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The discussion in Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," Section G.2.1, "Emergency Response Vehicle Delay," of this Final EIS addresses SEA's analysis pertaining specifically to emergency response vehicle delay at highway/rail at-grade crossings.

Summary of Comments. Plymouth Township and the City of Plymouth expressed concern that emergency vehicles would be unable to reach an emergency in a timely manner because of blocked streets. They are particularly concerned that "larger blocks of cars to be used in shipping will exacerbate an already serious safety problem." They noted that only one route from the Township into the City is completely free of highway/rail at-grade crossings.

Response. SEA recognizes the concerns of the City of Plymouth and Plymouth Township. In the Plymouth, Michigan area, no rail line segment met or exceeded the Board's threshold for environmental analysis. See Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," Section G.2.1, "Emergency Response Vehicle Delay," of this Final EIS for further analysis.

Summary of Comments. Monroe County raised the concern that a significant increase in traffic on the CSX line between Carleton, Michigan and Toledo, Ohio, and a minor increase in traffic on the current Conrail line between Detroit, Michigan and Toledo, Ohio, which would become an NS line, would result in more blocked highway/rail at-grade crossings. The County stated that the result would be a delay of emergency vehicles.

Response. SEA has determined that the CSX Carlton-to-Toledo rail line segment (C-040) in Monroe County met or exceeded the Board's threshold for environmental analysis. The time that a train would cause a highway/rail at-grade crossing on this rail line segment to be blocked would increase from 2.2 to 2.3 minutes as a result of the proposed Conrail Acquisition, an increase of approximately 6 seconds per train. When delays affect emergency vehicles, the average delay would be half the blocked-crossing time, slightly over a minute. The average number of trains on this rail line segment would increase from 21.9 to 33.1 trains per day, so the total time that a crossing would be blocked would increase from 48.3 minutes to 74.9 minutes per day as a result of the proposed Conrail Acquisition. See Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," Section G.2.1, "Emergency Response Vehicle Delay," of this Final EIS.

Each township in Monroe County has its own fire department and ambulance service. The sheriff's office assigns patrol units to specific areas in the County. There are no grade-separated highway/rail crossings on the CSX rail line segment in the County. Local officials told SEA that train switching often causes extended delays at highway/rail at-grade crossings, and raised a concern that additional trains resulting from the proposed Conrail Acquisition could add to delays caused by switching.

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The pre-existing switching movements in Monroe County serve local businesses and would not increase as a result of the proposed Conrail Acquisition.

Because emergency services exist on both sides of the CSX tracks and the average delay to an emergency vehicle would be short, no mitigation is warranted in Monroe County.

Summary of Comments. The City of Taylor, Michigan expressed concern that the proposed increase in train traffic could affect the emergency response activities of police, fire, and rescue services.

Response. SEA's analysis revealed that no rail line segment in the Taylor, Michigan area met or exceeded the Board's threshold for environmental analysis.

Southeastern Michigan—Transportation: Other

Summary of Comments. The City of Monroe, Michigan requested that the Board "support the need to eliminate the southbound Conrail track thru the Monroe Area and encourage the Federal Highway Administration [FHWA] to fully fund the Monroe Area Rail Consolidation plan as approved June 2, 1997 by the FHWA." The City claimed that NS could eliminate the southbound Conrail track by implementing the plan or by using the northbound Conrail tracks as a bi-directional line through the area.

Response. As Appendix A, "Rail Line Segments and Traffic Density Changes," of the Draft EIS showed, SEA determined that rail traffic on the Conrail rail line segment (N-295), which NS would acquire, through Monroe would increase from 11.6 trains per day to 14.5 trains per day. Therefore, SEA did not analyze the highway/rail at-grade crossings on rail line segment N-295 because this rail line segment did not meet the Board's threshold for environmental analysis (3 trains per day in a nonattainment area). SEA notes that the City has developed a rail corridor consolidation plan that would eliminate a series of highway/rail at-grade crossings.

Summary of Comments. The Village of Holly, Michigan recommended that the Board require CSX to meet annually with municipalities in Western Oakland County to address the increase in freight rail traffic through this area. The Village stated that the additional freight rail traffic resulting from the proposed Conrail Acquisition "will have an impact on our community."

Response. SEA determined that the train increases resulting from the proposed Conrail Acquisition for the rail line segments that go through Holly did not exceed the Board's thresholds for environmental analysis (see Appendix T, "Final Environmental Impact Statement Rail Line Segments," of this Final EIS). For the Flint-to-Holly rail line segment (C-219), the current 12.8 trains per day would increase by 1.2 trains per day to 14.0 trains per day. For the Holly-to-Wixom rail line segment (C-220), the current 11.3 trains per day would increase by 1.2 trains per day to 12.5 trains per day. SEA

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evaluated both segments for potential increases in hazardous materials transport. Results of the revised hazardous materials transport analysis appear in Chapter 4, "Summary of Environmental Review," of this Final EIS.

Summary of Comments. The Southeast Michigan Council of Governments requested information on the amount of freight rail service from intermodal terminals in New York and Baltimore to Detroit. The Council also requested details, if available, on intermodal transport to/from Detroit.

Response. The NS and CSX Operating Plans listed various train schedules but did not list specific breakdowns of types or amounts of traffic between points. Traffic at intermodal terminals appeared as total numbers. CSX and NS provided truck increases at the various intermodal terminals, but not by specific origins and destinations.

CSX and NS truck activity projections show that the Melvindale facility would increase by 58 trucks per day. The combined Conrail/CSX Detroit-Livernois facility would increase by 27 trucks per day. Similarly, the NS Delray facility would increase by 47 trucks per day. The Draft EIS Chapter 5, "State Settings, Impacts and Proposed Mitigation," Volume 3A, presents SEA's analysis for the Melvindale intermodal facility, which is the only one of the three intermodal facilities that met the Board's threshold for environmental analysis. Total ADT increases for Melvindale represent less than 2 percent of all affected roadways. SEA concluded that no mitigation was warranted.

Southeastern Michigan—Noise

Summary of Comments. The City of Taylor, Michigan expressed concern that, to date, it has not had any contact with the Applicants to discuss various methods of noise mitigation, as SEA recommended in the Draft EIS.

Response. SEA recognizes the concerns of the City of Taylor. Rail line segment S-020 runs through the southeastern corner of the City. Results of SEA's noise impact analysis indicate that a few receptors adjacent to rail line segment S-020 in Taylor met the noise mitigation criteria. Refer to Appendix J, "Noise Analysis," of this Final EIS for details regarding the location of these receptors and to Chapter 7, "Recommended Environmental Conditions," of this Final EIS for SEA's mitigation recommendations.

Summary of Comments. The Southeast Michigan Council of Governments commented on the need for noise mitigation for the Detroit-to-North Yard rail line segment. The Council requested that the Final EIS include a complete list of all communities and groups involved in the mitigation process, a full description of the process that SEA used, and the basis for conclusions.

Response. SEA calculated that the Detroit-to-North Yard rail line segment S-021 would experience an increase of 5.3 freight trains per day and a resulting 2.2 dBA L_{dn} noise

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increase. See Appendix J, "Noise Analysis," of this Final EIS for a full explanation of SEA's methodology. SEA considered mitigation for noise-sensitive receptors that it predicted would be exposed to at least 70 dBA L_{dn} and an increase of at least 5 dBA L_{dn} . The S-021 rail line segment does not meet these mitigation criteria. See Chapter 7, "Recommended Environmental Conditions," of this Final EIS for a list of all communities involved in the mitigation process.

Summary of Comments. The Monroe County Planning Commission requested a list of specific mitigation measures that the Applicants would complete in the noise abatement area in Monroe County, Michigan. The Commission also requested a list of some examples of previously implemented abatement measures (preferably in the Toledo, Ohio vicinity). The County requested that the Applicants consider mitigation along the CSX line running from Carlton, Michigan to Toledo, including the City of Monroe. The City of Monroe expressed concern with noise and vibration that daily rail operations generate in the vicinity of a school and playground in the City.

Response. This Final EIS includes discussions of all candidate sites eligible for noise mitigation and the mitigation measures that SEA recommends for those areas. The Carleton-to-Ecorserail line segment (S-020), which crosses Monroe County, is eligible for mitigation. For discussions of SEA's mitigation analysis and the recommended mitigation, see Chapter 7, "Recommended Environmental Conditions," and Appendix J, "Noise Analysis," of this Final EIS.

Regarding other mitigation measures that the commentor's letter mentions, SEA has concluded that it is beyond the scope of this Final EIS to discuss mitigation measures previously implemented. The mitigation discussion included in this Final EIS is limited to those areas that meet the mitigation criteria that SEA established for this proposed Conrail Acquisition.

SEA recognizes that Federal Transit Administration guidance addresses ground-borne vibration. SEA notes that the vibration velocity of a freight train traveling at 50 mph 10 feet from the tracks is 95 dB (re /micro-inch/second). This value is substantially below cosmetic damage criteria (106 dB re 1 micro-inch/second), which is lower than structural damage criteria (126 dB re 1 micro-inch/second). SEA considers it unlikely that vibration levels would exceed any damage criterion, and thus unlikely that freight train activity at any level would cause damage to buildings in the study area. See Appendix J, "Noise Analysis," of this Final EIS for more detailed discussion.

Southeastern Michigan—Hazardous Waste Sites

Summary of Comments. A staff member of the Areawide Water Quality Board expressed a concern regarding water quality in the Rouge River. The Rouge River is located approximately 1,000 feet from the proposed Ecorse Junction connection. The commentor stated that the river

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and the Detroit sewer system should be protected to the fullest extent possible from construction activities that would disturb the Ecorse Junction hazardous waste sites and contribute contaminants from runoff. The Water Quality Board recommended coordinating site surveys with the Michigan Department of Environmental Quality and the Wayne County Department of Environment and Health.

Response. With respect to the commentor's concern about potential construction impacts on the Rouge River, SEA notes that it did not identify a necessity to recommend any additional mitigation with respect to hazardous waste sites. Existing regulations would require the Applicants to address any hazardous wastes that construction activities disturb. SEA concludes that these existing requirements would adequately protect the Rouge River and area sewer systems.

Southeastern Michigan—Natural Resources

Summary of Comments. A representative of M.O.S.E.S. (no definition provided) requested information with regard to potential environmental impacts on wildlife in Michigan.

Response. SEA provided specific discussions on wildlife in Michigan in Volume 3A, Chapter 5 of the Draft EIS. SEA determined that the proposed Conrail Acquisition would have no impact on Federally listed endangered and threatened species or on indigenous wildlife in the State of Michigan.

Southeastern Michigan—Environmental Justice

Summary of Comments. The Southeast Michigan Council of Governments questioned why SEA did not evaluate the proposed construction at Ecorse Junction (NX-08), activity at the Rougemere rail yard (CY-03), and the West Detroit-to-Delray rail line segment for potential environmental justice impacts.

Response. SEA determined that the Area of Potential Effect surrounding the Ecorse Junction (NX-08), Rougemere rail yard (CY-03), and the West Detroit-to-Delray rail line segment (S-022) met the demographic environmental justice criterion (minority and low-income populations). However, none of these sites met the second criterion for environmental justice analysis (environmental effects that met the criteria of significance). Therefore, SEA determined that there would be no significant adverse impact on the potentially affected environmental justice population at these sites and did not recommend mitigation.

For the Final EIS, 16 of 19 block groups along rail line segment S-022 met the initial criterion for environmental justice populations. However, all of the block groups ranked low in the ranking analysis for disproportionality. See Appendix M, "Environmental Justice Analysis," for the methodology and Chapter 4, "Summary of Environmental Review," of this Final EIS for analysis findings.

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Southeastern Michigan—Cumulative Effects

Summary of Comments. The Chairman of the Monroe County Planning Commission commented that “railroad support of Monroe’s ongoing project to consolidate east side rail lines (Conrail/NS and C[anadian]N[ational]N[orth]A[merica]) is essential to its success.”

Response. SEA evaluated whether other past, present, or reasonably foreseeable future projects or activities, when combined with potential impacts of the proposed Conrail Acquisition, could result in a significant cumulative effect. SEA was made aware of these projects and activities through site visits and agency and public comments that various agencies provided to SEA within the schedule that the Board specified in the EIS scoping process. The Monroe County Planning Commission comments did not reach SEA in time for inclusion in the Draft EIS. Nevertheless, it is within the scope of the analysis of cumulative effects to consider the concerns the County noted. The County indicated that it has ongoing planning projects to consolidate rail lines. SEA contacted the Michigan Department of Transportation officials, who confirmed the status of planning and partial funding of a grade separation improvement and planning for rail consolidation. SEA determined that the rail line consolidation was not reasonably foreseeable; that is, that officials had not planned, approved, and funded capital improvements and completed operating access agreements. SEA determined that the consolidation was not sufficiently advanced to consider in its cumulative effects analysis for the proposed Conrail Acquisition.

SEA has concluded at this time that there would be no other significant cumulative effects associated with the proposed Conrail Acquisition that would warrant mitigation.

Southeastern Michigan—General

Summary of Comments. The City of Taylor, Michigan stated that it was concerned with “the lack of information the City of Taylor has received from the SEA of the Surface Transportation Board.”

Response. SEA has conducted extensive public notification and public outreach activities in the course of the preparation of the Draft and Final EIS. SEA has published notices in the Federal Register for scoping of the EIS, availability of the Draft EIS, commenting on the Draft EIS, and availability of information via the Internet website and hotline that it established for the proposed Conrail Acquisition. In addition, SEA provided Wayne County, Michigan with a copy of the Draft EIS. Because of the many communities in the 24 states where the EIS encompasses Acquisition-related activities, SEA was unable to make direct contact with each community.

Section 5.3.13—Mississippi

5.3.13 Mississippi

Mississippi—Safety: Hazardous Materials Transport

Summary of Comments. DOI expressed concern about potential environmental impacts of hazardous materials spills on rail line segment C-387 on threatened and endangered species in Mississippi. DOI was specifically concerned about potential environmental impacts on the Pascagoula, Biloxi, Wolf, and Pearl River basins. DOI recommended the following mitigation measures for hazardous materials transport along rail line segment C-387:

- Lower speeds across bridges within the listed basins.
- Increased inspections of cars carrying hazardous materials along this route.
- Increased inspections of rail lines along this route.
- Include in emergency response plan, guidelines for immediate consultation with USFWS personnel regarding potential environmental impacts on listed species in the event of a spill.

Response. Based on additional information that CSX provided subsequent to publication of the Draft EIS, SEA has determined that hazardous materials transport on rail line segment C-387 would increase from the current 45,000 carloads per year to 54,000 carloads per year following the proposed Conrail Acquisition. This is a change from 44,000 carloads per year to 88,000 carloads per year that the Draft EIS reported. Therefore, rail line segment C-387 would remain a key route following the proposed Conrail Acquisition. SEA further recommends that the Board require CSX to notify the USFWS of any accident involving a reportable release of hazardous materials that could enter the Pascagoula, Biloxi, Wolf, and Pearl River basins on rail line segment C-387 between New Orleans and Mobile. SEA maintains that these mitigation measures, combined with the existing key route requirements, sufficiently address DOI's concerns.

If the Board requires lower speeds across bridges, delay at highway/rail at-grade crossings could increase. FRA has regulations that dictate track safety standards and the applicable train speeds for each class of track. DOT, following its review and approval of the CSX's and NS's Safety Integration Plans in Volume 2 of the Draft EIS, did not recommend any additional mitigation in this regard. SEA concludes that the accident history of rail line segment C-387 does not demonstrate an adverse safety condition that warrants increased inspections of rail cars and rail lines.

Section 5.3.14—Missouri

5.3.14 Missouri

The Missouri Office of Administration Clearinghouse acknowledged receipt of the Draft EIS. However, no state or local agencies, organizations, businesses, or citizens in Missouri submitted comments to SEA.

Section 5.3.15—New Jersey

5.3.15 New Jersey

New Jersey—General

Summary of Comments. The State of New Jersey Department of Environmental Protection provided comments on the Responsive Environmental Report of New Jersey Transit Corporation.

Response. The issues the Department identified are not related to the Draft EIS.

Northeastern New Jersey—Safety: Hazardous Materials Transport

Summary of Comments. The Middlesex County Fire Academy expressed appreciation for past support from Conrail for hazardous materials emergency response training and urged that this support continue following the proposed Conrail Acquisition.

Response. The Applicants' Safety Integration Plans, furnished in Chapter 2 of the Draft EIS, "Proposed Action and Alternatives," set forth plans for further improvements in safe operating practices. SEA acknowledges the Fire Academy's appreciation of Conrail's past support.

Summary of Comments. The Township of Woodbridge voiced concern about previous hazardous materials leaks from rail cars as well as the storage of tank cars containing hazardous materials on track in residential areas. Woodbridge also expressed concern about increased hazardous materials transport between Trenton and Port Reading, and the Township stated its hope that SEA could help to open lines of communication with the new management.

Response. SEA did not evaluate the environmental effects of pre-existing conditions. SEA points out that numerous other laws and rules govern hazardous materials releases. SEA did, however, evaluate the potential environmental impacts of hazardous materials transport and found that the following rail line segments traversed Woodbridge Township, New Jersey:

- C-769 Trenton-to-Port Reading.
- N-210 E Rail TV-to-Port Reading.
- N-211 Port Reading-to-South Amboy.
- N-212 Bound Brook-to-Port Reading.
- S-229 Port Reading Junction-to-Port Reading.

SEA found that these rail line segments would experience an overall 10 percent increase in hazardous materials transport following the proposed Conrail Acquisition. However, SEA determined that only rail line segment C-769 would experience an increase in hazardous materials transport that would exceed SEA's criteria of significance. See

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Chapter 4, “Summary of Environmental Review,” and Appendix F, “Safety: Hazardous Materials Transport Analysis.” SEA recommends that the Board require CSX to implement key route mitigation measures on rail line segment C-769, as this Final EIS discusses in Chapter 7, “Recommended Environmental Conditions.”

Northeastern New Jersey—Transportation: Passenger Rail Service

Summary of Comments. Bergen County, New Jersey commented that the proposed increases in freight traffic related to the Conrail Acquisition could undercut the County’s plans to expand its passenger rail capacity. The County in its “Planning Essay” attached to its comment letter described three specific rail line segments—the New York, Susquehanna and Western; the West Shore; and the Northern Branch—that it plans to use for passenger service.

Response. SEA reviewed Bergen County’s “Planning Essay” and concluded that it does not represent a formal, funded plan for passenger service on the rail line segments described. The proposed Conrail Acquisition would have little impact on the River Line. CSX would add only 1.2 freight trains per day from Ridgefield Heights, New Jersey to Newburgh, New York (C-758).

The Applicants did not propose an increase in freight operations on the Northern Running Track, which is part of the North Jersey Shared Assets Area, to Orange County, New York. The New York, Susquehanna and Western Railway is not an Applicant in the proposed Conrail Acquisition and has not entered into a Settlement Agreement with the Applicants. Therefore, its rail line segments are not subject to the Board’s jurisdiction in the proposed Conrail Acquisition.

Northeastern New Jersey—Transportation: Highway/Rail At-grade Crossing Delay

Summary of Comments. The Village of Ridgefield Park commented that the Draft EIS stated that there are no highway/rail at-grade crossings in the Village. Ridgefield Park suggested that SEA evaluate two highway/rail at-grade rail crossings in the Village: Mt. Vernon Street and the Bergen Turnpike. The Village stated that the New York, Susquehanna and Western Railway operations currently block these major thoroughfares for up to an hour. The Village is concerned that increased activity at the Little Ferry Yard would block these crossings even more.

