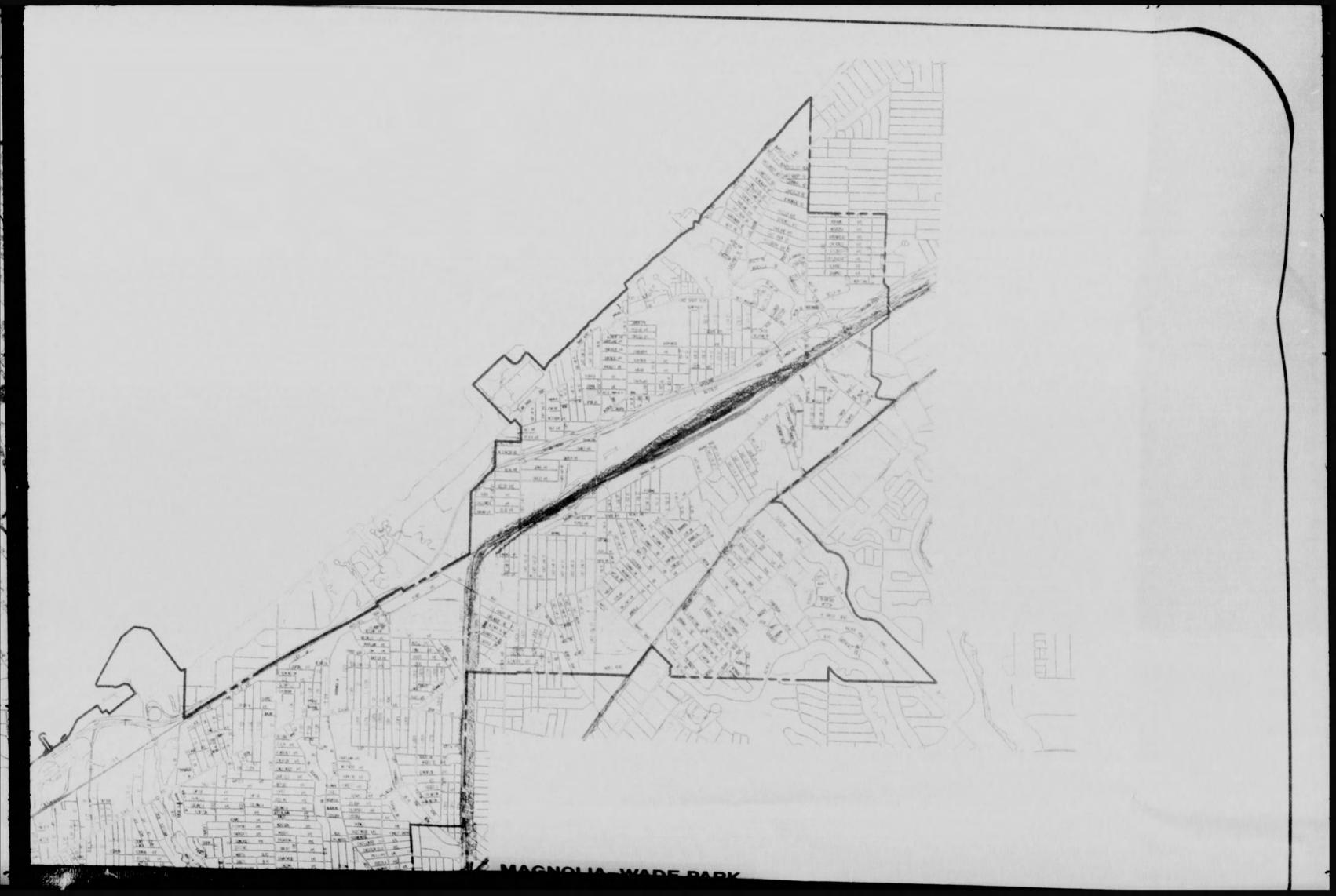


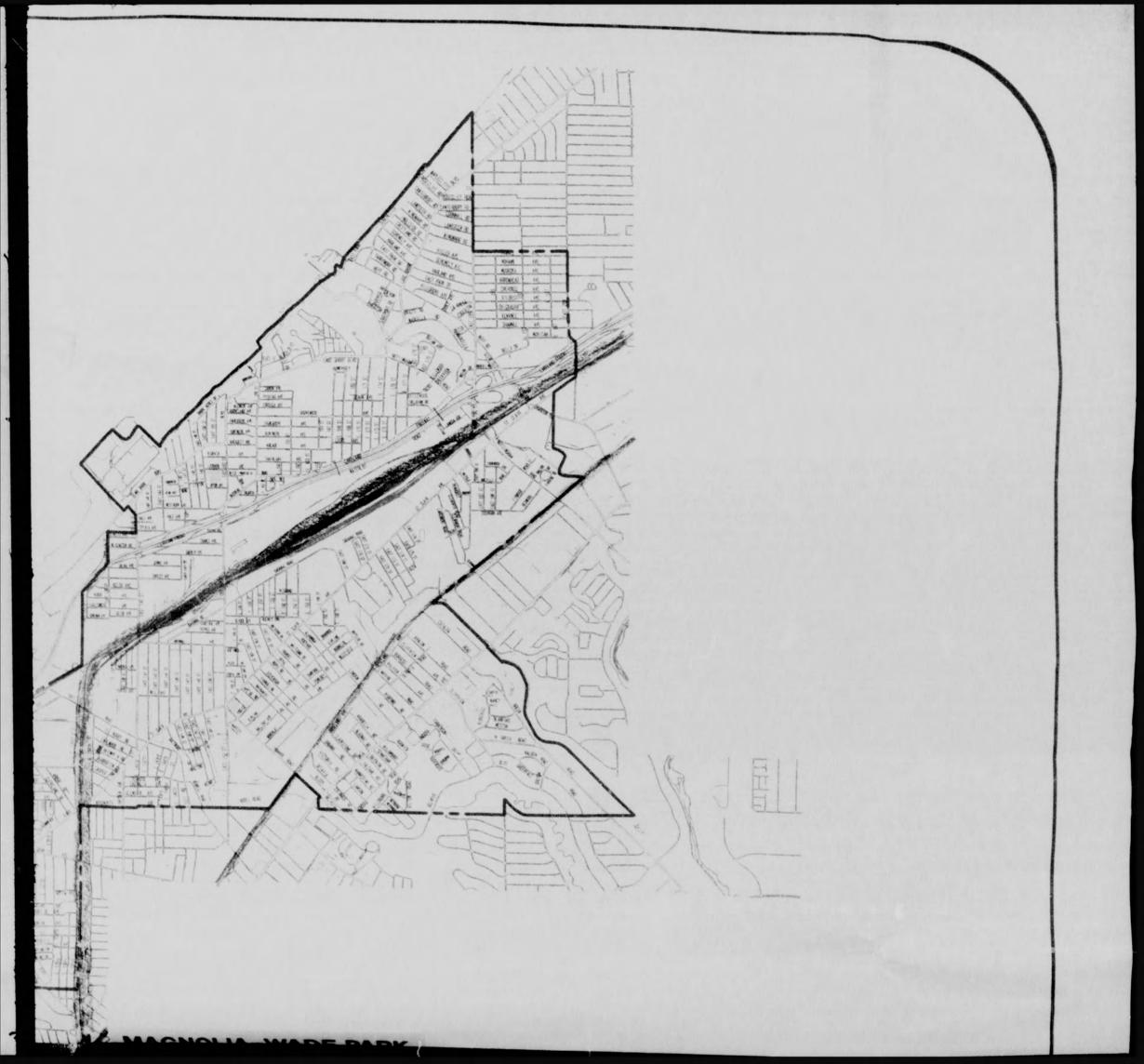


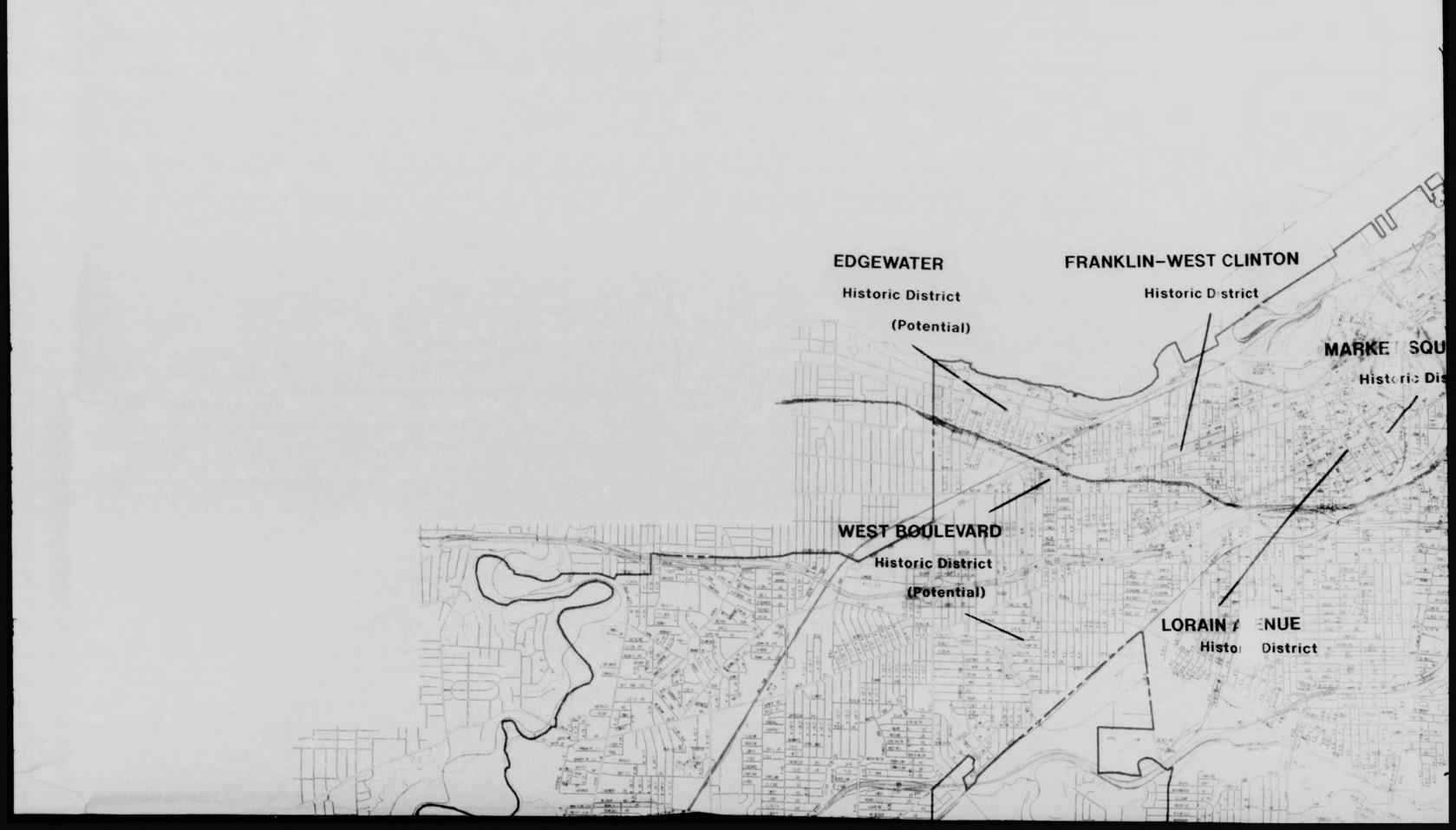


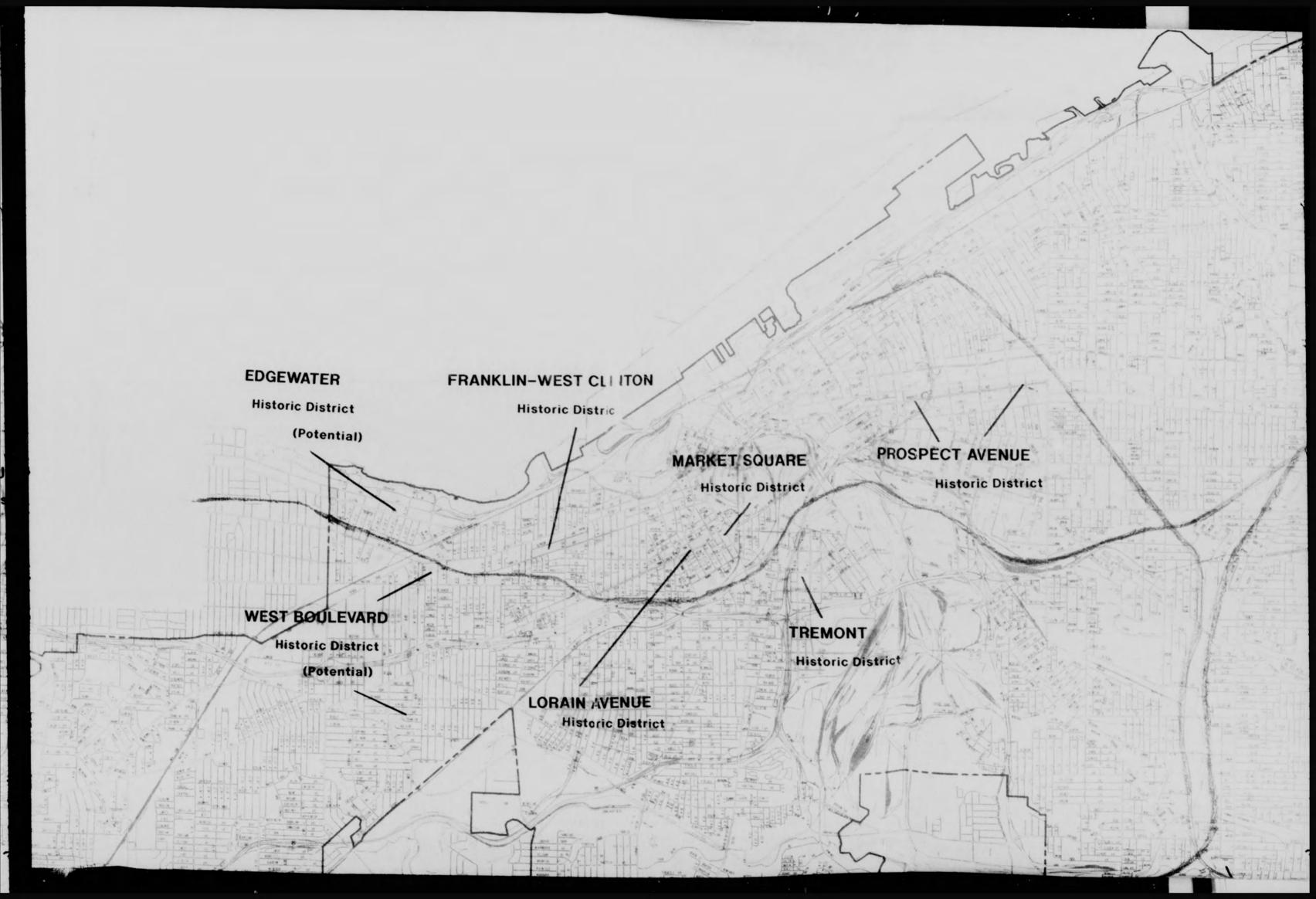


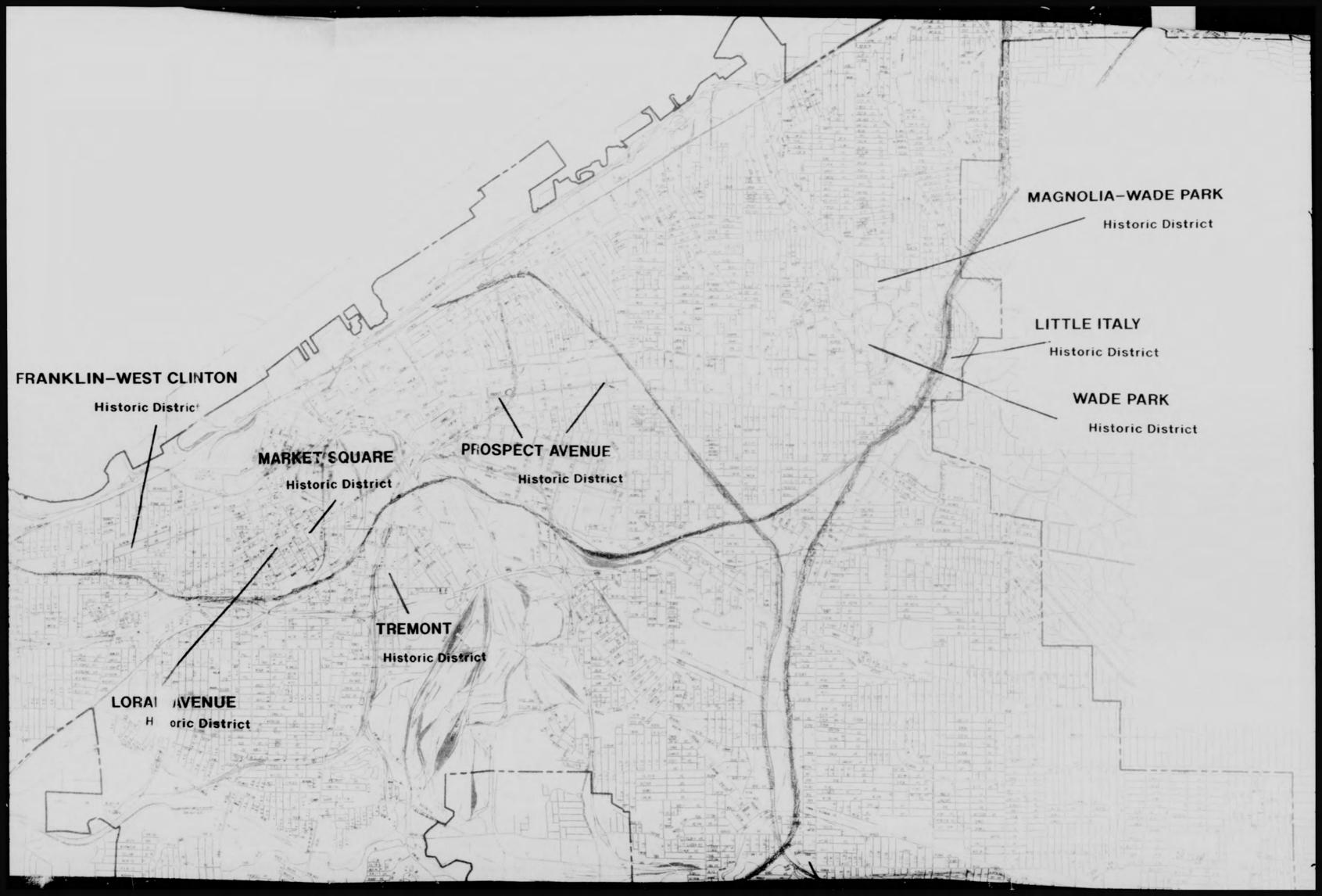




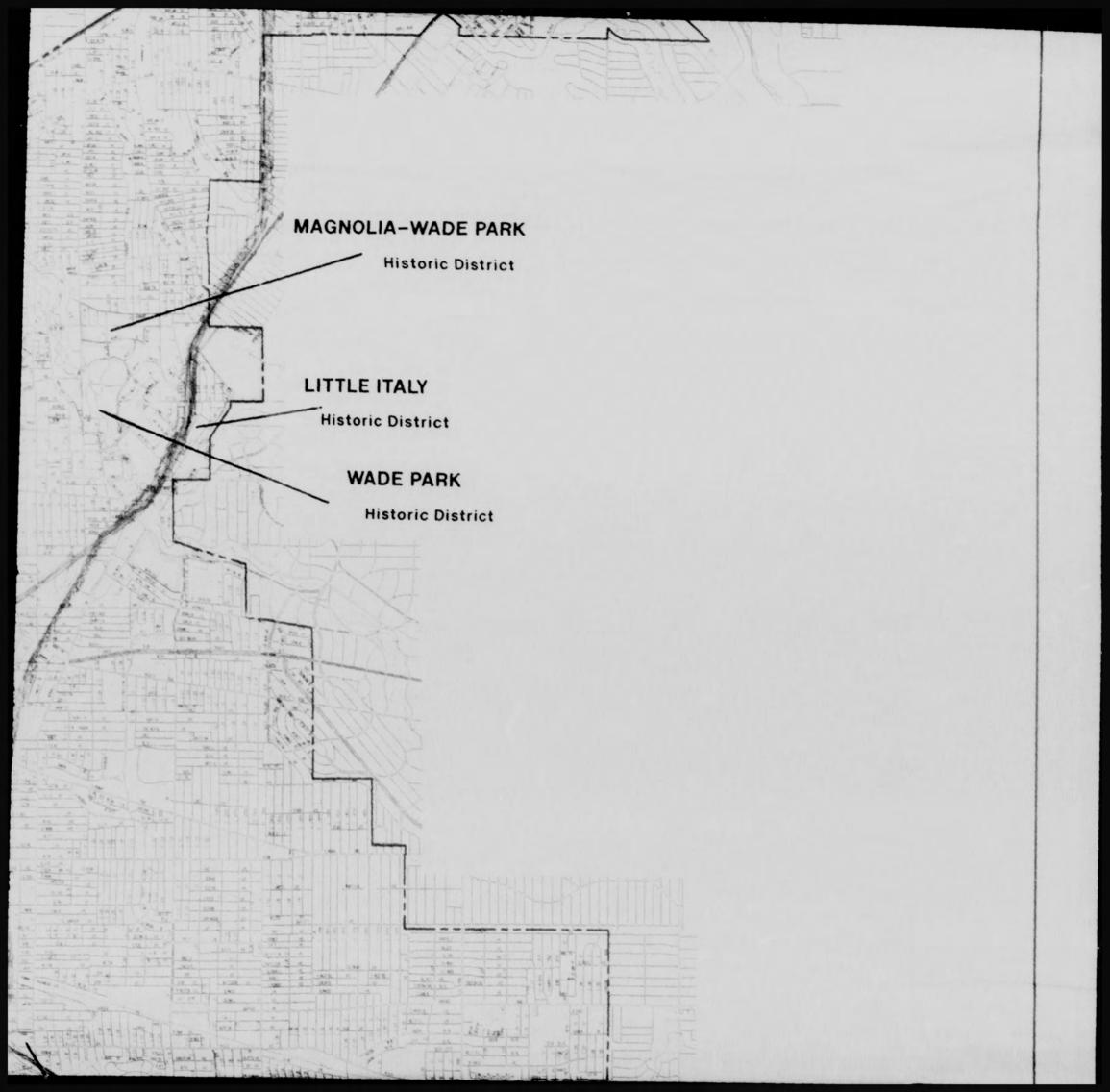


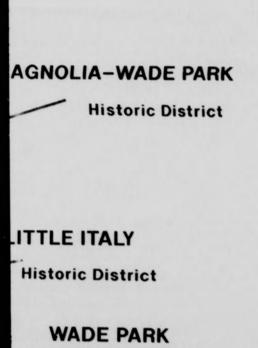




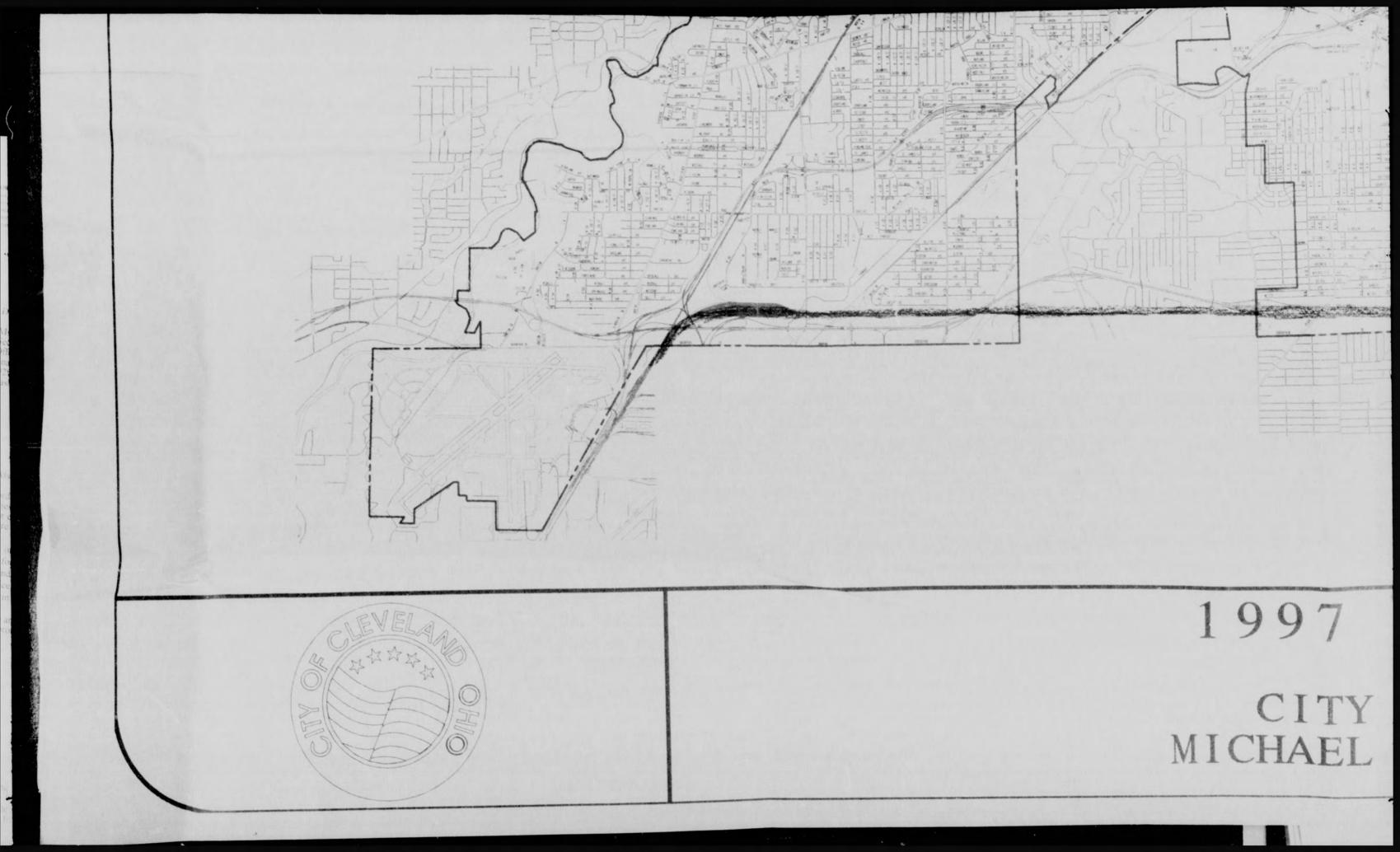


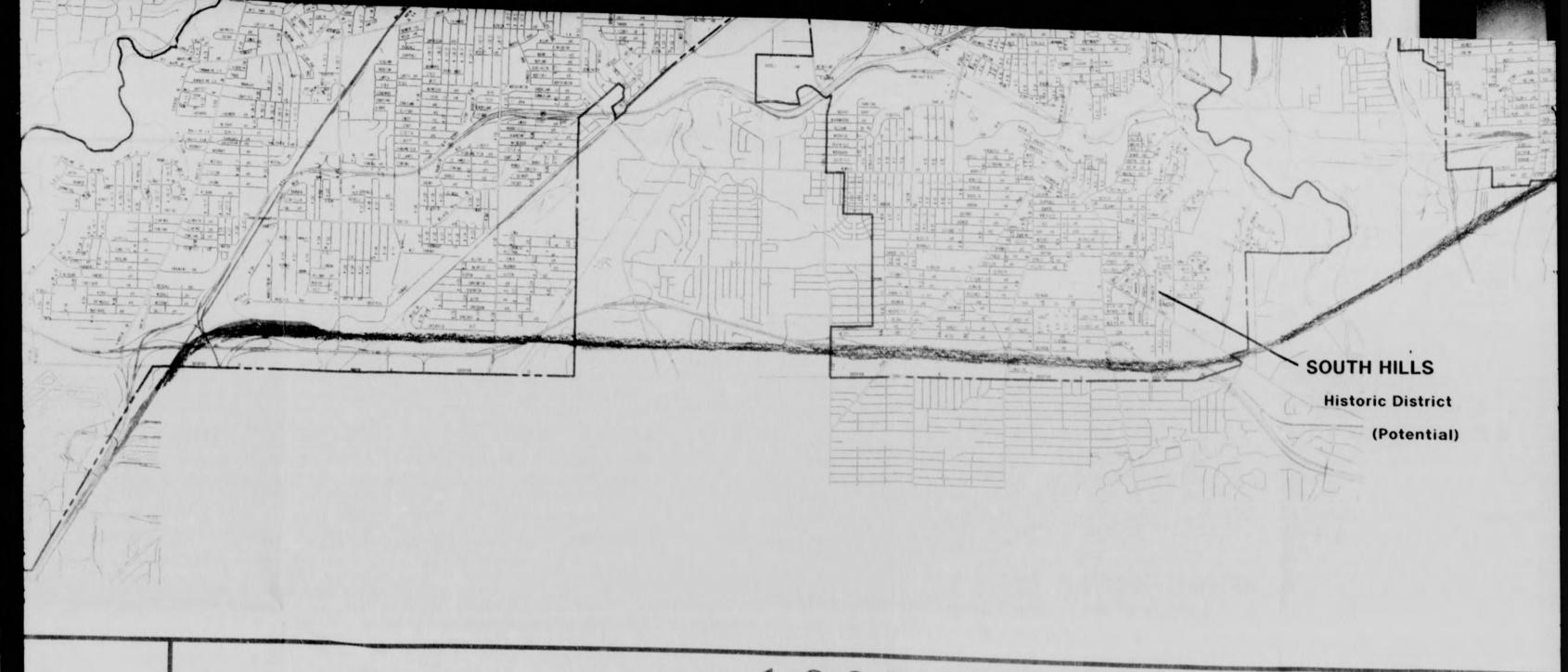






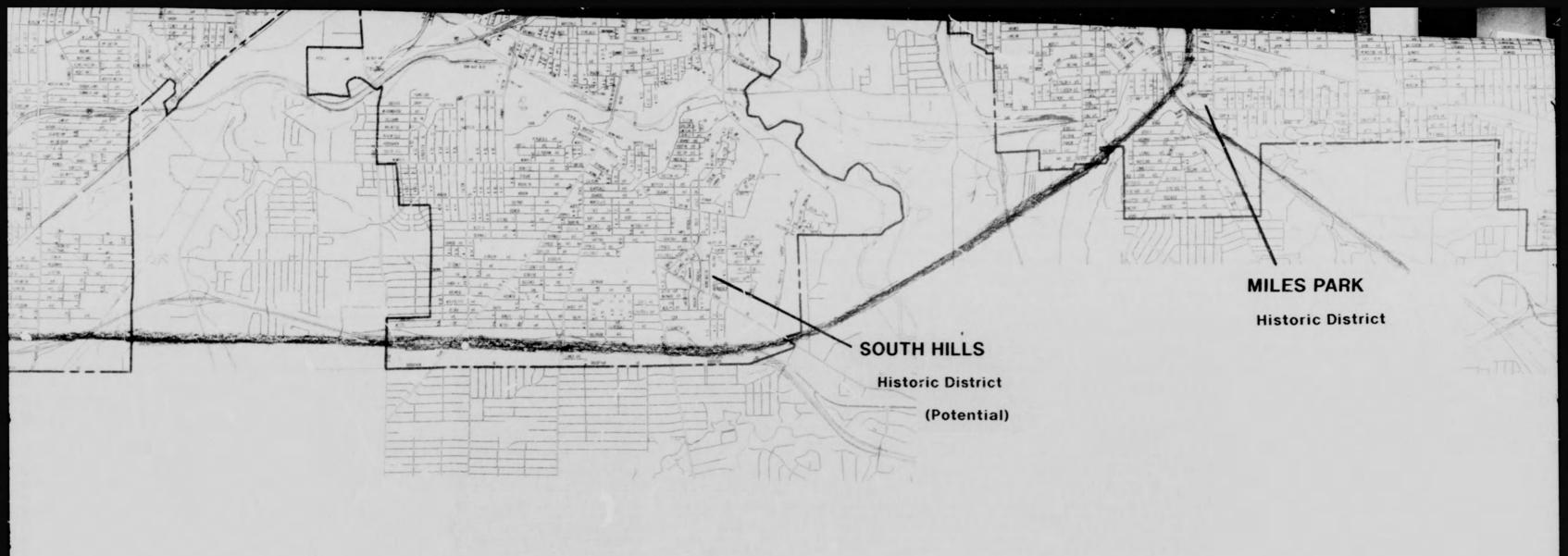
Historic District





1997 STREET BASE

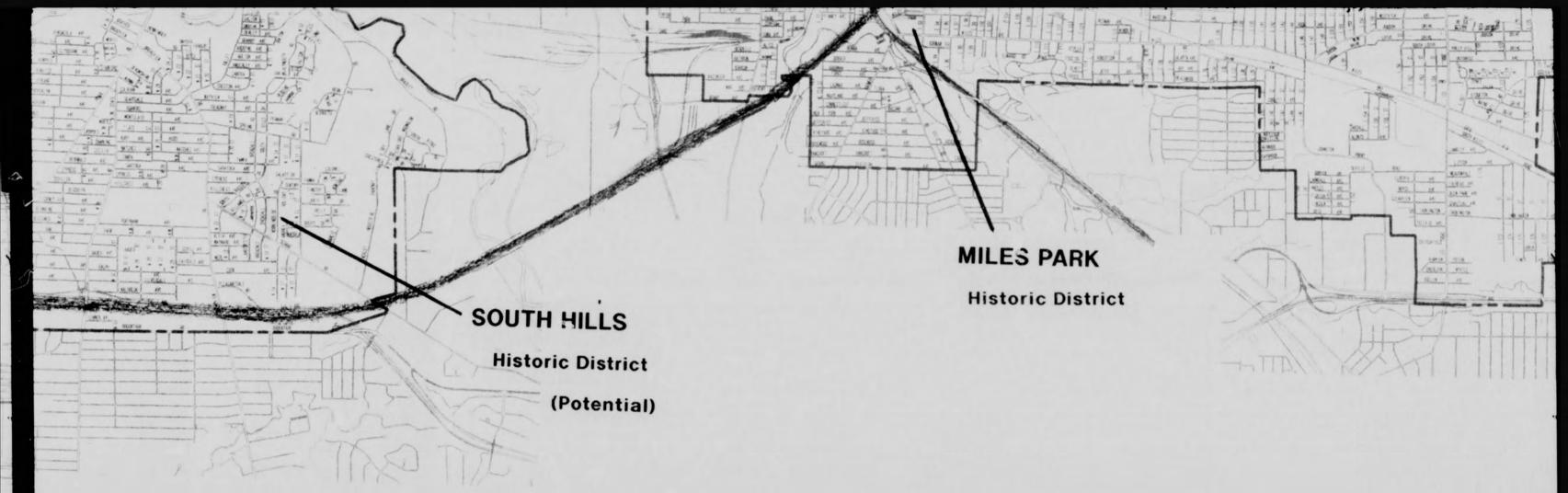
CITY OF CLEVELAND MICHAEL R. WHITE, MAYOR