Response. With respect to the Village of Ridgefield Park’s concerns, SEA has analyzed the change in delay from increases in train traffic that would result from the proposed Conrail Acquisition. The current delays at crossings in this area are not an impact of the proposed Conrail Acquisition; rather, the cause of the delays is the New York, Susquehanna and Western Railway trains that already operate through the area. These delays are a pre-existing condition, beyond the scope of the EIS, and it is the Board’s policy not to require mitigation of pre-existing conditions. As a result of the proposed Conrail Acquisition, the number of trains on the Ridgefield Heights-to-Newburgh, New

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York rail line segment (C-758) would increase by 1.2 trains per day, from 23.6 trains per day to 24.8 trains per day. Because this increased number of trains did not meet the Board's thresholds for environmental analysis, SEA's analysis did not address highway/rail at-grade crossings along this rail line segment.

Summary of Comments. The Village of Ridgefield Park expressed concern about emergency response. The concern arises from the possibility that emergency vehicles in the Department of Public Works yard on the western side of the railroad tracks would be unable to respond in a timely fashion to fires or other emergencies that might occur when trains block the tracks. The Village requested that SEA conduct a comprehensive analysis of highway/rail at-grade crossings at Mount Vernon Street and the Bergen Turnpike.

Response. SEA's analysis has determined that the Applicants propose no changes in rail line segment traffic that would exceed the Board's thresholds for environmental analysis in the Ridgefield Park, New Jersey area. These delays represent pre-existing conditions. It is the Board's policy not to require mitigation of pre-existing conditions.

Northeastern New Jersey—Transportation: Roadway Systems

Summary of Comments. The Tri-State Transportation Campaign indicated that the use of intermodal facilities could reduce truck traffic on congested Trans-Hudson highway crossings. An independent study, *The Oak Point Link Market Development Initiative*, dated May 1994, estimated the potential for three intermodal facilities located east of the Hudson River. Tri-State stated that these intermodal facilities would "help to accommodate increased intermodal traffic projected by the applicants, reducing their investment in, and potential negative environmental consequences of, yard expansion in North Jersey."

Response. This comment raises a prospective competition issue, which is beyond the scope of the EIS. SEA's analysis of intermodal facilities focused on the Applicants' existing and proposed facilities where activities could meet or exceed the Board's thresholds for environmental analysis.

Summary of Comments. Two commentors, the County of Bergen and the Tri-State Transportation Campaign, expressed concern about congestion in New Jersey. They stated that the proposed Conrail Acquisition would affect already congested areas. Tri-State noted that the potential "environmental impacts are not adequately addressed in the [Draft] EIS" and the "Railroad Consolidation Procedures require that the applicants detail any impact that changes in service may have on the public welfare."

Response. SEA considered these comments as well as a Petition of Intervention, two Responsive Applications, and several Requests for Conditions, and it analyzed the potential environmental impacts in Appendix H, "Transportation: Roadway Systems Analysis," of this Final EIS. SEA concluded that any potential environmental impacts

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east of the Hudson River that would result from the proposed Conrail Acquisition would be insignificant.

Summary of Comments. The Village of Ridgefield Park commented that the expansion of the Little Ferry Yard would create a significant volume of additional rail traffic, which would worsen the area's existing traffic problems. Further, the Village stated that the Board should "consider both immediate and long-term impacts of the railroads' activities both in and around the Village."

Response. SEA's analysis found that the potential environmental impacts of additional truck traffic on the Village of Ridgefield Park would be small. The additional truck traffic associated with the expansion of the Little Ferry Yard would increase traffic on major roadways by less than nine percent of the traffic volumes before the proposed Conrail Acquisition. The information that SEA gathered during its site visit showed that none of the trucks traveling to and from the Little Ferry Yard pass through the Village. See Appendix H, "Transportation: Roadway Systems Analysis." Although not all trucks use major roads, and some could therefore travel through the Village, the number would be likely to be small and would not result in significant impacts.

Northeastern New Jersey—Transportation: Other

Summary of Comments. Bergen County, New Jersey expressed a general concern over the ability to move people and goods by rail within a highly congested area. The County stated that new rail transit capacity is essential to the area's economic health.

Response. SEA has concluded that the proposed Conrail Acquisition would have little impact on rail line segments in Bergen County. CSX would add only 1.2 freight trains per day from Ridgefield Heights, New Jersey to Newburgh, New York.

Summary of Comments. The Tri-State Transportation Campaign raised a concern over the Applicants' estimate of environmental benefits from the diversion of truck traffic to rail in the Tri-State region (east of the Hudson). Tri-State pointed out that the Applicants estimated they would divert more than 1.35 million truck loads per year to rail within the downstate New York area. This value exceeds the 1.03 million truck loads that the Applicants expect to divert to rail for the entire eastern portion of the U.S. Tri-State noted that, in the Draft EIS, the Board raised concerns about the validity of the Applicants' estimate and suggested that the Applicants exaggerated the benefit by double counting. Tri-State asserted however, that the Board neither investigated the exaggeration nor explained the reason for its concern. Tri-State recognized that the estimates may be imprecise, but maintained that the potential truck-to-rail diversion would be significant.

Tri-State further commented that the Board never considered the conditions that Tri-State submitted that would result in competitive intermodal rail east of the Hudson.

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Response. SEA considered these comments as well as a Petition for Intervention, two Responsive Applications, and several Requests for Conditions, and analyzed the potential environmental impacts in Appendix H, "Transportation: Roadway Systems Analysis," of this Final EIS. SEA concluded that any environmental impacts that could result from the proposed Conrail Acquisition east of the Hudson would be insignificant. SEA's responsibility and the scope of the EIS exclude evaluating merits issues such as the competitive aspects of the proposed Conrail Acquisition. Appendix H, "Transportation: Roadway Systems Analysis," of this Final EIS discusses truck-to-rail diversions.

Summary of Comments. The Tri-State Transportation Campaign in New Jersey stated, "While restored competitive rail service in the West of Hudson sector would produce substantial environmental benefits, these effects are not evaluated in the D[raft] EIS." Tri-State proposed that the Board require the Applicants to "make a special effort to retain carload freight in North Jersey." Tri-State noted that relocating freight away from the North Jersey Shared Assets Area would increase truck miles in the region.

Response. The Board will address merits issues in its review of the Application, but the Board traditionally does not regulate day-to-day operations, which are primarily dependent on market forces. SEA notes, however, that the Tri-State area would experience an increase in freight traffic on nearly all rail line segments. Additionally, SEA understands that the Applicants intend to increase intermodal facility usage (see Appendix B, "Safety," Attachment B-4, of the Draft EIS).

For example, the Applicants expect the principal carload handling yard, Oak Island, to increase the number of rail cars handled each day by 230. These data suggest that the carload traffic in the northern New Jersey service area would increase, a further indication that both NS and CSX expect substantial carload business in the northern New Jersey service area. In the Draft EIS, SEA projected that the proposed Conrail Acquisition would divert over one million truck trips system-wide. Chapter 4, "Summary of Environmental Review," and Appendix H, "Transportation: Roadway Systems Analysis," of this Final EIS provide additional information on issues in the New York City/northern New Jersey metropolitan area.

Summary of Comments. USCG stated that railroads often use the Lehigh Valley Bridge across Newark Bay to build trains and that this practice hampers the drawbridge operation of the bridge.

Response. SEA determined that waterborne navigation has the right-of-way at movable bridges and that USCG would continue to monitor channel blockage incidents in accordance with existing regulations.

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Northeastern New Jersey—Air Quality

Summary of Comments. The Township of Woodbridge, New Jersey expressed the concern that the increased number of trains would increase the number of complaints about trains idling behind residences, and that train emissions are an added cause of complaints during the spring and summer seasons.

Response. Locomotives idling for extended periods near residences are pre-existing conditions, not effects of the proposed Conrail Acquisition. It is the Board's policy not to require mitigation of pre-existing conditions. See Chapter 4, "Summary of Environmental Review," and Appendix I, "Air Quality Analysis," of this Final EIS for additional potential air quality impacts of idling locomotives. SEA's analysis demonstrates that idling locomotives would not cause problems in meeting the NAAQS.

Summary of Comments. The County Executive of Bergen County, New Jersey commented that residents and workers would be affected by any increase in air pollutant emissions.

Response. SEA has concluded that the 0.65 percent increase in NO_x emissions in Bergen County, New Jersey would not produce any discernible effect on air quality. Other pollutant changes in the County would be clearly negligible. Recent studies by the Ozone Transport Assessment Group have shown that NO_x effects on ozone nonattainment are primarily a regional concern, rather than a local one. Therefore, SEA does not believe that local NO_x emissions changes, particularly the relatively low and widely distributed emissions changes shown in the Draft EIS, would have any measurable effect on local ozone levels. Furthermore, the EPA's new emissions standards for locomotives will reduce railroad-related NO_x emissions to well below current levels. This would more than offset any small local increases resulting from changes in rail traffic associated with the proposed Conrail Acquisition.

Summary of Comments. Officials of Bergen County stated that the proposed Conrail Acquisition could violate the General Conformity Rules, which apply to air quality.

Response. The Board has determined that General Conformity does not apply to merger and acquisition applications. EPA has stated that "it is up to each Federal agency to review its own unique legal authority and determine what emission-generating activities it has the ability to control." (*General Conformity Guidance: Questions and Answers*, EPA Office of Air Quality Planning and Standards, July 13, 1994, page 14.) The Board examined the issue of control and determined that it cannot practicably control railroad emissions as part of a continuing program responsibility. See Section 5.2.3.11, Air Quality, for additional discussion of General Conformity Rules and SEA's discussion of applicability.

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Summary of Comments. Officials of Bergen County commented that the calculation of the “emissions off-set” is flawed because SEA’s calculation used the entire system-wide emissions rather than emissions in Bergen County.

Response. This comment is based on the assumption that General Conformity applies and that SEA should therefore compare county emissions with General Conformity thresholds. SEA calculated net emissions changes on a system-wide basis, on a region-wide basis (for the Northeast Ozone Transport Region), and on a county-by-county basis for those counties analyzed. SEA did not use the system-wide net emissions decrease (or offset analysis) as justification for not applying General Conformity Rules. Rather, the Board has determined that General Conformity Rules do not apply to its decisions to approve or deny mergers. See Section 5.2.3.11, “Air Quality,” of this chapter for additional discussion of General Conformity Rules and SEA’s discussion of applicability.

Summary of Comments. The Village of Ridgfield Park commented that increasing numbers of idling and slow-moving trains would increase air pollution in the Village.

Response. Locomotives idling for extended periods at the New York, Susquehanna and Western Railway refueling and light maintenance facility are pre-existing conditions, not the effects of the proposed Conrail Acquisition. SEA notes that the New York, Susquehanna and Western Railway is not an Applicant in the proposed Conrail Acquisition. Also, it is the Board’s policy not to require mitigation of pre-existing conditions.

With respect to locomotive operations on rail line segments, SEA performed a dispersion modeling analysis to ascertain whether Acquisition-related increases in locomotive exhaust emissions might cause ambient concentrations to exceed the health-based NAAQS. SEA performed the air quality analysis on a conservative screening basis, including idling locomotives and locomotives operating at slow speeds, and it did not account for the significant overall reduction in diesel locomotive exhaust emissions that will result from EPA’s new emission rules for locomotives, issued in December 1997 (see Appendix O, “EPA Rules on Locomotive Emissions,” of this Final EIS). All modeled air pollutants were less than the NAAQS, and demonstrate that diesel locomotive exhaust emissions from rail line segments should not cause adverse air quality effects in the Village of Ridgfield Park. Appendix I, “Air Quality Analysis,” of this Final EIS contains details of this study.

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Northeastern New Jersey—Noise

Summary of Comments. The Township of Woodbridge expressed concern that FRA criteria for noise ignore the “legitimate public health concerns and special circumstances” of residents who live within 50 feet of the tracks. The Town also commented that the Draft EIS did not provide an analysis of potential noise impacts on the Port Reading section of Woodbridge.

Response. Because the Board has no authority over horn sounding procedures, it is not appropriate for SEA to warrant mitigation of locomotive horn noise. The noise analysis in this Final EIS addresses all rail line segments that the proposed Conrail Acquisition would affect and that SEA identified as meeting the Board’s thresholds for noise analysis. Increases in freight train traffic that SEA predicted for rail line segment C-769, which has an endpoint in Port Reading, did not exceed the Board’s thresholds for noise analysis. Therefore, SEA performed no noise analysis for this segment.

Northeastern New Jersey—Natural Resources

Summary of Comments. The New York District of USACE provided a map of Little Ferry, Bergen County, New Jersey that depicted wetland areas regulated by the New Jersey Department of Environmental Protection. USACE indicated that any work in these and nearby wetland areas would require a Department of the Army permit from the New York District.

Response. SEA acknowledges that certain railroad activities would require Federal, state, and local agency permits. SEA agrees that the Applicants have the responsibility to secure all required permits.

Summary of Comments. USCG stated that Federal regulations governing the operation of the Lehigh Valley Bridge across Newark Bay require that trains delay the operation of this drawbridge no more than 5 minutes. USCG stated that Conrail has used this bridge in the past for building trains, causing the bridge to be inoperable for several hours. USCG commented that it has assessed civil penalties for past violations and will continue to enforce the regulations. USCG strongly recommended that the Applicants take steps to prevent these delays by expanding or reconfiguring the train yard.

Response. Based on evaluations for the Draft EIS, the rail line segments (S-220 and S-222) containing the Lehigh Valley Bridge across Newark Bay in New Jersey did not meet or exceed the Board’s environmental analysis thresholds. However, according to the data listed in Table A-1 in Appendix A of the Draft EIS, “Rail Line Segments and Traffic Density Analysis,” if the Board approves the proposed Conrail Acquisition, the freight rail traffic over the Newark Bay Drawbridge would remain approximately the same after the proposed Conrail Acquisition at 18.5 trains per day. For this reason, SEA determined that through freight train movement as a result of the proposed Conrail Acquisition would not affect drawbridge operation. The delay conditions described by

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the commentor are apparently the result of present train operations and not a result of the proposed Conrail Acquisition. The Board does not have unlimited authority, and it is the Board's policy not to require mitigation of pre-existing environmental impacts, such as impacts resulting from existing railroad operations or land development in the vicinity of the railroads. However, SEA encourages USCG to consult directly with the Applicants on this issue. SEA notes, however, that the number of rail cars that the Applicants would handle within Oak Island Yard would increase by 230 cars per day. Depending on the manner that Oak Island Yard operates, this increased switching activity could result in an increase in the number of times cars are pulled out of the yard onto the bridge, then pushed back into the yard. This movement could have an impact on the ability of the bridge operator to open the bridge for navigational purposes.

Northeastern New Jersey—Environmental Justice

Summary of Comments. The Rutgers Environmental Law Clinic, commenting for the Tri-State Transportation Campaign, stated that, by imposing Tri-State's proposed conditions outlined in its comments on the draft scope of the EIS, the Board would improve environmental justice conditions in Tri-State's region.

Response. SEA evaluated the comments for the metropolitan New York area. A substantive discussion of this issue and the results of the evaluation can be found in Chapter 4, "Summary of Environmental Review," and Appendix M, "Environmental Justice Analysis," of this Final EIS.

Other New Jersey—Transportation: Passenger Rail Service

Summary of Comments. The Somerset County, New Jersey Chamber of Commerce and the Somerset County Planning Board commented that they are strong proponents for reactivating the West Trenton passenger rail service, and are working with NJT on the West Trenton study. The County requested that the Board approve the proposed Conrail Acquisition on two conditions: (a) that the West Trenton line accommodate dual use of both freight and future passenger rail service and (b) that existing passenger rail service serving Somerset County, including that on the Raritan Valley Line, which ties into Penn Station in Newark, New Jersey, not experience adverse effects at the expense of expanded freight service.

Response. SEA's analysis showed that Conrail ceased to be the operating contractor for passenger service on the Conrail West Trenton Line in the early 1980s. Since then, the Conrail Trenton Line has been a freight service-only operation, with rationalization of the rail line track and signal system consistent with a freight-only service on the 25-mile segment between Bound Brook and West Trenton. If the Board approves the proposed Conrail Acquisition, the rail line segment would carry 4.3 fewer freight trains per day, a 27 percent reduction. Although NJT has begun preliminary planning for commuter service on the rail line segments, SEA determined that NJT's proposal for West Trenton

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passenger rail service is not sufficiently advanced and does not have capital funding or operating access agreements for SEA to consider reasonably foreseeable.

Other New Jersey—Cumulative Effects

Summary of Comments. USACE, Philadelphia District, referred to a proposal by the New Jersey Transit Corporation to upgrade and improve existing rail facilities along the Conrail line known as the Bordentown Secondary in order to operate a light rail transit system between Trenton and Camden. The District indicated that it could complete its review of the Corporation's delineation of Federally regulated waters and wetlands along the rail line by the end of January and that additional pre-Application meetings would follow. The District also stated that the necessary authorizations from USACE would likely take the form of Army Nationwide Permits.

Response. SEA reviewed the proposal by the New Jersey Transit Corporation and found that it has no operating or property agreements with Conrail and has not filed for a required FRA safety waiver. Thus, SEA determined that the Corporation's proposal to operate a light rail transit system between Trenton and Camden, New Jersey is not sufficiently advanced for SEA to consider reasonably foreseeable. Therefore, SEA did not evaluate the potential cumulative effects of the proposed Conrail Acquisition and the Corporation's light rail proposal in this Final EIS.

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New York—Transportation: Passenger Rail Service

Summary of Comments. The Capital District Transportation Committee in Albany, New York expressed concern that implementation of the proposed Conrail Acquisition would not accommodate passenger trains in the State of New York “over the long term” with regard to on-time performance and high-speed rail service.

Response. SEA recognizes CSX’s willingness to increase maximum authorized passenger train speeds to 79 mph, where possible, on the Amtrak Empire Service corridor between Albany and Buffalo. CSX also stated its willingness to negotiate further improvements with passenger train service on the Empire Service corridor. Planning for this work is still preliminary. SEA maintains that the operating agreement between Conrail and Amtrak provides a framework in which the planning could go forward.

With regard to the Committee’s concern about future on-time performance, Amtrak has the necessary legal and regulatory tools pursuant to the Rail Passenger Services Act of 1970 so that CSX would give its trains dispatching and operating priority. The Rail Passenger Services Act (49 U.S.C. § 24308(c)) authorizes DOT and FRA to enforce regulations requiring the dispatch of passenger trains before freight trains.

Summary of Comments. MNR commented that the Draft EIS contains several inaccuracies, as follows: (a) Daily ridership in 1997 was 218,000 and annual ridership was 62.6 million (Section 4.7.1 of the Draft EIS, “Intercity Passenger Rail Service,” said daily ridership was 201,000, and page NY-14 in Volume 3B said annual ridership was 61.3 million), (b) The “Master Table of All Rail Line Segments” in the Executive Summary contained errors regarding ownership of certain lines. The State of Connecticut is the legal owner of rail line segments C-701 and C-702 and the portion of rail line segment C-703 between Norwalk and the New York-Connecticut state border; Metropolitan Transportation Authority, MNR’s parent agency, owns the section of rail line segment C-703 between the state border and New Rochelle; American Premier Underwriters, Inc. owns rail line segments C-705 and C-729 and leases them to Metropolitan Transportation Authority; and MNR maintains and operates these rail lines for commuter service, (c) On pages NY-14 through NY-16 of Volume 3B, the Draft EIS incorrectly stated that MNR operates pursuant to rules that the Northeast Operating Rules Advisory Committee developed, but MNR stated that it operates under its own rules.

Response. SEA appreciates the factual corrections MNR provided in its comments. For analytical purposes, SEA considered ownership in terms of operating management and control of railway assets by Metro-North, rather than ownership described as American Premier Underwriters, Inc., State of Connecticut, and New York Metropolitan Transit Authority, for their respective holdings.

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While the Draft EIS incorrectly implied that Metro-North always operates following rules developed by the Northeast Operating Rules Advisory Committee, Metro-North trains operating between Suffern and Port Jervis, and on the Pascack Valley Line between Spring Valley, New York and Hoboken, New Jersey do follow Northeast Operating Rules Advisory Committee's rules. The Suffern-to-Port Jervis rail line segments were the only MNR rail lines that SEA analyzed in the Draft EIS because they are the only ones that would experience an increase in rail traffic that exceeds the Board's thresholds for environmental analysis.