HISTORI

1997 STREET BASE

CITY OF CLEVELAND MICHAEL R. WHITE, MAYOR



STREET BASE

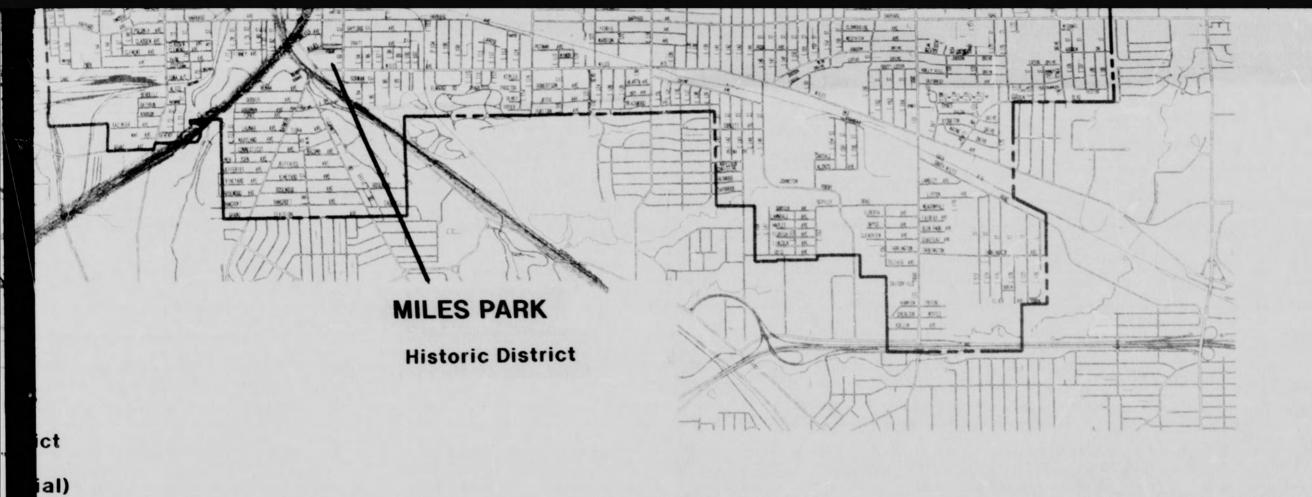
OF CLEVELAND R. WHITE, MAYOR HISTORIC DISTRICTS

Date:

NOVEMBER 19

Drawn by:

MEANEY/CADE



CSX NS

Eligible
Properties
Existing + Potential Districts as per CD publication
Designated individual properties

HISTORIC DISTRICTS

Data:

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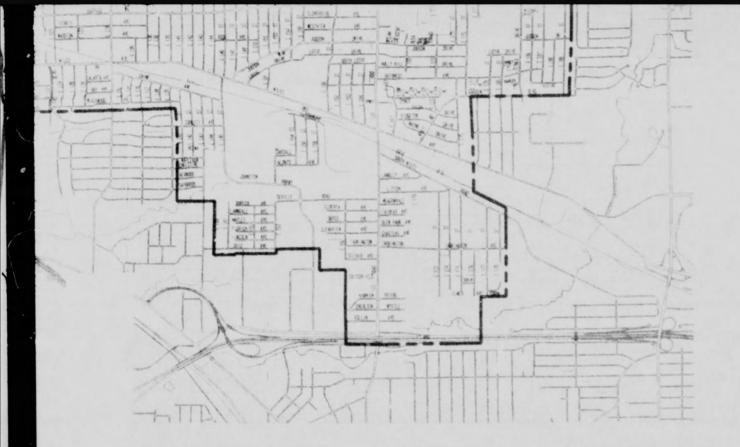
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CSX NS

Eligible
Properties
Existing + Potential Districts as per CD publication
Designated individual properties

HISTORIC DISTRICTS

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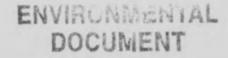
12-30-97 K CITIES 33388

TOWN OF CLERMONT

1795 Route 9 Germantown, New York 12526

January 1, 1998

Vernon A. Williams, Secretary Surface Transportation Board 12th and Constitution Avenue, N.W. Washington, DC 20423





RF.

CSX and Norfolk Southern Control-Conrail STB Finance Docket No. 33388

Dear Secretary Williams

I wish to express my strong support for the planned control of Conrail by CSX Corporation and Norfolk Southern Corporation as proposed in the above referenced docket.

New York State's manufacturing, business and agricultural interests need the best possible rail transportation, and I believe this transaction will provide our key industries with vital new transportation options and increased market reach with faster service and potentially lower costs.

In addition to improving rail access to key midwestern and western markets, New York State would now also benefit from greatly improved service to markets in the south, southeast and along the Gulf Coast via a single-line for the first time in history. The resultant elimination of delays means lowered shipping costs and faster transit times, which will create important new opportunities for New York business and industry.

In addition, the prospect of single-line rail service to nearly all the major East Coast and Gulf Coast ports is vitally important to the many New York businesses engaged in importing or exporting, and will greatly enhance the global competitiveness of this large sector of our economy.

Faster, less costly and more reliable rail service is a much needed advantage for the economic development and job growth of our region and the entire State of New York.

I urge the Surface Transportation Board to approve the control application as proposed.

Sincerely.

Bernard P. Broast Town Supervisor

Beward & Boart

CNS1648808
Surface Transportation
Board Section of
Environmental Analysis
Release of Draft Environmental
Impact Statement

The Surface Transportation Board's (Board') Section of Environmental Analysis (SEA) issued its Draft Environmental Impact Statement (EIS) for the proposed Conrail Acquisition on December 12, 1997. The Draft EIS discusses SEA's independent analysis of potential environmental impacts and includes SEA's preliminary recommendations for mitigating possible environmental effects of the proposed Acquisition of Corirail by Norfolk Southern (NS) and CSX.

The Draft EIS is currently available for public review and comment. Public comments are due by February 2, 1998. The public review and comment period is part of an ongoing evaluation of the potential environmental impacts associated with the Proposed Acquisition.

SEA will consider all comments received in response to the Draft EIS in preparing the Final EIS and in making its final recommendations to the Surface Transportation Board (Board) SIA plans to serve the Final EIS in May 1998, the Board will consider the entire environmental record including all public comment, the Braft EIS, and the Final EIS in making its final design. The Board will issue its final or sign. The Board will issue its final written decision in Board will issue its final written decision in July 1998.

SEA invites all interested agricles and the public to comment on the Draft EIS SEA is providing copies of the Draft EIS to Federal state und regional agencies and the county administrators for each potentially affected county, and to all patties who have specifically requested a copy. If we have questions regarding the Draft EIS call SEA stoll-free Environmental Hotline at 1-888-869-1997 (TDD for the hearing impaired 292-565-1695). Information about the proposed Acquisition and Draft EIS can also be found at the following Internet Web site http://www.conrailmerger.com

All interested agencies, organizations, and individuals can comment on the Draft EIS by submitting written comments (include an original plus 10 copies) to the address listed below by February 2, 1998, the close the public comment period.

Office of the Secretary
Case Control Unit
Finance Docket No. 33388
Surface Transportation Board
1925 K Street. N W.
Washington, CD 20423-0001
Attn. Elaine K, Kaiser
Environmental Project Director
Environmental Filing

STATE OF MICHIGAN County of Muskegon

times, 8

A L TORCESON

1998 January 1998

33388 12-30-97 K PUBLIC STB

To whom it concerns:

We support the resolution opposing the increase in train traffic proposed by Norfolk and Stuthern Railway adopted by The Lakewood, Other PTA Council.

Sincerely,
Praythori Neitrel, 17519 Archdole,
Lakencod, OH 44107



ENVIRONMENTAL DOCUMENT

12-30-97 BUSINESS

Ohio Historical Center

1982 Velma Avenue Columbus, Ohio 43211-2497 614/297-2300 Fax: 297-2411



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

Re: Finance Docket No. 33388 -- CSX and Norfolk Southern -- Control and Acquisition -- CSX Crestline Connector Project, Crawford County, Ohio

Dear Ms. Kaiser,

This is in response to correspondence from your office dated November 26, 1997, providing the additional requested information concerning the Crest Tower. The comments of the Ohio Historic Preservation Office (OHPO) are submitted in accordance with provisions of the National Historic Preservation Act of 1966, as amend—(16 U.S.C. 470 [36 CFR 800]); the Surface Transportation Board (STB) serves as the lead federal agency.

The November 26, 1997, correspondence provides a detailed discussion of vibration factors caused by changes from the proposed project. Based on the information presented in the documentation, we concur with your assessment that the proposed Crestline connector project will have no effect on the Crest Tower, a property determined eligible for inclusion in the National Register of Historic Places. We feel that the correspondence makes an important distinction between cosmetic damage and the more serious issues of architectural and structural damage. If there is any cosmetic damage, the data presented in the correspondence supports the conclusion that it will be a long term development that is much more manageable than the effects of any architectural or structural damage. Therefore, this office doesn't object to the proposed construction of the Crestline connector as described in your October 15, 1997, correspondence.

Any questions concerning this matter should be addressed to David Snyder at (6!4) 297-2470, between the hours of 8 am. to 5 pm. Thank you for your cooperation.

Sincerely,

Mark J. Epstein, Department Head Resource Protection and Review

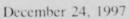
MJE:DMS/ds

xc: Carole W. Peter, Dames and Moore
Barbara J. Harris, CSX
Barry Wharton, HDR Engineering, Inc.
Richard Starzak, Myra L. Frank & Associates, Inc.
Laura Henley Dean, ACHP

DOCUMENT

1982 Velma Avenue Columbus, Ohio 43211 2497 (614) 297-2300 Fax 297-2411







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

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

Dear Ms. Kaiser,

The purpose of this letter is to provide additional comments in response to correspondence from your office dated October 15, 1997 (received October 20) regarding the above referenced Conrail acquisition project, with additional information provided during a meeting on October 17, 1997. The correspondence provides a compilation of information and reports of identification level survey, evaluation, and assessment of effects for the Conrail acquisition project. The comments of the Ohio Historic Preservation Office (OHPO) are submitted in accordance with provisions of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 [36 CFR 800]); the Surface Transportation Board (STB) serves as the lead federal agency.

This letter provides comments on project components not specifically addressed in our comments of October 28, October 30, October 31, December 17, and December 19, 1997. Correspondence from your office includes preliminary reporting of identification survey efforts including the four documents titled: (1) "Results of the Ongoing Phase I Archaeological Survey of Proposed Railroad Construction of Connections between Conrail and Norfolk Southern Lines in Erie, Franklin, and Ottawa Counties, Ohio, and two Proposed Railroad Yard Expansions in Cuyahoga, Huron, and Seneca Counties, Ohio" by Dawn Herr, John F. Schweikart, and Jeffrey Darbee, October 10, 1997; (2) "Historic Property Report for Proposed Construction for CSX/Conrail Railroad Consolidation in Sidney, Shelby County, Ohio" by Janet L. Friedman and Geoffrey Henry, October 4, 1997; (3) "Historic Property Report for Proposed Construction for CSX/Conrail Railroad Consolidation in Greenwich. Huron County, Ohio" by Janet L. Friedman and Geoffrey Henry, October 9, 1997; and (4) "Historic Property Report for Proposed Construction for CSX/Conrail Railroad Consolidation in Crestline, Jackson Township, Crawford County, Ohio" by Janet L. Friedman and Geoffrey Henry, October 8, 1997. The correspondence also includes extensive documentation on the Toledo Pivot Bridge, and the Bucyrus T&OC Depot and Freight House properties. The comprehensive coverage and the detailed information presented, including completed inventory forms with supporting documentation and photographs, have been very helpful in completing our review of this information.

Ms. Elaine K. Kaiser December 24, 1997 Page 2

The discussion of the Area of Potential Effects (APE) for the different classes of construction in this project was helpful. We feel that the usage was thorough and helped to organize identification efforts. We note that many of the concerns presented to this office reflect public views of more extensive impacts than considered under the APE. We recommend that at least in the Cleveland area you should consider expanding the area encompassed under the APE. Expansions might also be considered in the Toledo and Columbus areas. In these metropolitan areas the project extends past several historic districts, and the increases in rail traffic and other changes resulting from this project could have impacts on the setting and other defining characteristics of these historic districts.

Based on the information presented in the report, we concur with the recommendations to complete the work at the Willard Yard. It is our understanding that the work includes wetland mitigation that might include construction of a wetland in another area. Coordination with this office is recommended to determine if survey is needed in the wetland mitigation area.

Based on the information presented in the report on the Collinwood Yard, we concur that the yard is eligible for inclusion in the National Register of Historic Places. We note that there have been several significant changes in this yard that are not directly under jurisdiction of this project. We are concerned about the demolition of structures that offer unusual opportunities for adaptive reuse. It is our understanding that at least two contributing elements to the Collinwood Yard property are still intact, the Quaker Tower and the Fueling Tower. We concur with your recommendations for recordation of significant structures in the Collinwood Yard. We strongly recommend that the Cleveland Landmarks Society be involved in reviewing the recordation plans and results for the Collinwood Yard. We also recommend that you consider concerns expressed by the Cleveland Landmarks Society and discuss possible treatment alternatives with this organization.

Based on the information presented, we concur with your recommendations that the four properties (three bridges and 1 culvert) along the Toledo-Maumee Rail Line abandonment are not eligible for inclusion in the National Register of Historic Places.

We concur that the Toledo Pivot bridge is eligible for inclusion in the National Register of Historic Places. Documentation should include detailed recordation of the engineering components, and we recommend further consultation with this office concerning documentation requirements for this adverse effect.

We concur that the section proposed for work between Weber and Hudson streets in Columbus has been extensively disturbed and no additional archaeological investigations are needed. However, as noted in our December 19, 1997, letter, this project area appears to

Ms. Elaine K. Kaiser December 24, 1997 Page 3

include a contributing element to the Glen Echo Historic District and care is needed to avoid impacts. We strongly recommend further review of the proposed work in Columbus to ensure that eligible or listed properties are not impacted.

Based on the information presented in the report, we concur with the recommendations to complete the work at Oak Harbor. Also, we concur with your findings that no property eligible for inclusion or included in the National Register of Historic Places will be affected by the proposed construction at Vermilion.

Additional coordination for some components of this project is recommended, however coordination with this office has been completed for several components and we don't object to construction being initiated in these areas. Please don't hesitate to contact this office if you have any questions about coordination needs for any of the components or if you feel that clarification or specific comments on a particular component would be helpful. Any questions concerning this matter should be addressed to David Snyder at (614) 297-2470, between the hours of 8 am. to 5 pm. Thank you for your cooperation.

Sincerely,

David Snyder, Archaeology Reviews Manager Resource Protection and Review

David Snyder

DMS/ds

xc: Dan Shinn, Burns and McDonnell
Bruno Maestri, NS
Carole Peter, Dames and Moore
Barbara J. Harris, CSXT
Barry Wharton, HDR Engineering, Inc.
Richard Starzak, Myra L. Frank & Associates, Inc.
Laura Henley Dean, ACHP

12-23-97 K GOV

FLORIDA DEPARTMENT OF STATE

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



MEMBER OF THE FLORIDA CABINET

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

FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham

Secretary of State

DIVISION OF HISTORICAL RESOURCES

Fire want

In Reply Refer To.
Robin D. Jackson

Historic Sites Specialist Project File No. 975467

December 17, 1997

Ms. Elaine K. Kaiser
Section of Environmental Analysis
Office of the Secretary, Case Control Unit
Finance Docket No. 33388
1925 K Street, N.W.
Washington, DC 20423-0001

RE:

Cultural Resource Assessment Request Surface Transportation Board Finance Docket No. 33

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: Final Scope of the Environmental Impact Statement

Florida

Dear Ms Kaiser

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

A review of the Fiorida Site File indicates that no significant archaeological or historical sites are recorded for or likely to be present within the project area. Furthermore, because of the project location and/or nature it is unlikely that any such sites will be affected. Therefore, it is the opinion of this office that the proposed project will have no effect on historic properties listed, or eligible for listing, in the National Register of Historic Places.

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

Sincerely,

George W. Percy, Director Division of Historical Resources and State Historic Preservation Officer

GWP/Jrj

DIRECTOR'S OFFICE

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

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

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

12-23-97 K CITIES STB FD 33388

TOWN OF STUYVESANT COUNTY OF COLUMBIA NEW YORK

TOD A. GRENCI, Supervisor STUYVESANT FALLS, NEW YORK 12174

EDNA M. LEISER, Town Clerk STUYVESANT, NEW YORK 12173

BERNIE KOWALSKI, Highway Superintendent STUYVESANT, NEW YORK 12173

CHARLES FOOTE, Attorney R.D., STUYVESANT, NEW YORK 12173 STUYVESANT, NEW YORK 12173 VALERIE BERTRAM, Councilwoman

PAUL J. WIED, Councilman

STUYVESANT, NEW YORK 12173

BRADLEE WEBSTER, SR., Councilman STUYVESANT, NEW YORK 12173

STUYVESANT, NEW YORK 12173

ENVIAL INVESTIGATION MATTHEW ASBORNSEN, Councilman DOCUMENT

December 15, 1997

Vernon A. Williams, Secretary Surface Transportation Board 12th and Constitution Avenue, N.W. Washington, D.C. 20423

RE: CSX and Norfolk Southern Control-Conrail STB Finance Docket No. 33388

Dear Secretary Williams:

I would like to express my strong support for the planned control for CSX Corporation and Norfolk Southern Corporation as proposed in the above referenced docket.

The Northeast, in particular New York State's business and agricultural industries need the best possible rail transportation available. This proposal will provide our businesses with expanded transportation options and increase the availability of new markets with faster service and hopefully lower costs.

In addition to improving existing access to key midwestern and western markets, New York State would also benefit from greatly improved service to southern, southeastern and Gulf Coast markets via a single-line. The significance of this concept is that it would minimize delays, lower shipping costs and expedite shipping, all of which will create additional opportunities for our businesses and industries.

The prospect of single-line service to nearly all the major East Coast and Gulf Coast ports strengthens New York's position as a competitor in the import and export arena. The potential for further stimulating our economy through improved and cost effective surface transportation is critical to strong economic development and job growth in our region and throughout New York State.

....

I urge the Surface Transportation Board to approve the application as proposed.

Sincerely,

Tool H. Grewi

Tod A. Grenci, Supervisor

12-23-97 K BUSINESS 33388

ENVIRONMENTAL DOCUMENT

Limaco,Inc. 115 North Main St. P.O. Box 689 Urbana, Ohio 43078 1-937-652-2345

Limaco, Inc.

December 4, 1997

Honorable Vernon A. Williams Secretary Surface Transportation Board 1925 K Street NW ,Room 700 Washington, DC 20423-0001

Dear Secretary Williams:



In connection with Finance Docket No. 33388 before the Surface Transportation Board which deals with CSX and NS control of Conrail. We at Limaco, Inc. are concerned that competition on rail shipments will be significantly reduced with the takeover of Conrail. With the poor service and lack of competition with the UP merger their has to be more and better input from both shippers & shortlines.

In order to preserve rail competitiveness, we support the Indiana & Ohio's filing with the STB that allows for additional service to the shipping public via an alternative rail carrier.

We are optimistic that you will take our support of the Indiana & Ohio into consideration when making your decision regarding the disposition of Conrail.

Sincerely

Don N. Kemp

Logistic Manager, Limaco, Inc. Kevin A. Hall

Senior Vice President & General Manager Industrial & Rail Services

ENVIRONMENTAL DOCUMENT



Savage Industries Inc.

5250 South Commerce Drive Suite 200 Salt Lake City, Utah 84107 (801) 263-9400 (801) 261-6677 FAX

December 18, 1997

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



STB FINANCE DOCKET NO. 33388

CSX CORPORATION AND CSX TRANSPORTATION, I NC.
NORFOLK SOUTHERN CORPORATION AND
NORFOLK SOUTHERN RAILWAY COMPANY
-CONTROL AND OPERATING LEASES/AGREEMENTSCONRAIL INC. AND CONSOLIDATED RAIL CORPORATION

STB FINANCE DOCKET NO. 33388 (SUB-NO.76)

INDIANA SOUTHERN RAILWAY COMPANY
--TRACKAGE RIGHTS—
CSX TRANSPORTATION, INC. AND INDIANA RAILROAD COMPANY

VERIFIED STATEMENT OF KEVIN A. HALL

My name is Kevin A. Hall, Senior Vice President for Savage Industries Inc. My business address is 5250 South Commerce Drive, Suite 200, Salt Lake City, Utah 84107. My responsibilities include general management of rail operations, which include rail property leases and rail equipment leases, as well as arranging for carload shipment.

Savage Industries Inc. is a multimodal transportation company with over 40 million tons of products managed annually with a facility located on CONRAIL in Indianapolis. Rail transportation is a vital factor to the success of our business as we ship and receive over 200,000 carloads annually.

Mr. Vernon A. Williams Page 2 December 18, 1997

The multimodal transportation business is highly competitive and economic survival is directly related to availability of responsive transportation service at competitive rates.

In summation, we request the Surface Transportation Board to grant the trackage rights requested by the Indiana Southern Railroad (ISRR) to, from and between Indianapolis and Crawfordsville, IN. We believe the ISRR trackage rights will maintain competition, provide my company with long-term economic security, and guarantee rail transportation in the event of service problems such as those experienced recently in the west.

I, Kevin A. Hall, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this verified statement.

Executed on December 18, 1997.

Sincerely,

Kevin A. Hall

Senior Vice President and General Manager

Levi A. Hall

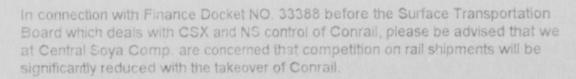
12-23-97 K PUBLIC 33388

ENVIRONMENTAL DOCUMENT

December 15, 1997

Honorable Vernon A. Williams Secretary Surface Transportation Board 1925 K Street, NW., Room 700 Washington, DC 20423-0001

Dear Secretary Williams:



In order to preserve rail competitiveness, we support the Indiana & Ohio's filing with the STB that allows for additional service to the shipping public via an alternative rail carrier.

We are optimistic that you will take our support of the Indiana & Ohio into consideration when making your decision regarding the disposition of Conrail.

Sincerely,

STB FD 10-15-97 K 182592 1/4

DOUGLAS M. CANTER

JOHN M. CUTLER. JR.

WILLIAM I. HARKAWAY

STEVEN J. KALISH KATHLEEN L. MAZURE HARVEY L. REITER

DANIEL J. SWEENEY

· L'aw Offices . 182572 McCarthy, Sweeney & Harkaway, P. C.

1750 PENNSYLVANIA AVE., N. W.

WASHINGTON, D. C. 20006

TELEPHONE (202) 393-5710 TELECOPIER (202) 393-5721

October 15, 1997

ORIGINAL





Elaine K. Kaiser Chief, Section of Environmental Analysis Surface Transportation Board Room 504 1925 K Street, N.W. Washington, D.C. 20423-0001

> Finance Docket No. 33388, CSX Corp./Norfolk Southern Corp. -- Control and Operating Leases/Agreement -- Conrail

Dear Ms. Kaiser:

I am enclosing an original and ten copies of the Preliminary Environmental Comments of City of Bay Village, City of Rocky River, and City of Lakewood (BRL-2). These comments include, as exhibits, verified statements from the following individuals:

For Lakewood, Ohio:

- Police Chief Matthew N Biscotti;
- 2) School Superintendent Je seph P. Madak;
- 3) Paramedic Michael J. Monahan;
- Building Commissioner Brian F. Moran; and
- Fire Chief Lawrence E. Mroz.

For Rocky River, Ohio:

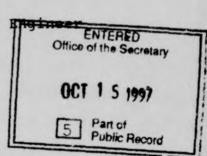
- Director of Public Safety James R. Linden;
- Fire Chief Christopher M. Flynn; 2)
- Director of Community Development and City Engineer ENTERED Robert J. Alban, P.E.;
- Police Chief Donald L. Wagner; and
- Building Commissioner Kevin F. Beirne.

For Bay Village, Ohio:

- Fire Chief Gregory Jackson; and
- 2) Police Lieutenant Edward Lewis.

Please note that only the originals contain the full color maps provided by:

1) Biscotti -- Exhibit B;



- 2) Madak -- Exhibit B;
- 3) Moran -- Exhibit B; and
- 4) Wagner -- Exhibit DLW-4.

Since this is environmental information, we are providing only this cover letter to parties other than Norfolk Southern. Should other parties wish a copy of our environmental submission, I will provide it. Should other parties be interested in reviewing the color maps, they may do so at my office during normal business hours.

Respectfully submitted, City of Bay Village City of Rocky River City of Lakewood

Ву:

Steven J. Kalish

cc: Richard A. Allen (with enclosure)
All Parties (without enclosure)

ORIGINAL

BRL-2

UNITED STATES OF AMERICA DEPARTMENT OF TRANSPORTATION SURFACE TRANSPORTATION BOARD

Finance Docket No. 33388



CSX CORPORATION AND CSX TRANSPORTATION, INC.

NORFOLK SOUTHERN CORPORATION AND

NORFOLK SOUTHERN RAILWAY COMPANY

--CONTROL AND OPERATING LEASE/AGREEMENTS-
CONRAIL INC. AND CONSOLIDATED RAIL CORPORATION

PRELIMINARY ENVIRONMENTAL COMMENTS OF CITY OF BAY VILLAGE, CITY OF ROCKY RIVER, AND CITY OF LAKEWOOD

City of Bay Village, City of Rocky River, and City of
Lakewood ("BRL") tender the following information and verified
statements to the Surface Transportation Board ("Board" or "STB")
and its Section of Environmental Analysis ("SEA") prior to the
issuance of the Draft Environmental Impact Statement ("DEIS") in
the belief that SEA should not prepare a DEIS solely with data
provided by the railroad applicants in the above-entitled
proceeding. BRL stand ready, willing, and able to provide
additional information to SEA in order to permit the DEIS to
fully examine the environmental impacts of the railroads'
proposal and in order to permit the DEIS to plan measures that
will fully mitigate the impacts of that proposal on BRL.

Preliminary Comments

BRL view the proposal of Norfolk Southern Corporation and Norfolk Southern Railway Company ("NS") to increase the level of traffic on its Cleveland, Ohio to Vermillion, Ohio line segment ("Line Segment") from a Base Case 13.5 trains per day to a Post-Acquisition Case 34.1 trains per day as a catastrophic event. Air Quality would be degraded, railroad-generated noise would increase, pedestrians and street traffic would be placed in danger, and perhaps most importantly, the ability of public safety service providers, i.e. police, fire, and ambulance services, to reach victims in a timely manner would be seriously degraded.

Given the STB's authority to impose conditions on the railroads' proposals, none of these impacts is unavoidable. To the contrary, the traffic that NS proposes to route through BRL principally moves via other routes, notably those of Conrail Inc. and Consolidated Rail Corporation ("Conrail") and this traffic can continue to move via those alternate routes in the future. Accordingly, the best mitigation that SEA can recommend is a condition limiting NS traffic over the Line Segment to the Base Case level.

Assuming, arguendo, that SEA determines that, for reasons currently unknown to BRL, any of the proposed additional 20.6 trains per day cannot remain on its current routing, then the required mitigation becomes more complex. From a procedural standpoint, SEA should recommend that the Board retain

jurisdiction to impose additional environmental mitigation in this docket for a period of no less than ten years. As will be detailed herein, the fundamental data necessary to fully quantify the environmental harms that NS would impose on BRL are all subject to substantial changes in the future. Accordingly, the Board would be abdicating its responsibilities under the law if it were to decline to retain jurisdiction over the environmental phase of this docket.

From a substantive standpoint, SEA should recommend that NS mitigate the environmental damage it is proposing in at least three manners. First, in order to mitigate air quality, noise, traffic delay, accident risk and public safety harms, NS should be required to improve its grade crossings in BRL. At grade crossings with average daily traffic ("ADT") counts of less than 5,000, gates and lights should be required. At grade crossings with ADTs of greater than 5,000, grade separations should be constructed. In the event that a grade separation cannot be constructed, for any reason, in Rocky River (Wagar Road), a new Fire/EMS station should be constructed north of the tracks. All of this should be at the sole expense of NS and all of this should be accomplished before train traffic increases are permitted.

At this time, we are not advocating improved communications technologies as a mitigation measure in that advance knowledge of the approach of a train appears to be of little benefit to the providers of emergency services.

Second, if train speeds can be increased without increasing safety problems, NS should be required, at its sole expense, to improve the line segment so as to permit its trains to traverse BRL in less time than they do today. This step, which would mitigate air quality, traffic delay and public safety harms, also should be taken before train traffic increases are permitted.

Third, in order to mitigate noise problems, NS should be required to follow the best practices permitted by the Federal Railroad Administration (FRA) following completion of its ongoing study and any future study.

BRL fully recognize that the mitigation they propose would not be sufficient to fully mitigate the environmental degradations of the NS proposal. Hence, we remain open to additional mitigation that SEA and/or NS may devise. We also fully recognize that the mitigation we propose would be expensive. However, we remain constant in our resolve that if traffic levels are to increase though our communities, all possible steps must be taken to eliminate or reduce environmental degradation. Stated another way, we see no reason when inancial gain for NS should be accorded a higher priority than preservation of environmental quality in BRL.

Statutory and Policy Background

Prior to providing SEA with certain facts we believe vital for inclusion in the DEIS, BRL believe it is important to set forth the context in which SEA and, ultimately, the Board, must view the NS proposal and our request for relief. That is, the

Board's obligation under the National Environmental Policy Act ("NEPA")² to consider environmental matters and the Board's statutory power to impose conditions on its approval of this consolidation proceeding³ must be read within the context of Congressional and Department of Transportation ("DOT") policies.

The STB's governing statute, the ICC Termination Act of 1995 ("ICCTA")*, provides that it is the policy of the United States Government, in regulating the railroad industry, "to operate transportation facilities and equipment without detriment to the public health and safety."

Consistent with the ICCTA, the DOT's National Freight
Transportation Policy "establishes the most important principles
that will guide Federal decisions affecting freight
transportation across all modes." Included among those
principles is "protect the environment and conserve energy."

DOT's discussion of that principle is worth quoting:

Responsible environmental protection is another important Federal policy objective and, like transportation safety, environmental protection requires the cooperation of all levels of government and the private sector. The total social costs of environmental degradation are not borne by the transportation users (e.g., the social costs associated with pollution are not reflected in the costs incurred by the users or prices charged for transportation services). Thus, the Federal Government plays, and must continue to play, an important role in reducing

^{2 42} U.S.C. § 4332.

⁴⁹ U.S.C. § 11324(c).

Public Law 104-88, 109 Stat. 803, 49 U.S.C. §§ 10101, et seq.

^{5/ 49} U.S.C. § 10101(8) (emphasis added).

these social costs and ensuring that they are more accurately reflected in the price of transportation services through appropriate regulations or modifications to existing programs ...

The point here is an important one. Both Congressional and DOT policy is that environmental issues not be given short shrift by the STB. Nor should the STB shrink from imposing environmental conditions simply because costs are involved. To the contrary, since the NS proposes to degrade the environment in manners both quantifiable, e.g. public safety delays, air quality, noise, and traffic delays, and unquantifiable, i.e. "quality of life", the N.S. must be required to pay the cost of environmental mitigation. See Finance Docket No. 32760, Union Pacific Corporation -- Control and Merger -- Southern Pacific Rail Corporation ("UP/SP"), Decision No. 71, served April 17, 1997.

THE FACTS

I. THE BRL COMMUNITIES

BRL are Ohio communities located to the immediate west of Cleveland, bordering Lake Erie. They are bisected by the east-to-west NS Cleveland, OH to Vermillion, OH line segment. These are not rural communities and the portion of the Line Segment in BRL does not traverse open fields. To the contrary, the Line Segment passes through densely populated areas.

⁶² F.R. 785 (January 6, 1997), emphasis added.

A. Lakewood, OH

The verified statement of Police Chief Matthew N. Biscotti reports that Lakewood, OH, is a community of approximately 60,000 residents in a 5.3 mile area. This makes it the most densely populated city in this region of the country. The map appended to the verified statement of Brian F. Moran demonstrates that Lakewood's central business district is located just one-half block south of the NS line.

The maps appended to the verified statement of Lakewood's Fire Chief Lawrence E. Mroz will give the SEA a reasonably clear picture of the facts on the ground. The NS line passes by a substantial number of homes, see <u>infra</u>, and passes over fully 27 grade crossings.

B. Rocky River, OH

Rocky River, population 20,000, is justifiably proud of having been selected Cleveland's best suburb. Verified Statement of Donald L. Wagner. As depicted in the map provided by James R. Linden, the NS line passes through residential areas and passes over four grade crossings.

C. Bay Village, OH

Bay Village, population 17,000, is depicted in the map provided by Edward Lewis. The NS line passes through residential areas and passes over four grade crossings.

Monahan V.S. at 2.

II. THE NS PROPOSAL

The current NS proposal for the Line Segment is contained within CSX/NS-54, the August 28, 1997 Errata and Supplemental Environmental Report to Volume 6 (Environmental Report) of the Primary Application. At page 391, NS proposes to increase its traffic over the Line Segment from a Base Case 13.5 trains per day to a Post-Acquisition Case 34.1 trains per day. This is an increase of 20.6 trains per day. Stated another way, NS proposes to increase the number of trains by 153%. Page 384 of CSX/NS-54 establishes that, at the same time, NS proposes a reduction of 15.5 trains per day along Conrail's Cleveland, OH to Vermillion, OH line segment. Thus, it appears that the vast majority of the traffic increase proposed for the Line Segment is being shifted from a Conrail routing that NS finds less desirable.

CSX/NS-54 is particularly significant to the request of Bay, et al. for continued oversight of the CSX/NS/Conrail consolidation proceeding after STB approval. That is, one of the major inputs to any analysis of the environmental impact of a railroad consolidation proceeding is the number of trains. In June, 1997, NS advised the Board that its plan was to run 37.8 trains per day over the Line Segment. Two months later, that figure had been changed to 34.1 trains per day. This rapid change is representative of a fact basic to all major railroad consolidations. While the consolidating railroads may give their most careful consideration to their projections for the future, the fact remains that the data they provide are nothing more than

projections. As time passes, NS will learn more and will adjust its operations to fit then-present operational realities. To the extent those adjustments increase either the number of trains or the length of trains over the Line Segment, the environmental impacts on BRL will increase as well.

The Board typically retains jurisdiction over major railroad consolidations to ensure that it can ameliorate their impacts.

See, e.g. UP/SP Decision No. 44 at 107, 146, and 231 (August 12, 1996). It should take the same approach with regard to the environmental impacts of this proceeding.

While CSX/NS-54 provides projections of the number of trains projected for the Line Segment, it does not provide the STB with data as to two of the basic inputs for an environmental analysis, i.e. train length and train speed. BRL have requested this information from NS and will provide it to SEA. However, SEA should not understate environmental harms to BRL by assuming that NS is operating at its maximum lawful speed through BRL. Our review of police accident reports in Lakewood for 13 railroad/street vehicle accidents since 1992, reveals an average speed for the NS trains of 31 mph.

III. PUBLIC SAFETY CONSIDERATIONS

Assuming, as we must, a direct relationship between the number of trains and the number of train/vehicle accidents, the average of approximately two accidents per year on the Line Segment would translate to approximately five accidents per year under the NS proposal. But, even this figure dramatically

understates the public safety risks associated with the NS proposal.

A. Lakewood

As explained in the Monahan V.S., Lakewood Hospital, the site of the Lakewood EMS, is located south of the NS tracks.

Approximately 26 percent, i.e. about 1,400 per year, of EMS calls are north of the tracks and can be delayed by NS trains. About a third of those calls require advanced life support treatment by paramedics.

Lakewood EMS experiences delays of between two and eight minutes from current NS trains. Those delays are unavoidable. Travelling from Lakewood Hospital to the apartment district in the north end of the City via the only underpass takes ten minutes. This is approximately triple the three-four minute average transit time when streets are not blocked by NS.89

This is not an academic concern. Mr. Monahan reports that, as a direct result of train delay, Lakewood EMS was unable to take advantage of organ donations that would have sustained life in others.

Police Chief Biscotti reports that all three of his stations are south of the NS tracks and that almost 14,000 of his department's annual calls are for assistance north of the tracks.

In just one month, Lakewood police vehicles were delayed 18 times by NS trains. This equates to 216 delays per year under current

Monahan V.S. at 6.

conditions and to 540 delays per year under the conditions proposed by NS. These delays average over two minutes.

Chief Biscotti also reports that in the same month, <u>Lakewood</u>

<u>EMS vehicles were delayed three times by NS trains</u>. This equates
to 36 delays per year under current conditions and to 90 delays
per year under the conditions proposed by NS.

B. Rocky River

Public Safety Director James R. Linden's V.S. explains that the City's fire station is located south of the tracks. Fire Chief Christopher M. Flynn's V.S. further explains that his department responds to 1,850 EMS calls per year and to 570 other calls, mainly fires. Of these calls, approximately 16 percent require department vehicles to cross the tracks.

Today, the department's average response time is 5.32 minutes. If the department is forced to use current grade separations, this figure will increase by approximately 2.30 to 3.51 minutes. To put these numbers in context, Chief Flynn explains that the time between cardiac arrest and brain damage is four minutes. Similarly, the time between a wastebasket fire to flashover and room engulfment is three to four minutes. As Chief Flynn explains, "The parent of a choking child will not care about interstate commerce. He/she will only care that a train ... is causing a 2.30 to 4 minute delay in getting help."

Chief Flynn reports that his experience is that NS trains block one to two EMS runs per year under today's conditions.

Under the NS proposal, this would increase to 2.5 to ten EMS runs per year that are blocked by the trains.

Police Chief Donald L. Wagner explains that Rocky River's police station is south of the track and that the department responds to 425 emergency calls per year north of the track. Chief Wagner's Exhibits DLW-2 and DLW-3 demonstrate that if Wagar, the main north-south route through Rocky River, cannot be relied upon as a result of street blockage by NS trains, the time required for alternate routes will always be greater.

Chief Wagner also explains an operational fact that must be considered by SEA in assessing the significance of train delays to emergency services vehicles. That is, EMS personnel may not take action if there is ongoing violence until the police arrive. Thus, if either department is blocked by the trains, emergency medical service can't be provided.

C. Bay Village

Fire Chief Gregory Jackson reports that in the first nine months of 1997, his department has already responded to 1,313 alarms, including 741 requests for emergency medical assistance. While the Bay Village Fire Department is located north of the tracks, virtually all of its personnel live south of the tracks, thus creating the risk that they will be blocked by trains on their way to responding to an emergency. Similarly, the Harbor Side Healthcare Center, a resident nursing home, is south of the tracks and requires rapid response which would be delayed by the

trains. Further, twenty percent of the Fire Department's calls are to Westlake and must also cross the tracks.

Police Lieutenant Edward Lewis's V.S. explains that his department, also located north of the tracks, must respond to over 1,800 emergency calls per year. While the average response time today is under three minutes, that would not be the case if department personnel are delayed by trains.

IV. NOISE CONSIDERATIONS

CSX/NS-54 at 107 asserts that the number of sensitive noise receptors on the Line Segment currently includes 1,387 residences, 0 schools, 1 church, and 0 hospitals. It further asserts that under the Post-Acquisition environment, these figures would be 2,276 residences, 0 schools, 1 church, and 0 hospitals. CSX/NS-54 is in error.

Lakewood Building Commissioner Brian F. Moran reports that Lakewood alone has 1,889 residential structures containing 5,939 dwelling units, 6 schools, 9 churches, and 7 parks that are within the NS noise zone.

Rocky River Building Commissioner Kevin F. Beirne reports that Rocky River has an additional 435 residences within the NS noise zone.

In brief, it appears that the NS analysis 1) assumed that all buildings, whether single-family homes or apartment complexes, should be counted as one residence; 2) ignored schools and churches within the noise zone.

Since the data presented herein is only for two communities along this 37 mile Line Segment, we request that SEA provide an independent analysis of the noise impacts of the NS proposal.

V. TRAFFIC/ACCIDENT CONSIDERATIONS

We have previously noted that our initial analysis indicates that there have been 13 train/vehicle accidents in Lakewood alone since 1992. While we are hopeful that NS will provide accident data for the entire line segment, the fact remains that it has averaged at least two accidents per year in the recent past.

In order to put a human face on this, we would refer SEA to one of the attachments to Rocky River Police Chief Wagner's V.S. Bonnie Williams reports that on June 4, 1997, her school bus approached the railroad tracks at Morewood Parkway. Seven children were on the bus. She heard no train whistle and started across the tracks. She then saw a train approaching and the gates started coming down. She "flew over the tracks" and a train immediately crossed those tracks, not blowing its whistle until after crossing the intersection.

While BRL can speculate that the NS train did not sound its horn simply because there are so many grade crossings between Lakewood and Bay Village that engineers grow tired of this task, we really do not know why the train did not sound its horn before approaching this intersection. We also do not know why the NS gates did not come down in a timely manner. We do know that Ms. Williams and her seven passengers are fortunate to be with us

today. We also know that a 150 percent increase in train traffic in this densely populated area is a recipe for disaster.

VI. AIR QUALITY CONSIDERATIONS

Cuyahoga County, including Lakewood, Bay Village, and Rocky River, are in a non-attainment status under Federal air quality standards. CSX/NS-54 at 83 and 85-86. The proposed increase in trains will make this situation worse. <u>Id.</u> at 85-86.

The verified statement of Robert J. Alban adds to this information. Mr. Alban explains that Cuyahoga County is presently under a 10-year probationary period during which no additional violations of the Federal Ambient Air Quality Standard may occur. Further, as a result of the September 16, 1997 Federal regulations, it is anticipated that Cuyahoga County may be designated a nonattainment area for both ozone and particulate matter.

What cannot be determined by a review of CSX/NS-54 is the manner in which NS computed the data shown in its tables. Did it incorrectly assume that its trains will be operating at maximum speed? Did it assume reasonable numbers of street vehicles that will be adding to air pollution as they idle when trains pass? Did it assume reasonable lengths of trains and/or reasonable average vehicle delay times?

BRL currently have no answers to these questions. Thus, we request that SEA explore each of these matters. And, once SEA has determined the level of air quality degradation contemplated

by the NS proposal, BRL request that appropriate mitigation be required.

VII. SCHOOL CROSSING CONSIDERATIONS

In support of their request that the STB mandate appropriate pedestrian protection, at least for school children, BRL offer the following preliminary information.

A. Lakewood

Superintendent Dr. P. Joseph Madak explains that 50 percent of the preschool children and 60 percent of the K through 5 children at the Lincoln Elementary School live south of the tracks and that many of them must walk across the tracks to get to school. Similarly, 60 percent of the children at Taft Elementary School live south of the tracks and many of them also walk to school. Additional preschool and elementary school children attending Garfield, Grant, McKinley also cross the tracks. At Emerson and Horace Mann Middle Schools, approximately 75 percent of the children must cross the tracks to get to school.

Chief Biscotti adds to Dr. Madak's report by noting that Lakewood also has five parochial elementary/middle schools and two Catholic High Schools which draw from the entire City and beyond. Many of the children at these schools also must cross the tracks.

B. Rocky River

Chief Wagner's Exhibit DLW-4 notes that Kensington, St. Christopher, and St. Thomas elementary schools all have children

who must cross the tracks each day. At Wagar, an average of 40 elementary school children walk across the tracks. At Morewood, 78 children walk across the tracks.

In addition, children attending Rocky River Jr. High, Rocky River Sr. High, and Magnificat cross the tracks each day.

Respectfully submitted,

Sara J. Fagnilli Director of Law City of Lakewood 12650 Detroit Avenue Lakewood, Ohio 44107 Tel: (216) 529-6034 Fax: (216) 228-2514

Gary A. Ebert
Director of Law
City of Bay Village
350 Dover Center Road
Bay Village, Ohio 44140
Tel: (216) 899-3427
Fax: (216) 871-5751

David J. Matty
Director of Law
City of Rocky River
Rademaker, Matty, McClelland & Greve
Suite 1775
55 Public Square
Cleveland, Ohio 44113
Tel: (216) 621-6570
Fax: (216) 621-1127

Dated: October 15, 1997

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Steven J. Kalish McCarthy, Sweeney

& Harkaway Suite 1105

1750 Pennsylvania Ave., N.W. Washington, D.C. 20006

Tel: (202) 393-5710 Fax: (202) 393-5721

Attorneys for: City of Bay Village City of Rocky River City of Lakewood

VERIFIED STATEMENT

OF

CHIEF MATTHEW N. BISCOTTI

My name is Matthew N. Biscotti, and I am Chief of the Division of Police for the City of Lakewood, Ohio and have been since 1989. I have been employed with the City of Lakewood Division of Police since 1973 beginning as a patrol officer and advancing in rank throughout my tenure. A copy of my resume outlining my professional qualifications is attached hereto as Exhibit "A." The City of Lakewood, Ohio is a community of approximately 60,000 residents in a 5.3 square mile area making it an extremely densely populated community. The Norfolk & Southern railroad tracks bisect Lakewood completely across its 3.2 mile east west distance. A copy of a zoning street map is attached hereto as Exhibit "B."

The Division of Police is responsible for dispatch and emergency communications for Police, Fire and Emergency Medical Services/Paramedic Services (EMS). This statement will describe the effects of the plan to triple the number of trains that will travel through the City of Lakewood. Currently, an average of 13.5 trains pass through the City of Lakewood in a twenty-four hours period, and the proposed transaction will increase that number to 34.1. The impact of the proposed plan is of serious concern to the residents and officials of this community.

The following gives the statistical information relevant to police operations that would be essential to examine relative to an increase in train traffic:

- 1. The annual police budget for 1997 is \$6,184,334, and budgeted strength is 88 sworn officers.
- 2. The main station is located at 12650 Detroit Avenue with mini-stations at 1500 W. 117th and 12405 Madison Avenue, with all three stations located south of the tracks.

3. The police fleet consists of the following:

Marked patrol vehicles	24
Special use vans	2
Administrative	5
Covert	5
Investigations	4
TOTAL FLEET	40

- 4. On average, 8 to 14 patrol vehicles are in service each shift.
- 5. Calls for service in 1996 totaled 45,616. The City is divided into four main patrol zones, two of which are bisected by the tracks. There are five secondary patrol zones for neighborhood offices, uniformed investigations and special details, three of which are bisected by the tracks. Copies of maps depicting the various zones is attached hereto as Exhibit "C."
- 6. Calls for service are divided into four priority categories. Most calls for service involve disturbances, alarms, or property crimes. Priority 1, 2, and 3 are all calls that should not have a delayed response. My estimates of the calls by priority category are as follows:

7. The number of times a patrol unit has to cross the tracks in any given shift depends on the assignment. A good estimate based on interviews with officers is approximately 15 times per car, per shift. I would estimate we must cross the tracks to get to a call location approximately 30% of the time, or 37 times per day and 13,685 times per year.

8. Average response times (in minutes) by priority are as follows: (1993, 1994, 1995 are estimates)

9. There have been 29 vehicle/train accidents since 1987, and 14 of those accidents occurred in the past 5 years, however, none were fatal accidents. There was one pedestrian injury in 1996, one fatal pedestrian/train accident each in 1995 and 1996, and two fatal pedestrian/train accidents in 1997.

The Norfolk and Southern railroad tracks that bisect the City of Lakewood present several safety concerns to the community from a police perspective. These concerns go beyond grade crossing traffic accidents. Increasing the number of trains through our community further hampers the ability of patrol officers to respond quickly to calls for police service. The current level of train traffic through Lakewood already delays the response of patrol officers to calls for service.

We tracked delays of patrol units responding to calls for a one-month period from August 27, 1997 to September 27, 1997, and the detail is as follows:

- Train traffic caused a delay in the response of police vehicles a total of 18 times.
- In 14 of the 18 instances it was the primary police unit that was delayed. The remaining 4 instances involved delaying a back-up unit.
- Of the 14 primary unit instances, the longest delay was 6:21.
- Total time delay for the primary units was 28:38, average time delay for the primary units was 2:03

At our current level of train traffic we can anticipate over 200 delays each year. Increasing the number of trains will no doubt show a corresponding increase in delays for police units responding to citizen's requests for help. Over 600 delays per year would be unacceptable.

A review of police calls for service shows that approximately 30% of our calls are North of the railroad tracks. The railroad tracks also bisect two of our four patrol zones. The proposed increase in train traffic will hamper our ability to effectively patrol our community. Although there is one grade separation, it is located at the far west end of the City on West Clifton Boulevard in Patrol Zone 2 and cannot be used for all calls. With 27 grade crossings in just over three miles our patrol units must deal with this "moving barrier" on a daily basis. I do not believe we should make a bad situation worse by increasing the train traffic.

Lakewood is also a community of neighborhood schools. Most of our students walk to school on a daily basis. There are ten elementary schools in Lakewood (Pre-School to Grade 5), three middle schools (Grades 6-8) and one High School (Grades 9-12). At least three of the elementary school, all three middle schools and the High School are located so that students need to cross the train tracks going to and from school. There are no school buses for daily transportation in the City of Lakewood and students are allowed to go home for lunch.

In addition to the public schools, there are five parochial elementary/middle schools, and two catholic High Schools which draw from the entire City and beyond, such that students must cross the train tracks at least twice each day. A threefold increase in the number of trains presents three times the risk to these students.

We have 9 crossings equipped with flashing lights and gates. The remaining crossing all have flashing warning lights. Gates and lights are located at W. 117th, Hird, Cove, Giel, Bunts, Belle, Warren, Cook, and Andrews. See Exhibit "B."

The Emergency Medical Service/Paramedic Service (EMS) is operated out of Lakewood Hospital, located at the corner of Belle and Detroit Avenues which is south of the train tracks. EMS units were delayed three times during the one month period from August 27, 1997 to September 27, 1997, for a total of 2:26 seconds or an average delay of :49 seconds.

In addition to the delays the following problems were noted:

- A slow moving train that took 10 minutes to clear the crossing. (9/2/97)
- A stopped train blocked crossing from Cove East for 30 minutes on 9/14/97.
- Flashers malfunctioned on 8/30/97 at Cove and the tracks.

VERIFICATION

STATE OF OHIO)	
)	SS
COUNTY OF CUYAHOGA)	

I, Matthew N. Biscotti, first being duly sworn, deposes and says that I have read the forgoing statement, know the contents thereof, and the same is true and correct to the best of my knowledge.

Matthew N. Biscotti

Subscribed and sworn to before me this 12th day of October, 1997.

Notary Public

SARA J. FAGNILLI, Attorney
HOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date.

My Commission Expires Section 147.03 R. C.

EXHIBIT "A"

MATTHEW N. BISCOTTI

BUSINESS:

Lakewood Police Department 12650 Detroit Ave. Lakewood. Ohio 44107 216-529-5750

RESIDENCE:

21345 Queen Anns Way Fairview Park, Ohio 44126 216-779-3514

EDUCATION:

Bachelor of Science Degree -- 1972 Mount Union College, Alliance, Dhio

Southern Police Institute -- 1986 Administrative Officers Course University of Louisville, Kentucky

EXPERIENCE:

Chief of Police Lakewood, Chio November 1, 1989 to present

Direct the activities of a staff of 109 full-time employees plus support personnel.

Major Responsibilities Include:

- + Eudget administration (app. \$6 million)
- + Human Resource Development
- * Strategic Planning
- Organizational Development which has included community oriented policing, crime prevention, and total quality management.

Additional professional experience as a consultant for international and state associations as well as private corporations. Professional service as a member of the Ohio Chiefs of Police advisory Board, the Ohio Ad-Hoc Jail Standards Advisory Committee and Community Based Corrections Board.

Captain

Lakewood, Ohio March 22, 1987 to October 31, 1989

Assigned as Commander of the Administration and Services Division. Primary responsibilities included direction of records and communications, department training, personnel matters and policy development.

Lieutenant

Lakewood, Ohio August 23, 1983 to March 21, 1987

Assigned as Platoon Commander in the Traffic and Patrol Division. Primary responsibilities included direction of line operations and coordination of recruit and in-service training programs.

Sergeant/Patrol Officer

Lakewood, Chio October 6, 1973 to August 22, 1983

Responsibilities as Sergeant included first line supervision of all patrol functions. Responsibilities as a Patrol Officer/Investigator included basic patrol and law enforcement functions. investigations. crime scene processing, and evidence collection.

PROFESSIONAL ORGANIZATIONS:

Cuyahoga County Police Chiefs Association -- Past President.

Ohio Association of Chiefs of Police

International Association of Chiefs of Police

Kiwanis Club International

REFERENCES:

Jo Ann Boscia, Lakewood City Council President 12700 Lake Ave. Lakewood Chic. 216-521-0441

William Gareau, Clerk of Courts, Rocky River Municipal Court, 2010 Wooster Rd. Rocky River, Chio 216-356-1186

Patrick Carroll, Lakewood Municipal Court Judge 13909 Edgewater, Lakewood, Ohio, 216-226-9654

EXHIBIT "B"

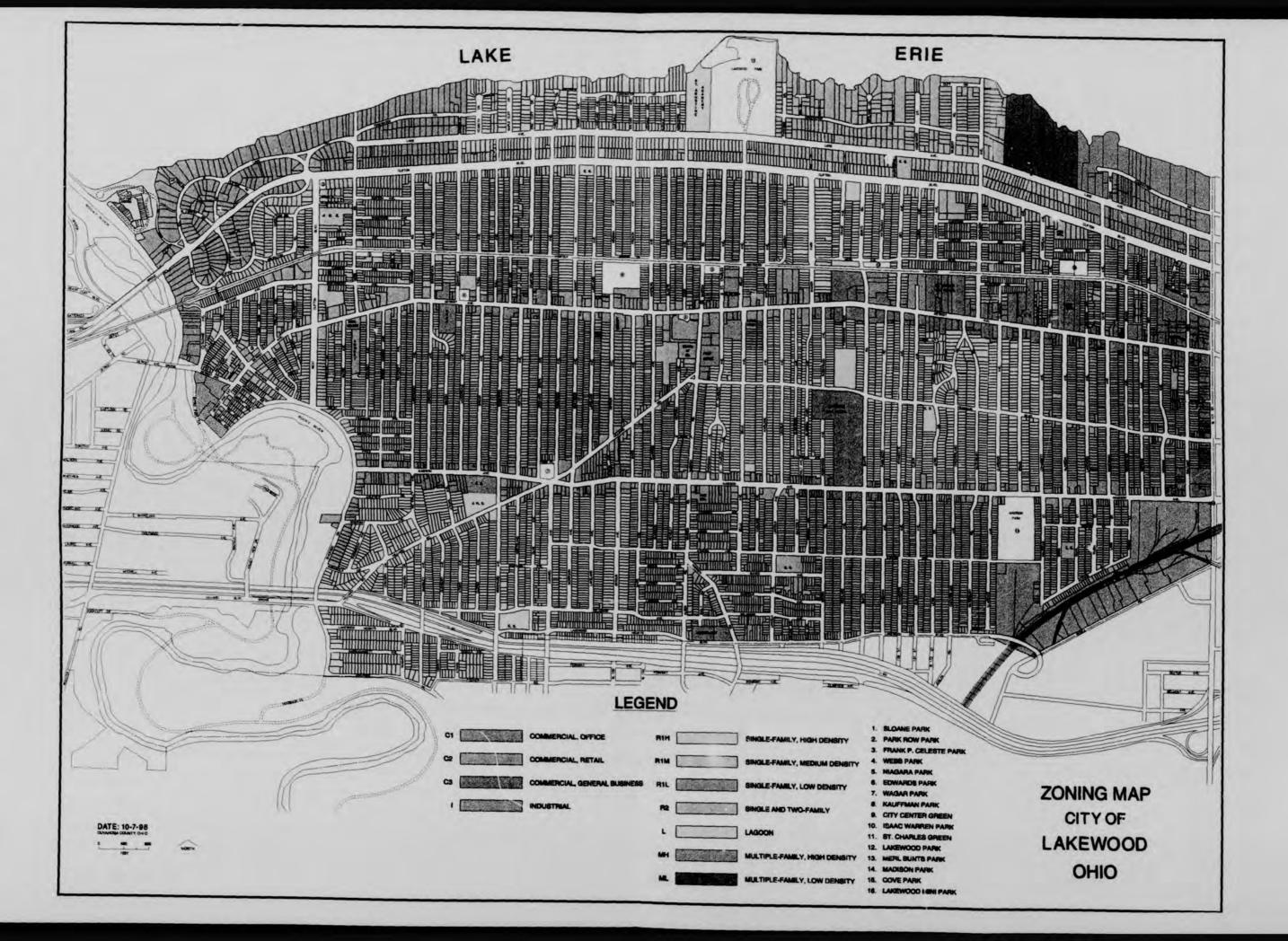
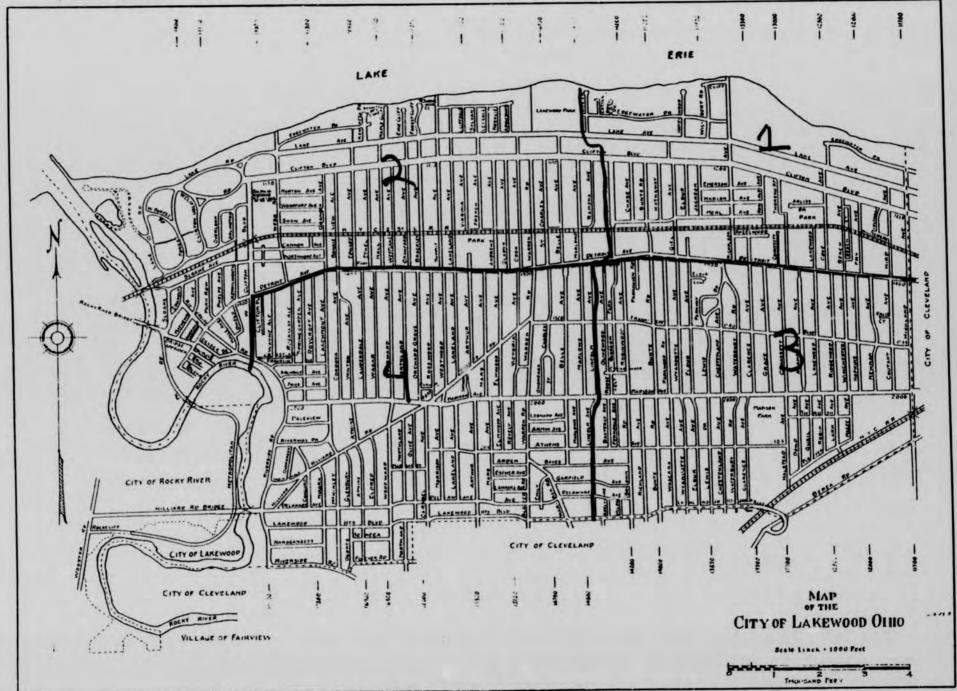


EXHIBIT "C"



UNIFORMED INVESTIGATIONS SPECIAL DETAIL ZONES ERIE LAKE CITY OF ROCKY RIVER DE PEEA CITY OF CLEVELAND MAP OF THE CITY OF CLEVELAND CITY OF LAKEWOOD OINO THOUSAND FEET

CITY OF LAKEWOOD OINO

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VERIFIED STATEMENT

OF

P. JOSEPH MADAK

My name is Dr. P. Joseph Madak, Superintendent of Lakewood City School

District, Lakewood, Ohio. My mailing address is 1470 Warren Road, Lakewood, Ohio,

44107. A copy of my professional qualifications is attached hereto as Exhibit "A."

The purpose of my testimony is to describe for the Board the adverse impact of the Norfolk and Southern's proposal to add 20 or more daily trains through Lakewood. The addition of these trains, which run east-west and split our city in half, would severely affect the safety of our community's school children as well as potentially interfere with the delivery of important regular and emergency services to our regular education and disabled special education students. These issues are of grave concern to me.