New York—Transportation: Other

Summary of Comments. The Capital District Transportation Committee in New York expressed a general concern about competitive freight rail access on the east side of the Hudson River. The committee stated that it would monitor the matter and did not see the need for the Board to impose conditions on the proposed Conrail Acquisition specific to the region.

Response. SEA considered these comments as well as a Petition for Intervention, two Responsive Applications, and several Requests for Conditions, and analyzed the potential for increased truck traffic and truck traffic route shifts in Appendix H, "Transportation: Roadway Systems Analysis," of this Final EIS. SEA concluded that any environmental impacts that could result from the proposed Conrail Acquisition in the New York City/northern New Jersey metropolitan area would be insignificant. SEA's responsibility and the scope of the EIS do not include evaluating merits issues such as the competitive aspects of the proposed Conrail Acquisition. Furthermore, it is the Board's policy not to require mitigation of pre-existing conditions.

New York—Air Quality

Summary of Comments. The New York City Economic Development Corporation commented that the Board's regulations for a required minimum air quality analysis are not rigorous enough to provide a good measure of the impacts of the proposed Conrail Acquisition on air quality in the metropolitan New York City region. They also stated that the impacts from added trucks on regional roadways, and the added congestion from those trucks, would add additional NO_x emissions to the region.

Congressman Jerrold Nadler of New York, representing himself and 23 other members of Congress from New York and Connecticut, commented that New York City is at the center of the nation's largest nonattainment area, and that the Draft EIS deals only with local effects of increases in truck traffic in the areas around the northern New Jersey intermodal terminals. He also suggested that the EIS must study viable truck rerouting alternatives that could mitigate the adverse effects of the proposed Conrail Acquisition.

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Response. SEA clarifies that it prepared the air quality analysis in the Draft EIS in accordance with NEPA regulations and the approved scope of the EIS.

SEA does not expect the proposed Conrail Acquisition and associated increased truck lifts at the intermodal facilities in northern New Jersey to result in additional truck trips on metropolitan area roads or bridges. See Appendix H, "Transportation: Roadway Systems Analysis," of this Final EIS. Although a minimal number of trucks could shift their routes across the metropolitan area, these shifts would not result in significant environmental impacts. Therefore, SEA concluded that the proposed Conrail Acquisition would not cause a significant increase in road congestion or reduction in air quality in the New York metropolitan area.

New York—Noise

Summary of Comments. The New York City Economic Development Company commented that the Draft EIS did not take into account the potential noise impacts from increased truck traffic in New York City neighborhoods.

Response. SEA evaluated comments indicating that intermodal facilities in northern New Jersey would substantially increase or alter truck traffic in the New York City/northern New Jersey metropolitan area. SEA concluded that there would not be any significant change in truck traffic volumes or routes in the metropolitan area. Therefore, SEA concludes that no basis exists to expect that the proposed Conrail Acquisition would cause adverse noise impacts in the New York metropolitan area. See Appendix H, "Transportation: Roadway Systems Analysis," of this Final EIS for more detailed discussion of potential truck traffic impacts in the metropolitan area.

New York—Land Use and Socioeconomics

Summary of Comments. The Seneca Nation of Indians, Environmental Protection Department stated: "The Seneca Nation does not recognize New York State jurisdiction specifically relating to permit requirements....Any individual or entity requesting work or proposing activity to be performed on the land of the Seneca Nation must recognize and abide by tribal rules."

Response. SEA concurs that the Seneca Nation's jurisdiction over permit requirements is a matter of tribal sovereignty. SEA has determined that the Seneca Nation's jurisdiction over land use is consistent with SEA's methodology. SEA points out that SEA's methodology involved evaluating the potential land use effects of proposed new constructions and rail line abandonments; however, the proposed actions related to the proposed Conrail Acquisition through lands of the Seneca Nation do not constitute a land use issue. The proposed Conrail Acquisition would result in increased rail traffic on an existing rail line through the Seneca Nation, but it would not cause physical impacts on tribal land through proposed abandonments or construction activities.

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New York Metropolitan Area—Safety: Highway/Rail At-grade Crossings

Summary of Comments. MNR in New York City “supports the recommended steps for enhancing safety at highway-rail grade crossings” as the Draft EIS set forth.

Response. SEA acknowledges the comment and MNR’s support for SEA’s recommended mitigation.

New York Metropolitan Area—Transportation: Roadway Systems

Summary of Comments. Congressman Jerrold Nadler and 23 other members of Congress collectively submitted a comment that raised many issues with respect to the Draft EIS. The New York City Economic Development Corporation also submitted a comment that raised similar concerns. The commentators stated that the Draft EIS addressed only local effects of significant increases in truck trips related to activity at northern New Jersey intermodal facilities. Congressman Nadler noted that much of the added truck traffic “must be routed via the George Washington Bridge” and “Inevitably that traffic will traverse northern Manhattan and the Bronx.” Congressman Nadler also stated that “to conform with the minimum requirements of the law the exact amount of new traffic through northern Manhattan and the Bronx and other regional neighborhoods must be determined and the adverse environmental effects reviewed and stated.” Congressman Nadler concluded that mitigation would be necessary to lessen the potential environmental impact of the added truck trips in the region.

The New York City Economic Development Corporation also expressed a concern that the Draft EIS failed to consider the potential environmental impacts of the increased truck trips to and from the northern New Jersey intermodal facilities. The Development Corporation suggested that “SEA should study carefully the potential numbers of additional truck trips, the likely routes, as well as the numbers of additional truck miles traveled in New York (including Long Island), New Jersey, Connecticut, and other states in New England that may feed traffic to the north New Jersey terminals....”

Response. SEA considered these comments as well as a Petition of Intervention, two Inconsistent and Responsive (IR) applications, and several Requests for Conditions. SEA analyzed the potential for increased truck traffic and truck trip route shifts in the New York City/northern New Jersey metropolitan area in Appendix H, “Transportation: Roadway Systems Analysis,” of this Final EIS. This analysis focused on the truck route across the George Washington Bridge, northern Manhattan, and the Bronx. SEA concluded that, although an insignificant number of route shifts could occur, no significant environmental impacts would result from the proposed Conrail Acquisition in the metropolitan area.

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New York Metropolitan Area—Air Quality

Summary of Comments. The New York State Department of Transportation said that the proposed Conrail Acquisition threatens to impede New York State's ongoing efforts to protect air quality in nonattainment areas of the State, including the success of air quality improvement plans. The Department also claimed SEA's conclusion that no mitigation was required (based on including system-wide air pollutant emissions reductions from truck-to-rail diversions) was erroneous.

Response. SEA notes that the Draft EIS indicated that emissions changes of pollutants other than NO_x would clearly be insignificant in all local areas of New York State. Recent studies by the Ozone Transport Assessment Group have shown that NO_x effects on ozone nonattainment are primarily a regional concern, rather than a local one (see Chapter 4, "Summary of Environmental Review," and Appendix I, "Air Quality Analysis," of this Final EIS). Therefore, SEA concluded that NO_x emissions changes in local areas of New York, particularly the relatively low and widely distributed emissions changes shown in the Draft EIS, would not have any measurable effect on local ozone levels. Furthermore, EPA's new emissions standards for locomotives will reduce railroad-related NO_x emissions to well below current levels. See Appendix O, "EPA Rules on Locomotive Emissions," of this Final EIS. This would more than offset any small local increases as a result of rail traffic adjustments associated with the proposed Conrail Acquisition.

SEA did rely on truck-to-rail freight diversion in performing its analysis to calculate net emissions changes. If these diversions do not actually occur, or are lower than the Applicants projected, there would be a smaller decrease in truck emissions and a smaller increase in rail emissions.

Summary of Comments. The New York State Department of Transportation commented that the county-level air quality analysis was flawed because SEA either disregarded small increases of NO_x emissions or shifted the focus to the regional (state-wide) analysis without providing mitigation. The New York State Department of Transportation commented that the truck-to-rail air quality analysis was flawed because SEA admits to potential double counting of truck-to-rail diversions as supplied separately by NS and CSX.

Response. Based on its analysis, SEA does not consider it necessary to provide mitigation for small local NO_x emissions increases when these increases would have an insignificant effect on air quality, as recent Ozone Transport Assessment Group studies demonstrate. Therefore, SEA concludes that mitigation is not warranted for the small predicted NO_x emissions changes on a local basis.

SEA acknowledges that there is a potential for "double-counting" truck diversions because both NS and CSX have pursued many of the same markets and estimated their

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truck-to-rail freight diversions independently. To avoid such double-counting, the Applicants would have been required to perform a coordinated marketing analysis, which could have raised anti-trust concerns. However, if the combined truck-to-rail diversions were overestimated, there would be a smaller decrease in truck emissions and a smaller increase in rail emissions. Therefore, SEA maintains that potential "double-counting" does not affect its conclusion that the potential air quality impacts of the proposed Conrail Acquisition would be negligible.

Summary of Comments. The Tri-State Transportation Campaign stated that SEA should reanalyze the potential air quality impacts in a 33-county area of New York State to calculate the air quality benefits more accurately based on the information in the New York State IR application.

Response. The New York State IR application requested that the Board impose conditions on the proposed Conrail Acquisition to facilitate more rail service in the New York City metropolitan area east of the Hudson River (see Appendix H, "Transportation: Roadway Systems Analysis," of this Final EIS for further discussion). A potential benefit of such a service could be reduced traffic congestion, resulting in an improvement in existing air quality.

While new rail-related services or facilities may help to reduce emissions, it is not the Board's responsibility to attempt to rectify existing air quality problems. These problems, which are caused largely by motor vehicles and the multitude of other emissions sources in the area of concern, would not be exacerbated by the proposed Conrail Acquisition. The Draft EIS demonstrated that system-wide emissions of all pollutants, except sulfur oxides (SO_x), would decrease. The additional analysis suggested by the Tri-State Transportation Campaign is outside of SEA's EIS scope and responsibility. SEA acknowledges the air quality concerns expressed by the commentor, but it concludes that the problems would not be a result of the proposed Conrail Acquisition.

New York Metropolitan Area—Land Use and Socioeconomics

Summary of Comments. Congressman Jerrold Nadler of New York, 23 other members of Congress, the New York City Economic Development Corporation, and Orange County questioned the definition of the term "socioeconomics" in the EIS scope. The commentors stated that the proposed Conrail Acquisition did not foster competition in "the City of New York and the eastern environs" and ignored enhanced economic opportunity and economic development.

Response. In accordance with the Board's environmental regulations and the scope of the EIS, SEA limited its land use and socioeconomic analysis to considering the consistency of proposed rail line construction and abandonment activities with existing land use plans and evaluating potential business loss directly related to proposed

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constructions and abandonments. Overall economic effects related to the proposed Conrail Acquisition, including competition are merits issues and are not part of SEA's direct environmental review responsibility.

New York Metropolitan Area—Environmental Justice

Summary of Comments. Congressman Jerrold Nadler and 23 other members of Congress expressed concern that the Conrail "monopoly" in "the City of New York and its eastern environs," including the Bronx, would remain intact after the proposed Conrail Acquisition. The members of Congress commented, "The action proposed is the partial end of the Conrail monopoly. Rather than break up this monopoly in its entirety, the petitioners urge that one area of the nation be left out. That area, being the City of New York and its eastern environs, has the nation's largest population center, its highest domestic product, a large minority population and the largest disparity between its richer and poorer residents."

Response. Distribution of Conrail assets and other competitive features are merits issues and not part of SEA's environmental review responsibility. Based on the Application, SEA concluded that there would be no environmental justice impacts on the metropolitan area because conditions would not exceed the Board's thresholds for environmental analysis.

New York Metropolitan Area—General

Summary of Comments. Several members of the U.S. House of Representatives expressed concern about solid waste transport by rail from Long Island, New York to landfills outside the area. The commentators stated that the Long Island Railroad freight services operator, the New York and Atlantic Railroad, and the Borough President of Queens had reached an agreement prohibiting municipal solid waste transport through Queens via Conrail. This agreement resulted from long delays of cars carrying municipal solid waste through the New York and Atlantic interchange with Conrail at Fresh Pond Junction in Queens. The letter suggested that granting the Conrail Shared Assets Operator access to Fresh Pond to handle the traffic via harbor floats is a viable option.

Response. The agreement prohibiting municipal solid waste transport through Queens involves the New York and Atlantic Railroad and the Borough of Queens solution to remedy a pre-existing condition and is not a result of the proposed Conrail Acquisition. It is not appropriate or within the Board's jurisdiction to interfere with agreements between railroads and local government. Further, SEA considers it unfair to characterize such an agreement between two independent parties as a refusal by the railroad to handle traffic. It is a speculative assertion that merely granting access would create any substantial changes in outcome relative to solid waste transport. The existing agreement between the New York and Atlantic Railroad and Queens has a 5-year term, and the commentators will be free to discuss their concerns with the Borough of Queens, the New

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York and Atlantic Railroad, the Conrail Shared Assets Operator, and other concerned parties when the agreement lapses.

Other New York—Safety: Highway/Rail At-grade Crossings

Summary of Comments. The Schuyler County, New York Environmental Management Council commented that although many of the rural highway/rail at-grade crossings did not meet the roadway traffic threshold for environmental analysis, they would experience a significant change in rail freight tonnage. The Council posed the question, “Will our 500% increase [in gross freight tonnage] be sufficient to result in upgraded traffic warning signals?”

Response. The formulas that SEA used to calculate accident risk included the number of trains at a highway/rail at-grade crossing, not tonnage. SEA concluded that the number of trains is the best measure of the exposure of roadway traffic to circumstances with the potential for accidents. SEA also evaluated each rail line segment for the proposed tonnage, because a given tonnage could be distributed in any number of trains. SEA did not analyze highway/rail at-grade crossings in Schuyler County because no rail line segments in the County met SEA’s threshold for such analysis (8 trains per day increase) and, therefore, did not warrant consideration of mitigation.

Summary of Comments. Orange County, New York provided the following list of highway/rail at-grade crossings for which there was no calculation of accident frequencies in the Draft EIS: Danskammer Road and River Road, Township of Newburgh; Park Place, Washington Street, South William Street, and Renwick Street, City of Newburgh; Verplank Avenue, Township of New Windsor; Shore Road, Clark Street, and Hudson Street, Village of Cornwall-on-Hudson; Station Road, Village of Highland Falls; USMA South Dock and Mine Road, Town of Highlands; and East Village Road, Town of Tuxedo. The County stated that CSX owns the rail lines at all these locations except East Village Road, which NS owns.

Response. SEA did not analyze the above highway rail at-grade crossings because CSX and NS rail line segments did not meet the SEA’s threshold for environmental analysis of safety impacts. This threshold is an increase of 8 or more trains per day that would result from the proposed Conrail Acquisition.

Other New York—Safety: Hazardous Materials Transport

Summary of Comments. The Seneca Nation noted that the Draft EIS identified a key route through the Cattaraugus Reservation in Irving, New York where hazardous materials transport would increase from 7,000 to 26,000 carloads per year. The Nation stated that it lacks the capacity to respond to emergencies involving hazardous materials and asked how CSX and NS would address this concern.

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NS stated that the recommendation in the Draft EIS that NS “assist the Reservation with emergency response preparedness as may be requested” should be deleted because SEA did not propose similar requirements for other communities. NS stated that well-established mitigation measures described in the Draft EIS should be applied to the Cattaraugus Reservation in the same manner as other communities.

Response. Rail line segment N-070, which traverses the Cattaraugus Reservation, would become a key route and a major key route if the Board approves the proposed Conrail Acquisition. SEA recommends that the Board require NS to implement the steps necessary for key routes and major key routes before NS increases the number of rail cars carrying hazardous materials on a rail line segment identified as a key or major key route. See Chapter 7, “Recommended Environmental Conditions,” of this Final EIS for SEA’s recommended mitigation measures. SEA’s recommendation that NS assist the Cattaraugus Reservation with emergency response preparedness is consistent with the major key route requirement that NS prepare an emergency response plan and spill recovery plan with the local volunteer fire department located within the Cattaraugus Reservation.

Summary of Comments. The Schuyler County, New York Environmental Management Council expressed concern about training and equipment needs for emergency response personnel along the Corning-to-Geneva, New York rail line segment N-060.

Response. NS has estimated minimal shipments of hazardous materials over rail line segment N-060 if the Board approves the proposed Conrail Acquisition; therefore, SEA does not recommend that the Board require any mitigation measures on this rail line segment.

Summary of Comments. MNR concurred with SEA’s recommendation that NS bring rail line segments N-062 and N-063 between Suffern and Port Jervis, New York into compliance with AAR key route guidelines. MNR further recommended that NS develop a hazardous materials emergency response plan and treat the Suffern-to-Port Jervis route as if it were a major key route. Orange County, New York expressed concern about proposed increases in hazardous materials transport on these rail line segments. Orange County also noted that the Draft EIS did not identify the types of materials the Applicants would transport through the County or estimate how hazardous materials transport by rail would decrease transport by truck.

Response. SEA has evaluated the NS rail line segments N-062 between Suffern and Campbell Hall, New York and N-063 between Campbell Hall and Port Jervis, New York. SEA has determined that the anticipated increase in hazardous materials transport following the proposed Conrail Acquisition would not be sufficient to warrant the major key route designation. See Chapter 4, “Summary of Environmental Review,” and Appendix F, “Safety: Hazardous Materials Transport Analysis,” of this Final EIS.

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Regarding Orange County's comment on the identification of types of hazardous materials for transport, SEA did not consider it practical to identify the specific hazardous materials that NS transports through every community in the rail system. Furthermore, the scope of the EIS does not address this issue. Appendix L, "Natural Resources Analysis," of this Final EIS provides a list of the most common hazardous materials that the Applicants transport. Appendix B, "Safety," of the Draft EIS provides additional related information. Furthermore, SEA notes that, based on 1994-1995 data that DOT supplied, transport per billion ton-miles of hazardous materials by truck is ten times more likely to experience an incident than by rail. See Chapter 7, "Recommended Environmental Conditions," of this Final EIS.

Other New York—Safety: Passenger Rail Operations

Summary of Comments. Orange County, New York commented that "safety mitigation measures do not take into account the number and spacing of railroad passenger stations with the expected [Metro-North Railroad] increase in the number of passenger trains per week on NS Segments N-062 and N-063." The County also expressed concern about the "inadequacy of the Moodna Viaduct on the Suffern-to-Campbell Segment (N-062) both in terms of structural soundness and carrying capacity."

Response. SEA acknowledges the concerns Orange County raised. Regarding the number and spacing of passenger stations, automatic block signals protect the train movements of MNR's Port Jervis Line. The New Jersey Transit Rail Operations dispatching center controls bi-directional signals and sidings on that rail line. In addition, SEA has received new data subsequent to the publication of the Draft EIS. NS has informed SEA that it is proposing three fewer freight trains on the 30-mile segment between CP-Hudson Junction and Port Jervis. The New York, Susquehanna and Western Railway would operate one freight train per day, utilizing its trackage rights, for a total of 9.0 freight trains per day, an increase of 1.1 freight trains per day.

This reduction in overall freight traffic may further improve passenger rail safety on the segment between CP-Hudson Junction and Port Jervis. If the proposed Conrail Acquisition is approved, NS would assume responsibilities for Conrail's contractual obligations to maintain the rail line in a state of good repair, including the 3,200-foot steel viaduct at Moodna Creek. SEA noted that both freight and passenger trains are authorized to operate at up to 30 miles per hour on the viaduct. NS has an interest in maintaining this rail line in good repair because the rail line is NS's principal route from Buffalo to New York and New Jersey. Capacity improvements to the rail line segment between Suffern and Port Jervis are matters that would be covered by the operating access agreement between MNR and NS.