The Lakewood City School District offers comprehensive education in a cosmopolitan setting to more than 7,500 students. There are ten Elementary Schools serving kindergarten through 5th grade, three Middle Schools grades 6-8, and one High School grades 9-12. A map of the elementary school districts is attached hereto as Exhibit "B." Preschool is now housed in six of our buildings, as well. Lakewood offers families neighborhood schools. Students walk to school. The district provides transportation only to special education students.

Lakewood is also the home of the WestShore Vocational District, which offers a wide range of courses for students from Lakewood and surrounding communities including Bay Village, Westlake, and Rocky River. Many of our buildings are used by community groups and house Adult Education and Recreation activities for senior citizens, youth, and families both during the day and evening hours, seven days a week.

I would like to provide statistics to show the significant impact this proposal would have on Lakewood school children:

Preschool: ages 3 - 5, north of the tracks and enrollment:

Lincoln School - 35

While Lincoln School is located north of the tracks, 50% of the area served by Lincoln School for preschool is located south of the tracks. Many of these children must cross the tracks as they walk to and from school.

Elementary Schools: K - 5 grades, north of the tracks and their enrollments:

Lincoln Elementary - 445 children

Taft Elementary - 296 children

While Lincoln and Taft Elementary Schools are located north of the tracks, 60% of the area served by these schools for elementary education is located south of the tracks. Many of these young children must cross the tracks as they walk to and from school.

Middle Schools: 6 - 8 grades, north of the tracks:

Emerson - 666 children

Horace Mann - 427 children

While Emerson and Horace Mann Middle Schools are located north of the tracks, 75% of the area served by these schools is located south of the tracks. Many of these children must cross the tracks as they walk to and from school.

Number of Preschool, Elementary and Middle School students in schools located north of the tracks:

1,869 children

Additional Elementary Schools located south of the tracks but which may draw from homes north of the tracks:

Garfield -343 children

Grant -314 children

McKinley -410 children

Preschool -70 children

Number of Preschool, Elementary and Middle School students enrolled in schools located south of the tracks that draw families from north of the tracks:

1,137 children

Lakewood High School is the only high school for this community and draws students from the entire city: **2,454 children**

Total Preschool, Elementary, Middle and High School students affected by increased train traffic:

5,460 children

The safety of thousands of Lakewood school children who walk to and from their neighborhood schools on a daily basis is in jeopardy three fold with the proposed triple train issue. The ability of police, fire and rescue workers to get to our community's children in an emergency would be severely hampered.

Lakewood Schools are inclusion schools, meaning that our elementary, middle and high school buildings serve special education students daily. Emergency medical attention must be available when needed to serve these populations.

The environmental factors of pollution, noise, and chemicals are also of grave concern. Our schools have outdoor classrooms, recess, and playgrounds. Learning is not contained within the walls of the building, but every available space is utilized.

In conclusion, it is my opinion that the addition of 20 plus trains per day traveling through the City of Lakewood would severely increase the threat of harm to more than 5,000 Lakewood public school children.

VERIFICATION

STATE OF OHIO)	
)	SS
COUNTY OF CUYAHOGA)	

I, P. Joseph Madak, first being duly sworn, deposes and says that I have read the forgoing statement, know the contents thereof, and the same is true and correct to the best of my knowledge.

P. Joseph Madak

Subscribed and sworn to before me this <a>13 day of October, 1997.

Notary Public

My Commission Expires 9-14-99

SARAH A. CLEARY NOTARY PUBLIC, STATE OF OHIO Recorded in Cuyahuga County My Comm. Expires Sept. 14, 1999 EXHIBIT "A"

RESUME

P. Joseph Madak Superintendent Lakewood City Schools 1470 Warren Road Lakewood, Ohio 44107 (216) 529-4092

SCHOOL LEADERSHIP POSITIONS Superintendent, Lakewood City Schools
Superintendent, Kettering City Schools
Superintendent, Olmsted Falls City Schools
Assistant Superintendent, Richland County Schools
Assistant Superintendent, Ontario Local Schools
Coordinator: Administrative Services, Educational
Research Council of America

EDUCATION

Ph.D. Educational Administration, Curriculum and Instruction, Kent State University M.Ed. Secondary Education, Kent State University B.S. Music Education, University of Dayton

COMMUNITY AND PROFESSIONAL AFFILIATIONS United Way Coordinator
Phi Delta Kappa Professional Fraternity
American Association of School Administrators
Buckeye Association of School Administrators
Association for Supervision and Curriculum Development
Greater Cleveland School Superintendents' Association
IDEA Fellow
Council for Academic Excellence
Alliance for Adequate School Funding

EXHIBIT "B"

CITY OF **ELEMENTARY SCHOOL DISTRICTS LAKEWOOD Telephone Numbers** Franklin Elementary School 13465 Franklin Blvd 529-4221 Garfield Elementary School 134114 Detroit Avenue 529-4251 Grant Elementary 1470 Victoria Avenue 529-4217 Harrison Elementary School 2080 Quali Avenue 529-4230 Hayes Elementary School 16401 Delaware Avenue 529-4228 Lincoln Elementary School 15615 Cliffon Bivd. 529-4232 Madison Elementary School 16601 Madison Avenue 529-4226 McKinley Elementary School 1351 West Cliffon Blvd 529-4257 Roosevelt Elementary School 14237 Athens Avenue 529-4224 Taff Elementary School 13701 Lake Avenue 529-4254 Questions may be answered by Research and Pupil Personnel 529 4201 MAP KEY **Optional Areas** TAFT ELEMENTARY subject to enrollment of receiving school **GRANT ELEMENTARY** GARFIELD ELEMENTARY LINCOLN ELEMENTARY Garfield/Taft ROOSEVELT ELEMENTARY MADISON ELEMENTARY Lincoln/ Grant HARRISON ELEMENTARY HAYES ELEMENTARY ------ - Grant/Madison (Rosewood 1542-43 & South) FRANKLIN ELEMENTARY MCKINLEY ELEMENTARY

VERIFIED STATEMENT

OF

MICHAEL J. MONAHAN

My name is Michael J. Monahan, and I have been a member of the Lakewood Hospital Emergency Medical Services/ Paramedic Rescue Squad (hereinafter "EMS") for ten years. Lakewood EMS is a hospital-based critical care system that serves nearly 60,000 residents, the business community and many thousands of visitors to the City of Lakewood each and every day of the year.

Lakewood EMS is based at Lakewood Hospital, an affiliate of the world-renowned Cleveland Clinic Foundation, located at 14519 Detroit Avenue, approximately 750 feet south of the Norfolk and southern railroad tracks. It is currently staffed with 15 full-time Paramedics who operate two Rescue Squads on a 24-hour basis, seven days per week, 365 days per year. Or the average, Lakewood EMS will receive 4,200 calls annually, making us the second busiest rescue squad in the area, second only to the City of Cleveland. These calls encompass a wide range of illnesses, accidents and conditions that are attended to in an efficient and effective professional manner by the Paramedics.

The primary keys to patient recovery from the onset of any illness, or condition, or from an accident, or any type of life-threatening incident, are both quick response time and immediate stabilization of the patient for transport the Lakewood Hospital's Trauma Center. Lakewood Hospital is a Level II Trauma Center.

Lakewood EMS prides itself in providing quality services to its patients by arriving at the scene as quickly as possible to begin the stabilization process. Our goal is to make every effort to plan how best to provide emergency service and the possible rerouting of our north-south traffic flow, as well as for the possibility of a major mishap along over three miles of tracks that cut our city almost in half.

Lakewood, Ohio is the most densely populated city in this region of the country and also has among the most railroad crossings of any city in the nation. We have some 40,000 vehicles registered in our city, and have 27 crossings, 9 of them equipped with warning gates, lights and bells.

Trains passing through Lakewood now can stretch almost half of the distance of the City. Over the span of the past several years we have had various spotters time the trains and count the cars being pulled through the city. Time of the train passing the individual railroad crossings can run from two to eight minutes. Train makeup can range from a dozen or so mixed cars to 140 plus cars on some days. While this may not seem to be an inordinate amount of time to wait for a train to pass through the crossing where a person is on their way to shop or work, the time we need to get to injured or critically ill people is the most precious thing we have in hopes of keeping

those patients alive. Those two, three or four minutes literally can mean the difference between life and death to a critically ill or injured person.

The trains rob us of that precious commodity—time to the scene and time to begin our stabilization protocol. You cannot replace that time we need to be quickly on site with the patient. The people of Lakewood and visitors to our city have demanded outstanding paramedic service for more than 25 years, and we struggle every day to fulfill that request.

Our present response time can run from four to five minutes when all conditions are clear; that is, no trains passing through the city, light traffic and good weather.

While these are the optimum conditions, we constantly work around all the obstacles that are confronted in our efforts to provide the best emergency medical services to our residents and visitors alike.

Medical experts have testified about the length of time required to provide excellent services, which brings about the optimal recovery possibilities to our patients. For example, a person who goes into cardiac arrest can suffer irreversible brain damage in as little as 4 minutes. Advanced life support must begin as soon as possible after the onset of arrest. Likewise, speed is of the utmost importance to the victim of traumatic injury. A victim has, what has become known as the "Golden Hour," from the time of injury to the time of surgical intervention if that person stands a chance of survival. For example, the victim of a serious vehicle accident, who must be extricated from the vehicle, stabilized and then transported to the trauma center could suffer disastrous results if the transport is further delayed by a train. Suffice to say that we in the

emergency medical services primary response units are always mindful of that clock which is working against us.

I recall three recent events which can be used to show how even a few minutes delay caused by a passing train can mean the difference between life and death and possible enhancement of other people's quality of life.

One morning, several years ago, we received a 911 call to respond to a home north of the tracks where a young person had expired. The family, even in those first moments of discovery of the tragedy, had the presence of mind to call EMS in order that some of the person's organs could be donated to patients in need of them.

Because of a slow moving and long train, we were unable to transport the victim to the hospital in time so that the organs could be saved to sustain life in others. I remember being very upset that day because we were so very close, but still we were an eternity away from beginning the organ saving procedures, which might have helped several people.

In another in the 'ent, we successfully resuscitated a cardiac arrest patient at St.

Luke's Church, located north of the railroad tracks at Bunts and Clifton Roads, because we were able to get to him without any train interference. Had there been any delay because of a train it would have prevented us from getting there in time to render immediate cardiac resuscitation to the patient.

About two years ago we were dispatched to a serious motor vehicle accident on Lake Avenue, north of the railroad tracks, in which a carload of teenagers struck a tree at a high rate of speed. One of the children was dead upon our arrival and three were

taken to the hospital in critical condition. Again, had the culprit been a slow moving freight delaying our arrival, the result could have been more tragic. There are numerous other examples of calls north of the railroad tracks which caused us grave concerns because we could not get to the patient in a more timely fashion. Likewise, in certain instances, a delay in transportation back to the hospital could also cause unsuccessful results.

We have done an analysis on the number of calls received as they relate to the section of the City of Lakewood, north of the railroad tracks. Between January 1, 1997 to August 31, 1997, Lakewood EMS handled 2,727 runs, 700 of those were north of the tracks, which amounts to 26% of the total runs. Of 700 runs, 41% (289 of 700), were patients over age 65 and 32% (222 of 700) of those patients required advanced life support treatment by the Paramedics. Another 36% (255 of 700) required basic life support. See statistical data attached hereto as Exhibit "A." This ratio of calls north of the tracks has been consistent with our analysis of runs over the past several years.

In the worst case, should the crossings in Lakewood be blocked by a stopped or slow moving train, we would need to reroute through the west end of Lakewood, where the only grade separation is located and to the "Gold Coast" at the northeast portion of the City. The "Gold Coast" a collection of high rise apartment and condominium buildings with a high density of residents.

In an effort to determine the actual response time for a squad to respond to a call from the hospital to the Gold Coast, we simulated a run from the hospital to the west end of the city where the only underpass is available to us, and then to the

In an effort to determine the actual response time for a squad to respond to a call from the hospital to the Gold Coast, we simulated a run from the hospital to the west end of the city where the only underpass is available to us, and then to the northeasterly apartment district. It took us 10 minutes to reach the Gold Coast using the western route. Normally, we can reach the Gold Coast in 3 to 4 minutes. This time is far beyond the American Heart Association's guidelines of four minutes wherein irreversible brain damage will occur without intervention by Paramedics.

Thank you for consideration of this most important information and its impact on our city.

VERIFICATION

STATE OF OHIO)	
)	SS:
COUNTY OF CUYAHOGA)	

I, Michael J. Monahan, first being duly sworn, deposes and says that I have read the forgoing statement, know the contents thereof, and the same is true and correct to the best of my knowledge.

Michael J. Monahan

Subscribed and sworn to before me this 13th day of October, 1997.

Notary Public

SARA J. FAGNILLI, Attorney
NOTARY PUBLIC - STATE OF OHIO

My Commission Expires commission has no expiration date.

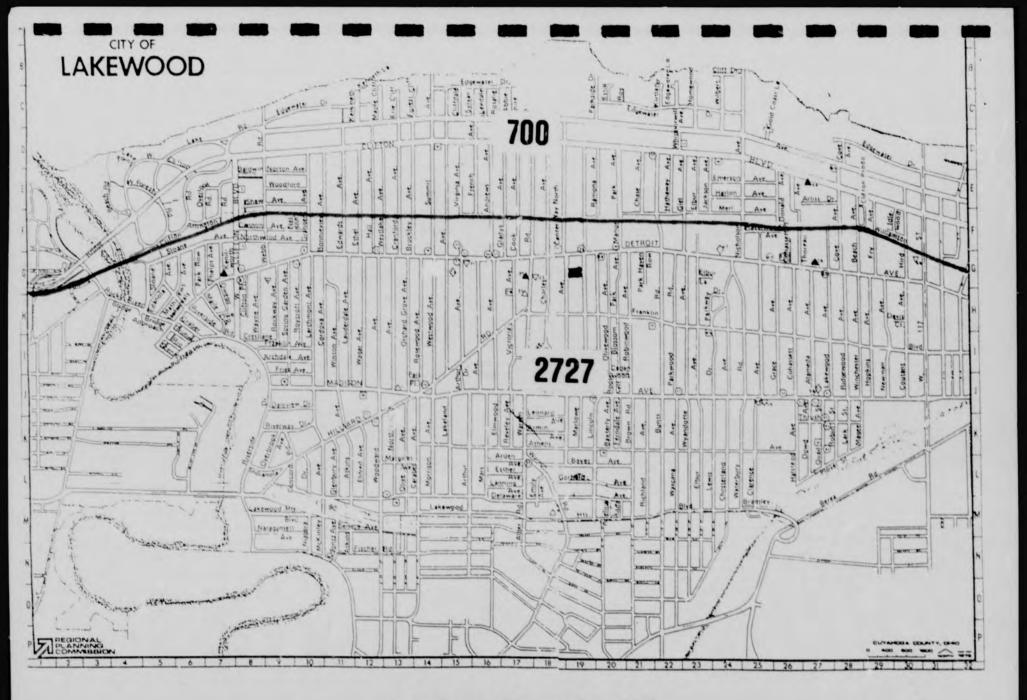
EXHIBIT "A"

(January 1, 1997 - August 31, 1997)

Total Runs to date - 2727

North of the tracks - 700 (26%)

South of the tracks - 2027 (74%)



LAKEWOOD EMS - 1997

Runs North of the tracks - 700

ALS - 222 (32%)

BLS - 255 (36%)

MISC. - 223 (32%)

Runs North of the tracks - 700

Scene Location

School - 7 (.01%)

Home - 242 (34%)

Apartment/Condo - 322 (46%)

Other - 100 (14%)

Runs North of the tracks - 700

Calls received after 10 PM - 226 (32%)

Patient Age over 65 - 289 (41%)

10-15-97 K 182592 2/4 33388 STB FD

Runs South of the tracks - 2027

ALS - 575 (28%)

BLS - 823 (41%)

MISC. - 629 (31%)

3

Runs South of the tracks - 2027

Scene Location

School - 22 (.01%)

Home - 781 (38%)

Apartment/Condo - 611 (30%)

Other - 542 (27%)

Runs South of the tracks - 2027

Calls received after 10 PM - 525 (26%)

Patient Age over 65 - 725 (36%)

VERIFIED STATEMENT

OF

BRIAN F. MORAN

My name is Brian F. Moran, and I am the Building Commissioner for the City of Lakewood, Ohio, and have been since July 1, 1990. I have been employed by the City of Lakewood since June 5, 1978, and possess the following credentials and licenses to perform the duties required by the position: State of Ohio - Class I Building Official; State of Ohio - Class III Field Inspector; State of Ohio - Electrical Safety Inspector; State of Ohio - Plumbing Inspector; Council of American Building Officials - Certified Building Official. A copy of my resume outlining my professional qualifications if attached hereto as Exhibit "A."

I was asked to chart on a map of the City of Lakewood the distances of 250 feet from the railroad tracks, and 650 feet from the railroad tracks at grade crossings. A copy of the map is attached hereto as Exhibit "B." I then determined how many "sensitive receptors," residences (dwelling units), churches, schools and hospitals were located within those distances. I have reviewed the information presented by Conrail/Norfolk-Southern/CSX in the Environmental Report (ER) indicating the number of affected sensitive receptors, post-merger, on the Cleveland-Vermilion line. The ER states that 2276 residences, 1 churches, 0 schools, and 0 hospitals are located between Cleveland, Ohio and Vermilion Ohio. It is approximately 37 miles between the cities of Cleveland and Vermilion.

The research conducted by my department disclosed that along the railroad track of approximately 3 1/2 miles, which dissects the City, there are:

1222 - single family residences

540 - two family residences

127 - multi-family structures with 1335 residences.

Therefore, there are a total of **3637** residences (dwelling units) within 250 feet of the railroad tracks on streets with no rail crossings and within 650 feet of the railroad tracks on streets with rail crossings, in the City of Lakewood alone.

- schools in the City of Lakewood within 650 feet of the railroad tracks, including 4 elementary schools, 1 middle school and one high school.
- 9 churches in the City of Lakewood within 650 feet of the railroad tracks;

In addition;

- 5 city parks in the City Of Lakewood within 250 feet of the railroad tracks;
- 2 city parks in the City Of Lakewood within 650 feet of the railroad tracks.
- As is shown on the map, Lakewood Hospital is located just outside of the 650-foot limit.
- There are 3 buildings with 499 dwelling units for senior citizens within the 650-foot limit of the railroad tracks.
- There are 2 assisted living facilities for senior citizens located within the 650 foot limit (300 feet + or -), with 144 dwelling units. These facilities are for elderly people who are frail and cannot care for themselves.
- There are 2 nursing homes within the 650-foot limit of the railroad tracks with 243 residents. Crestmont Nursing Home has 75 residents, and the Aristocrat Nursing Home has 168 residents.
- The City of Lakewood operates an Office on Aging that includes a fleet of vehicles to transport senior citizens, crossing the railroad tracks numerous times per day.
- The City of Lakewood also has numerous recreation programs by the school board with cooperation from the City requiring crossing tailroad tracks many times per day.

VERIFICATION

STATE OF OHIO)	
)	SS:
COUNTY OF CUYAHOGA)	

I, Brian F. Moran, first being duly sworn, deposes and says that I have read the forgoing statement, know the contents thereof, and the same is true and correct to the best of my knowledge.

Subscribed and sworn to before me this 13th day of October, 1997.

Notary Public

Notary Public

SARA J. FAGNILLI, Attorney

NOTARY PUBLIC - STATE OF OHIO

My Commission has no expiration data.

Section 147.03 R. C.

EXHIBIT "A"

Brian F. Moran

Residence Address

21391 Robinhood Fairview Park, Ohio 44126 (440) 734-6772

Business Address

12650 Detroit Avenue Lakewood, Ohio 44107 (216) 529-6297

Education

Graduated 1962 from St. Edward High School

Graduated 1967 from Cuyahoga Community College -- Associate Arts Degree
Business Management

Continuing education -- Seminars and schooling required for building, electrical, H.V.A.C. and plumbing State licenses yearly from 1978 to present.

Experience

July 1, 1990 to Present -- Chief Building Official for the City of Lakewood, Ohio.

Chief Building Official for the City of Lakewood, Ohio, population 60,000. Responsible for the supervision and management of the largest suburban Building Department in the State of Ohio, consisting of a staff of twenty (20) full-time and two (2) part-time employees with an annual budget of \$923,000.00 for Fiscal Year 1997. The City of Lakewood is an inner ring suburb of metropolitan Cleveland, consisting of five and a half square miles, with 12,594 one and two family structures and 988 multi-family structures with a total of 28,683 dwelling units. While the City is totally developed with an aging housing stock and commercial district, it has undergone revitalization with its new City Center Project and aggressive housing inspection and rehabilitation programs.

Job duties include, but are not limited to, overall supervision of the Building Department in relation to Building and Zoning Codes. Administration's representative to the Planning Commission, Board of Zoning Code of Appeals, Board of Building Standards/Architectural Review Board and Lakewood Reinvestment Housing Council. Issuance and inspection of all building, plumbing, electrical and H.V.A.C. permits. Licensing of all contractors, rental dwelling units, solicitors, vendors, coin operated amusement devices, bowling alley and billiard rooms and other licenses as required by the Codified Ordinances.

Resume for Brian F. Moran continued...

Experience Continued...

January 1988 to June 1990 -- Assistant Building Commissioner for the City of Lakewood.

Assistant Building Commissioner in charge of all residential properties (12,781 dwelling units). Supervision of four Building Inspectors and two Complaint Investigators regarding new construction, remodeling work, building, electrical, plumbing, heating, ventilation, air conditioning, and all building and maintenance complaints concerning absentee and owner occupied properties. Record keeping, training of new inspectors, representation of the Administration at Architectural Review Board, Board of Zoning Code of Appeals, and Planning Commission meetings. Housing Officer for the Lakewood Community Reinvestment Area Housing Council Tax Abatement Program.

June 1978 to January 1988 -- Employed by the City of Lakewood Building Department as a Building Inspector in the Commercial Division.

Building Inspector of new and existing buildings relating to building, electrical, plumbing and heating, ventilation and air conditioning. Associated record keeping; trained new inspectors; represented the Administration at various appeal board meetings; issued building, electrical, plumbing, heating and ventilation and air conditioning permits; inspected for retail Certificates of Occupancy; made annual inspections; made complaint inspections; etc. Acted as backup supervisor for Assistant Commissioners during their absence.

October 1968 to June 1978 -- Employed as a Junior Civil Engineer by the Cuyahoga County Engineer.

Junior Civil Engineer in supervisory position of four to seven men involving field construction layout. Inspected various jobs such as highway and bridge construction, sewer, water, and gas line installation, new building layout, etc.

October 1965 to June 1978 -- Part-time remodeling subcontractor with various general contractors.

1964 to 1967 -- College student.

Resume for Brian F. Moran continued...

Special Qualifications

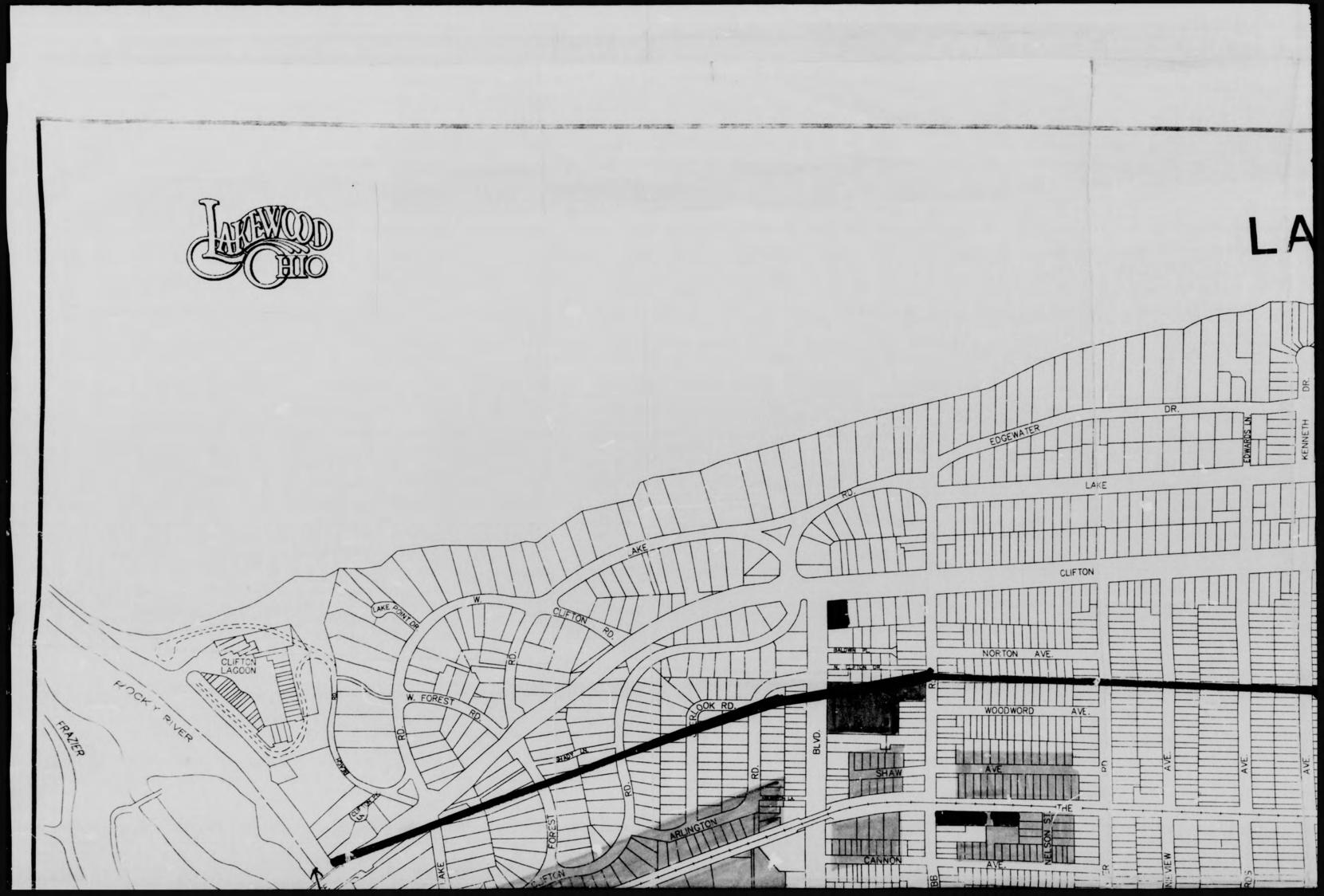
Presently hold the following State of Ohio Certificates of Competency:

Class I -- Chief Building Official
Class III -- Field Inspector
Electrical Safety Inspector #728
Certified Plumbing Inspector #370
Council of American Building Officials Certified Building Official
Certificate #900

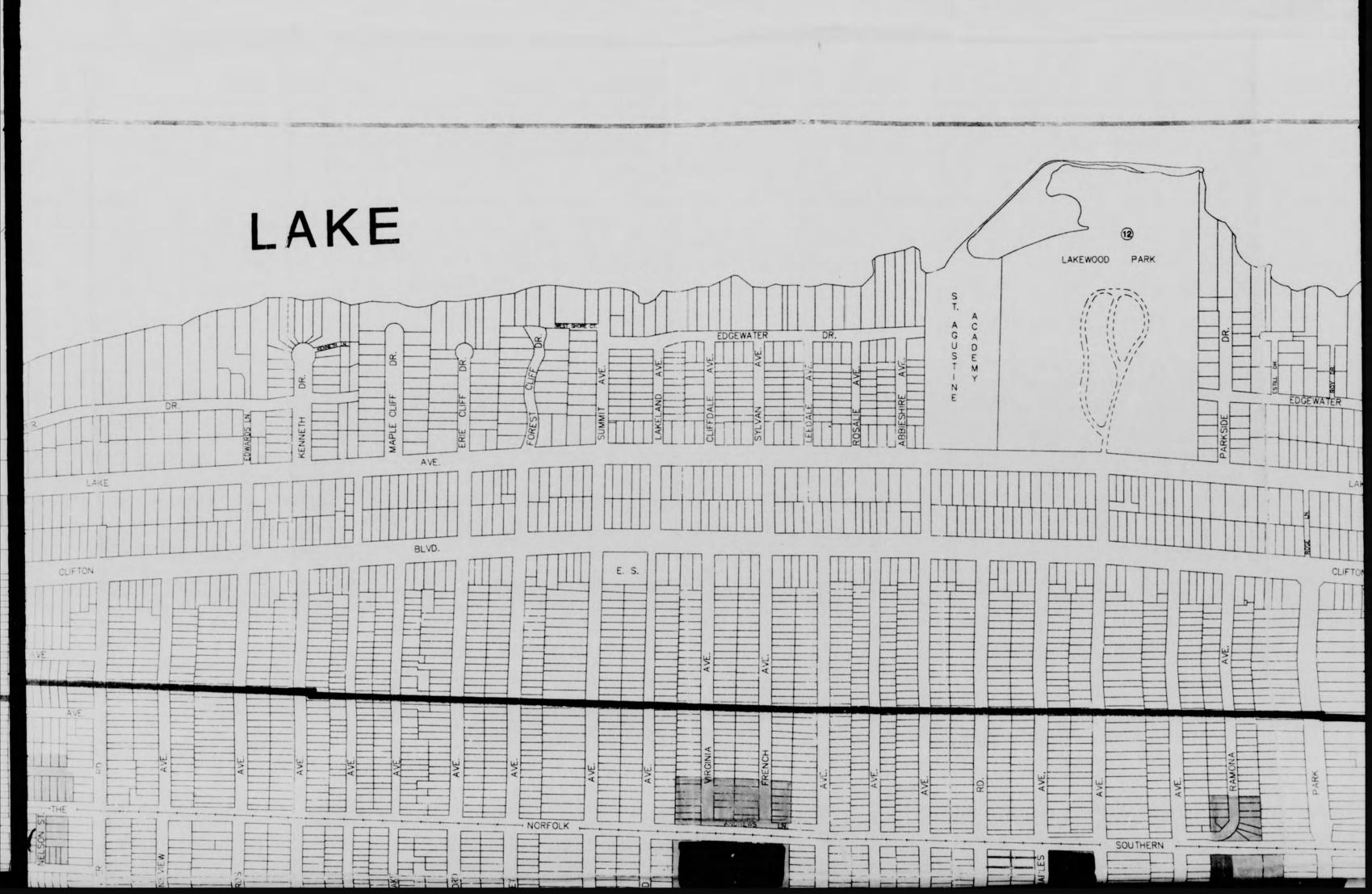
Personal History

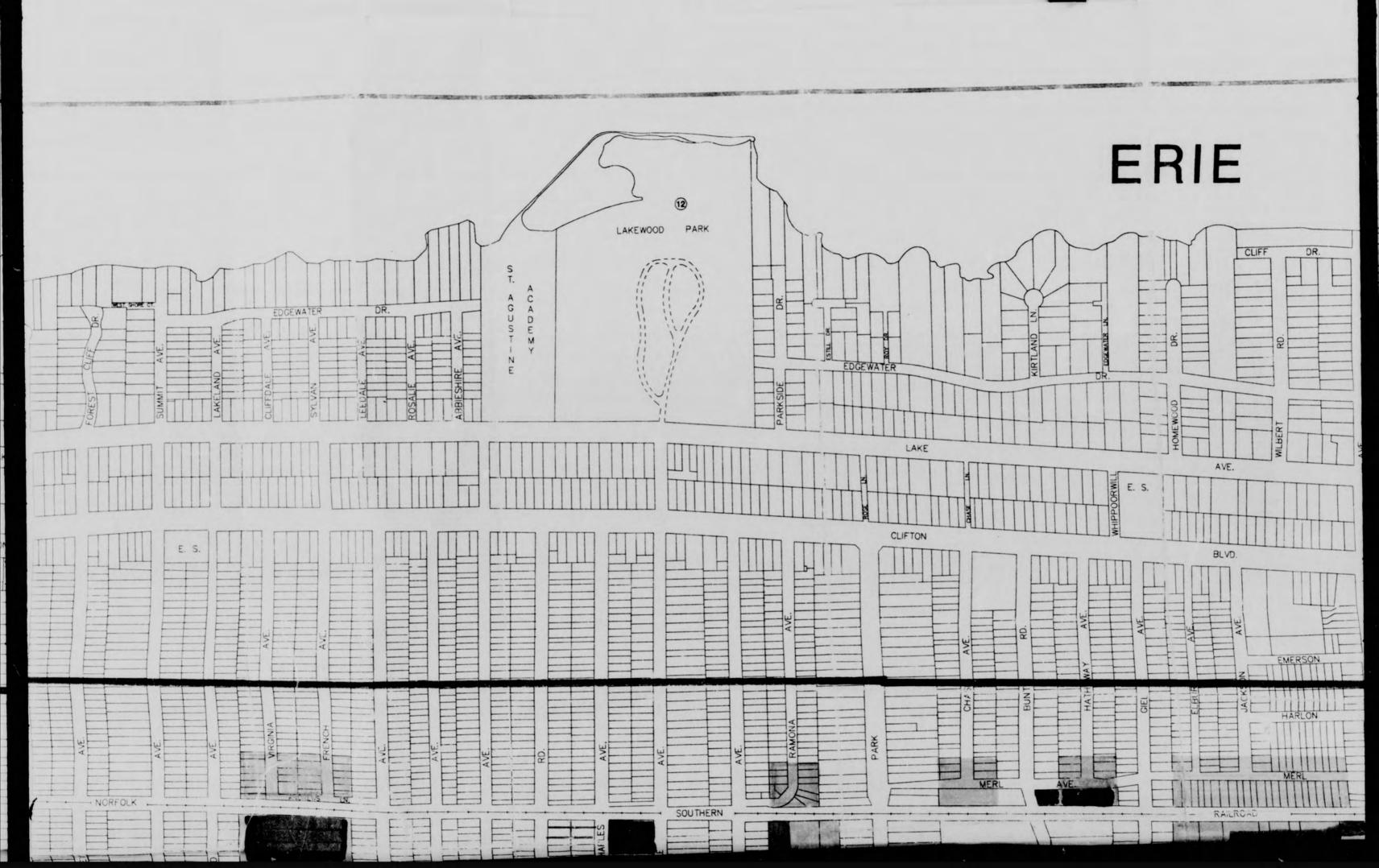
Fifty-three years of age and resident of the City of Fairview Park for the past nine years with wife of 30 years, Norma Jean Moran. Three children: Matthew, 28; Kelly, 26, and Erin, 21. Member of St. Angela's Parish, the West Park Knights of Columbus, the Building Officials Conference of Northeast Ohio, the Ohio Association of Plumbing Inspectors, the International Association of Electrical Inspectors, the Western Reserve Division of the International Association of Electrical Inspectors, the Council of American Building Officials, the Building Officials and Code Administrators, the National Fire Protection Association, and the Lakewood Reinvestment Area Housing Council.

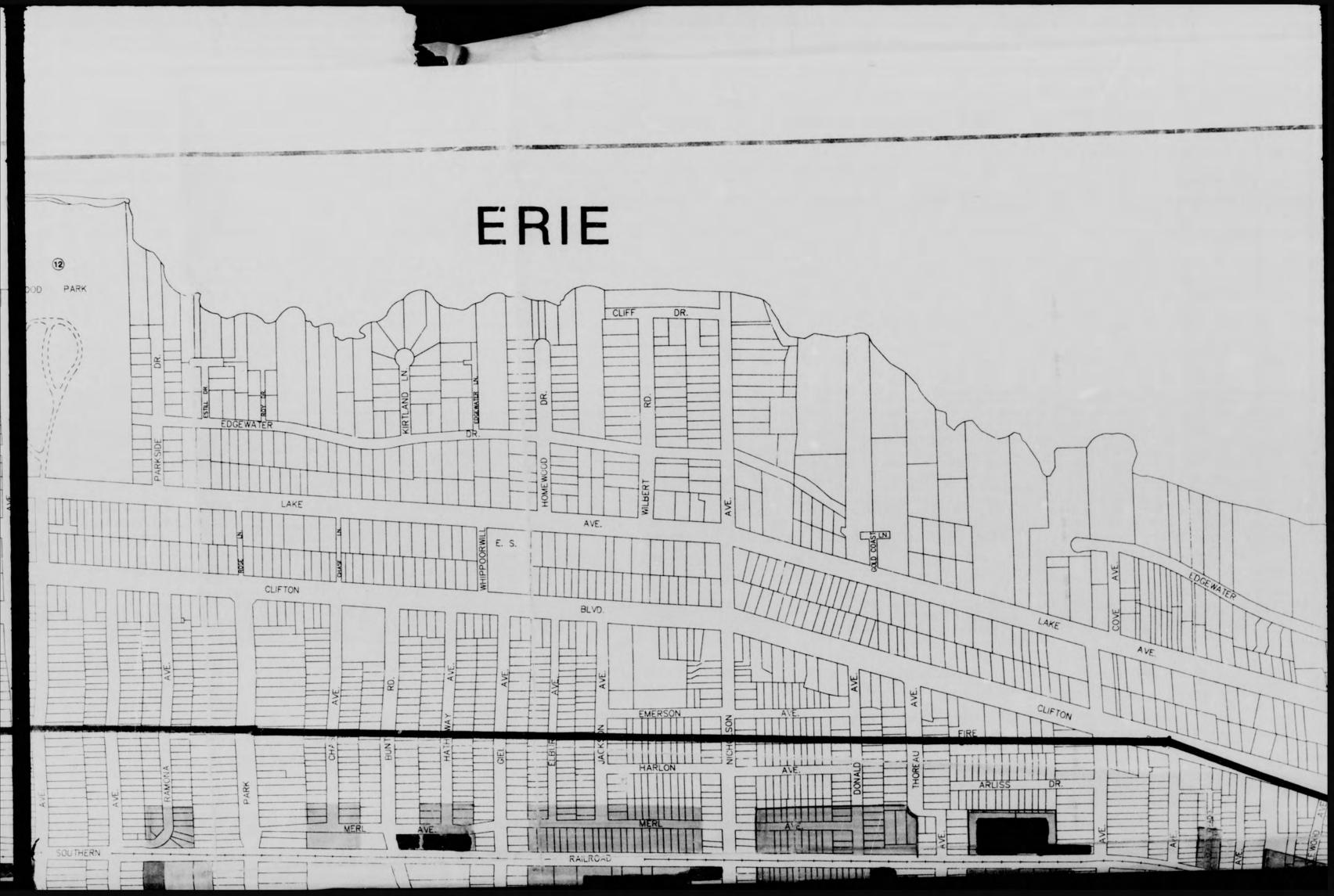
EXHIBIT "B"







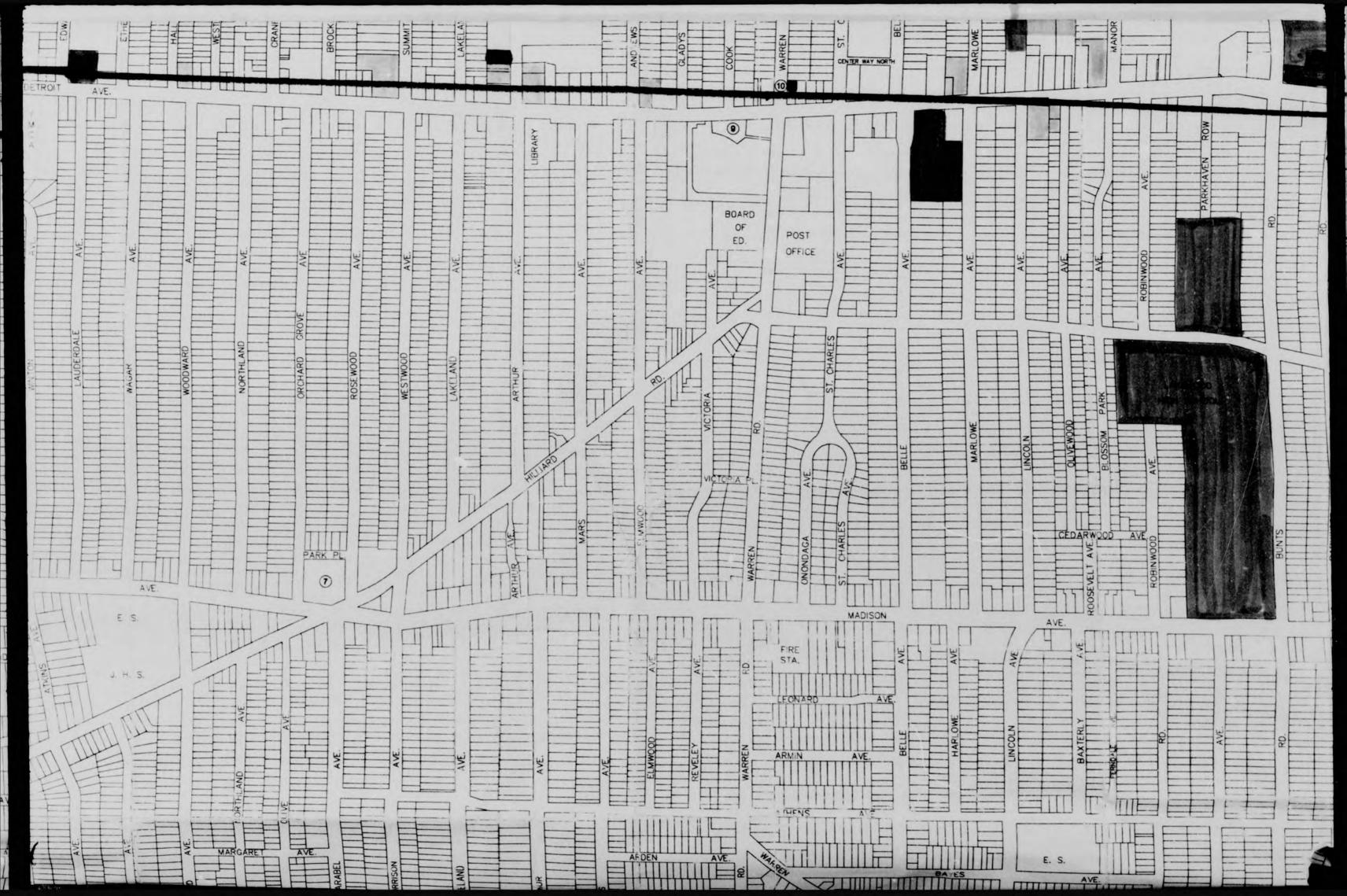


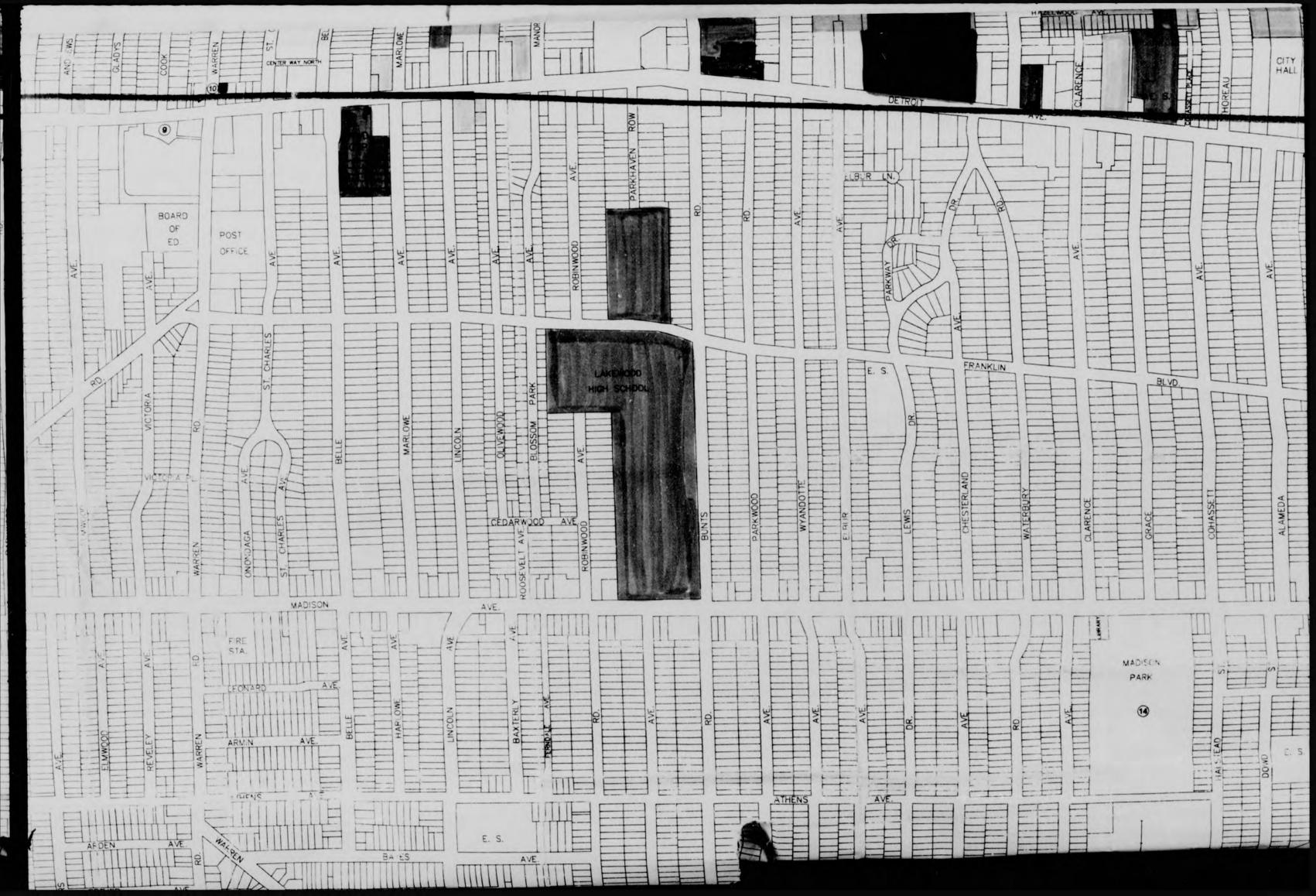


ERIE CLIFF DR. DR. HOMEWOOD WILBERT AVE. WHIPPOORWIL E. S. LAKE CLIFTON

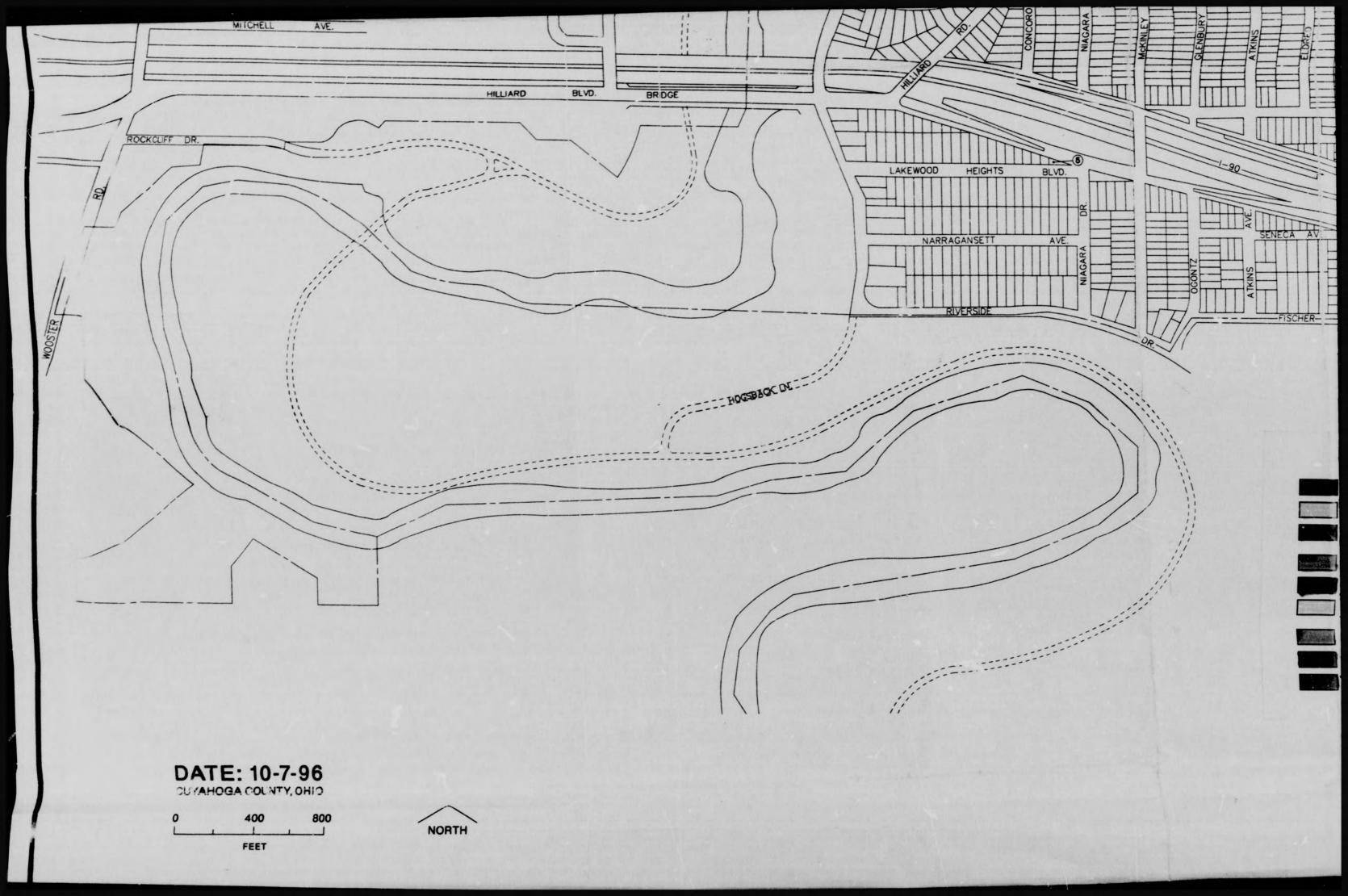


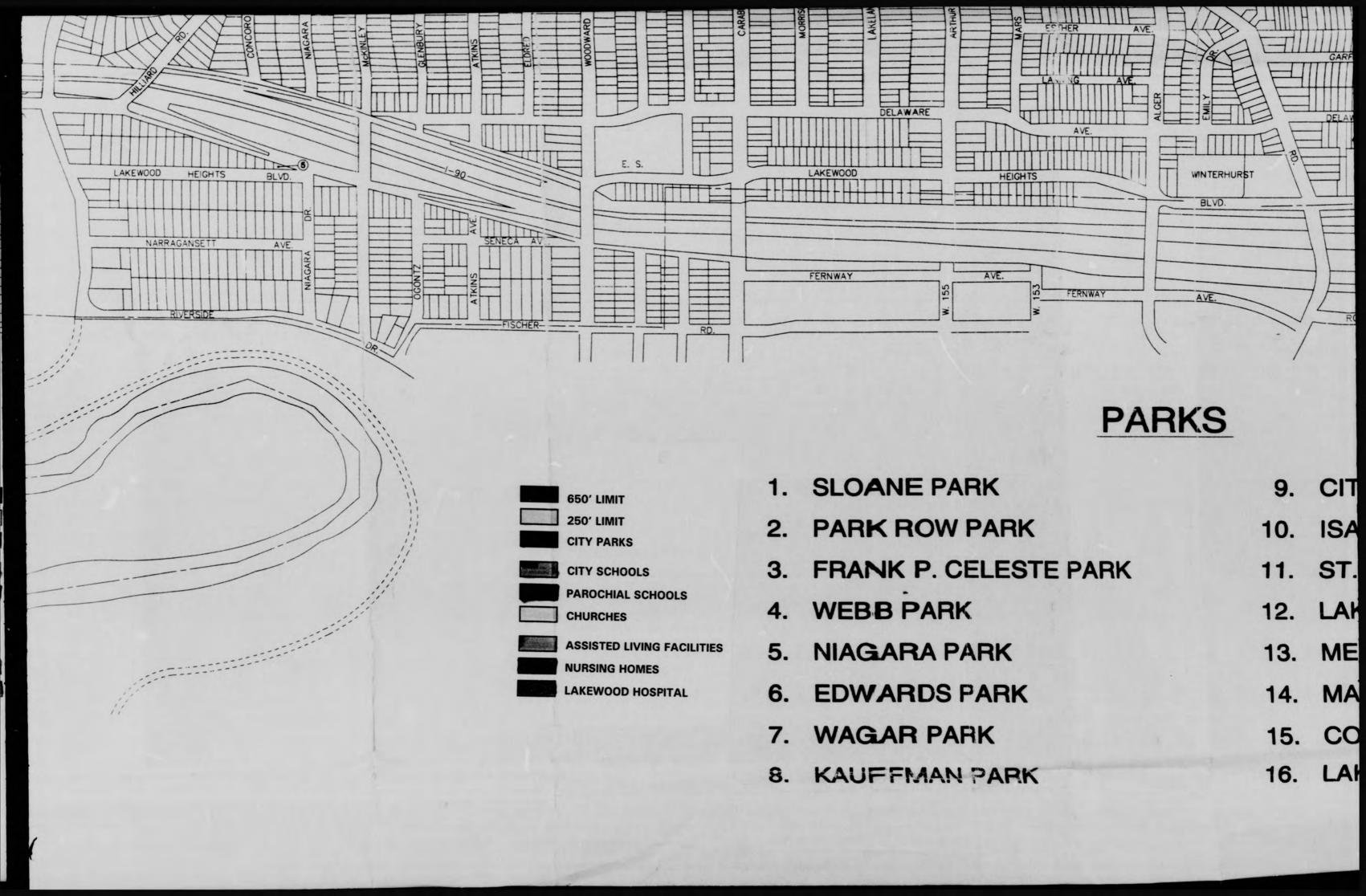


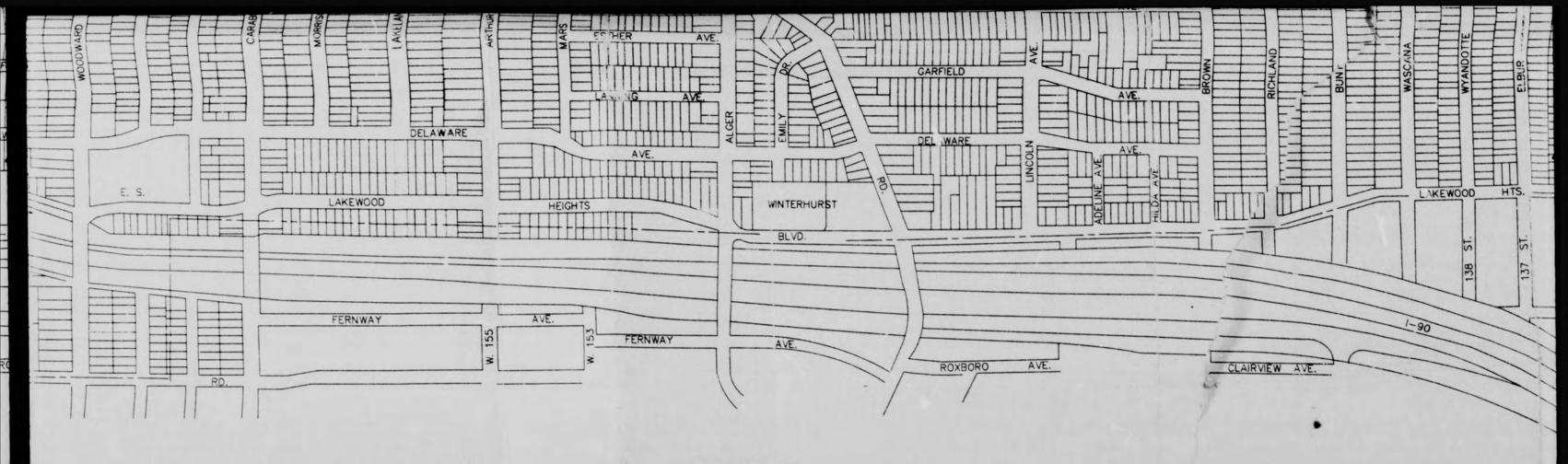










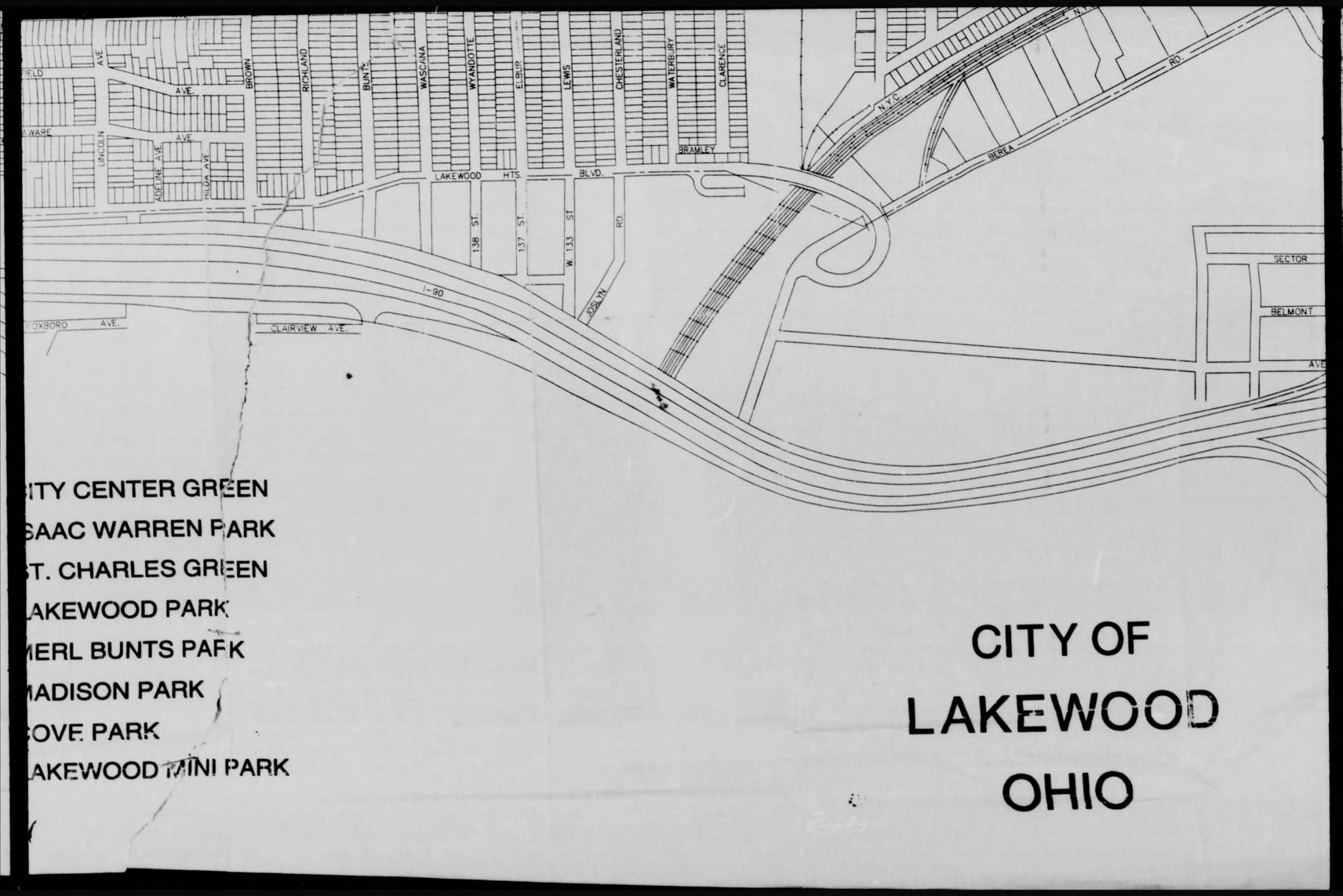


PARKS

- 650' LIMIT
- 250' LIMIT CITY PARKS
- CITY SCHOOLS
- PAROCHIAL SCHOOLS
- CHURCHES
- ASSISTED LIVING FACILITIES
- NURSING HOMES
- LAKEWOOD HOSPITAL

- 1. SLOANE PARK
- 2. PARK ROW PARK
- 3. FRANK P. CELESTE PARK
- 4. WEBB PARK
- 5. NIAGARA PARK
- 6. EDWARDS PARK
- 7. WAGAR PARK
- 8. KAUFFMAN PARK

- 9. CITY CENTER GREEN
- 10. ISAAC WARREN FARK
- 11. ST. CHARLES GREEN
- 12. LAKEWOOD PARK
- 13. MERL BUNTS PARK
- 14. MADISON PARK
- 15. COVE PARK
- 16. LAKEWOOD WINI PARK





VERIFIED STATEMENT

OF

LAWRENCE E. MROZ

I, Lawrence E. Mroz, am the duly sworn Fire Chief of the Division of Fire in the City of Lakewood, Ohio, headquartered at Fire Station #1, 14601 Madison Avenue. I have been the Chief of the Division of Fire since1985 and employed with the City of Lakewood, Division of Fire since 1973. A resume of my education, professional background, and experience in the field of emergency service is attached hereto as Exhibit "A".