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Other New York—Transportation: Passenger Rail Service

Summary of Comments. The Mayor of Syracuse, New York, commenting on behalf of the Syracuse Metropolitan Transportation Council, requested that CSX work with the State of New York and the Empire Corridor Task Force in examining and developing strategies to increase passenger train speeds “in the New York-Albany-Buffalo corridor.” The Mayor indicated that CSX, in its Operating Plan, stated it would honor existing contracts but did not discuss the issue of working with the State and Amtrak to improve passenger service in the Empire Corridor.

Response. SEA acknowledges the issue of improved passenger service identified in the comment. CSX indicated to SEA that it would operate Amtrak service on the New York-to-Albany-to-Buffalo corridor in accordance with Amtrak’s Operating Agreement. Amtrak renegotiated this agreement, which covers a 10-year period, with Conrail in 1996. CSX, in its Operating Plan, indicated that it would raise the maximum authorized speed for passenger service to 79 miles per hour, where possible. This is the maximum speed permitted on the New York-to-Albany-to-Buffalo corridor, which does not have a signal system with an automatic train-stop feature. Because the contractual arrangement governs the passenger train speed and predates the proposed Conrail Acquisition, SEA did not intercede in this matter. This does not preclude CSX, the State of New York, and the Empire Corridor Task Force from working together to increase passenger train speeds on the corridor.

Summary of Comments. CSX stated that, contrary to a statement in the Draft EIS, it has not reached a service agreement with the City of Dunkirk, New York that would allow Amtrak’s Lake Shore Limited to stop there. In addition, CSX asserted that such service would not be related to the proposed Conrail Acquisition. Instead, CSX requested that the Board let the parties involved resolve the proposed service issue independently. CSX stated that it “is not a matter that the Board should consider here.”

Response. SEA notes the correction. The City of Dunkirk’s dispute with Conrail relates to the specific conditions of a 1995 agreement to lease the passenger station to the City for restoration of Amtrak passenger service. The dispute predates the proposed Conrail Acquisition; therefore, SEA did not include it in its analysis. SEA also concluded that the proposed Conrail Acquisition would not affect Amtrak’s Lake Shore Limited, which is the only passenger train through Dunkirk, New York operating on the Conrail rail line between Buffalo, New York and Cleveland, Ohio. Freight traffic over this rail line segment, which would be acquired by CSX, would increase by less than one train per day.

Summary of Comments. The State of New York and MNR commented that the 30-minute clearance “window” that SEA proposed as a safety mitigation measure would reduce the capacity of the Port Jervis-to-Seffern, New York rail line segment (without enhancing safety) and would impede MNR’s plans to expand passenger service on the rail line. APTA also opposed the

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window because it would adversely impact passenger operations and thereby increase highway congestion. MNR indicated that its current agreement with Conrail giving passenger trains priority would continue to govern operation of the rail line. MNR also provided its current operating timetable and train numbers to assist SEA in further evaluating the rail line's capacity. These commentors requested that the Board reject the mitigation that SEA recommended (as well as any other "rigid rules"), and MNR requested support for train dispatching sensitive to the needs of both passenger and freight service. DOT has also stated that the "consequences of the transaction for rail passenger transportation require oversight." DOT was concerned with the requirement for "logistics and dispatching" resulting from the temporal separation between passenger and freight trains.

Response. SEA recognizes the concerns this and other similar comments address. SEA noted unanimous opposition to the 30-minute temporal separation and has reconsidered this issue. SEA does not recommend the mitigation in this Final EIS. See "Safety: Passenger Rail Operations," of this Final EIS for a detailed discussion of the problems with temporal separation of trains operating on a rail line used jointly for passenger and freight service.

Summary of Comments. MNR provided the Verified Statement of Howard Permut in the comment it filed with the Board in support of its request for conditions that discussed the capital improvement investments MNR intends to make on the Port Jervis Line to support long-term passenger service expansion plans. MNR is seeking "control of this line either by purchase acquisition or a very long-term lease in order to justify the planned capital investment of public funds" The Verified Statement concluded that the rail line, in its present capacity, cannot accommodate the trains that MNR and NS would add. The Verified Statement also suggested that NS may have proposed some freight schedules that would lead to conflicts with MNR passenger trains and that SEA should "further pursue this matter."

Response. SEA acknowledges the concerns raised in the comment that MNR submitted. As part of its analysis, SEA recognized that MNR's long-term plans include a 100 percent increase, from 17 trains per day to 33 trains per day, by the year 2020 on the Suffern-to-Port Jervis rail line segment. Such an increase would severely restrict freight train movements except during late-night hours on this single-track rail line. Additionally, MNR suggested in its comments that the rail line would require substantial capital improvements to accommodate the added commuter trains.

Although Conrail had considered the idea of a sale or a long-term agreement prior to the proposed Conrail Acquisition, NS has declined to continue negotiations for the sale of the Suffern-to-Port Jervis rail line segment of the Southern Tier Line to MNR. Conrail's Southern Tier Line between Croxton, New Jersey and Buffalo, New York via Binghamton, Corning, and Hornell, New York has had a minor operating role in the Conrail service network. This rail line, however, would become one of the two NS east-

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west main line routes (the other would be through Harrisburg and Pittsburgh, Pennsylvania) if the Board approves the proposed Conrail Acquisition.

NS has stated its willingness to provide MNR with a 5-year operating agreement, with the provision that MNR trains continue to receive priority. NJT would continue to exercise dispatching control of the rail line. MNR and NS would be responsible for negotiating the operating access agreement. The Board has no jurisdiction over such matters.

MNR also noted that NS proposed that a freight train, IMSLCX (intermodal St. Louis, Missouri to Croxton, New Jersey), departs at 5:00 p.m. from Port Jervis, opposing five MNR trains en route from Suffern on a single-track rail line. SEA concluded that NS would be forced to adjust this proposed freight schedule before commencing operations, since NJT would have dispatching control of the rail line.

SEA has also noted that the New York, Susquehanna and Western Railway, which has trackage rights on the 30-mile rail line segment between Campbell Hall (CP-Hudson Junction) and Port Jervis, en route to Binghamton, frequently operates more trains on this rail line segment than Conrail. However, NS informed SEA that after NS prepared its Operating Plan, the New York, Susquehanna and Western Railway reduced the number of trains it would expect to operate over the rail line from four per day to one per day if the Board approves the proposed Conrail Acquisition. Therefore, the total number of trains that would operate over the rail line segment would increase by only 1.1 trains per day rather than 4.1 trains per day, which would reduce the potential for freight train interference on this route.

Summary of Comments. CSX noted that it learned from the Draft EIS about a study by Rockland County, New York on the possibility of restoring commuter rail service on Conrail's River Line. CSX indicated that it would "be willing to evaluate Rockland County's proposal if and when Rockland County's study receives the endorsement of a public agency authorized by the state of New York to operate commuter rail services."

Response. SEA noted Rockland County's (New York) interest in the restoration of commuter train service on the Conrail River Line. The River Line has not had passenger service for nearly 40 years. SEA did not analyze the effect of the proposed Conrail Acquisition on this proposed service because Rockland County has not prepared a formal plan or identified a source of funding.

Summary of Comments. MNR commented on a rail line segment between Suffern, New York and Port Jervis, New York, where the proposed Conrail Acquisition would transfer existing Conrail-owned trackage to NS. Passenger trains that New Jersey Transit Rail Operations, Inc. operates under contract for MNR use this rail line segment. MNR noted that the new operating

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agreement with New Jersey Transit Rail Operations “reflects the minimum number of new trains; even more service could result from future negotiations between Metro-North and N.J. Transit.”

Response. SEA determined that Conrail’s Southern Tier Line between Croxton, New Jersey and Buffalo, New York via Binghamton, Corning, and Hornell, New York has had a relatively minor operating role in the Conrail service network. This rail line segment, however, would become one of the two NS east-west main line routes if the Board approves the proposed Conrail Acquisition. NS declined to continue negotiations for the sale of the Suffern-to-Port Jervis rail line segment of the Southern Tier Line to MNR, which Conrail had entertained prior to the proposed Conrail Acquisition. However, NS stated its willingness to provide MNR with a 5-year operating agreement, continuing the provision that MNR trains would receive priority. NJT would continue to exercise dispatching control of the rail line.

SEA recognized that MNR’s long-term plans include a 100 percent increase to 33 trains per day by 2020 on the Suffern-to-Port Jervis rail line segment. Such an increase would severely restrict freight train movements except in the late-night hours on this single-track rail line, unless the involved parties agree to undertake capacity improvements. MNR has stated that it would provide these capital improvements to the extent that they are related to expanded commuter service.

After publication of the Draft EIS, NS informed SEA that there would be three fewer proposed freight trains on the 30-mile rail line segment between Campbell Hall (CP-Hudson Junction) and Port Jervis. The New York, Susquehanna and Western Railway would operate one freight train per day, exercising its trackage rights, for a total of 9.0 freight trains, an increase of only 1.1 freight trains per day.

Other New York—Transportation: Other

Summary of Comments. The Syracuse, New York Metropolitan Transportation Council requested that the Board thoroughly review the potential environmental impact of the proposed Conrail Acquisition on short line and regional railroads. The Council commented that the Draft EIS failed to mention the interaction between the expanded CSX and the short line and regional railroads.

Response. Consistent with the scope of the EIS, SEA evaluated the potential effects of the proposed Conrail Acquisition as it relates to the Applicants’ rail activities. However, if short line or regional railroads were to file an IR application, Board regulations require IR applications to provide analyses of environmental impacts or provide Verified Statements that indicate no potential significant environmental impacts. This analysis would consider only environmental impacts on the Applicants’ rail lines. Most IR applicants submitted Verified Statements. The Board evaluates issues pertaining to the relationships or interaction among the Applicants and regional or short line railroads as

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merits (competitive or economic) issues. SEA does not consider such issues in its environmental review.

Summary of Comments. The Rensselaer County, New York Economic Development and Planning Department expressed concern about a short rail line segment between Rensselaer and Troy. The track serves several businesses in the South Troy Industrial Park. The Department requested that the Applicants maintain and continue the track and notify the Department of plans for this track.

Response. Conrail currently operates the Troy Industrial Track between a connection with their Chicago Line in Rensselaer at CP-143 and Troy. Because of the low train traffic, industrial nature, and short length of this rail line segment, SEA did not include it in Attachment A-1, "Master Table of All Rail Line Segments," Appendix A, "Rail Line Segments and Traffic Density Analysis," of the Draft EIS. CSX would operate this trackage with no anticipated changes after the proposed Conrail Acquisition.

Other New York—Air Quality

Summary of Comments. The County Executive of Orange County, New York expressed concern about air quality exceedances and their likely impact on the County's ozone air quality compliance levels.

Response. SEA analyzed emissions in Orange County, New York in the Draft EIS based on the Applicants' Operating Plans available at that time. Since the issuance of the Draft EIS, the Applicants have changed their Operating Plans such that there will no longer be any rail-related activity in Orange County that exceeds the Board's thresholds for air quality analysis. SEA's analysis in the Draft EIS concluded that the increase in NO_x emissions in Orange County, would not significantly affect ozone levels there. Because of the change in rail activity in Orange County, rail-associated emissions will be substantially lower than previously estimated. SEA concludes that the proposed Conrail Acquisition would have negligible air quality impacts in Orange County.

Other New York—Cultural and Historic Resources

Summary of Comments. Recent engineering studies on Conrail's Buffalo-to-Binghamton rail line segment determined that the bridge over the Genesee River near Portageville (Conrail Bridge No. 361.66, also known as the Portageville Bridge) is near the end of its useful life. The bridge, which dates to 1875, is an 819-foot-long steel viaduct resting on six steel towers. Because of its design and age, NS concluded that it would not be possible to repair or renovate the bridge without replacing the entire structure. NS is conducting additional studies and is consulting with Federal, state, and local authorities, including the New York SHPO, to evaluate alternatives for replacing the existing bridge. NS will replace the bridge in full compliance with all applicable Federal, state, and local laws and regulations if the Board approves the proposed

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Conrail Acquisition. NS states that the proposed bridge replacement is in response to a pre-existing condition and is not related to the proposed Conrail Acquisition. Therefore, NS claims that the Board does not have jurisdiction over the bridge's replacement.

Response. SEA attended a meeting in Portageville, New York with representatives of Conrail, NS, and state and local agencies to discuss the condition of the Portageville Bridge over the Genesee River in Letchworth State Park. SEA also reviewed Federal law and past Board decisions related to its jurisdiction over the bridge's proposed replacement. SEA concluded that NS's proposal to replace the Portageville Bridge is in response to an existing condition and that the bridge replacement would, therefore, not be related to the proposed Conrail Acquisition.

According to NS and Conrail, the bridge is currently rated for 263,000 pounds (load rating) of traffic at 10 miles per hour because of its deteriorating condition, and NS must eventually replace it. Because of the way it was built, the 128-year-old bridge is not a good candidate for strengthening. NS anticipates that it would construct the new bridge on a parallel alignment adjacent to the current bridge, which it would continue to use until it completed the construction of the new bridge.

The Board (and its predecessor, ICC) has jurisdiction over and must issue a certificate authorizing the construction of rail line extensions and additions pursuant to 49 U.S.C. § 10901(a) before a railroad may undertake such work. However, ICC concluded that Congress did not intend for the Board to regulate a railroad's investment in existing systems when Congress passed the statute. In *City of Detroit v. Canadian National Railway Company et al.*, 9 ICC 2d 1208, 1215 (December 1993), the ICC stated, "If anything, Congress sought to encourage railroads to improve existing services before extending a line or constructing a new one. Congress did not give any intention that it intended to erect regulatory hurdles to a carrier investing its capital to improve its own plant." *City of Detroit* involved Canadian National's plan to construct a new railroad tunnel adjacent to an older tunnel under the St. Lawrence River, making it factually parallel to the Portageville Bridge. ICC agreed with Canadian National that ICC did not have jurisdiction because the new tunnel was necessary to upgrade Canadian National's existing rail route and replace an outdated facility. The United States Court of Appeals for the District of Columbia concurred. See *Detroit/Wayne County Port Authority v. Interstate Commerce Commission*, 59 F.3d 1314 (D.C. 1995).

Whether or not the Board approves the proposed Conrail Acquisition, SEA concluded that the owner of the Buffalo-to-Binghamton, New York rail line segment on which the bridge is located will need to replace it because the bridge is nearing the end of its useful life. As in *City of Detroit*, that owner, whether it is Conrail or NS, may invest "its capital to improve its own plant" without the Board's authorization.

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At the meeting that SEA attended, New York State's Office of Parks, Recreation and Historic Preservation indicated that if SEA did not include the Portageville Bridge in this Final EIS, the Office would prepare an EIS pursuant to the state Environmental Quality Review Act. The bridge's historic character and location within a state park also requires that the Office conduct biological and archaeological surveys. Because the Genesee River is a navigable waterway, USCG will likely have ultimate Federal jurisdiction over the bridge's replacement.

Other New York—Hazardous Waste Sites

Summary of Comments. The Seneca Nation of Indians stated that it would not consider reclaiming the Salamanca Yard because the Seneca Nation has major concerns about diesel and polychlorinated biphenyl (PCB) contamination on site. The Seneca Nation noted that EPA and possibly the New York State Department of Environmental Conservation have documented spills.

Response. SEA has determined that there would be no changes in the use of the Salamanca Yard as a result of the proposed Conrail Acquisition. However, SEA also notes that the Salamanca Yard is within the corporate limits of Great Valley, Pennsylvania, not a parcel under the jurisdiction of the Seneca Nation.

Other New York—Natural Resources

Summary of Comments. The Buffalo District of USACE noted that eight projects in New York and Ohio were identified in the Draft EIS that would directly or potentially impact waters of the United States. A Department of the Army authorization would be required for fill material placement into a water of the United States. The commentor encouraged further coordination with the Buffalo District.

Response. SEA acknowledges that certain railroad activities would require Federal, State, and local agency permits. SEA agrees that the Applicants have the responsibility to secure all required permits.

Other New York—Environmental Justice

Summary of Comments. The Seneca Nation of Indians, Environmental Protection Department, commented, "Although there is a significant increase through the Cattaraugus Reservation, there are no identified environmental justice impacts to Seneca Nation community in the EIS. How does CSX and Norfolk Southern plan to address the limited capacity to respond in some communities."

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Response. SEA determined that rail line segment N-070, which runs through the northeastern corner of the Cattaraugus Reservation, did not meet the first criterion for environmental justice analysis for the Draft EIS, which included Native American people in the demographic assessment of minority populations (see Chapter 4, "Summary of Environmental Review," and Appendix M, "Environmental Justice Analysis," of this Final EIS). In the more detailed analysis for the Final EIS, populations in the four block groups within the Area of Potential Effect in the Cattaraugus Reservation did not meet the population criteria based on the multiple resource effects analysis. SEA provided an additional analysis of specific Native American issues in the land use analysis (see Appendix K, "Environmental Justice," of the Draft EIS).

Other New York—General

Summary of Comments. The Mayor of Dunkirk, New York requested that NS relocate to the Conrail line "in the interest of safety, health and welfare for our fine residents."

Response. SEA conducted additional analysis on two rail line segments, C-690 and N-070, in the Dunkirk area. The two rail line segments are parallel south of Dunkirk, diverge through town, and then come in close proximity again north of Dunkirk. Conrail currently operates rail line segment C-690, which has many highway/rail grade separations. The Conrail corridor has two main line tracks and one siding track through Dunkirk. This rail line segment would convert to CSX ownership if the Board approves the proposed Conrail Acquisition. NS operates a single-track rail corridor, N-070, which has several highway/rail at-grade crossings. After the proposed Conrail Acquisition, rail line segment C-690 would experience an increase of 0.7 trains per day to 50.8 trains per day; the NS segment would experience an increase of 12.1 trains per day to 25.1 trains per day.

The Draft EIS noted nine highway/rail at-grade crossings with gates for the NS rail line segment through Dunkirk. A site visit confirmed that all NS crossings on this segment are gated. SEA's safety analysis indicated that the potential Acquisition-related increase in accident risk would be below the criteria of significance. In addition, SEA did not identify a significant highway/rail at-grade crossing delay issue.

In response to the comment, SEA evaluated the possibility of constructing a bypass route for NS. SEA evaluated possible locations for providing a connection between the two rail line segments in order for NS to move its operations adjacent to the Conrail/CSX corridor and thus eliminate at least nine grade crossings. Although the connection appears to be feasible through an abandoned rail yard at Hyde Creek, significant issues relating to right-of-way and construction costs remain. For example, the existing Conrail bridges (which provide the grade separations for that corridor) cannot accommodate another track without major construction. In addition, the relocation could range in cost from \$5 million to \$25 million.

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Summary of Comments. Rensselaer County, New York requested confirmation of track ownership of the rail line segment between Rensselaer and Troy. The County noted that SEA's master list of rail line segments does not show this rail line segment.

Response. Conrail currently owns the rail line segment between Rensselaer and Troy. SEA confirms that CSX would assume ownership of this rail line segment under the proposed Conrail Acquisition.

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5.3.17 North Carolina

North Carolina—Safety: Passenger Rail Operations

Summary of Comments. The City of Rocky Mount, North Carolina expressed concern that Table 5-2 of the Draft EIS indicated an “expected increase in the number or frequency of passenger train accidents in our area (Segment C-334)” because of a cooperative effort between the City of Rocky Mount and Amtrak to increase passenger rail service in the area.

Response. In the Draft EIS, SEA determined that the accident interval for rail line segment C-334 (between Weldon and Rocky Mount) would decrease from an estimated one accident every 101 years to one accident every 78 years as a result of the proposed Conrail Acquisition, as Table 5-NC-2 showed. However, SEA subsequently revised its analysis of the rail line segment’s capacity through Rocky Mount. SEA concluded that the double-track, reverse-signaled main line could efficiently accommodate CSX’s proposed increase of 6 freight trains per day, for a total of 25.5 trains, in addition to the 8 Amtrak trains that currently use the rail line each day. SEA’s analysis also included the increased level of switching activity proposed at the Rocky Mount terminal.

SEA also determined that modern signal systems and operational strategies that the Applicants currently use should adequately address the increased risk of train collisions on those rail line segments that exceed SEA’s criteria of significance. SEA is not recommending additional mitigation in those areas. SEA determined that there are no rail line segments that would exceed SEA’s criteria of significance in the Rocky Mount, North Carolina area.

SEA points out that CSX is obligated both by the Rail Passenger Service Act of 1970 and its operating agreement with Amtrak to give operating priority to Amtrak trains. Amtrak delays result from many different causes. Amtrak provided data indicating that for the period between October 1996 and September 1997, 13.2 percent of the total minutes of Amtrak delays on CSX rail lines were attributable to freight train interference. However, maintenance work and related orders to limit train speed in an area caused 27 percent of the passenger service delays. SEA understands that CSX and Amtrak are currently producing improved on-time performance in compliance with the terms of the operating agreement.

SEA also notes that in July 1997, CSX established the position of Vice President—Passenger Service Integration, in recognition of the need to improve the performance of both intercity Amtrak and commuter train operations. Since then, the on-time performance of Amtrak trains has dramatically improved on those routes that had substandard performance, particularly the Amtrak trains that serve Rocky Mount.

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North Carolina—Safety: Highway/Rail At-grade Crossings

Summary of Comments. The City of Rocky Mount, North Carolina expressed a longstanding concern about the time that trains need to clear highway/rail at-grade crossings in the central business district. In the past, the City unsuccessfully encouraged CSX to improve conditions in the south end of town so that southbound trains could clear the downtown crossings more quickly. The City stated its concern that the proposed Conrail Acquisition, which would increase the number of freight trains significantly, would exacerbate traffic delays. The delays would disrupt the scheduled service for the City's bus system and hurt efforts to revitalize the central business district.

Response. The CSX rail line segments (C-446, C-334, and C-335) that run through Rocky Mount would not experience an increase in traffic or activity from the proposed Conrail Acquisition that would meet or exceed the Board's thresholds for environmental analysis. It is the Board's policy not to require mitigation of pre-existing conditions.

Summary of Comments. The City of Rocky Mount, North Carolina expressed concern over highway/rail at-grade crossing safety and equipment reliability. The City remarked that gates at downtown highway/rail at-grade crossings have gone down randomly with no train in sight, frustrating motorists and increasing the frequency of "gate-running."

Response. SEA has recommended improvements to mitigate only potential significant environmental impacts resulting from the proposed Conrail Acquisition. SEA did not suggest improvements for existing conditions such as those the City describes. The proposed Conrail Acquisition would not result in any rail line segment in North Carolina having an increase of 8 trains or more per day, which is SEA's threshold for environmental analysis. Therefore, SEA did not analyze safety at highway/rail at-grade crossings in this state.

North Carolina—Safety: Hazardous Materials Transport

Summary of Comments. The State of North Carolina stated that its scoping comments had not been addressed. In the State's scoping comments, the Department of Environment, Health, and Natural Resources and the Wildlife Resources Commission expressed concern about potential impacts of hazardous materials spills into aquatic and terrestrial habitats from track areas and intermodal facilities. The Commission requested that the Draft EIS provide information on procedures and equipment that would be in place to contain hazardous materials spills into terrestrial and aquatic habitats, with special emphasis on anadromous fish in the Roanoke River and the Carolina heelsplitter, a Federally listed endangered freshwater mussel, in Waxhaw Creek.

In addition, the State requested clarification regarding SEA's methodologies for its analysis of impacts of increased rail traffic to natural resources. The State also requested that SEA identify

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the type and quantity of chemicals that could enter surface waters and that SEA identify mitigation measures to protect surface water quality.

Response. SEA carefully considered all scoping comments it received, including those of the State of North Carolina. SEA understands the State's concern about potential environmental impacts on natural ecosystems. It is the Board's policy not to require mitigation of pre-existing conditions. SEA considered environmental impacts and recommends mitigation where SEA determined through its analysis that SEA's criteria of significance would be exceeded.

SEA understands that five CSX rail line segments cross or are proximate to the Roanoke River and Waxhaw Creek in North Carolina. Those segments are C-103, C-334, C-443, C-444 and C-447. SEA determined that rail line segments C-443 and C-447 currently carry no hazardous materials and would carry none following the proposed Conrail Acquisition. SEA notes that rail line segments C-103 and C-444 would carry hazardous materials in the same volumes (23,000 and 1,000 carloads per year, respectively) following the proposed Conrail Acquisition as they do now. SEA understands that currently rail line segment C-334 carries 23,000 carloads of hazardous materials and would carry 24,000 carloads following the proposed Acquisition. This is less than a 5 percent increase in hazardous materials volume, which is well below SEA's criteria of significance. Therefore, SEA does not recommend specific mitigation for these rail line segments; however, SEA notes that rail line segments C-103 and C-334 are currently designated as key routes and CSX, therefore, must meet the requirements of AAR Circular OT-55-B.

Appendix L, "Natural Resources Analysis," of this Final EIS addresses the concern for accidental releases of transport materials into the environment, including releases into surface water and stormwater runoff. This appendix provides general information on the procedures that the Applicants and Federal regulatory agencies currently have in place to respond to hazardous materials releases, including releases into terrestrial and aquatic habitats. SEA clarifies that existing procedures would remain in place following the proposed Conrail Acquisition.

Summary of Comments. The City of Rocky Mount, North Carolina expressed concern about potential accidents associated with proposed increases in hazardous materials transport through the City.

Response. SEA determined that rail line segments C-446, C-334, and C-335 in North Carolina between Rocky Mount and Parmele, Weldon and Rocky Mount, and Rocky Mount and Contentnea, respectively, would experience a combined 9 percent increase in hazardous materials shipments after the proposed Conrail Acquisition. None of the rail line segments noted exceed SEA thresholds for hazardous materials transport.

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North Carolina—Transportation: Passenger Rail Service

Summary of Comments. The City of Rocky Mount, North Carolina commented that Amtrak passenger trains serving Rocky Mount on rail line segment C-334 could experience delay because of the increase in freight train traffic that SEA estimated in the Draft EIS for the proposed Conrail Acquisition. The City noted that it wants to encourage travel by rail and expressed concern about freight traffic interfering with Amtrak's scheduled service.

Response. SEA acknowledges the concerns cited by the City of Rocky Mount. SEA confirms that CSX is obligated both by the Rail Passenger Service Act of 1970 and its operating agreement with Amtrak to give operating priority to Amtrak trains. Amtrak provided data that showed that for the period between October 1996 and September 1997, 13.2 percent of the total minutes of Amtrak delays on CSX rail lines were attributable to freight train interference. However, maintenance-of-way work and related slow orders caused 27 percent of the passenger service's delays. CSX and Amtrak are presently producing dramatically improved on-time performance according to the terms set forth in the operating agreement.

Additionally, CSX recently created the position of Vice President—Passenger Service Integration in recognition of the need to improve the performance of both intercity Amtrak and commuter train operations. Since then, the on-time performance of Amtrak trains has dramatically improved on those routes that had substandard performance, particularly the Amtrak trains that serve Rocky Mount.

In response to the issue of capacity, SEA analyzed the rail line segment's capacity through Rocky Mount (C-334) and concluded that the double-track, reverse-signalized main line could efficiently accommodate CSX's proposed increase of 6 freight trains per day, for a total of 25.5 freight trains per day, in addition to the 8 Amtrak passenger trains per day that currently use the rail line. SEA's analysis also included the increased level of switching activity proposed at the Rocky Mount terminal.

North Carolina—Transportation: Highway/Rail At-grade Crossing Delay

Summary of Comments. The City of Rocky Mount, North Carolina commented that long delays at highway/rail at-grade crossings would result in delayed public safety (police, fire, and rescue) response. The City noted that, when trains block the crossings, public safety vehicles must take "the long way around" to get to the emergency site because the railroad tracks split the City.

Response. The Applicants' proposed changes in rail line segment traffic through Rocky Mount would not exceed the Board's thresholds for environmental analysis in the Rocky Mount, North Carolina area. Therefore, SEA recommends no mitigation for highway/rail at-grade crossing delay.

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North Carolina—Transportation: Roadway Systems

Summary of Comments. The City of Rocky Mount, North Carolina stated that a limited number of separated grade crossings are available to the public. The City also noted that the Sutton Road underpass is inadequate because the underpass frequently floods, and can only accommodate passenger cars and pickup trucks. The City hired a consultant to study alternative locations for separated crossings and stated, “we hope that the post acquisition railroad will cooperate with us in accomplishing whatever crossing improvements we pursue following the completion of our consultant’s work.”

Response. The condition of the Sutton Road underpass is pre-existing and not a result of the proposed Conrail Acquisition. It is the Board’s policy not to require mitigation of pre-existing conditions.

Summary of Comments. The North Carolina Wildlife Resources Commission stated that the Final EIS should discuss any secondary development that the Applicants anticipate in conjunction with the increase in freight movement. The Wildlife Commission stated that such development would primarily occur at intermodal facilities.

Response. Activity at intermodal facilities in North Carolina would not increase sufficiently to meet the Board’s thresholds for environmental analysis as a result of the proposed Conrail Acquisition. Therefore, SEA concluded that development related to the proposed Conrail Acquisition would not be extensive.

North Carolina—Transportation: Other

Summary of Comments. The North Carolina Wildlife Resources Commission questioned the Draft EIS conclusions that increased traffic on the Hamlet-to-Monroe, North Carolina and Monroe, North Carolina-to-Clinton, South Carolina segments and at area rail yards or intermodal facilities did not exceed the Board’s thresholds for environmental analysis.

Response. The projected train increases for the two referenced rail line segments do not exceed the Board’s thresholds for environmental analysis (see Appendix T, “Final Environmental Impact Statement Rail Line Segments,” of this Final EIS for the master table of all rail line segments). For rail line segment C-350 between Hamlet and Monroe, the current 20.4 trains per day would increase by 2.6 trains per day. For rail line segment C-351 between Monroe, North Carolina and Clinton, South Carolina, the current 13.1 trains per day would increase by 2.5 trains per day.

The projected carload increases for rail yards in North Carolina do not exceed the Board’s thresholds for environmental analysis (see the Draft EIS, Appendix B, “Safety,” Attachment B-4).

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Similarly, the projected truck traffic increases for intermodal facilities in North Carolina do not exceed the Board's thresholds for environmental analysis. At the existing CSX Charlotte facility, the current 53 trucks per day would increase by 39 to 92 trucks per day. At the existing NS Charlotte facility, the current 122 trucks per day would increase by 36 to 158 trucks per day. NS has also proposed a new Triple Crown Service facility that would generate 20 trucks per day; however, this increase would not exceed the Board's thresholds.

SEA expects the proposed Conrail Acquisition to have insignificant environmental effects in the state of North Carolina.

North Carolina—Air Quality

Summary of Comments. The North Carolina Division of Air Quality stated that no State air quality permit would be required for the proposed Conrail Acquisition, and that the Applicants must comply with the State's open burning provisions during any land-clearing activities.

Response. SEA agrees with the North Carolina Department of Air Quality's comment that no State air quality permit is required for the proposed Conrail Acquisition. SEA also agrees the Applicant should comply with the State's open burning provisions should any land clearing activities occur.

Section 5.3.18—Ohio

5.3.18 Ohio

Ohio—Safety: Highway/Rail At-grade Crossings

Summary of Comments. Several communities expressed concern about the potential risk of automobile accidents resulting from increases in rail traffic. Residents of Vermilion, Olmsted Falls, Huron Township, Wellington, and Fostoria, and the Eastgate Development and Transportation Agency, serving Mahoning and Trumbull Counties in Ohio, provided comments expressing safety concerns. Many of these communities have experienced accidents at highway/rail at-grade crossings.

Response. SEA acknowledges the concerns these commentors expressed. SEA's safety analysis addressed the potential for increased accident risk by determining the risk of increased train-vehicle accidents at highway/rail at-grade crossings as a result of increases in train traffic related to the proposed Conrail Acquisition. See Chapter 4, "Summary of Environmental Review" of this Final EIS. The occurrence of previous accidents at highway/rail at-grade crossings did not, by itself, indicate the need for mitigation as a condition of the proposed Conrail Acquisition. The Draft EIS identified mitigation only for potential increases in accident risk as a result of increases in train traffic from the proposed Conrail Acquisition. The Draft EIS did not attempt to mitigate accident risk existing prior to the proposed Conrail Acquisition.

SEA's analysis considered highway/rail at-grade crossings on those rail line segments that would have Acquisition-related increases in train traffic of 8 or more trains per day. SEA's method for calculating accident risk takes into account actual accident experience at each highway/rail at-grade crossing, using that experience as an indication of how the physical characteristics of the highway/rail at-grade crossing would affect the increase in accident risk. See Appendix E, "Safety: Highway/Rail At-grade Crossing Safety Analysis," of this Final EIS. The Draft EIS and this Final EIS recommend mitigation at highway/rail at-grade crossings where SEA determined that mitigation would be appropriate. Chapter 7 of this Final EIS, "Recommended Environmental Conditions," presents SEA's recommended mitigation measures.

Summary of Comments. The Ohio Attorney General, the Ohio Rail Development Commission, and the Public Utilities Commission of Ohio commented that SEA should use a corridor approach to evaluate safety at highway/rail at-grade crossings rather than identifying single crossings over a scattered area.

Response. SEA determined that analyzing accident risk at individual highway/rail at-grade crossings is appropriate because it provides the most accurate risk avoidance results. SEA determined that FRA's use of this approach in the standard FRA accident risk analysis methodology demonstrates its validity. However, SEA recognizes the states' responsibility to provide highway/rail at-grade crossing safety and acknowledges

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that a state may use a corridor-based analysis. Consequently, SEA's recommended highway/rail at-grade crossing safety mitigation in this Final EIS includes the possibility of a state-performed corridor safety analysis as an alternative to the individual crossing mitigation, as long as the crossing specified for mitigation is in the analyzed corridor.

Summary of Comments. The Ohio Attorney General, the Ohio Rail Development Commission, and the Public Utilities Commission of Ohio requested that the Applicants reach and finalize agreements with Ohio to address issues such as mitigation measures and cost allocation. The commentors stated that the Applicants commit to full compliance with such agreements prior to increasing train traffic over existing levels. The commentors also said that the Applicants should be required to assume a significant role in funding safety improvements on corridors where the proposed Acquisition will directly contribute to increased public risk. The commentors further stated that Ohio should be a partner in the selection of highway/rail at-grade crossings for safety improvement, and that SEA staff should coordinate with Ohio officials to ensure that the Board has the best information possible with which to identify and select crossings.

Response. SEA assures the commentors that the Applicants must comply with the Board's conditions, including required environmental mitigation, if the Board approves the proposed Conrail Acquisition. The Applicants would be solely responsible for fully funding the warranted mitigation specified in those conditions. If the commentors desire improvements that would create greater benefits than the warranted mitigation, and if they are willing to provide additional funding to support those improvements, then the commenting agencies should bring this willingness to the Applicants' attention. SEA encourages state and local governments to consult and negotiate with the Applicants to develop mutually acceptable improvements.

SEA recognizes a states' responsibility to provide highway/rail at-grade crossing safety. Consequently, SEA's recommended highway/rail at-grade crossing safety mitigation in Chapter 7, "Recommended Environmental Conditions," of this Final EIS includes the possibility of a state-performed corridor safety analysis as an alternative to the individual crossing mitigation. If CSX or NS reach an agreement with the governing agency to do so, the crossing specified for mitigation should be in the analyzed corridor.

SEA incorporated additional information provided by Ohio and other state and local governments in its reanalyses for this Final EIS.

Summary of Comments. The Ohio Attorney General, the Ohio Rail Development Commission, and the Public Utilities Commission of Ohio commented that they see flaws in using 1995 base year information for accident analysis, noting that the risk level at a highway/rail at-grade crossing can change dramatically from year to year. They added that 1995 data do not reflect current train volumes and local ADT data are more reliable than the FRA database.

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Response. The Applicants used 1995 data in their Application to the Board because those data were the most recent data available at that time. For consistency, SEA also used 1995 data for its analysis in both the Draft and this Final EIS. Because the safety analysis required actual accident data for a five-year period, SEA used accident data for the period from 1991 to 1995.

SEA's analysis accurately reflects the variation in accident risk from year to year. FRA's accident risk methodology directly includes factors that could change from year to year, such as the number of trains and the proportion of trains that run at night. SEA used the proper data for these factors for cases before as well as after the proposed Conrail Acquisition. The methodology also includes actual accident data to reflect other characteristics of highway/rail at-grade crossings that are not readily quantifiable, such as sight distances. These nonquantifiable characteristics are characteristics that typically would not vary substantially from year to year; where they do, the methodology requires the use of accident data only for the period after the change. SEA followed that practice in its analysis. The use of the 1991 to 1995 actual accident history data provided a valid reflection of highway/rail at-grade crossing characteristics for the analysis.

SEA updated the safety analysis using information it collected in site visits and from data that states, local public agencies, and the Applicants provided. In this Final EIS, SEA removed from the list of locations warranting mitigation those highway/rail at-grade crossings where the Applicants have already upgraded warning devices. SEA understands that appropriate state agencies are currently reviewing various crossings. However, since SEA does not have a firm schedule for implementing the improvements, SEA cannot be certain that the Applicants would implement these improvements in a timely manner.

Thus, SEA continues to recommend mitigation at locations identified as active projects unless the Applicants certify that improvements would be in place within 2 years of any decision granting approval of the proposed Conrail Acquisition. See Appendix E, "Safety: Highway/Rail At-grade Crossing Safety Analysis," and Chapter 7, "Recommended Environmental Conditions," of this Final EIS.

SEA concurs that local ADT volumes are, in many cases, more reliable than the volumes in the FRA database. However, the accident risk analysis addressed approximately 2,000 highway/rail at-grade crossings, and SEA did not have local ADT data for all of them. State and local governments have provided local ADT volumes for some crossings. For those crossings, SEA reanalyzed the accident risk using the local ADT volumes and included the results of its reanalysis in this Final EIS.

Summary of Comments. The Ohio Attorney General, the Ohio Rail Development Commission, and the Public Utilities Commission of Ohio commented that the analysis should not use the FRA accident prediction formula as the sole basis for selecting highway/rail at-grade

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crossings for upgrading. Their rationale was that the FRA formula serves primarily as a tool for prioritizing highway/rail at-grade crossings and allocating available funding. Furthermore, the commentors wanted to use a localized approach, rather than rely on generalized thresholds.

Response. SEA determined that the FRA accident risk analysis methodology is a valid method for identifying potential safety risk increases and the need for mitigation. As the comment notes, the typical use of the methodology is to set priorities for improvements and to allocate funding. SEA maintains that the FRA methodology was also appropriate for use in this Final EIS because it enabled SEA to estimate the changes in accident risk resulting from Acquisition-related increases in train traffic. Based on this analysis, SEA identified locations that warranted mitigation as a condition of the proposed Conrail Acquisition. See Chapter 4, "Summary of Environmental Review," of this Final EIS.

SEA recognizes a state's responsibility to provide highway/rail at-grade crossing safety. SEA has considered the possibility of a state-performed corridor safety analysis as an alternative to the individual highway/rail at-grade crossing safety mitigation in this Final EIS.

Summary of Comments. The Ohio Attorney General, the Ohio Rail Development Commission, and the Public Utilities Commission of Ohio commented that upgrades to warning devices should include both gates and flashing lights, rather than just flashing lights. The commentors added that SEA should reconsider the use of four-quadrant gates and barriers as a safety mitigation measure. Their rationale was that these devices are experimental and would require additional time and expense to secure necessary approvals.

Response. SEA recommended an upgrade from a passive device to flashing lights without gates where that change would mitigate the increased accident risk resulting from the Acquisition-related increase in train traffic. Flashing lights are a standard accepted warning device that would be effective in mitigating increased accident risk. See Chapter 4, "Summary of Environmental Review," of this Final EIS. If Ohio wishes to add gates where SEA recommended flashing lights at highway/rail at-grade crossings, SEA encourages Ohio to discuss such additions with the Applicants.