The City of Lakewood is a densely populated community with a population of approximately 60,000 residents in a 5.6 square mile area. The Division of Fire provides a fire and rescue delivery system from three stations as shown in the map attached hereto as Exhibit "B." Demands on this system are enhanced by the presence of the Norfolk Southern rail tracks that bisect the City.

The Fire Department budget for 1997 is \$4,195,508, and budgeted strength is 72 uniformed personnel. The Fire Department operates from 3 Stations:

Station #1 - 14601 Madison Avenue - Division Headquarters

Station #2 - 18124 Detroit Avenue

Station #3 - 12567 Clifton Boulevard

The Fire fleet consists of:

A) Engines (Pumpers)

Engine #1 - Station #1

Engine 2 - Station #2

R-1 - Reserve Pumper - Station #1

R-2 - Reserve Pumper - Station #3

Engine #3 (Quint) - Station #3

B) Hook & Ladder Truck - Station #1

C) Auxiliary Vehicles

Special-use Trucks (1-ton) - 3

Staff - 4

Calls for service in 1996 totaled 2,032, and are categorized as follows:

A) Fires (all types)	221
B) Rescue Calls	72
C) Hazardous Conditions	
(gas leaks, downed power lines, spills)	743
D) Service Calls	
(investigations, public assistance)	645
E) False Alarms	342

Average emergency response time for Fire apparatus:

1995 - 3.92 (minutes) 1996 - 3.66 (minutes) 1997 - 3.68 (minutes)

The Fire Department responded to 325 calls in 1995, and 368 calls in 1996, requiring multiples of apparatus to cross the tracks. Protocol is to dispatch 2 Pumpers and one Hook & Ladder to a structure fire and 1 Pumper to a vehicle fire. The Fire Department is detailed to respond to any vehicular or pedestrian accident that occurs at a railroad crossing in the City of Lakewood. An increase in rail traffic would increase the likelihood of delaying first-arriving Fire units in District 3, as well as delaying second-arriving Companies at all structure fires north of the tracks.

Currently, responding fire apparatus cross these tracks over 300 times annually en route to emergency incidents. The average response time for a first due Fire Company is consistently under 4 minutes. A tripling of the current rail traffic could adversely impact the response time on the first due companies, with a high probability of delaying the second Pumper and rescue ladder truck. Over the pact three years, there have been hundreds of runs requiring trucks to cross the tracks. A summary of the run totals for the last three years is attached hereto as Exhibit "C."

Any such delays in responding apparatus will directly increase the risk to life, as well as, the loss to property through extended fireground operations. Should a responding apparatus be met at the tracks by a stopped or slow moving train, the response time of that unit would multiply substantially since the apparatus could not turn around and would be required to back up to a main street.

Additionally, the potential for a disastrous hazardous materials incident is incrementally increased as additional trains, carrying more hazardous material cargo, pass the 27 grade crossings throughout the City. We analyzed the potential impact of a hazardous material spill at the railroad by examining the response required to a spill of hydrocyanic acid. A copy of the analysis is attached hereto as Exhibit "D." As is shown the recommended protective zone for such an incident would encompass a large portion, essentially the eastern half of the City.

In consideration of the safety and welfare of the citizens of this community, I would urge that alternatives to increasing the rail traffic be researched and implemented. Additional train traffic through the City of Lakewood will substantially increase the potential for tragic occurrences.

VERIFICATION

STATE OF OHIO)	
)	SS
COUNTY OF CUYAHOGA)	

I, Lawrence E. Mroz, first being duly sworn, deposes and says that I have read the forgoing statement, know the contents thereof, and the same is true and correct to the best of my knowledge.

Subscribed and sworn to before me this $13^{1/2}$ day of October, 1997.

Notary Public

SARA J. FAGNILLI, Attorney NOTARY PUBLIC - STATE OF OHIO My Commission Expires My commission has no expiration date. EXHIBIT "A"

CHIEF LAWRENCE E. MROZ

LAKEWOOD FIRE DEPARTMENT 14601 MADISON AVENUE LAKEWOOD, OHIO 44107

Business: (216) 529-6656 Home: (440) 734-0724

SUMMARY:

Qualified professional with over twenty-four years experience in positions of critical importance in Fire Service delivery and Emergency Management with the City of Lakewood Fire Department.

The City of Lakewood has a population of 60,000, encompassing 5.6 square miles. The Fire Department's current annual budget is \$4,195,000, staffing 72 full time uniformed Fire personnel. The last seventeen years with the Department were spent in a supervisory capacity as an administrative officer and a command officer. Over the past twelve years, served as Chief of the Department responsible for overall administrative and operational activities of the Department. Served the last seven years as Emergency Coordinator for the City responsible for disaster planning and mitigation and as liaison with regional, county and state emergency response planning agencies. In 1997, named Vice-Chairman of the Cuyahoga County Emergency Management Board representing the 70 communities in the North-Eastern Ohio Fire Chiefs' Association. In 1991, appointed by the Governor for a five-year term as a Fire Commissioner for the State of Ohio representing the paid Fire Service.

1973 - present: CITY OF LAKEWOOD FIRE DEPARTMENT LAKEWOOD, OHIO

Supervisor: Mayor Madeline Cain 12650 Detroit Avenue Lakewood, Ohio 44107 (216) 521-7580 Ext. 201

CHIEF LAWRENCE E. MROZ

<u>CAPTAIN & ACTING ASSISTANT CHIEF</u> - Supervisory and Command Officer (1980 - 1985)

- As Captain and Acting Assistant Chief was Company Officer and Incident Commander for line operations.
- Researched and prepared feasibility report for computerizing Departmental records. Implemented results of the study.

FIRE CHIEF - Administration and Command Officer (1985 - Present)

- Incident Commander at large operations and multiple department or agency unified command incidents.
- As Emergency Coordinator, developed City Disaster Plan to coincide with the county integrated emergency plan.
- Participation in labor contract negotiations, Civil Service committee personnel hearings, overall budget preparation and implementation, bid specifications, and Department operations.

STATE FIRE COMMISSIONER: Representing the paid Fire Service on the Ohio Fire Commission (1991 - 1996) - member of a representative board of industry, insurance, building and fire service which acts in an advisory capacity to the State Fire Marshal on issues relative to the fire service.

EDUCATION: Cleveland State University - 1969 - 1971
Engineering
Kent State University - 1971 - 1972
Psychology

CERTIFICATE PROGRAMS:

Executive Fire Officer Program - National Fire Academy 1988 Certification

National Fire Service Staff And Command Course - University of Maryland - 1989 Certification

CHIEF LAWRENCE E. MROZ

MEMBERSHIPS: (Since 1985)

International Association of Fire Chiefs

Ohio Association of Fire Chiefs

North-Eastern Association of Fire Chiefs

Building Officials and Code Administrators International

National Fire Protection Association (& Fire Service Section)

National Society of Executive Fire Officers

COMMITTEES:

North-Eastern Ohio Fire Chiefs' Training & Education Committee - Chairman (since 1986) - Responsible for the Fire Academy at Cuyahoga Community College (West) which offers basic, advanced, Fire Officer, and technical fire related courses to 70 member Fire departments.

West Shore Hazardous Materials/Technical Rescue Committee-Past Chairman and current Secretary for the regional response hazmat/rescue team involving 6 cities. Established in 1989.

County Emergency Management Board - Vice-Chairman - 1997 comprised of representatives from Fire, Law Enforcement. Medical and government administration - advisory board responsible for planning, reviewing, and revising emergency contingency operations under federal and state authorization.

REFERENCES: Available upon request.

EXHIBIT "B"

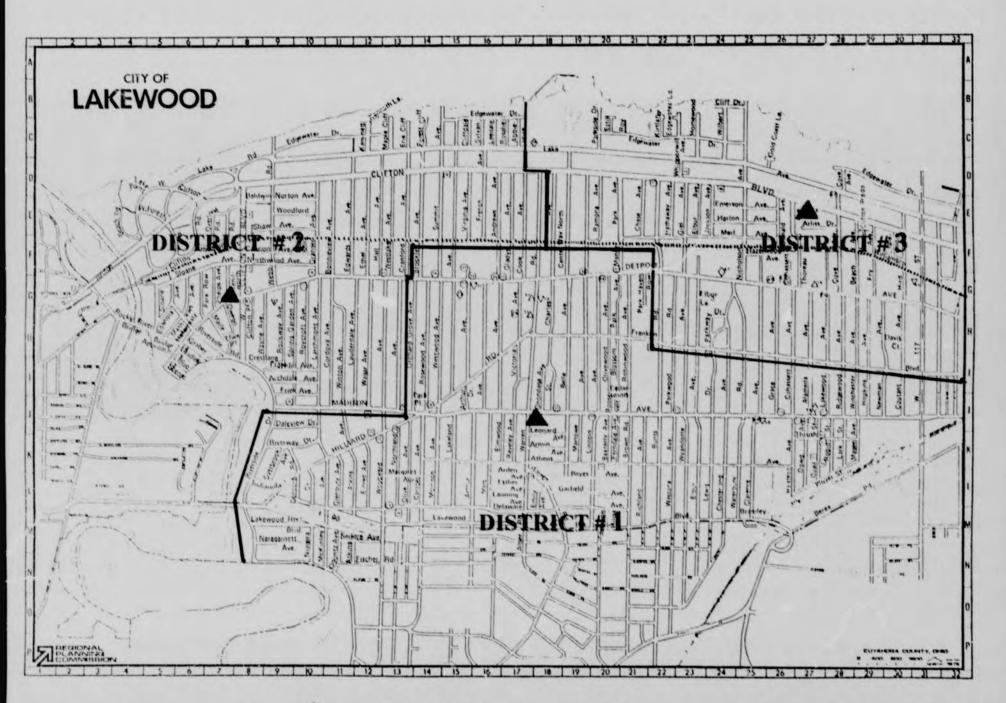


EXHIBIT "C"

33388 10-15-97 K 182592 3/4

FIRE DEPARTMENT INCIDENT RESPONSE ANALYSIS

The following is an analysis of Fire Department responses over the past 3 years that have or could have been impacted by train traffic:

YEAR	TOTAL RUNS	RUNS NORTH OF R.R	MULT.CO RUNS NORTH OF R.R.	ENG. #3 RUNS SOUTH OF R.R.
1995	1,875	481	125	200
1996	2,035	435	121	247
1997 (ytd)	1,187	310	88	131
TOTALS	5,097	1,276	334	578

EXHIBIT "D"

LAKEWOOD FIRE DEPARTMENT DEPARTMENTAL CORRESPONDENCE

Date: 09/09/97

Subject: SCENARIO: Hydrocyanic Acid, Large Spill, No Fire

To: Chief Mroz Dep't: Fire

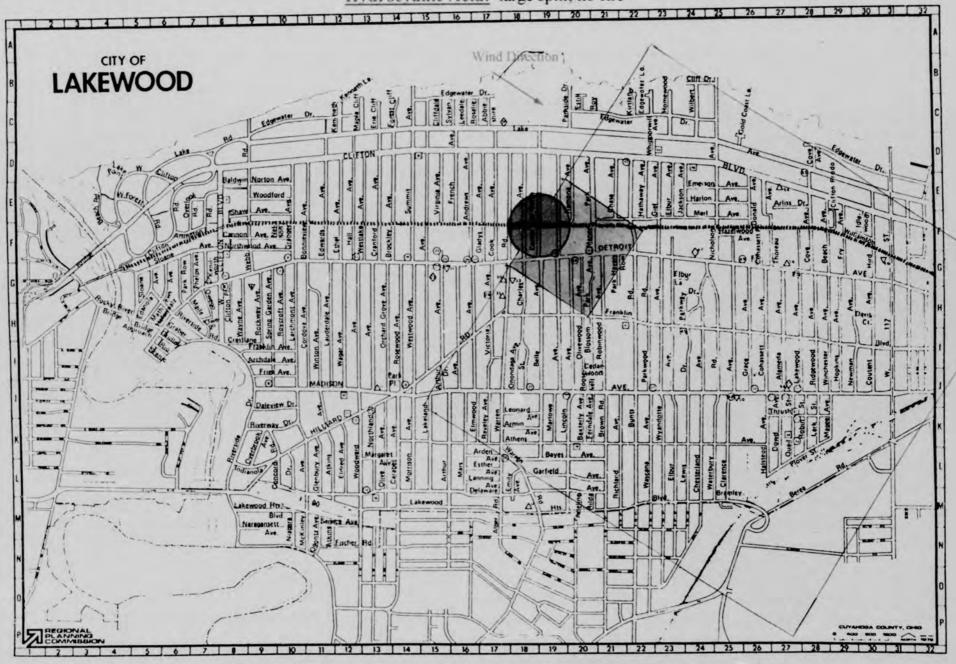
From: Capt. D. Dargay Dep't: Fire

Isolation and Protective Action Zones are found in the 1996 North American Emergency Response Guidebook. N.A.E.R.G. uses the U.S. D.O.T.'s Hazardous Materials Incident Reporting System to calculate these distances to cover 90% of probable incidents.

For a large spill involving hydrocyanic acid, an isolation zone of 600' in all directions is necessary. Only emergency response personnel in proper chemical protective clothing should enter this area.

The protective action zone will cover an area downwind and crosswind from the spill. For HCN, this distance is between 0.4 mi and 1.7 mi, which is dependent upon the temperature, weather, and time of day. Protective actions will include either evacuation or protection-in-place.

The areas indicated on the map would be in response to a leaking tank car from a train derailment at Belle Ave. and the railroad crossing on a warm, sunny afternoon with a light wind from the WNW.



- 600 feet ISOLATION ZONE
- 0.4 miles Minimum Protective Action Zone
- 7 1.7 miles Recommended Protective Zone

VERIFIED STATEMENT OF JAMES R. LINDEN

My name is James R. Linden, Director of Public Safety-Service, City of Rocky River, Rocky River, Ohio. My mailing address is 21012 Hilliard Blvd., Rocky River, Ohio 44116. A resume of my education, professional background, and work history is set forth in Exhibit JRL-1.

As Director of Public Safety-Service, it is my responsibility to assign and schedule all members of the Police and Fire Divisions of the City of Rocky River, Ohio. Currently, the Fire Division employs twenty-nine (29) full-time Firefighter/Paramedics and Firefighter EMT-A's. The Division budget for 1997 operations was \$2,059,000. Currently, all members of the Fire Division are located in the City's one fire station, which is attached to City Hall, located at 21012 Hilliard Blvd., a location South of the railroad track, as shown on the map attached as Exhibit JRL-2.

Should the train increase proposed by Norfolk Southern be approved and implemented by the Surface Transportation Board, a fire station North of the track would need to be constructed, manned, and equipped to service that entire area of the City. To accomplish this, the City of Rocky River would incur an annual operation cost in personnel only in an amount over \$800,000 and an initial equipment cost just for an ambulance squad and related equipment totalling an amount of at least \$98,649.85, which amount equals the last fully equipped squad purchased in 1995 by me for the City's emergency medical services. The construction costs for the new fire station

would be as estimated by the City Engineer/Director of Community Development. My estimate of the percentage of increase in needed personnel to operate the new fire station represents a 40% increase in total members of the Fire Division.

The map attached as Exhibit JRL-2 shows the following crossings in Rocky
River: 1) Elmwood Road crossing, 2) Wagar crossing, 3) Morewood Park crossing, 4)
Smith Court underpass, 5) Linda Street crossing, and 6) Lake Road-Rte. 6 underpass.
The City has no underpass or overpass in its middle or Western section.

In addition, the crossing with traffic exceeding 5,000 vehicles per day, that is, Wagar Road, also has a 36 inch sanitary sewer underneath the road which would be physically impossible to relocate.

JAMES R. LINDEN DIRECTOR OF PUBLIC SAFETY-SERVICE

City of Rocky River 21012 Hilliard Blvd. Rocky River, OH 44116

Present Position:

Director of Public Safety-Service

City of Rocky River, Ohio January 1994 - Present

City of Rocky River Employment History: Service Commissioner City of Rocky River, Ohio

April 1, 1986 - January 1, 1994

Lead Man for the Parks Division City of Rocky River, Ohio

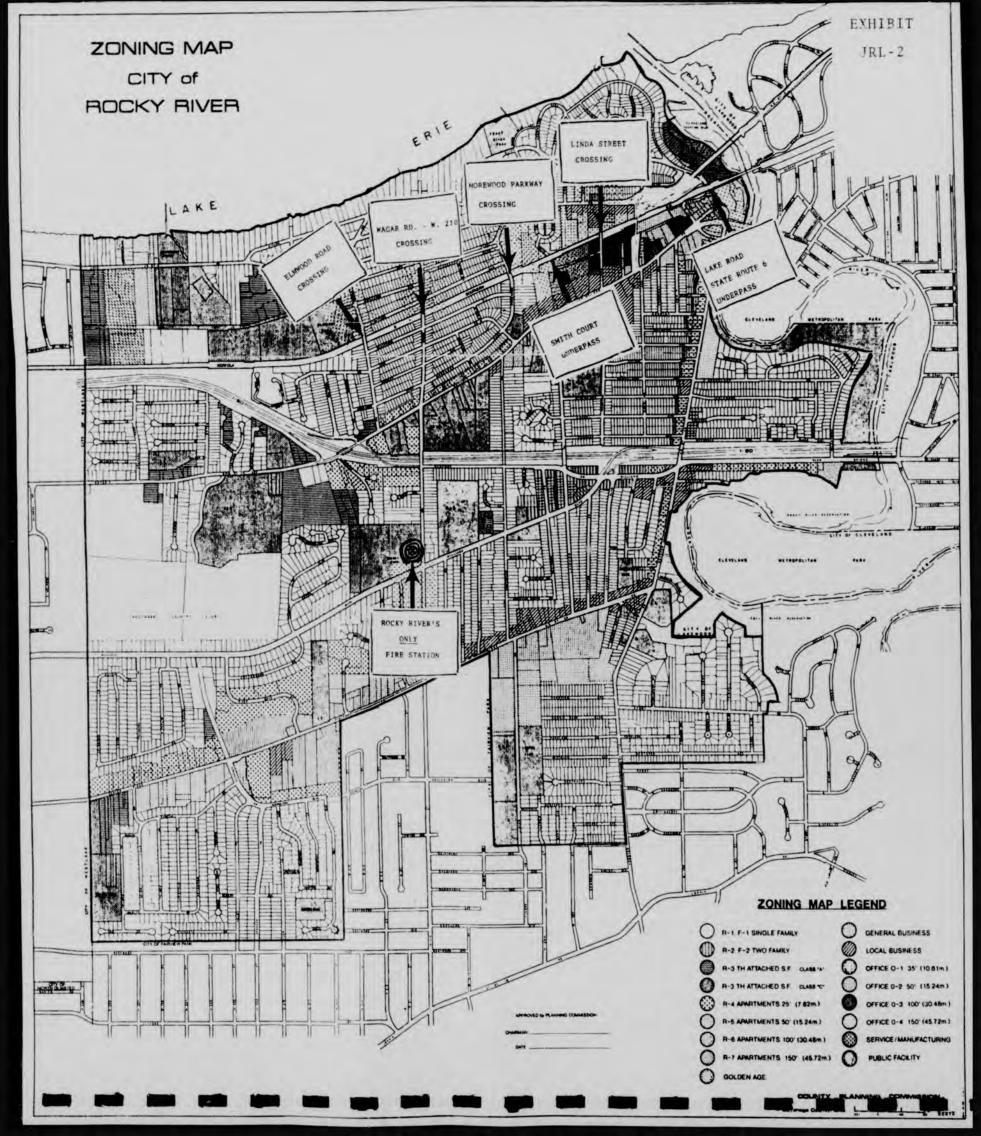
July 1, 1981 - April 1, 1986

Employed in all divisions of the Service Department

1961 - 1968

Education:

Graduate - Rocky River High School 1961



VERIFICATION

STATE OF OHIO

SS.

COUNTY OF CUYAHOGA

I, James R. Linden, being duly sworn, depose and say that I have read the foregoing, know the contents thereof, and the same is true and correct.

James R. Linden

Subscribed and sworn to before me this day of October, 1997.

Notary Public

My Appt. Expires 9-30-02

VERIFIED STATEMENT OF CHRISTOPHER M. FLYNN

My name is Christopher M. Flynn, Fire Chief, City of Rocky River, Rocky River, Ohio. My mailing address is 21012 Hilliard Blvd., Rocky River, Ohio 44116. A resume of my education, professional background, and work history is set forth in Exhibit CMF-1.

Rocky River Fire Division provides Fire Suppression as well as Emergency

Medical Services for the City of Rocky River. The Division employs twenty-nine (29)

full-time Firefighter/Paramedics and Firefighter EMT-A's. The Division provides EMS

service for the City, maintaining and responding with two (2) Advanced Cardiac Life

Support ambulances. The division also provides fire suppression service maintaining

and responding with one (1) fire pumper and one (1) combination aerial ladder/platform

pumper. Finally, the Division has emergency aquatic diving members.

The Division responds to over 1,850 EMS calls per year. As we provide 911 Emergency Service, all of these calls warrant red lights and siren response. We also respond to over 570 calls for other than EMS, including fire suppression, vehicle extrication, investigations of unusual odors (as of smoke, gas, gasoline, etc.). Also included are lock-out assistance and carbon monoxide investigations. Obviously, not all of these warrant lights and sirens response.

Since my statement focuses on the effect or potential effect of increased train traffic on emergency response in the Fire/EMS environment, fire records referred to in this narrative and in the attached tables are limited to emergency responses only.

The Fire Division is located at 21012 Hilliard Blvd., which is the northwest corner of Wagar Road and Hilliard Blvd. Fire Division quarters are located approximately in the geographic center of the City. The Norfolk Southern railroad track passes

East-West through the City, some one-half mile north of the firehouse. Some 1,500 of the dwelling units in Rocky River and Lake Erie are located on the north side of the track.

The usual route for response to the northern portion of the City requires crossing the Norfolk Southern track at the grade crossing at Wagar Road or one of the three (3) other grade crossings. In the event that a train or trains block the four (4) grade crossings between those 1,500 dwelling units or Lake Erie and the firehouse, they are accessible only by using one of the two (2) underpasses at the East end of the City or by going out of the City to the West, utilizing the Clague Road overpass and re-entering the City on Lake Road. Either diversion increases travel distance and, hence, response time.

From January 1, 1993 through September 11, 1997, the Fire Division responded to 6,882 calls for medical assistance. The average age of our EMS patients is 63.5 years. Of those EMS runs, 1,069 or 15.53% were to locations North of the Norfolk Southern track. Because of the geriatric nature of the population of Rocky River, most EMS calls are for age-related problems: cardiac trouble, difficulty breathing, falls, and injuries. (See Exhibit CMF-2 for Rocky River Fire Division annual statistics). The seriousness of these calls and frailty of the callers make rapid response a high priority. Our average EMS response time to locations North of the Norfolk Southern track is 5.32 minutes. Utilizing the underpass or overpass will increase response time by 2.30

minutes to 3.51 minutes. Of those 1,069 EMS runs, 78 calls were to the Normandy complex. Normandy Manor is a nursing home located at 22709 Lake Road. The Normandy Apartments, Building A and B, located at 22701 Lake Road, is a naturally occurring retirement center. Average response time to these three (3) facilities, located on the same parcel of land in the Northwest corner of the City, is 5.61 minutes.

Alternate (underpass/overpass) routing will increase response time by 1.27 to 2.60 minutes yielding projected response time of 6.88 to 8.21 minutes. (See Exhibits

CMF-3 - CMF-5 for response time information).

Response times were calculated by mathematical averaging of the elapsed time from the phone call summoning help to arrival on scene, as recorded on run reports and in the Fire Division daily log. Projected increases were derived from Rocky River Police Division reports of actual drive time from the Fire Division drive to locations indicated on the accompanying chart, including the Normandy complex, using various alternate routes. Projected response times were calculated by adding the time increase (caused by traveling the circuitous route versus the normal route) to the current actual average response time.

Once the Paramedic Squad crew has stabilized the patient, transport to one of the local hospitals begins. Lakewood Hospital and Fairview General Hospital are to the East of Rocky River and Columbia/St. John Westshore Hospital is to the West. All three (3), in fact all greater Cleveland hospitals, are located south of the Norfolk Southern track. The underpasses at the East end of Rocky River or the overpass at Clague Road to the West can be used to transport to these hospitals, but they are not always the most direct route. Indeed, having the crossing gates at one of the grade

crossings come down while the ambulance is heading South will necessitate stopping to wait or back-tracking and taking a route around to the appropriate underpass or overpass. Meanwhile, the golden hour (recommended time limit from accident/injury/illness to hospital treatment) is ticking away.

From January 1, 1993 through September 14, 1997, the Fire Division had one hundred ten (110) fire-related calls to locations North of the Norfolk Southern track.

Average response time on those runs is 4.71 minutes. If the same response time increases as above are applied to fire-related runs, response time may grow from 7.01 to 8.22 minutes.

Many of the fire-related responses are not for outlight house fires or apartment fires. Often, the calls are for such minor damages as clothes dryer fires, burned food on a stove, fluorescent light ballast or other electrical problems. The reason these calls do not deteriorate into total loss structure fires is, at least in part, because timely response allows for intervention. Adding 2.30 to 3.51 minutes to fire call response time may allow otherwise small, incipient fires to get a running start, causing more damage.

The well publicized time limit from cardiac arrest to brain damage is four (4) minutes. So, too, the time from wastebasket fire to flashover and room engulfment in fire is 3 to 4 minutes. A drowning victim in Lake Erie North of the track needs resuscitation immediately. The parent of a choking child will not care about interstate commerce. He/she will only care that a train stopped on the track, is causing a 2.30 to 4 minute delay in getting help. Lake Erie and its overlooking cliff is a parent's concern and not train traffic. The cliff rescue victim will just have to hold on a bit longer while we "go around" the train.

The trains in general and Norfolk Southern in particular have been good neighbors in the hazardous materials transport arena. No Hazmat accidents have occurred in recent memory. However, tripling the number of trains and increasing the length of the trains certainly will increase wear and tear on trackage. Every freight car pounding those rails, ties, ballast brings heightened need for careful maintenance. We cannot simply trust that no Hazmat catastrophe in the past guarantees no calamity in the future. West Shore Hazardous Materials Response Team stands ready to the task...if the train is not blocking its response.

In recent memory, no vehicle-train accidents have occurred in Rocky River. Nor without going back some twenty years, have there been any pedestrian-train accidents. There are perhaps one or two EMS runs delayed each year by a passing train. In none of these cases was outcome affected by the delay. Only one (1) fire response was affected and that only minimally. The engine responding was blocked by a passing train, but the ladder truck crew utilized the Smith Court underpass and began initial attack timely. We lucked out. How long will the City's luck hold out if the number and length of trains is tripled? (See attached Exhibit CMF-6).

One possible solution to this pending problem is the construction, outfitting, and manning of an additional Fire/Ems Station on the North side of the track. This costly solution will be discussed elsewhere in the City's documentation. Advance warning from the Railroad to the Fire Division will not solve the problem, but might help save a few seconds by saving the responding crew from finding a surprise blockage. The real solution is to leave well enough alone or to lessen the train traffic through Rocky River,

then none of us will have to try to explain why it was that it took so much longer than usual to provide help.

EDUCATION AND WORK EXPERIENCE OF CHRISTOPHER M. FLYNN, CHIEF, FIRE DIVISION, CITY OF ROCKY RIVER

I was appointed to the Rocky River, Ohio Fire Division March 26, 1986, promoted to Lieutenant May 6, 1996, and promoted to Chief, July 8, 1997. I completed full-time Firefighter Training in July, 1986, Emergency Medical Technician-Ambulance in September, 1986, and completed Paramedic Training in August, 1987.