SEA recognizes that four-quadrant gates and median barriers are experimental and are not universally accepted. As a result, SEA's recommended highway/rail at-grade crossing safety mitigation in this Final EIS includes the possibility of a state department of transportation-performed corridor safety analysis as an alternative to the individual crossing safety mitigation that SEA recommended, as long as the crossing specified for mitigation is included in the analyzed corridor. This alternative mitigation strategy is especially appropriate for gate-protected crossings that warrant mitigation. See Chapter 7, "Recommended Environmental Conditions," of this Final EIS for SEA's mitigation recommendations.

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Summary of Comments. The Ohio Attorney General, the Ohio Rail Development Commission, and the Public Utilities Commission of Ohio commented that “construction of grade separations should be made a larger part of the mitigation effort in Ohio, particularly in areas where post-merger train traffic volumes are expected to increase dramatically over existing levels.” The commentors noted that grade separations eliminate the opportunity for train-vehicle collisions. They added that, in its analysis, SEA should also evaluate the feasibility of permanently closing public highway/rail at-grade crossings to vehicular traffic.

Response. SEA concurs that closing highway/rail at-grade crossings to vehicular traffic is an effective means of improving safety, but SEA is unable to recommend such closing as mitigation because to do so is beyond the Board’s jurisdiction. Highway/rail at-grade crossing closure is within the jurisdiction of state and local governments; therefore, SEA has no regulatory purview over them. SEA’s analysis shows that its recommended warning device improvements are sufficient to mitigate the potential negative environmental impacts of the Acquisition-related increases in train traffic.

Ohio—Safety: Hazardous Materials Transport

Summary of Comments. The Ohio Attorney General, Ohio Rail Development Commission, and Public Utilities Commission requested that the Board impose more stringent requirements regarding rail transport of hazardous materials. Specifically, the commentors asked the Board to require the Applicants to:

- Conduct more frequent track and equipment inspections than those in AAR Circular OT-55-B.
- Expand employer and public response training programs and report annually for the next five years regarding the nature and effectiveness of these programs, including the number of railroad employees devoted to track and equipment inspection activities; the frequency and nature of classes; and the number of people who receive training.
- Fund equipment purchases, travel, and tuition for advanced emergency response training and development of community emergency response plans for public agencies in corridors with significant increases in hazardous materials traffic.
- Report annually on hazardous materials incidents and any FRA violations on key routes and major key routes.
- Bring all key routes, not just new ones, into compliance with OT-55-B.

The commentors expressed concern that the AAR key route operating practices (in Circular OT-55-B) are voluntary and that it is unclear whether legal sanctions exist for failure to follow

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them. They also described the practices as a minimal baseline for acceptable operations rather than “a goal of excellence.” The commentors noted that “railroad lawsuits” have prevented Ohio from implementing its own safety regulations for hazardous materials transport on rail line segments. The commentors also stated that “the Board should urge development of specific monetary sanctions for patterns of violations of key route and major key route conditions established by the Board.” The commentors added that any money from these payments should fund community emergency response training and equipment grants.

Response. SEA concluded that track and equipment inspections more frequent than those specified in AAR Circular OT-55-B are not necessary to bring about safe transport of hazardous materials. AAR based their recommended operating practices on industry experience across the nation over long periods of time. SEA recommends that the Board require the Applicants to implement key route and major key route mitigation measures for all rail line segments in Ohio that would meet SEA’s criteria of significance for changes in hazardous materials transport. See Chapter 7, “Recommended Environmental Conditions,” and Appendix F, “Safety: Hazardous Materials Transport Analysis,” of this Final EIS.

SEA has determined that providing first-responder emergency services is a basic local government function, which is funded through the general revenue taxation system. No changes associated with or resulting from the proposed Conrail Acquisition changed those basic responsibilities. FRA regulations require the Applicants to report hazardous materials incidents and FRA violations on all routes, and these reports are available to the public.

All existing key routes, by definition, already comply with AAR Circular OT-55-B; however, legal sanctions do not exist for a railroad’s failure to follow these voluntary operating practices. It is SEA’s understanding that the Applicants already generally exceed the requirements of AAR Circular OT-55-B. FRA and DOT have exclusive jurisdiction over rail safety, and the Board cannot mandate monetary sanctions for violations.

Ohio—Transportation: Passenger Rail Service

Summary of Comments. The Metro Regional Transit Authority of Akron, Ohio and an individual from Cleveland, Ohio commented that the proposed Conrail Acquisition would permanently constrain both existing and potential passenger rail services. The Authority asserted that SEA should (a) consider the possible impacts on passenger service of increased freight traffic after current agreements between the Applicants and passenger service operators expire; (b) perform a detailed analysis of the diversion of rail passengers to highway transportation that the expiration of those contracts would cause; (c) expand the scope of the EIS to address the potential negative impact on commuter rail operations and the proposed “stop at the Broadway Harvard intersection”; and (d) retain jurisdiction so that the proposed Conrail Acquisition “can

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be accomplished without negative consequences on passenger rail operations.” The Authority was concerned that a result of the proposed Conrail Acquisition would be the elimination of the stop at the Broadway Harvard intersection.

Response. SEA has considered the Amtrak passenger rail service in the Akron area and does not expect changes in it or in any existing Amtrak operating access agreement if the Board approves the proposed Conrail Acquisition. With regard to potential environmental impacts that the proposed Conrail Acquisition could have on passenger service after existing contracts expire, Amtrak has legal and regulatory tools available under the Rail Passenger Services Act to negotiate new agreements. Although the Act does not cover commuter passenger service, many commuter authorities own the rail lines over which they operate. The others can protect their operations on lines that freight railroads own by negotiating operating access agreements with the owners. Consequently, SEA does not foresee any potential termination of either intercity or commuter rail services that would cause rail passengers to divert to highway transportation modes.

SEA has reviewed the Metro Regional Transit Authority’s preliminary plan to initiate commuter rail service in the Canton-to-Akron-to-Cleveland corridor. The Authority has not finalized plans or identified stops. No construction funding exists to date. Therefore, SEA did not analyze the potential impact of the proposed Conrail Acquisition on the service or the possibility of a Broadway Harvard stop. If the Authority wished to use Conrail’s line between CP-Hudson (Hudson, Ohio) and Cleveland, it would require an operating access agreement with the line’s owner. This agreement would probably require some changes in the track and signaling configuration of the 25-mile rail line segment to accommodate both freight and passenger service. SEA has not expanded the scope of the EIS to address potential impacts on unfunded commuter rail operations, nor has SEA recommended that the Board retain jurisdiction over the proposed Conrail Acquisition where there has been no demonstration of significant change or impact.

Ohio—Transportation: Highway/Rail At-grade Crossing Delay

Summary of Comments. The Attorney General, the Ohio Rail Development Commission, and the Public Utilities Commission of Ohio commented that the Board should more widely recommend construction of grade separations as mitigation in areas with train increases in order to relieve problems with emergency vehicle response. The commentors identified the City of Fostoria, Ohio as a major railroad junction where existing railroad traffic and switching operations negatively affect emergency vehicle response. In particular, two areas of the community (the Iron Triangles) have severe problems with reliable and direct access/egress as a result of slow-moving, heavy rail traffic blocking highway/rail at-grade crossings. The commentors strongly recommended grade separations in this area at Town Street under the NS line and at Tiffin Street over the CSX line. They also recommended that the Board consider a grade separation at the Jones Road crossing, where the nearest alternate crossing would add

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3.6 minutes to the response time for ambulance service. In addition to Fostoria, the commentors listed the following communities that may need grade separation to solve emergency response concerns: Ashtabula, Olmsted Falls, Berea, Bellevue, Defiance County, Oak Harbor, Clyde, Greenwich, Wellington, Grafton, New London, and Cleveland.

Response. Chapter 7, "Recommended Environmental Conditions," presents SEA's mitigation recommendations, if any, for each of these communities. Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," Section G.2.2, "Fostoria, Ohio," of this Final EIS describes the potential effects of the proposed Conrail Acquisition in Fostoria. Within this chapter, Section 5.3.18, "Ohio," see the Northeastern Ohio subsections for discussion of Ashtabula; the Greater Cleveland Area subsections for discussion of Olmsted Falls, Berea, and Cleveland; and the Northwestern Ohio subsections for Oak Harbor, Greenwich, Wellington, and New London.

In Bellevue, Ohio, four rail line segments met or exceeded the Board's threshold for environmental analysis. The four rail line segments are the NS Oak Harbor-to-Bellevue rail line segment (N-079), the NS Bellevue-to-Sandusky Docks rail line segment (N-085), the NS Bucyrus-to-Bellevue rail line segment (N-071), and the NS Bellevue-to-Vermilion rail line segment (N-072).

For each of these four rail line segments, SEA determined that the blocked-crossing time caused by a single train would increase from 4.2 minutes to 4.3 minutes as a result of the proposed Conrail Acquisition. When delays affect emergency vehicles, the average delay would be half this blocked-crossing time, which would be approximately 2.2 minutes.

The average number of trains on the NS Oak Harbor-to-Bellevue rail line segment would increase from 7.7 to 27.2 trains per day as a result of the proposed Conrail Acquisition, which would increase the total blocked-crossing time from 32.3 minutes to 116.6 minutes per day.

The average number of trains on the NS Bellevue-to-Sandusky Docks rail line segment would increase from 1.4 to 12.9 trains per day as a result of the proposed Conrail Acquisition, which would increase the total blocked-crossing time from 5.9 minutes to 54.2 minutes per day.

The average number of trains on the NS Bellevue-to-Bucyrus rail line segment would increase from 26.0 to 34.5 trains per day as a result of the proposed Conrail Acquisition, which would increase the total blocked-crossing time from 109.2 minutes to 147.9 minutes per day.

The average number of trains on the NS Bellevue-to-Vermilion rail line segment would increase from 15.6 to 27.0 trains per day as a result of the proposed Conrail Acquisition,

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which would increase the total blocked-crossing time from 65.5 minutes to 115.8 minutes per day.

Police, fire, hospital, and ambulance services in Bellevue are located north of the Oak Harbor-to-Bellevue and the Bellevue-to-Sandusky tracks. Local officials informed SEA that about half the calls are to areas south of the tracks. There are highway/rail at-grade crossings at Southwest Street, Kilbourne (SR 18) and Flat Rock Road, as well as at all county roads outside the City. There are two grade-separated highway/rail crossings, one that provides east-west access on SR 20 and another that provides north-south access on SR269. When emergency services personnel find a crossing blocked, they radio to another unit to take another route if they are unable to do so themselves. Many trains are slow-moving or stopped. One train blocks several crossings, which forces emergency services personnel to travel some distance to cross the tracks if they are not aware of the train in advance. SEA concluded that, because the existing separated grade crossings provide reasonable access across the tracks, mitigation is not warranted. Additionally, NS and the City of Bellevue have entered into an agreement to address various environmental issues.

In Defiance County, Ohio, within the City of Defiance limits, the CSX Deshler, Ohio-to-Willow Creek, Indiana rail line segment (C-066) met or exceeded the Board's thresholds for environmental analysis. SEA determined that the blocked-crossing time caused by a train on this rail line segment, currently 1.9 minutes, would not change as a result of the proposed Conrail Acquisition. When delays affect emergency vehicles, the average delay would be half this blocked-crossing time, which would be less than 1 minute. The average number of trains on this rail line segment would increase from 21.4 to 47.7 trains per day as a result of the proposed Conrail Acquisition, which would increase the total blocked-crossing time from 39.9 minutes to 91.1 minutes per day.

Fire, police, and ambulance services are located north of the CSX tracks, near State Route 424. A hospital with ambulance service is also located on the north side of the tracks, near Second Street.

Within the City of Defiance, there are six separated grade crossings at Clinton, Jefferson, Washington, Perry, Summit, and Wayne Streets. However, neither the highway/rail at-grade crossing at Ottawa Avenue in Defiance, which is an emergency vehicle route, nor the crossing at U.S. Route 24 in Defiance County is grade-separated. In response to comments that SEA received regarding Defiance, Ohio, SEA completed a field inspection of the highway/rail at-grade crossing on U.S. Route 24. SEA determined that the rail line crossed the highway at an extremely skewed angle, decreasing traffic visibility. As a result of this inspection, SEA recommends that the Board require the installation of highway signal devices at the highway/rail at-grade crossing on U.S. Highway 24 (see Chapter 7, "Recommended Environmental Conditions," of this Final EIS).

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In Clyde, Ohio, the NS Oak Harbor-to-Bellevue rail line segment (N-079) met or exceeded the Board's threshold for environmental analysis. SEA determined that the blocked-crossing time caused by a single train on this rail line segment would decrease from 2.6 minutes to 2.4 minutes as a result of the proposed Conrail Acquisition. When delays affect emergency vehicles, the average delay would be half this blocked-crossing time, which would be 1.2 minutes. The average number of trains on this rail line segment would increase from 7.7 to 27.2 trains per day as a result of the proposed Conrail Acquisition, which would increase the total blocked-crossing time from 20.2 minutes to 65.0 minutes per day.

The police station in Clyde is located south of the tracks; fire stations are located on both sides of the tracks. Ambulance service is located approximately 3 miles northeast of Town, although plans are for the EMS service to move to the fire station north of the tracks. Hospitals are located 7 miles away in Bellevue and 10 miles away in Fremont. Although there are no separated grade crossings in Clyde, there are alternative routes that are grade-separated. Local officials informed SEA that trains often block both Elm Street and State Route 57, the two main emergency routes crossing the tracks. Elm Street and State Route 57 are approximately 3,400 feet apart and trains are often longer than that. SEA concluded that because the amount of time that a train would block a crossing would be relatively short, no mitigation is warranted in Clyde.

In Grafton, Ohio, the CSX Berea-to-Greenwich rail line segment (C-061) met or exceeded the Board's thresholds for environmental analysis. SEA determined that the blocked-crossing time caused by a train on this rail line segment would increase from 1.8 minutes to 1.9 minutes as a result of the proposed Conrail Acquisition. When delays affect emergency vehicles, the average delay would be half this blocked-crossing time, which would be less than 1 minute. The average number of trains on this rail line segment would increase from 14.5 to 53.0 trains per day as a result of the proposed Conrail Acquisition, which would increase the total time that a crossing would be blocked from 25.7 minutes to 101.8 minutes per day.

In Grafton, police, fire, and ambulance services are located south of the tracks, and the two hospitals and a second fire station are located north of the tracks. Volunteers who must travel from home or work provide fire and ambulance services in Grafton. There are no separated grade crossings in the area. Local officials informed SEA that trains sometimes create delays of as much as 10 minutes. Because the typical blocked-crossing time would be relatively short, SEA has determined that no mitigation is warranted in Grafton.

Summary of Comments. The Ohio Attorney General, the Ohio Railroad Development Commission, and the Public Utilities Commission of Ohio submitted a joint comment on the proposed Conrail Acquisition. They stated that grade separations relieve vehicle traffic congestion and should be a larger part of the mitigation plan in Ohio.

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The commentors cited the City of Fostoria as one example of the serious problems with traffic delay that Ohio has experienced. They noted that other locations that they had determined would have serious traffic delay problems following the proposed Conrail Acquisition include Cleveland, Ashtabula, Olmsted Falls, Berea, Bellevue, Defiance County, Oak Harbor, Clyde, Greenwich, Wellington, Grafton, and New London. The commentors stated that these locations may require grade separations to resolve highway/rail at-grade crossing delay problems effectively. They indicated that the Draft EIS recommended increased train speed to solve delay problems at some highway/rail at-grade crossings, and recommended consultation with state and local highway officials to resolve other delay problems. The commentors maintained that increasing train speeds through urban areas would not be a safe and workable solution for highway/rail at-grade crossing congestion unless SEA analyzed this approach in detail and determined it safe and feasible.

Further, the commentors recommended that the Board require the Applicants to reach agreements with the State of Ohio that address all areas of concern as a condition of approval of the proposed Conrail Acquisition. The commentors voiced opposition to SEA's recommendation that CSX and NS participate in mediation and binding arbitration with local and state officials where grade separations are necessary to address traffic delays related to the proposed Conrail Acquisition. They indicated that the State of Ohio is responsible for the safety and health of Ohio's communities and should be solely responsible for negotiating with CSX and NS. Also, the commentors stated that SEA should resolve any fundamental differences that may arise during the negotiations.

Response. SEA has performed a detailed analysis of vehicle delay at highway/rail at-grade crossings. SEA analyzed all areas of Ohio, with special attention given to the Greater Cleveland Area (see Appendix N, "Community Evaluations," of this Final EIS). At locations where SEA's analysis showed that the traffic delay impact of the proposed Conrail Acquisition would be significant, SEA recommended measures to mitigate the impact. See Chapter 7, "Recommended Environmental Conditions," of this Final EIS.

At selected locations, including Vine Street in Butler County and Township Avenue in Hamilton County, SEA recommended speed increases of 5 mph in combination with implementing necessary safety enhancements to permit such increases, and with appropriate infrastructure improvements. At Kilbourne Street in the town of Bellevue in Sandusky County, SEA does not recommend mitigation because reasonable mitigation measures are not practicable to implement, because of its proximity to the railroad yard.

SEA agrees that appropriate approvals from the state and local authorities are needed to implement the warranted mitigation strategies.

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Ohio—Air Quality

Summary of Comments. The Ohio Environmental Protection Agency commented that the Draft EIS did not adequately address key air quality issues. Based on its review of the Draft EIS, the Agency estimated that NO_x emissions in Ohio would increase by 7,000 tons per year; however, SEA did not propose any mitigation.

Response. The Ohio Environmental Protection Agency's estimate of the NO_x emissions increase in Ohio of approximately 7,000 tons per year takes into account those counties for which SEA performed a detailed NO_x emissions netting analysis. SEA chose those counties for analysis because they were shown to have potential railroad activity increases that could meet or exceed the Board's thresholds for analysis. SEA determined that these activity increases could cause emissions above SEA's NO_x emissions screening levels; however, SEA did not analyze counties that may have shown sizable decreases in railroad activity and NO_x emissions. Therefore, the Agency's projected increase of 7,000 tons per year of NO_x emissions for Ohio may be overestimated considering that SEA did not analyze all decreases.

Even if the 7,000 tons per year NO_x increase were accurate, it is still important to put this value in context. NO_x emissions in Ohio for 1995 are approximately 1,114,000 tons per year, based on EPA's emissions inventory (EPA 1996). A 7,000-tons-per-year increase would represent only about 0.6 percent of this total.

Additionally, EPA recently issued a rule (see Appendix O, "EPA Rules for Locomotive Emissions," of this Final EIS) that will result in a substantial decrease in nationwide NO_x emissions from locomotives (see Appendix I, "Air Quality Analysis," of this Final EIS). Based on the Ozone Transport Assessment Group 1990 emissions inventory, railroad NO_x emissions in Ohio were approximately 45,000 tons per year. According to the data presented in Table 9 of EPA document EPA 420-F-97-051, the decrease in fleet average locomotive NO_x emissions should be 15.7 percent by the year 2003 under this new rule. This percentage decrease, applied to a total emissions amount of 45,000 tons per year, would offset the 7,000-tons-per-year increase in NO_x. In subsequent years, the new NO_x emission standards applied to new or rebuilt locomotives would further reduce NO_x emissions, reaching an ultimate reduction of nearly 60 percent in fleet-average NO_x emissions by the year 2040.

Summary of Comments. The Ohio Environmental Protection Agency stated that the Draft EIS did not provide sufficient information to determine the impact of the Acquisition on the 1-hour and 8-hour national air quality standards for ozone.

Response. SEA has determined that the potential air quality impacts of the proposed Conrail Acquisition with respect to the new 8-hour and existing 1-hour NAAQS for ozone would be negligible. As shown in the Draft EIS, some regional redistribution of

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NO_x would likely occur. However, system-wide emissions of ozone precursor pollutants (NO_x and volatile organic compounds) would decrease. The projected NO_x emissions increases in some local areas having poor current air quality would be offset in a few years by decreases in locomotive NO_x emissions as a result of EPA's new emissions standards for locomotives. See Appendix I, "Air Quality Analysis," and Appendix O, "EPA Rules for Locomotive Emissions," of this Final EIS.

Summary of Comments. The Ohio Environmental Protection Agency commented that the Draft EIS did not address the impact of increased particulate matter less than 10 microns in diameter (PM₁₀) on NAAQS for particulate matter.

Response. SEA has determined that local (county or jurisdictional) increases of PM₁₀ emissions as a result of the proposed Conrail Acquisition would be quite small in comparison to stationary source permitting thresholds (generally 100 tons per year), as shown in Appendix E, "Air Quality," Attachment E-3 of the Draft EIS. The estimated PM₁₀ emissions increases shown in the Draft EIS do not account for the offsetting effects of truck-to-rail freight diversions. Also, the vast majority of PM₁₀ emissions shown would result from freight locomotives traveling on rail line segments. Therefore, the small amounts of increased PM₁₀ in any county would be emitted in a widely dispersed manner and would be expected to have a negligible effect on air quality in any area of Ohio.

A related concern with respect to the NAAQS for PM₁₀ is that some gaseous pollutant emissions react in the atmosphere to form "secondary PM₁₀." NO_x, the pollutant emitted in the greatest quantity by railroad locomotives, can be converted to secondary PM₁₀. The conversion process in the atmosphere is quite slow, however, and the impacts are therefore a regional concern, rather than a local one. Because the net NO_x emissions (and PM₁₀ emissions) system-wide would decrease slightly as a result of the proposed Conrail Acquisition (see Table 4-17, "Estimated NO_x Emissions Changes in Northeast Ozone Transport Region in Tons per Year," of the Draft EIS), SEA concluded that the proposed Conrail Acquisition would not adversely affect PM₁₀ levels in Ohio.

PM₁₀ and NO_x emissions from locomotives will be reduced further in the future because of implementation of the new EPA rule establishing emissions standards for new and remanufactured locomotives (see Appendix O, "EPA Rules for Locomotive Emissions," of this Final EIS).

Central Ohio—Safety: Highway/Rail At-grade Crossings

Summary of Comments. The Mid-Ohio Regional Planning Commission expressed concern that the analysis in the Draft EIS omitted a highway/rail at-grade crossing in Franklin County, Ohio. The crossing is at Williams Road and has an ADT of over 6,000 vehicles. The

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Commission stated, "This grade crossing meets the fundamental criteria to be included in [Table 5-OH-8] for safety purposes and we are concerned that it was not considered."

Response. SEA has determined that the Williams Road highway/rail at-grade crossing in Franklin County, Ohio is not located on a rail line segment that would experience an increase of 8 or more trains per day as a result of the proposed Conrail Acquisition. Because the rail line segment does not meet SEA's thresholds for environmental analysis, SEA did not perform an analysis for the Williams Road highway/rail at-grade crossing.

Central Ohio—Environmental Justice

Summary of Comments. The Mid-Ohio Regional Planning Commission commented that SEA did not perform environmental justice analysis or recommend proposed mitigation for the area around the Discovery Park intermodal facility.

Response. While the Area of Potential Effect surrounding the Discovery Park intermodal facility met the initial environmental justice criterion for the presence of minority populations (76.2 percent), the facility did not meet the second criterion for environmental justice analysis: there were no environmental effects at the facility that met SEA's criteria of significance. Therefore, SEA did not consider the Discovery Park facility a potentially affected environmental justice population and did not recommend mitigation. See Chapter 4, "Summary of Environmental Review," and Appendix M, "Environmental Justice Analysis," of this Final EIS.

Greater Cleveland Area—Note to the Reader

The Addendum to this Final EIS presents additional information and analysis of proposed mitigation measures, NS's "Mitigation Proposal for Train Frequencies in Greater Cleveland and Vicinity" (the "Revised Mitigation Proposal"), which would change rail traffic levels, particularly NS's traffic levels, in Cleveland and the surrounding area. NS's rerouting proposal shifts train traffic starting in Rochester, Pennsylvania, through Cleveland, and on to Oak Harbor, Ohio, removing 10.6 trains per day from NS's Nickel Plate Line through Cleveland and rerouting the trains on NS's Pittsburgh Line. NS's mitigation proposal generally reduces traffic in Ashtabula, East Cleveland, the University Circle area of Cleveland, and the West Shore communities of Cleveland. Traffic would generally increase along the Pittsburgh Line, along the Lakeshore Line in Cleveland, and in Berea. Chapter 4, "Summary of Environmental Review," Section 4.19, "Community Evaluations," and Appendix N, "Community Evaluations," of this Final EIS provide detailed information about the Greater Cleveland Area.

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Greater Cleveland Area—Safety: Highway/Rail At-grade Crossings

Summary of Comments. The City of Berea, Ohio expressed concern that an increase in rail traffic would lead to more accidents at highway/rail at-grade crossings. Specifically, the City cited the proposed 83.8 percent increase in trains per day. The City recommended grade separations at Front Street and Bagley Road.

Response. SEA's analysis of Acquisition-related highway/rail at-grade crossing safety impacts, in both the Draft EIS and this Final EIS, showed that the proposed Conrail Acquisition would not result in potential significant impacts at either the Front Street or Bagley Road highway/rail at-grade crossings. SEA determined that at present, both crossings are equipped with flashing lights and gates and have relatively low predicted accident rates, and it concluded that neither crossing warrants mitigation. See Appendix E, "Safety: Highway/Rail At-grade Crossing Safety Analysis," of this Final EIS for details.

Summary of Comments. BRL commented that the Draft EIS was deficient because SEA analyzed highway/rail at-grade crossing safety on a crossing-by-crossing basis rather than by using the DOT approach. The latter approach examines cumulative effects for the entire corridor or rail line segment. For example, BRL would experience an accident increase of one every 2 years at highway/rail at-grade crossings. BRL expressed particular concern that accidents could occur at "any one of the 36 contemplated crossings in BRL, rather than at a single pre-identified crossing...."

Response. SEA determined that the FRA accident risk analysis methodology is a valid method for identifying potential safety risk increases and the need for mitigation. SEA maintains that the FRA methodology was also appropriate for use in this Final EIS because it enabled SEA to estimate the changes in accident risk resulting from Acquisition-related increases in train traffic. Based on this analysis, SEA identified locations that warranted mitigation as a condition of the proposed Conrail Acquisition. See Chapter 4, "Summary of Environmental Review," of this Final EIS.

Summary of Comments. BRL requested a separate section in the Final EIS for addressing potential impacts on pedestrians. BRL noted that a large number of school children from 22 elementary and middle schools cross the tracks each day.

U.S. Congressman Louis Stokes from Cleveland, Ohio; a resident of Rocky River, Ohio; and the Parent Teacher Association of Lakewood, Ohio commented that increased rail traffic poses a large risk to pedestrians who cross tracks, especially children walking to school. For example, one commentator noted that children are more likely to take risks when rail traffic blocks the tracks for long periods of time.

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Response. SEA concurs that the safety of school children is a paramount concern. SEA's recommended mitigation includes the requirement that the Applicants sponsor and participate in Operation Lifesaver programs in schools in these communities each year, as school officials request. See Chapter 7, "Recommended Environmental Conditions," of this Final EIS. The final scope of the EIS did not include an analysis of the potential safety impacts specific to pedestrians, including school children.

Summary of Comments. BRL requested justification for the use of maximum operating speeds in the accident analysis.

Response. SEA's use of maximum operating speeds in the safety analysis applies the most conservative approach. Higher train speeds produce a prediction of higher accident rates at highway/rail at-grade crossings with passive warning devices. FRA methodology indicates that train speed is not a factor in accident frequency at highway/rail at-grade crossings with active warning devices such as flashing lights and gates.

Summary of Comments. The City of Cleveland, Ohio expressed concern over an expected increase in the rate of deterioration of highway/rail at-grade crossings resulting from the proposed increase in the number of trains. In addition, the City stated its concern about diminished safety to vehicles that cross the uneven tracks. Specifically, the City recognized the crossings at East 40th, East 39th, East 53rd, Bessemer, London, Nottingham, and West 110th as potentially subject to increased deterioration.

Response. SEA notes that the physical conditions at the highway/rail at-grade crossings in Cleveland are pre-existing conditions. In addition, three of the crossings identified, East 40th, East 39th, and East 53rd, would experience a decrease in traffic as a result of the proposed Conrail Acquisition. Finally, SEA has determined that the rate of deterioration of a highway/rail at-grade crossing is primarily a result of truck and automobile traffic and not the level of train traffic. SEA, therefore, has concluded that the proposed Conrail Acquisition would have no significant effect on the rate of deterioration of the highway/rail at-grade crossings in Cleveland.

Summary of Comments. The Lorain County, Ohio Commissioners expressed concern that with increases in the number of trains per day, and with trains operating at speeds of 60 mph, more accidents would occur. The Commissioners also noted that the Draft EIS used a significance criterion of an increase of one accident every 13 years, but the Village of Wellington had experienced four accidents resulting in death in the last 8 years. Of the 35 highway/rail at-grade crossings in the County, SEA found only Pitts Road to have a significant likelihood of increased accidents. A resident of Lorain County commented that "safety of the residents should be of major concern to you."

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Response. In the Draft EIS, SEA presented an analysis that reflects its efforts to address mitigation of safety impacts resulting from the proposed Conrail Acquisition. SEA concluded that the accident risk calculations in the Draft EIS provide a reliable measure of safety impacts. SEA used FRA data from 1991 through 1995 and applied a standard FRA analytical technique that uses actual accident experience as well as information on roadway characteristics, warning devices, track characteristics, and train operations to identify crossings that meet SEA's criteria of significance. In addition, field investigation indicated that the warning device at the Pitts Road crossing has been upgraded to a gate. See Appendix E, "Safety: Highway/Rail At-grade Crossing Safety Analysis," of this Final EIS for details on specific crossings.

Summary of Comments. One resident of Bay Village, a West Shore suburb of Cleveland, Ohio expressed concern that a collision between a train and a vehicle at a highway/rail at-grade crossing could lead to a train derailment.

Response. SEA evaluated this potential for a derailment resulting from a collision between a train and a vehicle. SEA acknowledges that, although collisions do occur, they are relatively infrequent events and generally do not result in the derailment of the train. SEA determined that potentially significant impacts on residential areas from derailments caused by train/vehicle collisions would not result from the proposed Conrail Acquisition.

Summary of Comments. The Township Board of Vermilion, Ohio commented that Stanley Road and Barnes Road would need gates and lights because of the projected increase in train traffic.

Response. SEA has analyzed the Stanley Road and Barnes Road highway/rail at-grade crossings. The analysis indicates that the proposed Conrail Acquisition would have no significant impact on these crossings. The accident frequency at Stanley Road would increase by 0.0115 accidents per year and at Barnes Road would increase by 0.0123 (see Appendix N, "Community Evaluations," of this Final EIS). Therefore, no safety mitigation would be warranted. See Appendix E, "Safety: Highway/Rail At-grade Crossing Safety Analysis," of this Final EIS.

Summary of Comments. The Village of Olmsted Falls, Ohio requested that SEA consider the use of grade-mounted horn systems, outlined on page F-12 of the Draft EIS, at the following highway/rail at-grade crossings: FRA ID 524364Y, FRA ID 524367U, and FRA ID 524363S on rail line segment C-061. The Village noted that the State of Ohio gives individual communities the right to introduce regulations for highway/rail at-grade crossing warning devices within the municipal corporate limits.

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Response. SEA acknowledges the alternatives that the Village of Olmsted Falls suggested. SEA has analyzed the three highway/rail at-grade crossings located on rail line segment C-061 in Cuyahoga County (FRA ID 524364Y, 524367U, and 524363S) for potential safety impacts resulting from the proposed Conrail Acquisition. SEA's analysis showed that the proposed Conrail Acquisition would not increase accident frequencies to exceed SEA's criteria of significance and, thus, would have no significant impact on highway/rail at-grade crossing safety at these locations; therefore, no mitigation would be warranted. FRA may promulgate horn noise regulations in the near future which address grade-mounted horn systems, among other factors. See Appendix C, "Settlement Agreements and Negotiated Agreements," and Appendix E, "Safety: Highway/Rail At-grade Crossing Safety Analysis," of this Final EIS.

Summary of Comments. The Village of Lagrange, Ohio commented that there is a need for flashing lights at all of the Township's highway/rail at-grade crossings, which the Village thinks would become more deadly if the Board allows increased rail traffic.

Response. SEA acknowledges the concern of the Village of Lagrange and has conducted a safety analysis of all highway/rail at-grade crossings on affected rail line segments within Lorain County. The results of the analysis in the Draft EIS show that the proposed Conrail Acquisition would significantly impact the Pitts Road crossing (FRA ID 518507F). Field investigation indicated that the warning device at the Pitts Road crossing has been upgraded to a gate. SEA's analysis did not identify significant impacts at other highway/rail at-grade crossings in the Township. As a result, this Final EIS contains no recommendations for highway/rail at-grade crossing safety in the Township. See Appendix E, "Safety: Highway/Rail At-grade Crossing Safety Analysis," of this Final EIS.

Summary of Comments. Congressman Dennis J. Kucinich of Ohio disputed the finding in the Draft EIS that increases in rail traffic on the Cleveland-to-Vermilion rail line would have no significant impact on safety at highway/rail at-grade crossings in the Cleveland West Shore suburbs of Lakewood, Rocky River, Bay Village, and Westlake, Ohio. Congressman Kucinich commented that actual experience reveals that accidents in this area exceed the Board's criteria for significance and that imprecise "predicated accident rates" are not reliable enough. He noted that two crossings, Cook Avenue and Andrews Avenue, experienced two accidents between 1991 and 1995, and added, "Two accidents in four years not only exceeds the predicted accident rate, but also meets the Board's 'criteria for significance'." The Congressman concluded, "Therefore, the only appropriate mitigation is to not allow an increase in freight train traffic along the West Shore line."

Response. SEA concluded that the accident risk calculations in the Draft EIS provided a reliable measure of safety impacts. SEA applied a standard FRA analytical technique that uses actual accident history as well as information on roadway characteristics, warning devices, track characteristics, and train operations. SEA determined that an

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upgrade of the highway/rail at-grade crossing warning devices at both Cook Avenue and Andrews Avenue gates occurred in December 1996, following the accidents that the commentor noted. SEA's analysis showed that neither location warrants further highway/rail at-grade crossing safety mitigation. See Appendix E, "Safety: Highway/Rail At-grade Crossing Safety Analysis," and Appendix N, "Community Evaluations," of this Final EIS for further details.

Greater Cleveland Area—Safety: Hazardous Materials Transport

Summary of Comments. U.S. Congressman Louis Stokes of Ohio expressed concern that increased rail traffic through low-income neighborhoods in Cleveland would include shipments of hazardous materials. He requested that the Board provide effective mitigation for the potential environmental impacts of the increased rail traffic.

Response. To mitigate the potential impacts of increased hazardous materials transport, SEA recommends that the Board require the Applicants to implement key route and major key route mitigation measures. These measures apply to all rail line segments in the Greater Cleveland Area that meet SEA's significance criteria regardless of the economic status or demographic composition of the potentially affected areas. See Appendix F, "Safety: Hazardous Materials Transport Analysis," of this Final EIS for a complete list of key and major key routes. Chapter 7, "Recommended Environmental Conditions," of this Final EIS discusses key route and major key route mitigation measures. The primary purpose of these measures is to prevent hazardous materials spills and to address prompt and appropriate responses to derailments and spills.

Summary of Comments. Several commentors, including the Board of Trustees of the Township of Vermilion, Ohio, voiced concern about increases in hazardous materials transport through Vermilion and asked SEA to reconsider the potential environmental impacts of the proposed Conrail Acquisition. One commentor stated that preparation of emergency response plans was not a sufficient response to this concern because of the proximity of the rail line to Lake Erie, which serves as a water supply and a recreational resource.

Response. SEA recommends that the Board require NS to implement key route and major key route mitigation measures on rail line segment N-080 between Cleveland and Vermilion, Ohio following the proposed Conrail Acquisition. Chapter 7, "Recommended Environmental Conditions," of this Final EIS discusses key route and major key route mitigation measures. Overall, hazardous materials transport through Vermilion, which includes rail line segments N-072, N-293, and N-294 between Vermilion and Bellevue, Cleveland and Vermilion, and Vermilion and Oak Harbor, respectively, would decrease by 21 percent. SEA concludes that the recommended mitigation measures would be adequate to protect residents and Lake Erie. Appendix L, "Natural Resources Analysis," and Appendix N, "Community Evaluations," of this Final

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EIS provide additional information on potential hazardous materials transport impacts on natural resources.

Summary of Comments. Many commentors, including local officials, members of Congress, the City of Olmsted Falls, and the Lakewood PTA, expressed concerns about the potential for an accident involving hazardous or radioactive materials transport in suburban Cleveland, Bay Village, Rocky River, Olmsted Falls, and Lorain County, Ohio. Some concerns pertained to evacuation routes in the event of a potential hazardous materials spill, or accidents involving hazardous materials in University Circle, an area with three hospitals and housing for low-income elderly and mobility-disabled residents. The Mayor of East Cleveland expressed opposition to the proposed Conrail Acquisition because he contends that the Draft EIS did not adequately address hazardous materials transport and other potential environmental impacts. Congressman Kucinich described the proposed mitigation for increased hazardous materials transport through Cleveland as inadequate and stated that the Board should not permit the proposed increase. A group of citizens objected to increased hazardous materials transport through poor communities. A comment from BRL noted that the Draft EIS “predicts a 252.4% increase in hazmat releases on the Cleveland to Vermilion line segment.”

Response. SEA recommends that the Board require the Applicants to implement key route and major key route mitigation measures on all rail line segments in the Greater Cleveland, Lorain County, and Cuyahoga County areas that met SEA’s criteria of significance for hazardous materials transport. Chapter 7, “Recommended Environmental Conditions,” of this Final EIS discusses key route and major key route mitigation measures. The primary purpose of these measures is to prevent hazardous materials spills and to address prompt and appropriate responses to derailments and spills. In addition, subsequent to the Draft EIS comment period, East Cleveland entered into separate agreements with CSX and NS. See Appendix C, “Settlement Agreements and Negotiated Agreements,” of this Final EIS.

DOT and NRC regulations govern the transport of radioactive materials. In 1996, radioactive materials consisted of less than 0.05 percent of the total hazardous materials that the Applicants transported. Therefore, SEA does not recommend further mitigation.

Summary of Comments. The Mayor of Lagrange, Ohio requested that the Applicants prepare an emergency response plan for rail personnel and local service providers, as well as provide and fund annual joint training, if the Board approves the proposed Conrail Acquisition.

Response. After SEA completed the Draft EIS, SEA received additional information regarding rail line segment C-061, which runs from Berea through Lagrange to Greenwich, Ohio. Based on that information, SEA determined that along this rail line segment, hazardous materials transport would increase from 16,000 to 46,000 carloads per year following the proposed Conrail Acquisition. This increase meets SEA’s

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significance criteria for major key route mitigation. Therefore, SEA recommends that the Board require CSX to implement major key route mitigation measures as Chapter 7, "Recommended Environmental Conditions," of this Final EIS discusses. SEA has determined that providing first-responder emergency services is a basic local government function, funded through the general revenue taxation system. No changes associated with or resulting from the proposed Conrail Acquisition changed those basic responsibilities.