I have served on the Dive Rescue Team since 1987 and on the West Shore (neighboring suburbs) Hazardous Materials Response Team since it's inception in 1988. HazMat Team Training includes Confined Space, Rope/Vertical Rescue and Tunnel/Mine Rescue.

Previous to my appointment to the Fire Division, I sold Life, Health, Property, and Casualty and Fire Insurance, as well as Mutual Funds for Prudential Insurance, from July, 1981 to March, 1986, with a four month break in 1983, while I did the same for Northwestern Mutual.

I was a Claims Representative for the Social Security Administration from October, 1975 through June, 1981.

I taught secondary school English from September, 1972 through June, 1975.

I was graduated from Cleveland State University with a B.A. in English and Secondary School Teaching Certificate after having been graduated from Lakewood High School in June, 1967.

ROCKY RIVER FIRE DIVISION ANNUAL REPORTS

	<u>1993</u>	1994	1995	1996
AVERAGE AGE	63	62	64	65
TOTAL EMS RUNS	1651	1759	1855	1868
TOTAL FIRE/MVA	408	408	452	574
FALL/INJURY	394	391	451	183
CARDIAC	163	199	183	174
RESPIRATORY	156	190	202	208

FIRE AND MVA AVERAGE RESPONSE TIME--LOCATIONS NORTH OF NORFOLK SOUTHERN TRACK 1/1/93 THROUGH 9/14/97 110 RUN RECORDS

YEAR	MIN.		RUNS	AVERAGE RESPONSE TIME
1997	110	1	24	4.58
1996	110	1	22	5.00
1995	121	1	25	4.84
1994	102	1	22	4.63
1993	76	1	17	4.47

519 TOTAL MINUTES DIVIDED BY 110 RUNS = 4.71 AVERAGE RESPONSE TIME

FIRE RESPONSE TIME TO NORMANDY MANOR NURSING HOME AT 22709 LAKE ROAD AND NORMANDY APARTMENTS AT 22701 LAKE ROAD

RUN DATE	TIMEMINUTES
1/8/97	5
2/10/97	5
6/7/95	2
7/14/95	4
7/21/95	4
2/5/93	5

25 MINUTES DIVIDED BY 6 DATES = 4.16 AVERAGE RESPONSE TIME

ROCKY RIVER, OHIO ANALYSIS OF ALTERNATIVE ROUTES FOR EMS AND FIRE RESPONSE

Most remote location North of Norfolk Southern track within the City Limits: Normandy Complex at 22701 and 22709 Lake Road

Current Direct Route: RRFD North on Wagar Road, West on Lake to Normandy

Fire Dept, Run Records: 6 Fire Responses 4.16 minutes average

Fire Dept,t Run Records: 78 EMS Responses 5.61 minutes average

Police Dept. Automobile Driveway to Driveway 3 Min 8 Sec = 3,13 min.

Alternate Route to Smith Court Underpass 5 min. 44 sec. = 5.73 min.

Alternate Route to Clague Road Overpass 4 min. 30 sec = 4.50 min.

Police Department drive time to one of the closest locations to the Fire Division driveway still North of the track: Elmwood and Stratford Roads.

Standard Route: RRFD North on Wagar Road, West on Stratford to Elmwood

2 min 5 sec = 2.08 min.

Alternative Route to Smith Court Underpass 4 min. 23 sec = 4.38 min.

Alternative Route to Claque Road Overpass 5 min. 59 sec = 5.98 min.

EMS AVERAGE RESPONSE TIME LOCATIONS NORTH OF NORFOLK SOUTHERN TRACK FROM JANUARY 1, 1993 THROUGH SEPTEMBER 29, 1997 201 RUNS

YEAR	MIN.	RUNS	TIME	MIN.	RUNS	TIME	MIN.	RUNS
1997	131/	27	4.85	132/	24	5.50	263	51
1996	129/	23	5.60	119/	20	5.95	248	43
1995	79/	16	4.93	103/	20	5.15	182	36
1994	75/	13	5.76	110/	19	5.78	185	32
1993	81/	18	4.50	112/	12	5.33	193	39

1,071 TOTAL MINUTES DIVIDED BY 201 RUNS = 5.32 AVERAGE RESPONSE TIME

EMS AVERAGE RESPONSE TIME TO THE NORMANDY NURSING HOME AT 22709 LAKE ROAD AND NORMANDY APARTMENTS AT 22701 LAKE ROAD 78 RUNS

YEAR	MIN.	RUNS	TIME	MIN.	RUNS	TIME	MIN.	RUNS
1997	68/	13	5.23	68/	12	5.66	136	25
1996	49/	9	5.444	60/	9	6.66	109	18
1995	30/	6	5.00	25/	5	5.00	55	11
1994	54/	9	6.00	24/	4	6.00	78	13
1993	10/	2	5.00	50/	9	5.55	60	11

438 TOTAL MINUTES DIVIDED BY 78 RUNS = 5.61 AVERAGE RESPONSE TIME

ROCKY RIVER FIRE DEPT.

RUN NUMBER 109 DATE 04/	28/94 TOOK CALL . Jones
LOCATION 19901 Roslyn	APT #
TIME OUT 1059 RETURN 1631	OWNED Carl Ellenburger
KBTOKN TOST	ADDRESSsame
RUCK 66 ENG 64 ENG	PHONE
ESCUE 63	PHONE OCCUPANT
STAFF CAR 650	PHONE
THER VEHICLES	DEDODMED DY I II Ci
TUAL AID GIVEN REC.F.P.	PHONE 356-1874
Bay	
Lakewood	đ
TYPE OF ALARM	INSURANCE
	VALUE_ 150 de
TRUCTURE FIRE XXX	150
NVESTIGATION	AUTO LOSS
VA	PLDG LOSS
UTO FIRELIC. NO	BLDGLOSS CONTENTSLOSS
	COMPANY
YEARMAKE	CONFART
	PROTECTION
ALSE ALARM	YES NO
UTDOOR/NO LOSS	
ERVICE	SPRINKLERS
OAT TYPE	DETECTORS XXX
OCK OUT	STANDPIPES
EQUIPMENT USED	PERSONNEL AT SCENE See attached report
116 12// 1050	
OSE-SIZE 1½ 13/4 1050 OSE-SIZE 2½ FEET 150	
OSE-SIZE 2 FEET 150	AREA OF FIRE Attic
XT.TYPNO	The state of the s
ADDERS-FEET 90 AFRIAL	ORIGIN_ Northeast corner
JECTORS-NO 2 MINUTES 60	
ALVAGE COVERS yes NO.3	CIRCUMSTANCE
THER-EXPLAIN	
	PROBABLE CAUSE undetermined
ITUATION FOUND/ACTION TAKEN	
Se S	ee attached report
NJURIES 1 minor facial burn, 1 leg	injury. Fairview Park firefighters.
1 thumb injury. Rocky River	r Firefighter
	C 0 -42
GNATURE OF OIC COST RY	Steich SHIFT A
-7, -7	

Fire report for 19901 Roslyn

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At 1049 Hrs. on 4/28/94 R.R.F.D. received a report by 911 of smoke coming out of the roof of there next doors house.

All River companies responded to 19901 Roslyn with 7 men. The normal route was blocked by a train just before we got there alternate routes taken total response time 5 min to scene.

On arrival I found that all the occupants were safe outside the house.

There was dark smoke coming out of the slate roof. At this time it appeared to be around the top part of the front peak and along the front ridge.

There was no smoke on the first floor or the second floor. I opened the door to the third floor and found heavy smoke. I called for "1 1/2 fire lines to advanced into the third floor

Crew made entree smoke ejector brought up, crew looking for fire and windows to open. Moving around on third floor very difficult because of large amount of bocks and magazines stored in the rooms. Kraus found a window and open it at the top of stair well. At this time the smoke ejector was started up and a pike pole sent up. Smoke started to clear and then fire broke out heavy at this time. Lt. Jones reported to me that he was sure the fire was in the walls and ceilings of the third floor. I then went out side. Capt. Steidl on scene Reported to the captain what we had, turned over command to him. At this time we open front peak window and heavy smoke and then flames. I then returned to the crew inside.

This is what I remember of the initial fire attack.

Lt.Robert T Rodgers

April 28, 1994 House Fire 19901 Roslyn Time of call 1049 Time on scene: 1054 to 1631 Personnel at scene: A Shift First In: Capt. Steidl Lt. Rodgers Lt. Jones R. Dodd G. Kraus S. Bichsel P. Murray N. Wojciechowski Called In: 11 including Lt. Simecek handling communications. Capt. Kalkbrenner C. Flynn Lt. Simecek A. Seiple Lt. Delia B. Scott D. Brondos J. Yankel K. Bednarski J. Cahill W. Brobst Mutual Aid: Fairview Park at 1100, 9 men and a pumper and snorkel. Chief Bill Curran Bay Village at 1112, 7 men and a pumper. Chief Greg Jackson Lakewood at 1144 with 8 men and a pumper. Chief Larry Mroz Total manpower on scene: 24 mutual aid 10 call-in 8 on-duty 42 (incl. 3 Chiefs, 3 Assistant Chiefs) Hose used: 5 interior attack lines. 4 hydrant supply lines. 650' of 3" 150' of 2 1/2" 200' of 1 3/4" 850" of 1 1/2"

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Occupant already out of house. First attack line advanced to attic with 3 men. Entry into attic was not possible due to heat and fire. Mutual aid called within 4 minutes of arrival of first units. Call for off-duty help made 13 minutes after arrival. Attempt was made to ventilate roof at street side of slate roof. Fire had already weakened roof structure and crew was pulled off roof for safety. As help arrived, additional lines were laid in to attic and second floor. Ceilings and walls were opened on second floor and fire was found around interior perimeter of house. A very aggressive interior attack was used to prevent fire from moving down second floor walls. Ventilation of attic windows accomplished from outside. Holes chopped through roof on north side of house. Fire self-ventilated at east end of roof.

As help became available, salvage operations were begun on first floor. Several salvage covers used to cover furniture and other items that were moved to center of rooms.

Fire had gained headway into attic crawl spaces and behind kneewalls. At 1218, fire determined to be under control. Overhaul operations continue to check extension and extinguishment.

Certified Fire Investigators from Bay Village Fire Department conducted an investigation and have determined that the fire cause was most likely electrical. The homeowner states that she was in the attic about a week earlier and found nothing unusual. The wiring in the attic area near point of origin appears to be proper and adequate. The fuse for this circuit was 15 amps and it appears to have operated properly. The only possibility at this time is that a light may have been left on in the attic which could have ignited something either in close proximity or as a result of breaking and dropping hot elements on something. The attic was full of Class A material and very cluttered.

The extent of fire damage was held to the roof and attic. Fire crews pulled ceilings and walls on the second floor to stop the extension and to ensure extinguishment. The joists at the northeast corner of the attic burned through at the supporting walls and the floor was sagging. There is extensive water damage throughout the entire house in addition to the expected smoke damage.

Capt. Robert J. Steidl

House fire April 28, 1994 19901 Roslyn

E-64 assignment

Lt. Jones

FF. Wojciechowski

At 1049 a possible house fire was reported at the 1900 block of Roslyn by a 911 call. All River Companies responded. The normal route of north on Wagar was blocked by a train, so detours had to be make to Smith Crt. to go under the train tracks.

E-64 was manned by Lt. Jones and FF Wojciechowski driving. E-64 pulled in front of 19901 Roslyn on Roslyn. Smoke was coming out of the slate roof at this time around the center peak of the house. The 1 3/4 hose line was pulled off the passenger side reel and advanced into the front door of the house by Lt. Jones, FF Bichsel, and FF Murray. Lt. Rodgers directed us up to the stairwell leading to the 3rd floor. The house was clear of smoke until we got to the stair way. At this time, the smoke was coming about half way down the stair way. We asked for the line to be charged and advanced up the stairs. Reaching the top of the stairs, we could only turn to the right. We had no visibility and could not feel a window to ventilate while we were moving. Maneuvering was very difficult due to a large amount of obstruction (later found to be a very large volume of books and magazines). We saw no signs of active fire and advanced to what appeared to be another room. Still absolutely no visibility. FF Bichsel felt the door so prior to opening and found the door handle and door did not feet excessively hot. The door was opened and we started to enter the room. At this time, still no flames were showing through the dense smoke. The heat felt, appeared to be radiating from above us. We backed back to the door way to prepare to start pulling the ceiling. Some of the ceiling was pulled, FF Murray had to leave due to low air alarm on scott. FF Krause found a window to open at top of stairs, and the ventilation fan was placed at the bottom of stairs and started. The smoke cleared enough to see the area around us. Lt. Jones and FF Bichsel continued to pull ceiling toward the doorway when all of a sudden a large fire ball greeted us. Water was applied by FF Bichsell with good results. The fan died and the area started to fill back up with smoke. FF Bichsel then had to leave due to his low air alarm. I advised him to have someone else come up to take his place. I maintained my position with the hose tip awaiting more back up. When the fan was restarted, a VERY LARGE fire ball then rolled out of the holes and across the ceiling above my head. I applied water with little effect, and started backing down the stairs continuing to apply water until relief came.

These are my observation of the initial fire attack.

Lt. Randy Jones Rocky River Fire Dept.

VERIFICATION

STATE OF OHIO

SS.

COUNTY OF CUYAHOGA

I, Christopher M. Flynn, being duly sworn, depose and say that I have read the foregoing, know the contents thereof, and the same is true and correct.

Christopher M. Flynn

Subscribed and sworn to before me this day of October, 1997.

Susan Uschler Notary Public

My Appt. Expires <u>9-30-02</u>

VERIFIED STATEMENT OF ROBERT J. ALBAN, P.E.

My name is Robert J. Alban, P.E., Director of Community Development and City Engineer, City of Rocky River, Rocky River, Ohio, and Chief Engineer of the Rocky River Wastewater Treatment Plant, Rocky River, Ohio. My mailing address is 21012 Hilliard Blvd., Rocky River, Ohio 44116. A resume of my education, professional background, and work history is set forth as in Exhibit RJA-1.

I am responsible for all construction projects within the City, including those done by the City. Should the City be required by necessity to construct a fire station North of the railroad track, it is my best estimate that the land acquisition, site development, and construction costs would total 1.1 million dollars for a 7,000 sq. ft. fire station. My research shows that such a station would be comparable to others in surrounding communities.

I have checked the traffic on all crossings and have determined that only the Wagar Road crossing currently has traffic in excess of 5,000 cars per day. That particular crossing has approximately 5,900 cars per day in traffic. The other crossings (Elmwood, Morewood Park, and Linda) have between 1,500 and 3,900 cars per day. It is my opinion, based on train length and number of trains, if increased, that vehicle delays will also be increased. Assuming certain conditions as set forth in the chart below, the time of delay will increase accordingly as follows:

Train Speed (MPH)	35	45	50	60
Length of Train (Feet)	5,000	5,000	5,000	5,000
Time of Delay at				
Crossing ¹ (Seconds)	97.4	75.7	68.2	_56.8
Length of Train (Feet)	7,000	7,000	7,000	7,000
Time of Delay at				
Crossing ¹ (Seconds)	136.4	106.1	95.5	79.5

One other area that I wish to discuss is air quality as it relates to any train traffic increase. My understanding of the air quality issue is that the City of Rocky River's air quality management program is subject to the provisions of the Clean Air Act Amendments of 1990 (CAAA). Title 1 establishes criteria for attaining and maintaining the National Ambient Air Quality Standards (NAAQS). The Federal standards developed by the Environmental Protection Agency (EPA) establish limits for the following pollutants

- Ozone (O₃)
- Carbon Monoxide (CO)
- Small Particulate Matter (PM₁₀)

A nonattainment area is a geographic region of the United States that the EPA has designated as not meeting the NAAQS standards. An attainment area is a geographic region of the United States that the EPA has designated as meeting the NAAQS standards. The City of Rocky River is located within Cuyahoga County and as such must comply with the standards established by the Federal EPA for the County.

In May 1996, the U.S. EPA redesignated portions of Northeast Ohio² to *attainment* for Federal Ozone Standards. Prior to May 1996, the area was identified as a "moderate ozone *nonattainment* area".

Cuyahoga County (including the City of Rocky River) is designated as a nonattainment area for Small Particulate Matter. The region is presently under a 10year probationary period during which no additional violations of the Federal Ambient Air Quality Standard may occur. On September 16, 1997, new Federal regulations relative to limits for ozone and particulate matter became effective in Cuyahoga County. It is anticipated that pursuant to the revised limits, the area, including Rocky River, may be designated a nonattainment area for both ozone and particulate matter. The present implementation of the revised limits requires that by the year 2000 an initial attainment designation will be made; it is anticipated that Northeast Ohio will be designated as a "transitional areas" (i.e., areas which may attain the former standard but do not attain the new 1997 standard). In the year 2002, an official designation of the area as either attainment or nonattainment will be made. Designation as a nonattainment area will result in additional local reduction measures to bring the area into attainment. The transportation plans and programs of Metropolitan Planning Organizations (MPO) for areas designated nonattainment for ozone or carbon monoxide must contribute to annual emissions reductions. Furthermore, the Clean Air Act Amendments require that regional transportation plans and programs cannot:

- Create new National Ambient Air Quality Standards (NAAQS) violations
- Increase the frequency or severity of existing NAAQS violations
- Delay attainment of the NAAQS

I have determined that the impact of the proposed increase in train traffic on air quality is as follows: There will be significant times of delay at grade crossings during the periods when trains are crossing the intersection. At such time vehicular traffic will be idling, causing increase in certain pollutants, particularly hydrocarbons (HC), carbon monoxide (CO) and nitrous oxides (NO_x). Hydrocarbons and nitrous oxides in the presence of sunlight create ozone, one of the principle air pollutants in Northeast Ohio. Therefore, any significant increase in ozone, particulate matter, and carbon monoxide resulting from delays in traffic movement in railroad crossings could potentially result in the area being designated as *nonattainment* for these parameters. As a consequence, if remedial action is not taken in order to bring the area into *attainment*, Federal funds may be withheld for highway and other transportation improvements until compliance is achieved.

Exclusive of time duration of signal and/or gate activation

² Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, Ashtabula and Summit Counties

ROBERT J. ALBAN, P.E. 3400 Wooster Road, #209 Rocky River, OH 44116 (440) 331-0600 Ext. 230

EXPERIENCE

1988 - Present CITY OF ROCKY RIVER, OHIO

City Engineer/Director of Community Development

1984-1988 HILLSBOROUGH COUNTY, FLORIDA

County Engineer

1970-1984 LAKE COUNTY, OHIO

Sanitary Engineer/Director of Utilities

1966-1970 CITY OF PAINESVILLE, OHIO

Assistant City Engineer/City Engineer

PROFESSIONAL AFFILIATIONS

Attorney at Law (Ohio Bar Registration No. 0036930) Registered Professional Civil/Environmental Engineer (Ohio P.E. 34873) (Florida P.E. 35837)

Registered Professional Land Surveyor (Ohio P.L.S. 5711) Class I Water System Operator (Registration No. 1-69-01)

EDUCATION

1969 Bachelor of Science (Mathematics/Chemistry) - Garfield College, Painesville, Ohio

Juris Doctor Degree (Civil Engineering/Law) - Cleveland State University, Cleveland, Ohio

PUBLICATIONS

1974

"Methods of Analyzing and Recording Fire Flow Test Data."

Water and Waste Engineering

PUBLICATIONS (Cont'd.)

"Nomograph for the Solution of Fire Flow Equations." Fire Engineering

"Graphical Solution of Vertical Highway Curves." Rural and Urban Roads

AWARDS

American Jurisprudence Award (1972)

Storrs Scholar Award (1969)

PRINCIPAL FIELDS OF PRACTICE

Public Works Engineering and Construction Management.

Environmental Law and Construction Law

Transportation Engineering

VERIFICATION

STATE OF OHIO

SS.

COUNTY OF CUYAHOGA

I, Robert J. Alban, being duly sworn, depose and say that I have read the foregoing, know the contents thereof, and the same is true and correct to the best of my knowledge.

Robert J. Alban

Subscribed and sworn to before me this day of October, 1997.

Notary Public

My Appt. Expires <u>9-30-02</u>

VERIFIED STATEMENT OF DONALD L. WAGNER

My name is Donald L. Wagner, Chief of Police, City of Rocky River, Rocky River, Ohio. My mailing address is 21012 Hilliard Blvd., Rocky River, Ohio 44116. A resume of my education, professional background, and work history is set forth in Exhibit DLW-1.

Upon hearing of the proposed train traffic increase, the Police Division conducted alternate runs and timed those runs using East underpass routes in the City and a West overpass route in an adjoining city, the City of Westlake, Ohio (see attached Exhibits DLW-2 and DLW-3). In addition to the alternate run information, the Police Division has gathered information related to school bus traffic and school children pedestrian traffic over the railroad track. The school children crossing at the railroad track reflect an almost equal number of school children going from South to North and from North to South, in that Kensington School is North of the track and St. Christopher Catholic Grade School is South of the track. This information is contained in Exhibit DLW-4.

Other public agencies that cross the track are the Greater Cleveland Regional Transit Authority (RTA) and the Rocky River Senior Center vans. At the Wagar Road crossing, the RTA has 24 Northbound and 23 Southbound trips in a 24 hour period. The bus route number is 55N. In a one month period, the Senior Center vans have 101 crossings with the vans that transport only citizens that are 60 or over in need of daily care and activities.

Based on information supplied to us from the Rocky River School District, the Rocky River School District operates 16 buses for the transportation of 2,100 children. These 16 buses make at least 40 trips across one of the City's four railroad crossings during a typical day. The average bus carries 65 students so approximately 2,400 children are crossing the track on a daily basis with many making multiple trips across the track daily.

Of course, the main concern for all is safety. Complaints have been received in the past about railroad trains passing through Rocky River and not blowing their horns before each grade crossing (See attached Exhibit DLW-5). Norfolk Southern has been advised about these complaints.

While on the topic of safety, in assisting the Rocky River Fire Division for a house fire which occurred at 19420 Frazier Drive on December 18, 1991, a location North of the track, Rocky River Ptl. Bird was attempting to respond to Fire personnel with air bottles and was delayed by a train on the track for a period of 7-10 minutes (see Exhibit DLW-6).

The Police Division records show that for the period August 1995 through August 1997, the Rocky River Police Division responded to a total of 1873 non-emergency calls and 851 emergency calls North of the railroad track. Since the Police Division is located in City Hall at 21012 Hilliard Boulevard, South of the track, any increase in train traffic will affect such future calls and response time.

Residents are accustomed to a high quality of police service which results in a near-immediate to immediate response to all types of calls, from emergency to non-emergency. Although the City has an average of five patrol cars on the City streets at

any given time, there is no guarantee that one such car will always be North of the railroad track.

My understanding is that the railroad proposes to increase train traffic traversing Rocky River from about 14 trains a day to 34 trains a day. This proposal, if put into effect, will affect the **quality of life** reference Police Services provided to Rocky River citizens North of the Railroad.

An increase to 34 trains a day will hamper our ability to provide first-quality emergency response and first-quality non-emergency response due to time delays caused by so many trains and in such length that street grade crossings will be blocked when calls for service are received.

As noted in the *Cleveland Magazine* issue of June, 1997, Rocky River was rated the No. 1 suburb in Cuyahoga County. This out of 60 suburbs rated. Part of this rating was due to superior Safety Forces services. Citizens of Rocky River expect and receive first-class City services. Delays, even in non-priority service calls, will cause Rocky River citizens to lose some confidence in the Police Department's ability to provide superior service.

Some Police procedures will also be affected if 34 trains a day pass through Rocky River. Fire Medics arriving on the scene of personal injuries cannot take action if there is ongoing violence, until Police have arrived and returned stability to the situation. Blocked railroad crossings can be such a delaying factor. Police Officers needing backup or assistance may have to wait for help due to blocked crossings.

If you have ever called the Police or Fire and watched out the window for their arrival, then you know the feeling Officers have when a situation turns violent and help

is called for but takes "forever to arrive." Blocked crossings can be such a delaying factor. I could go on, but I will not.

An increase from about 14 trains a day to 34 trains a day passing through Rocky River is truly a **QUALITY OF LIFE** issue and a **SAFETY ISSUE** for the citizens of Rocky River and its Safety Forces.

Donald L. Wagner Chief of Police Rocky River Police Department 21012 Hilliard Boulevard Rocky River, Ohio 44116

PRESENT POSITION: CH

Chief of Police

Rocky River Police Department

6/12/95 - present

Executive Staff Assistant

Rocky River Police Department

4/86 - 6/95

EMPLOYMENT HISTORY:

Rocky River Police Department

Rocky River, Ohio Sworn In Ptl. 3/31/65 Began Working 4/1/65 Sergeant 1/11/75 Lieutenant 7/28/80

EDUCATION:

Rocky River High School 1960 Ohio University 1960-1964

PROFESSIONAL ORGANIZATIONS:

International Association Chiefs of Police

Ohio Association Chiefs of Police Cuyahoga County Chiefs of Police Westshore Enforcement Bureau (Police Chiefs Committee)

ROCKY RIVER POLICE DEPARTMENT COMMUNICATION

TO: Safety Director Linden

FROM: Chief Wagner

RE: RAILROAD TRAINS

DATE: September 17, 1997

On Tuesday, September 16, 1997, Lt. Hudec measured the distances below and noted the time it took to travel between points. This was done beginning 9:00 a.m. to 11:00 a.m. at speeds between 30-40 mph to simulate a large ambulance. Lights and siren were used when necessary:

FD to Normandy Nursing Home via E/B Detroit, N/B Olde Lake to N Marginal and W/B Lake 6 min 52 sec

FD to Normandy via W/B Detroit to Clague and E/B Lake 5 min 56 sec

FD to Normandy via Wagar to W/B Lake 3 min 8 sec

FD to Normandy via E/B Detroit to Smith Ct underpass to W/B Lake 5 min 44 sec

FD to Normandy via Westway to W/B I-90 to Clague to E/B Lake 4 min 30 sec

Lt. Hudec then traveled from the Fire Department to Stratford and Elmwood via different routes and noted the time it took between point and distance:

FD to Elmwood/Stratford via Westway to W/B I-90 to Clague to E/B Lake 5 min 59 sec 3.7 miles

FD to Elmwood/Stratford via Wagar to W/B Stratford 2 min 5 sec 1.0 mile

FD to Elmwood/Stratford via E/B Detroit to N/B Olde Lake to N Marginal to W/B Lake 6 min 55 sec 3.2 miles

FD to Elmwood/Stratford via E/B Detroit to Smith Ct to W/B Lake
4 min 23 sec 2.2 miles

FD to Elmwood/Stratford via W/B Detroit to Clague to E/B Lake 5 min 36 sec 4.1 miles

DLW:dmg

Lt. Hudec Mr. Matty

Signed:

chiefwognen

ROCKY RIVER POLICE DEPARTMENT COMMUNICATION

TO: Safety Director Linden FROM: Chief Wagner

RE: ASSIST FIRE DEPARTMENT DATE: September 12, 1997

On Thursday evening, September 11, 1997, at approximately 9:30 p.m., Lt. Hudec measured the time and distances from the front doors of the Fire Department to the main drive at the Normandy Apts. Speed was between 30-40 mph in trying to simulate a large ambulance. Red lights and siren was used when necessary:

FD to Normandy via Detroit, Olde Lake (past Westlake Condos), N Marginal to W/B Lake 3.9 miles 6 min 55 sec

FD to Normandy via Detroit, Smith Ct to W/B Lake 3.0 miles 5 min 38 sec

FD to Normandy via Wagar to W/B Lake 2.1 miles 3 min 46 sec

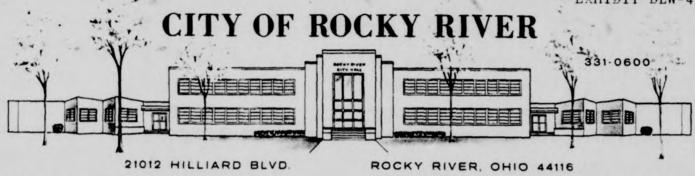
FD to Normandy via Detroit W/B to Clague to E/B Lake 3.3 miles 6 min 14 sec

DLW:dmg

Lt. Hudec
Mr. Matty

Signed:

Chapwane



OFFICE OF THE SAFETY SERVICE DIRECTOR
JAMES R. LINDEN
CHIEF OF POLICE
DONALD L. WAGNER

September 30, 1997

DON UMERLEY MAYOR

Chief Donald Wagner Rocky River Police Department

RE: SCHOOL CHILDREN CROSSING AT RAILROAD TRACKS

The City of Rocky River has four (4) railroad crossings, all of which have crossing gates and lights. Two of these crossings, Wagar and Morewood, have school guards because parents of children crossing viewed the crossing as dangerous.

Children from the following elementary schools use these crossings:

Kensington (504 pupils) 3½/10th mile from crossing at Morewood St. Christopher (475 pupils) 4/10th mile from crossing at Morewood St. Thomas (169 pupils) 3/10th mile from crossing at Wagar

The average number of students crossing at these crossings are as follows:

Wagar and tracks 40 students
Morewood and tracks 78 students

In addition to the elementary students using these crossings students from Rocky River Jr. High, Rocky River Sr. High and Magnificat also use these crossings.

Also, attached please find map showing locations of elementary schools, the railroad tracks, crossings with school guards, the Rocky River Bus garage and location of emergency stations.

Respectfully,

Pota Vale Este

VERIFIED STATEMENT OF DONALD L. WAGNER

My name is Donald L. Wagner, Chief of Police, City of Rocky River, Rocky River, Ohio. My mailing address is 21012 Hilliard Blvd., Rocky River, Ohio 44116. A resume of my education, professional background, and work history is set forth in Exhibit DLW-1.

Upon hearing of the proposed train traffic increase, the Police Division conducted alternate runs and timed those runs using East underpass routes in the City and a West overpass route in an adjoining city, the City of Westlake, Ohio (see attached Exhibits DLW-2 and DLW-3). In addition to the alternate run information, the Police Division has gathered information related to school bus traffic and school children pedestrian traffic over the railroad track. The school children crossing at the railroad track reflect an almost equal number of school children going from South to North and from North to South, in that Kensington School is North of the track and St. Christopher Catholic Grade School is South of the track. This information is contained in Exhibit DLW-4.

Other public agencies that cross the track are the Greater Cleveland Regional Transit Authority (RTA) and the Rocky River Senior Center vans. At the Wagar Road crossing, the RTA has 24 Northbound and 23 Southbound trips in a 24 hour period. The bus route number is 55N. In a one month period, the Senior Center vans have 101 crossings with the vans that transport only citizens that are 60 or over in need of daily care and activities.

Based on information supplied to us from the Rocky River School District, the Rocky River School District operates 16 buses for the transportation of 2,100 children. These 16 buses make at least 40 trips across one of the City's four railroad crossings during a typical day. The average bus carries 65 students so approximately 2,400 children are crossing the track on a daily basis with many making multiple trips across the track daily.

Of course, the main concern for all is safety. Complaints have been received in the past about railroad trains passing through Rocky River and not blowing their horns before each grade crossing (See attached Exhibit DLW-5). Norfolk Southern has been advised about these complaints.

While on the topic of safety, in assisting the Rocky River Fire Division for a house fire which occurred at 19420 Frazier Drive on December 18, 1991, a location North of the track, Rocky River Ptl. Bird was attempting to respond to Fire personnel with air bottles and was delayed by a train on the track for a period of 7-10 minutes (see Exhibit DLW-6).

The Police Division records show that for the period August 1995 through August 1997, the Rocky River Police Division responded to a total of 1873 non-emergency calls and 851 emergency calls North of the railroad track. Since the Police Division is located in City Hall at 21012 Hilliard Boulevard, South of the track, any increase in train traffic will affect such future calls and response time.

Residents are accustomed to a high quality of police service which results in a near-immediate to immediate response to all types of calls, from emergency to non-emergency. Although the City has an average of five patrol cars on the City streets at

any given time, there is no guarantee that one such car will always be North of the railroad track.

My understanding is that the railroad proposes to increase train traffic traversing Rocky River from about 14 trains a day to 34 trains a day. This proposal, if put into effect, will affect the quality of life reference Police Services provided to Rocky River citizens North of the Railroad.

An increase to 34 trains a day will hamper our ability to provide first-quality emergency response and first-quality non-emergency response due to time delays caused by so many trains and in such length that street grade crossings will be blocked when calls for service are received.

As noted in the *Cleveland Magazine* issue of June, 1997, Rocky River was rated the No. 1 suburb in Cuyahoga County. This out of 60 suburbs rated. Part of this rating was due to superior Safety Forces services. Citizens of Rocky River expect and receive first-class City services. Delays, even in non-priority service calls, will cause Rocky River citizens to lose some confidence in the Police Department's ability to provide superior service.

Some Police procedures will also be affected if 34 trains a day pass through Rocky River. Fire Medics arriving on the scene of personal injuries cannot take action if there is ongoing violence, until Police have arrived and returned stability to the situation. Blocked railroad crossings can be such a delaying factor. Police Officers needing backup or assistance may have to wait for help due to blocked crossings.

If you have ever called the Police or Fire and watched out the window for their arrival, then you know the feeling Officers have when a situation turns violent and help

is called for but takes "forever to arrive." Blocked crossings can be such a delaying factor. I could go on, but I will not.

An increase from about 14 trains a day to 34 trains a day passing through Rocky River is truly a QUALITY OF LIFE issue and a SAFETY ISSUE for the citizens of Rocky River and its Safety Forces.

Donald L. Wagner
Chief of Police
Rocky River Police Department
21012 Hilliard Boulevard
Rocky River, Ohio 44116

PRESENT POSITION: Chief of Police

Rocky River Police Department

6/12/95 - present

Executive Staff Assistant

Rocky River Police Department

4/86 - 6/95

EMPLOYMENT HISTORY:

Rocky River Police Department

Rocky River, Ohio Sworn In Ptl. 3/31/65 Began Working 4/1/65 Sergeant 1/11/75 Lieutenant 7/28/80

EDUCATION:

Rocky River High School 1960 Ohio University 1960-1964

PROFESSIONAL ORGANIZATIONS:

International Association Chiefs of Police

Ohio Association Chiefs of Police Cuyahoga County Chiefs of Police Westshore Enforcement Bureau (Police Chiefs Committee)

ROCKY RIVER POLICE DEPARTMENT COMMUNICATION

TO: Safety Director Linden FROM: Chief Wagner

RE: RAILROAD TRAINS DATE: September 17, 1997

On Tuesday, September 16, 1997, Lt. Hudec measured the distances below and noted the time it took to travel between points. This was done beginning 9:00 a.m. to 11:00 a.m. at speeds between 30-40 mph to simulate a large ambulance. Lights and siren were used when necessary:

FD to Normandy Nursing Home via E/B Detroit, N/B Olde Lake to N Marginal and W/B Lake 6 min 52 sec

FD to Normandy via W/B Detroit to Clague and E/B Lake 5 min 56 sec

FD to Normandy via Wagar to W/B Lake 3 min 8 sec

FD to Norman y via E/B Detroit to Smith Ct underpass to W/B Lake 5 min 44 sec

FD to Normandy via Westway to W/B I-90 to Clague to E/B Lake 4 min 30 sec

Lt. Hudec then traveled from the Fire Department to Stratford and Elmwood via different routes and noted the time it took between point and distance:

FD to Elmwood/Stratford via Westway to W/B I-90 to Clague to E/B Lake 5 min 59 sec 3.7 miles

FD to Elmwood/Stratford via Wagar to W/B Stratford 2 min 5 sec 1.0 mile

FD to Elmwood/Stratford via E/B Detroit to N/B Olde Lake to N Marginal to W/B Lake 6 min 55 sec 3.2 miles

FD to Elmwood/Stratford via E/B Detroit to Smith Ct to W/B Lake
4 min 23 sec 2.2 miles

FD to Elmwood/Stratford via W/B Detroit to Clague to E/B Lake 5 min 36 sec 4.1 miles

DLW:dmg

cc: Mayor Umerley Lt. Hudec Mr. Matty

Signed: Chiefwoguin

ROCKY RIVER POLICE DEPARTMENT COMMUNICATION

TO: Safety Director Linden FROM: Chief Wagner

RE: ASSIST FIRE DEPARTMENT DATE: September 12, 1997

On Thursday evening, September 11, 1997, at approximately 9:30 p.m., Lt. Hudec measured the time and distances from the front doors of the Fire Department to the main drive at the Normandy Apts. Speed was between 30-40 mph in trying to simulate a large ambulance. Red lights and siren was used when necessary:

FD to Normandy via Detroit, Olde Lake (past Westlake Condos), N Marginal to W/B Lake 3.9 miles 6 min 55 sec

FD to Normandy via Detroit, Smith Ct to W/B Lake 3.0 miles 5 min 38 sec

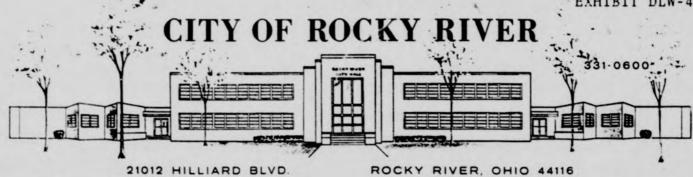
FD to Normandy via Wagar to W/B Lake 2.1 miles 3 min 46 sec

FD to Normandy via Detroit W/B to Clague to E/B Lake 3.3 miles 6 min 14 sec

DLW:dmg

cc: Mayor Umerley Lt. Hudec Mr. Matty /

Signed: Chafwo



OFFICE OF THE SAFETY SERVICE DIRECTOR JAMES R. LINDEN CHIEF OF POLICE DONALD L. WAGNER

September 30, 1997

DON UMERLEY MAYOR

Chief Donald Wagner Rocky River Police Department

RE: SCHOOL CHILDREN CROSSING AT RAILROAD TRACKS

The City of Rocky River has four (4) railroad crossings, all of which have crossing gates and lights. Two of these crossings, Wagar and Morewood, have school guards because parents of children crossing viewed the crossing as dangerous.

Children from the following elementary schools use these crossings:

Kensington (504 pupils) 33/10th mile from crossing at Morewood St. Christopher (475 pupils).4/10th mile from crossing at Morewood 3/10th mile from crossing at Wagar St. Thomas (169 pupils)

The average number of students crossing at these crossings are as follows:

Wagar and tracks 40 students Morewood and tracks 78 students

In addition to the elementary students using these crossings students from Rocky River Jr. High, Rocky River Sr. High and Magnificat also use these crossings.

Also, attached please find map showing locations of elementary schools, the railroad tracks, crossings with school guards, the Rocky River Bus garage and location of emergency stations.

Respectfully,

Parta Vale inte

ELEMENTARY SCHOOLS BOLICE AND FIRE CROSSINGS WITH SCHOOL GUARDS RAILROAD TRACKS CITY LIMITS BOCKY AKE EACONSEIE D ARERDEEN BASTLOOK MALVERN RIVERVIEW STHLATHE TKAM CA TOPPORT SAND WESTERN SHORELAND E SHOREL PIVERWOOD INGLEWOL REECHNUT COLAHAN REPRY LOCUST S BLOSSOM MITCHELL 2000 BARTLETT PEACHTREE BALDWIN IN. WESTWAY MEADOWHILLO BOCKCUE LANE PVT " = 800 ft. CLEVELAND CITY HALL GLENDAL ORCHARD GE COUNTRY WESTWOOD

Incident Statement

Employee Reporting: BONNIE WILL 9 All 2:49

Reporting Date: 6 - 5 - 97

Date of Incident: 6 - 4-97

Nature of Incident: Accident Injury Complaint Witness

AT APPROX. 3:58 pm. IWAS AT THE

PAILROAD TRACKS AT MOREWOOD PARKWAY

PEADING NORTH TO S. BEACONSFIRND, 7 CHINDREN

were on BOARD. HAZARDS were on Bus in

NEUTRAL, WINDON OPEN, DOOR OPEN, QUIET

ON BUS. I LOOKED, LISTENED EACH WAY TWICE

I DID NOT HEAR THE TRAIN WHISTLE. I GOT ON

THE TRACKS, SAW TRAIN TO MY NIFT WHILE

ON TLACKS THE WARNING SIGNAL CLIME ON

and the gates were comino Down. I From over

THE TRACKS. AFTER CROSSING TRACKS, I LOOKED

IN MY MET MURROR AND SAW THE TRAIN

EHIND ME GOING PAST. WE HEARD THE

HISTLE BLOW WHILE WE WERE ON S. BEACONSFIEND

"TEANY WAS EIST BIAND ASSENDING to B. Williams"

Signature: Bonnie Millians

POLICE DEPARTMENT COMMUNICATION

TO: Lt Hudec ESA FROM: Ptl. Richard Bird #24

SUBJECT: Railroad Crossings DATE: 09-15-97

e: RRFD report#415. Listed report is about the house fire which occurred at 19420 Frazier Dr., December 18, 1991 at approx. 1930hrs.

R/O was working 4-12shift and on scene at above incident. During the fire R/O was instructed by RRFD personnel to respond to RRFD and pick up/transport back as many air bottles as were available for FD personnel. PO did so. Upon responding back to scene with the air bottles and approaching the railroad crossing Wagar Rd. B, the railroad crossing gates activated. R/O was detained by a train for 7 to 10 minutes before R/O could continue with the air bottles.

Respectfully,

Pr. Richard Bird #24

VERIFICATION

STATE OF OHIO

SS.

COUNTY OF CUYAHOGA

I, Donald L. Wagner, being duly sworn, depose and say that I have read the foregoing, know the contents thereof, and the same is true and correct.

Subscribed and sworn to before me this day of October, 1997.

Notary Public

My Appt. Expires 9-30-02

VERIFIED STATEMENT OF KEVIN F. BEIRNE

My name is Kevin F. Beirne, Building Commissioner, City of Rocky River, Rocky River, Ohio. My mailing address is 21012 Hilliard Blvd., Rocky River, Ohio 44116. A resume of my education, professional background, and work history is set forth in Exhibit KFB-1.

I have reviewed Norfolk Southern information as submitted to the Surface Transportation Board indicating that currently within 150 ft. of the existing railroad track and 350 ft. at crossings on the track, there is a certain number of residences, schools and churches affected by train traffic noise. I investigated the number of such units for both current conditions and the conditions proposed by Norfolk Southern (250 ft. and 650 ft.) with increased train traffic in the City of Rocky River. My investigation shows that, in the City of Rocky River for current railroad operations, there are currently 574 residential units impacted within 150 feet of the track. Within a radius of 350 feet of the four crossings, there are a total of 187 residences. Using Norfolk Southern's projected train traffic noise impact distances of 250 feet, there are a total of 706 residential units within 250 feet of the track. Within a radius of 650 feet of the four crossings, there are a total of 435 residences. Should these distances be extended, the number of residential units could easily double because of small lot sizes and the number of residences and other dwelling units concentrated immediately adjacent to the North and South of the railroad track in the City. The particular breakdown of this information is attached as Exhibit KFB-2.

10-15-97 K 182592 4/4 STB FD 33388

In addition to the residences discussed, it is my observation that there is one nursing home located in the Northwest section of the City immediately adjacent to the track with nursing units, rest home units, and skilled bed units totalling 174 units. I also checked information concerning the Westlake condominium development, which is in the Eastern section of the city in mediately South of the railroad track and have determined that 98 residential units are in that facility.

Upon reviewing the current zoning map of the City of Rocky River and current existing property use for the land located immediately adjacent to the railroad track. At least 70% of such land is used for either residential (mostly single-family) or recreational purposes.

KEVIN F. BEIRNE

Building Commissioner Rocky River Department of Community Development 21012 Hilliard Boulevard Rocky River, Ohio 44116

EMPLOYMENT HISTORY

Building Commissioner, City of Rocky River March 2, 1987 - Present Responsible for the enforcement of all zoning and building requirements

Building Inspector, City of Rocky River

May, 1977 - March 2, 1987

PROFESSIONAL TRAINING

Major Continuing Education Courses:

Introduction to Sprinkler And Standpipe Systems Courses
Fire Sprinkler And Fire Suppression System Training Course
Automatic Fire Detection And Fire Alarm Systems Course
Energy Conservation Course
Every Day Operations Of An Ohio Certified Building Department
Building Approvals For Child Care Facilities
National Electrical Code Update Refresher Course
Construction Document Review For 1996 National Electric Code
Building Approvals For Adult Care Facilities
Mechanical Ventilation Air
Building Code Refresher Course
The Americans With Disabilities Act
Heating, Ventilation And Air Conditioning Seminar
Nonstructural Plan Review

PROFESSIONAL ORGANIZATIONS

Memberships are current in the following professional organizations:

International Association of Electrical Inspectors (IAEI)
Ohio Building Officials Association (OBOA)
Building Officials Conference of Northeast Ohio (BOCA-Ohio)
North Central Ohio Building Officials Association (NCOBOA)
Ohio Association of Plumbing Inspectors (OAPI)
BOCA International Inc.

CERTIFICATIONS

Electrical Safety Inspector For State Of Ohio Field Inspector - State Of Ohio Certified Building Official

EDUCATION

University of Wisconsin,
Department of Engineering and Applied Science, 1979
New Residential Inspections Courses
Existing Housing Inspections Courses

Cleveland State University, Bachelor of Science in Business Administration, 1977

St. Edward High School, 1970

Upon review of the City Zoning Map and County Plat Maps, I, Kevin F. Beirne as Building Commissioner for the City of Rocky River, have determined that the following number of residential dwelling units are within a distance of approximately one-hundred and fifty feet (150') north and south of the Norfolk Southern railroad track:

North of railroad track: 369 Dwelling Units South of railroad track: 205 Dwelling Units

Total within 150' of track: 574 Dwelling Units

Within a three-hundred and fifty foot (350') radius of the four following railroad crossings:

Elmwood Rd.: 27 Dwelling Units Wagar Rd.: 42 Dwelling Units Morewood Pkwy.: 114 Dwelling Units Linda St.: 4 Dwelling Units

Total within 350': 187 Dwelling Units

The following number of residential dwelling units are within a distance of two-hundred and fifty feet (250') of the Norfolk Southern railroad track:

North of track: 431 Dwelling Units South of track: 275 Dwelling Units

Total within 250': 706 Dwelling Units

Within a six-hundred and fifty foot (650') radius of the four Norfolk Southern railroad crossings:

Elmwood Rd: 96 Dwelling Units Wagar Rd.: 149 Dwelling Units Morewood Pkwy: 173 Dwelling Units Linda St.: 17 Dwelling Units

Total within 650': 435 Dwelling Units

VERIFICATION

STATE OF OHIO

SS.

COUNTY OF CUYAHOGA

I, Kevin F. Beirne, being duly sworn, depose and say that I have read the foregoing, know the contents thereof, and the same is true and correct.

Kevin F. Beirne

Subscribed and sworn to before me this day of October, 1997.

Som Machler Notary Public

My Appt. Expires <u>9-30-02</u>

VERIFIED STATEMENT OF GREGORY JACKSON

My name is Gregory Jackson, Fire Chief, Bay Village, Ohio, with an office at the Bay Village Fire Station. I have been the Fire Chief for Bay Village since 1979.

I would like to take this opportunity to convey to the Board the concerns our Department has about having the proposed three-fold increase in mile-long trains on Norfolk-Southern's former "nickel plate" line through Bay Village. The Bay Village Fire Department offers first emergency response to fire, medical, and rescue situations. The City fire district covers 4.5 square miles with one station located at the center of the City of Bay Village. In 1997, the department has already responded to over 1313 alarms including over 741 requests for emergency medical assistance, over 741 responses to structure fires, and over 348 other miscellaneous responses. Our Fire Department is entrusted with the protection of Bay Village's 17,000 residents and 6,125 homes.

The route the Norfolk Southern trains would take would cut through a vital portion of Bay Village. This route passes over more than four grade crossings while in the City of Bay Village. A map has been included portraying the placement of our fire station in relation to the railway in question, this map is set forth as Exhibit BV1.

The three-fold increase in daily mile-long train traffic will greatly affect the response time of the Bay Village Fire Department. The Department is a suburban department that utilizes its station location with the utmost efficiency to cover over 4.5 square miles. Of particular concern is the fact that 25 of our 29 fire fighters are required to cross the railroad tracks while reporting for work. This could have especially disastrous consequences when off-

duty firefighters are called in on an emergency basis, which is a frequent occurrence due to the small size of our fire department. What is also of great concern is the fact that our fire department is required to respond to all calls to the Harbor Side Healthcare Center on the south side of the Norfolk Southern tracks, in the City of Westlake. Although the Center is not located within the city of Bay Village, Bay Village Fire Department responds to all calls for emergency service at the Center due to its closer proximity to the Bay Village Fire Department than to the Westlake Fire Department. The Healthcare Center is populated entirely by elderly citizens and a fast response time is of the utmost important. Also, approximately one-fifth of Bay Village's emergency calls are for aid to the Westlake Fire Department. Our fire trucks are required to cross the rail tracks for all of the these calls and an increase in rail traffic would cause a significant delay in our response time. In addition, Bay Village is supported by the assistance of the Westlake and Rocky River Fire Departments. Frequently, fire fighters from the cities of Westlake and Rocky River cross railroad tracks to assist the Bay Village Fire Department. An increase in rail traffic would delay the response times of their mutual aid. Any delay in response time will put human life at a greater risk as well as increase property losses as a result from delayed extinguishment practices. Any sprinter is expected to run at a peak performance level and the potential delay that the increased train traffic would have on our Department would definitely increase our response time. When we ask the citizens to weigh the risks and benefits of this issue it is clear that these additional trains would not be in their best interest. It's truly hard to slow a sprinter down.

I support a requirement that any acquisition/merger approval by the Board be conditioned, in the public interest and for environmental reasons, on the requirement that

Norfolk Southern's proposed increase of trains not 30 through the City of Bay Village, Ohio.

The Board must restrain Norfolk Southern from running long heavy trains through suburban urban areas without fully considering the interest of the residents in their public safety, the absence of noise (air horns at each crossing, as well as train "rumbles"), and the needs of the City Fire Department to perform its mission to help victims who need "first response" medical attention and to have fires put out.

H:\HOME\CAROL\GAE\BAYVILL\97-0469B.STT

VERIFICATION

STATE OF OHIO)		
)	SS	
COUNTY OF CUYAHOGA)		

I, Gregory Jackson, being duly sworn, depose and say that I have read the foregoing, know the contents thereof, and the same is true and correct.

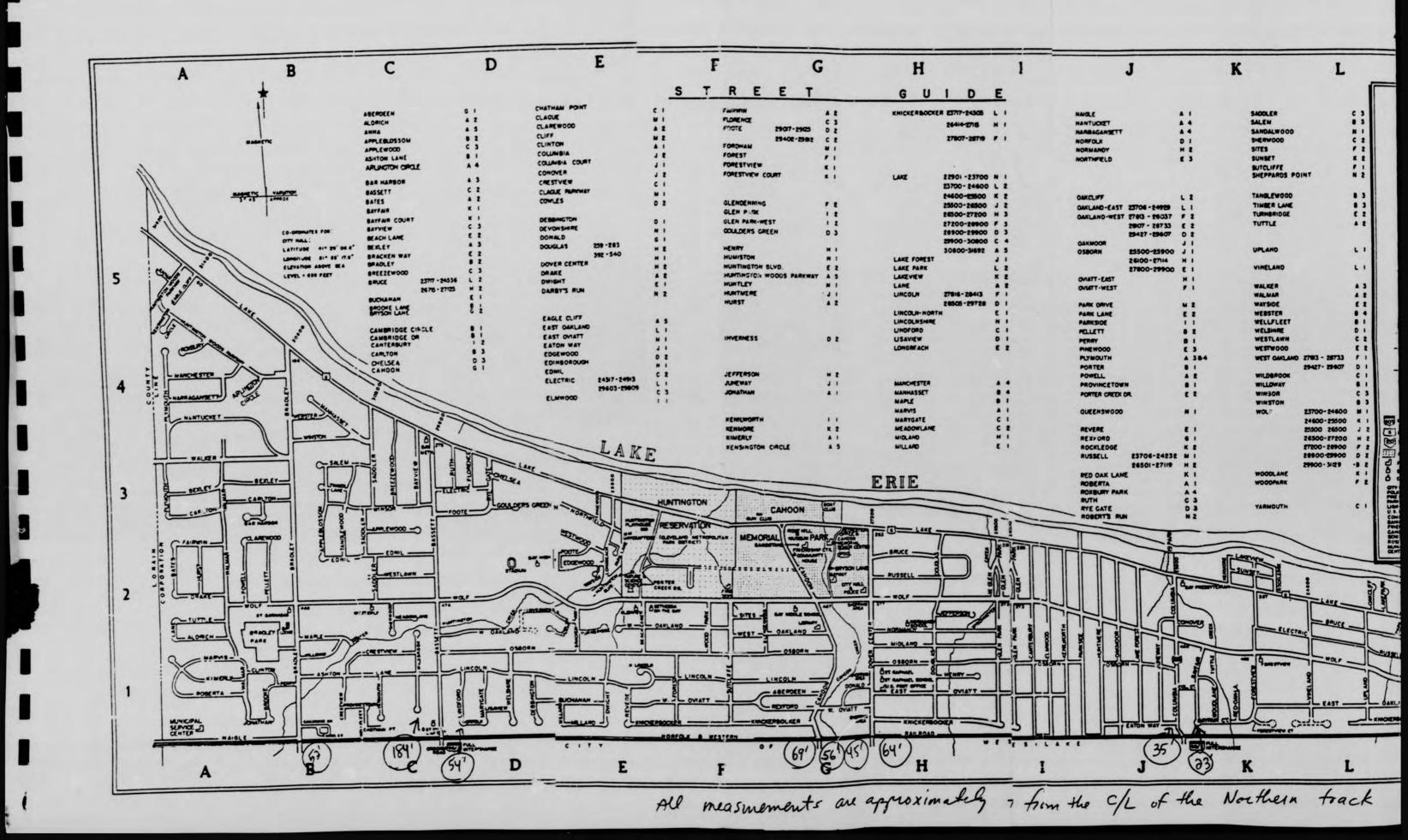
Subscribed and sworn to before me this 9th day of October 1997.

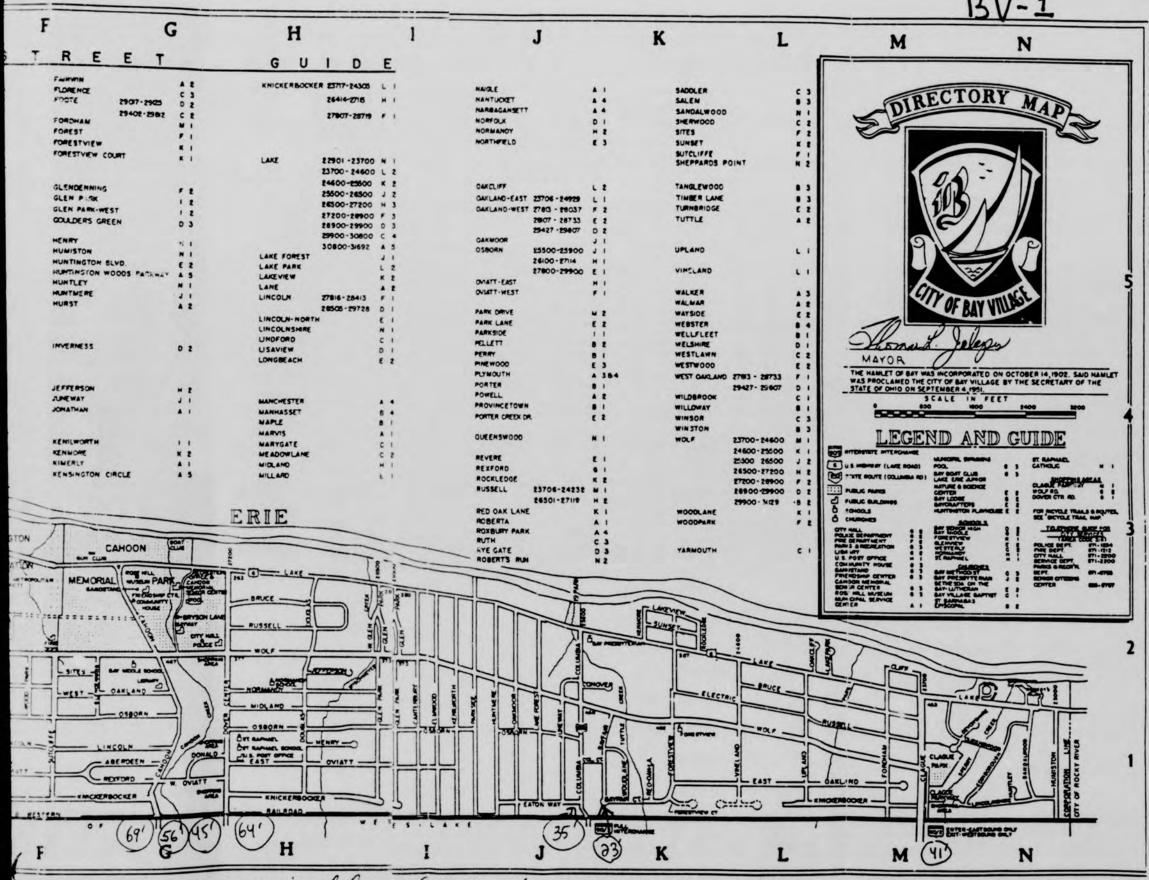
Nota y Public

GARY A. EBERT, Attorney NOTARY PUBLIC-STATE OF OHIO My Comm. Has No Expiration Date

Section 147.03 R.C.

H:\HOME\CAROL\GAE\BAYVILL\97-0469C.VER





measurements are approximately from the C/L of the Northern track

VERIFIED STATEMENT OF EDWARD LEWIS

My name is Edward Lewis, Police Lieutenant, Bay Village Police Department, Bay Village, Ohio. My office is located at the Bay Village Police Department in Bay Village.

The purpose of my statement is to describe for the Board the adverse impact of Norfolk Southern's proposal to add approximately 20 daily trains of freight traffic through Bay Village. The addition of these trains, travelling on the east-west former "nickel plate" line will run through a vital portion of Bay Village. The effect of these trains on our ability to provide emergency services to our community is a great concern.

Our Police Department serves the city's 17,000 residents who live in a 4.5-square mile area. The current annual budget for our Police Department is \$2.1 million. Presently Bay Village employs 23 full-time officers and five part-time officers. The City has only one police station located at the intersection of Dover Center Road and Wolf Road, which is located in the center of the City. The police force maintains a total of 11 vehicles, six marked patrol cars, one unmarked patrol car, three unmarked cars (two detective cars and one car for the Chief of Police), one police van, one car for the animal control officer, and three bicycles. In 1996, the Bay Village Police Department received over 18,000 requests for police services. Of these, over 1800 required an immediate response. Currently, police officers on patrol are required to cross the railroad tracks on a daily basis. Our police department's response time averages less than three minutes.

It is my belief that a three-fold increase in rail traffic through Bay Village would have a negative impact on our ability to provide effective police services. One major concern is the

traffic problems which an increase in rail traffic would create. As can be seen from the map of Bay Village (Exhibit BV1), the rail line runs adjacent to Interstate 90. This Interstate is used by a significant portion of Bay Village's residents, in their commute to and from work in Cleveland, Ohio. An increase in rail traffic would create congestion on the streets which Bay Village residents use to gain access to the highway. Although more study is required to determine the extent of the traffic disruptions, it is clear that they will pose major traffic problems.

Yet another concern is the potentially disastrous effect of an accident involving railroad cars carrying hazardous materials. As can be seen from the map of Bay Village, numerous residential streets are located within 800 feet of the railroad tracks. An accident of this nature has the potential to cause injury to thousands of the City's residents.

Lastly, of great concern is any delays the trains may cause while our officers are attempting to respond to calls. As mentioned, Bay Village Police officers are required to cross the rail tracks on a daily basis, and an increase in rail traffic would, without a doubt, delay response times.

With the provision of police services, as with any emergency service, time is of the utmost essence. I support a requirement that any approval of acquisition merger by the Board be conditioned, in the public interest and for environmental reasons, on the requirement that Norfolk Southern's proposed increase of trains not go through the City of Bay Village, Ohio.

The Board must prevent Norfolk Southern from running long heavy freight trains through heavily populated suburban areas without fully considering the interest of the

residents in their public safety and the needs of the city Police Department to fulfill its mission to "protect and serve."

H:\HOME\CAROL\GAE\BAYVILL\97-0469C.STT

VERIFICATION

STATE OF OHIO)	
COUNTY OF CUYAHOGA	SS
COUNTY OF CUYAHOGA	

I, Edward Lewis, being duly sworn, depose and say that I have read the foregoing, know the contents thereof, and the same is true and correct.

Edward F. Lewis
Edward Lewis

Subscribed and sworn to before me this Z day of October 1997.

Notary Public

GARY A. EBERT, Attorney
NOTARY PUBLIC-STATE OF CHIC
My Comm. Has No Expiration Date
Section 147.03 R.C.

H:\HOME\CAROL\GAE\BAYVILL\97-0469C.VER