Summary of Comments. The Board of Commissioners of Lorain County, Ohio, recognizing the proposed designation of the Berea-to-Greenwich rail line segment C-061 as a major key route for hazardous materials transport, expressed concern the mitigation that SEA proposed in the Draft EIS is insufficient. The Commissioners recommended that the Board require the Applicants to meet the following conditions for approval of the proposed Conrail Acquisition: reduce the number of trains on the segment; prepare an emergency response plan; fund an annual joint training program for rail personnel and local service providers; and provide advance notification of nuclear shipments. The Lorain County Community Alliance passed a resolution supporting the Commissioners' recommendations. Several citizens of Lorain also expressed concern about hazards related to chemical spills and toxic waste.

Response. SEA acknowledges the concerns raised by the Board of Commissioners of Lorain County, but considers the proposed mitigation for rail line segment C-061, running between Berea and Greenwich, Ohio, to be sufficient. Regarding the proposed Conrail Acquisition, the Board has maintained that limiting the number of trains traveling on a specific rail line segment is beyond its jurisdiction. However, the Board may require specific reasonable mitigation measures prior to allowing additional traffic on a rail line segment.

SEA estimated in the Draft EIS (Volume 5A, Appendix B, "Safety," Attachment B-3, page 5 of 8) that the interval between hazardous materials releases would decrease from once every 6,761 years to once every 2,420 years after the proposed Conrail Acquisition. The change in annual hazardous materials carloads would be from 16,000 to 46,000 after the proposed Conrail Acquisition, which designates the rail line segment as a major key route. Because the evaluation indicated a low risk associated with the proposed increase, SEA considers the proposed mitigation of rail line segment C-061 sufficient and appropriate for major key route mitigation. For SEA's recommendations, refer to Chapter 7, "Recommended Environmental Conditions," of this Final EIS.

SEA strongly encourages CSX, as a part of its Emergency Response Plan, to work with Lorain County to provide adequate training for both rail personnel and local service providers.

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Summary of Comments. The City of Berea, Ohio expressed concern about hazardous and radioactive materials transport through Cuyahoga County, citing FRA statistics that show 4.243 million tons of hazardous materials were shipped along the Cleveland-to-Berea axis in 1995. The City stated that the 83.8 percent increase in train traffic projected in the Draft EIS would result in 7.799 million tons of hazardous materials transported through Berea. The City requested that the Board determine the frequency and magnitude of radioactive material transport along the Cleveland-to-Berea axis and estimate the resulting risk to Berea and other densely populated areas in the event of an accident or derailment. The City also requested that the Board require the Applicants to prepare a City-specific hazardous materials emergency response plan and assist in the training of Berea police, fire, and emergency personnel as a condition of the proposed Conrail Acquisition.

Response. For rail line segments that would transport relatively large quantities of hazardous materials, SEA has adopted a conservative benchmark for mitigation. SEA's analysis determined that only one rail line segment in Berea would exceed the significance criteria that would warrant mitigation. Therefore, SEA recommends that the Board require CSX to implement major key route mitigation measures on rail line segment C-061 between Berea and Greenwich, Ohio following the proposed Conrail Acquisition. Chapter 7, "Recommended Environmental Conditions," of this Final EIS discusses major key route mitigation measures, which include development of emergency response procedures and coordination with local emergency response agencies. The Addendum to this Final EIS discusses effects of NS's mitigation proposal on hazardous materials transport through Berea. SEA maintains that it is impractical to determine the frequency and magnitude of radioactive materials transport specifically along the Cleveland-Berea axis, as well as to conduct location-specific risk analyses.

Transport companies make about 3 million shipments of radioactive materials each year in the United States by highway, railroad, aircraft, and ship. Regulating the safety and security of these shipments is the joint responsibility of DOT and NRC. The Federal regulatory system protects transport workers and the public by setting performance standards for the packages and by setting limits on the radioactive contents and radiation levels for packages and vehicles. Package marking and labeling, vehicle placards, and shipping papers describing the materials provide information on radioactive shipments. DOT has regulatory jurisdiction over radioactive shipments while the material is in transit. DOT also establishes shipping categories, sets the standards for labeling of radioactive shipments, and establishes criteria for containers that shippers use for smaller quantities of radioactive materials.

NRC, which licenses the organizations shipping and receiving the radioactive materials, ensures that its licensees meet DOT shipping requirements. NRC also establishes the requirements for the design and manufacture of packages for larger quantities of radioactive materials. Typical of small-quantity shipments using packages meeting DOT requirements are radioactive materials for medical diagnostic tests and therapy. These

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shipments constitute the major portion of all shipments of radioactive materials each year. For these shipments, shippers use packaging (classified as "Type A") that is designed to withstand the rigors of normal transportation without damage. For larger quantities of radioactive materials, shippers design the containers to withstand accident conditions without releasing their contents. Shippers use these packages ("Type B"), for industrial irradiators, medical radiation therapy devices, and some radioactive wastes. The accident evaluation criteria for these containers include impact, puncture, heat, and submersion in water. Spent fuel shipping casks are specialized Type B containers that shippers use to transport used fuel from nuclear reactors. Trucks or rail cars carry these large shipping casks. As with all Type B containers, shippers seal them to prevent leakage and heavily shield them to minimize the radiation levels. NRC also imposes security requirements on shipments of spent fuel and on shipments of larger quantities of highly enriched uranium or plutonium. These security measures include route evaluation, escort personnel and vehicles, communications capabilities, and emergency plans. NRC notifies state governments in advance of spent fuel shipments and those large-quantity shipments of radioactive waste requiring Type B containers.

SEA understands that the regulatory system for transportation of radioactive materials has been successful in minimizing safety impacts. Few accidents have occurred involving shipments of radioactive materials (averaging fewer than 50 out of a total of 3 million annual shipments). Only a small number of those accidents have involved any release of the radioactive contents. In these instances, radioactive contamination has been generally minor with no public safety consequences. System-wide in 1996, CSX and NS shipped approximately 3,107 and 6,650 tons, respectively, of "radioactive material," which may include some low-level waste. This is less than 0.05 percent of total hazardous materials transport.

SEA has determined that providing first-responder emergency services is a basic local government function, funded through the general revenue taxation system. No changes associated with or resulting from the proposed Conrail Acquisition changed those basic responsibilities. SEA encourages the City to coordinate with the Applicants to support local emergency response planning efforts.

Summary of Comments. The City of Cleveland, Ohio expressed concern about projected increases in hazardous materials transport through residential neighborhoods in east and west Cleveland, particularly University Circle, a major cultural and employment center. The City's concerns included provision of evacuation routes for hazardous materials emergencies. The City stated that the hazardous materials transport study "seems designed to trivialize the increased risk and to avoid finding impacts that are sufficient to warrant further study or mitigation, or both."

Further, the City stated its concern that two rail line segments in Cleveland, C-072 and C-073, would have the largest increase in hazardous materials transport in the entire system, but that SEA recommended no mitigation. The City urged SEA to use an accident significance criterion

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more stringent than one accident per 100 years in areas with high population densities and stated that the Board should study mitigation for hazardous materials transport through the Cleveland area. Characterizing the proposed mitigation measures as inadequate, the City requested that the Board require the Applicants to build spill containment and collection facilities along rail line segments C-072, C-073, and N-075 and described a conceptual design for such facilities.

In addition, the City indicated that the Draft EIS understated the number of carloads of hazardous materials transported on rail line segments C-072 and C-073 by ignoring their proximity to each other and to rail line segment N-075. The City stated that the Board should carefully study whether the Short Line is suitable for conversion from a "little-used bypass" to a main line freight service.

The City also described alternative routes to address hazardous materials transport and other potential environmental impacts, noting that the Board could require mitigation for these alternative routes as well.

Response. SEA recognizes the City of Cleveland's concerns regarding hazardous materials transport. SEA recommends that, following the proposed Conrail Acquisition, the Board require CSX and NS to implement both key route and major key route mitigation measures on rail line segments C-072 between Mayfield and Marcy, Ohio; C-073 between Quaker and Mayfield, Ohio; and N-075 between Ashtabula and Cleveland, Ohio. Chapter 7, "Recommended Environmental Conditions," of this Final EIS discusses SEA's recommended key route and major key route mitigation measures.

SEA has determined that the significance criterion of one accident per 100 years is sufficiently conservative to protect high-density populations. SEA proposed mitigation for all rail line segments that met SEA's criteria of significance; SEA maintains, however, that it is not practicable to require spill collection and containment facilities for all rail line segments used for hazardous materials transport.

SEA maintains that the hazardous materials transport study completely analyzes the risks and properly identifies the impacts requiring mitigation. Appendix N, "Community Evaluations," of this Final EIS presents an analysis of alternative routes, including the Short Line in the Cleveland area.

Summary of Comments. Faith-Based Organizing for Northeast Ohio was concerned that the increase of hazardous materials through Cuyahoga and Lorain Counties and the elimination of safety and maintenance jobs would negatively affect hazardous materials transport and safety. The organization recommended that the Board impose "a moratorium on the elimination of any and all safety and maintenance jobs by CSX and NS as a result of this acquisition."

Response. As the Draft EIS describes, SEA recommends that the Board require CSX and NS to implement mitigation measures on a number of rail line segments in Cuyahoga

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and Lorain Counties where hazardous materials transport would increase above SEA's criteria of significance. SEA is confident that these mitigation measures and existing FRA and DOT regulations, which FRA and State of Ohio inspectors enforce, would protect public safety. Although it is true that the Applicants intend to eliminate certain safety and maintenance-related jobs by substituting other processes and procedures, this does not mean that there would be potential adverse effects on safety. The Applicants must still comply with DOT and FRA regulations regarding hazardous materials transport. As an example, SEA points out that the Applicants still have to meet requirements to inspect rail tracks twice weekly and all trains, including those carrying hazardous materials, every time they leave a rail yard. Although the hazardous materials shipments on the rail line segments through Cuyahoga and Lorain Counties would increase, SEA understands that FRA's policy is to shift inspection locations and frequency based on traffic density, thus providing additional inspections on the rail lines in question. Therefore, SEA concluded that FRA and Ohio Public Utility Commission would provide adequate inspections following the proposed Conrail Acquisition. Chapter 6, "Safety Integration Planning," Section 6.3.11, "Staffing and Workload," presents safety-related labor issues.

Summary of Comments. CSX commented that it would comply with proposed Mitigation Measure No. 4 in the Draft EIS with respect to the Short Line in Cleveland, Ohio and would provide enhanced emergency response training in Cleveland and East Cleveland.

Response. SEA acknowledges CSX's willingness to comply with the recommended mitigation measure. See Chapter 7, "Recommended Environmental Conditions," of this Final EIS.

Summary of Comments. The Village of Wellington, Ohio expressed concern about hazardous materials transport through the area. The Village focused on the risk of derailments and spills and the need for resident evacuation in the event of a spill.

Response. SEA recommends that the Board require CSX to implement key route and major key route mitigation measures on rail line segment C-061, which runs through Wellington between Berea and Greenwich, Ohio. Chapter 7, "Recommended Environmental Conditions," of this Final EIS discusses key route and major key route mitigation measures. The primary purpose of these measures is to prevent hazardous materials spills and to address prompt and appropriate responses to derailments and spills.

Greater Cleveland Area—Safety: Freight Rail Operations

Summary of Comments. Councilman Coats of the 10th Ward of Cleveland, Ohio and the Euclid Park, Forest Hills Park, Collinwood Coalition of Cleveland are opposed to the proposed Conrail Acquisition. They stated that a train accident in the 10th Ward could occur, and therefore pose

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significant health hazards and cause emergency situations. This concern stems from their joint opinion that train cargo “is virtually unregulated.”

Response. SEA does not agree that train cargo is “virtually unregulated.” SEA points out that DOT and FRA have promulgated extensive regulations, which the Draft EIS described, governing cargo packaging and labeling, as well as standards for maintenance and operation of freight cars, trains, and track (see Appendix B, “Safety”). SEA maintains that these regulations, together with AAR key route and key train guidelines (AAR Circular OT-55-B) and proposed mitigation that Chapter 7, “Recommended Environmental Conditions,” of this Final EIS discusses, provide for safe hazardous materials transport and effective response in the event of an accident.

Summary of Comments. A resident of Bay Village, Ohio requested termination of the freight traffic along the rail line running through Bay Village-Westlake. The reason for this request is concern over possible derailment or a collision causing a derailment that would result in a disastrous loss of life, injuries, and severe destruction of homes.

Response. The presence of freight traffic in Bay Village and Westlake (on NS’s Cleveland-to-Vermilion rail line segment) is a pre-existing condition, and the Board does not have the authority to order its termination. In accordance with the scope of the EIS, SEA analyzed the potential environmental impacts resulting from Acquisition-related increases in train traffic on this rail line segment. SEA’s evaluation predicted that the interval between train accidents would be greater than one accident in 100 years. This does not exceed SEA’s freight train accident criteria of significance. Therefore, SEA does not recommend mitigation.

Summary of Comments. Congressman Dennis J. Kucinich, representing Ohio’s 10th District, expressed concern because FRA “does not require railroads to report rail operation accidents in a form that will reveal the number of accidents that have occurred on a particular rail segment. Thus, it is not possible to know if the NS Cleveland-Vermilion line has experienced more accidents than the ‘predicted accident rate.’ However, while applying an imprecise ‘predicted accident rate’ may be acceptable when dealing with sparsely populated and/or highly industrialized areas, it is not acceptable when dealing with densely populated, residential areas where accidents can be far more devastating. A different calculation is needed when determining if mitigation is needed for densely populated, residential areas.” The Congressman expressed a particular concern that “the west side of Cleveland and the West Shore communities are densely populated, residential areas. Lakewood is particularly vulnerable in this area as it has 27 at-grade crossings within 2.7 miles. Clearly, imprecise ‘predicted accident rates’ are not reliable enough under these circumstances.” The Congressman expressed a further concern that “assuming railroads use appropriate containers—hazardous material transport is not dangerous in and of itself, and is only dangerous when an accident occurs. This being tautological, it begs the question: how can SEA justify its finding that the potential increase in rail operation and at-grade crossing accident rates are not significant? Given the circumstances of a 255 percent

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increase in hazardous materials being transported through a densely populated, residential area—in conjunction with the geographic and traffic patterns of the area—application of an imprecise ‘predicted accident rate’ is rendered all the more inappropriate for the west side of Cleveland and the West Shore communities.”

Response. SEA recognizes the concerns that Congressman Kucinich raised. SEA has considered the issue and concludes that it is inappropriate to estimate accident rates using different methodologies for urban and rural populations. SEA used a conservative approach to estimate accident frequencies, and SEA’s proposed mitigation measures in Chapter 7 of this Final EIS, “Recommended Environmental Conditions,” apply the best technology to address safety in the movement of hazardous materials at all locations. SEA also notes that other Federal regulations governing hazardous materials transport (for example, those that DOT has promulgated) do not vary based on the population density along the transport corridor. SEA also evaluated the accident potential for highway/rail at-grade crossings in Cuyahoga County and highway/rail at-grade crossings in Lorain County. SEA determined that potentially significant impacts could result at only two of these locations and has recommended location-specific mitigation measures, as Chapter 7, “Recommended Environmental Conditions,” of this Final EIS discusses. Also see Appendix N, “Community Evaluations,” of this Final EIS.

Summary of Comments. Congressman Dennis J. Kucinich, representing Ohio’s 10th District, asked the following question concerning the City of Brooklyn, Ohio: “If the Conrail merger is approved, what noise and safety mitigation will be offered to the residents living adjacent to the Conrail line parallel to Brookpark Road?”

Response. SEA understands that rail line segment C-069 runs through the City of Brooklyn, Ohio, parallel to Brookpark Road. SEA has conducted site visits to the area to examine this rail line segment. Hazardous materials transport on this rail line segment would increase from 4,000 carloads per year to 41,000 carloads per year if the Board approves the proposed Conrail Acquisition. SEA recommends that the Board require CSX to implement the key route and major key route mitigation measures described in Chapter 7, “Recommended Environmental Conditions,” of this Final EIS. SEA did not identify any other safety or noise effects that would warrant mitigation in the Brooklyn area.

Summary of Comments. Congressman Dennis J. Kucinich, representing Ohio’s 10th District, expressed the concern that even though “SEA finds that the NS Cleveland-to-Vermilion line is one rail line segment that meets or exceeds the Board’s environmental thresholds, of these areas that exceed the Board’s thresholds for further analysis, only one—hazardous material transport—warranted SEA to recommend mitigation.” The Congressman further stated that “these conclusions are ambiguous when coupled with SEA’s later conclusion that the area affected by NS’s proposal nearly triple freight train traffic on its Cleveland-Vermilion line is concerning enough to merit special consideration.”

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Response. SEA has identified the NS Cleveland-to-Vermilion rail line segment N-080 as a segment that meets or exceeds the Board's thresholds for environmental analysis, and hazardous materials transport is the only individual specific mitigation measure that SEA recommends for the rail line segment. However, SEA also made preliminary recommendations in the Draft EIS, because of the unique problems associated with the BRL corridor, for NS to conduct further consultations with the affected communities to resolve outstanding issues involving new rail connections, possible grade separations, upgrading warning devices, and closing highway/rail at-grade crossings. NS has proposed an alternative routing plan, as the Draft EIS discusses (Volume 3B, page OH-0138 to 0139), to reduce the potential environmental impacts of concern that Congressman Kucinich noted. A discussion of this mitigation plan and SEA's recommended mitigation for rail line segment N-080 appears in Chapter 4, "Summary of Environmental Review," Section 4.19, "Community Evaluations," and Appendix N, "Community Evaluations," of this Final EIS. Also see Chapter 7, "Recommended Environmental Conditions," for mitigation measures related to hazardous materials transport.

Greater Cleveland Area—Safety: Other

Summary of Comments. The City of Olmsted Falls, Ohio commented in opposition to the proposed Conrail Acquisition. The City expressed concern about the proposed increase in rail traffic between Vermilion, Ohio and Cleveland, Ohio "thereby creating health and safety concerns to the residents of this City."

Response. As a result of the proposed Conrail Acquisition, the number of trains moving between Vermilion and Cleveland, Ohio on rail line segment N-293 through Olmsted Falls, Ohio would decrease by 15.5 trains per day. SEA clarifies that increases in rail traffic between Vermilion and Cleveland as a result of the proposed Conrail Acquisition would occur on rail line segment N-080, which does not pass through Olmsted Falls. See Chapter 4, "Summary of Environmental Review," Section 4.19, "Community Evaluations," and Appendix N, "Community Evaluations," of this Final EIS for detailed information about the Greater Cleveland Area. Also, see the Addendum to this Final EIS for discussion of the potential effects of NS's "Revised Mitigation Proposal."

Summary of Comments. The Mayor of East Cleveland, Ohio commented that the Draft EIS did not adequately address safety issues in and around East Cleveland.

Response. SEA has addressed safety issues in and around East Cleveland. SEA's proposed mitigation measures, discussed in Chapter 7, "Recommended Environmental Conditions," of this Final EIS, apply the best possible proven technology to provide safety in the movement of hazardous materials at all locations. In addition, subsequent to the Draft EIS, the City of East Cleveland has reached separate agreements with CSX and NS regarding potential environmental impacts of the proposed Conrail Acquisition.

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See Appendix C, "Settlement Agreements and Negotiated Agreements," of this Final EIS.

Summary of Comments. A resident of Rocky River, Ohio commented that the current train traffic causes a backup of traffic, including school buses, and that the situation would become worse after the proposed Conrail Acquisition. The resident added that the backup poses a safety problem for children getting on and off the school buses as well as crossing the streets. Also, after a train clears the intersection, cars speed up in an attempt to make up time, thereby putting pedestrians at greater risk.

Response. SEA recognizes the concern for the safety and welfare of children and pedestrians. As presented, the resident's comment describes existing conditions that may be exacerbated by any increase in the numbers of trains traveling through Rocky River as a result of the proposed Conrail Acquisition. Chapter 4, "Summary of Environmental Review," and Appendix N, "Community Evaluations," of this Final EIS presents the analysis of the potential safety impacts in the Greater Cleveland Ohio area, including the Rocky River area.

SEA analyzed the potential impacts on highway/rail at-grade crossing safety, delay, and pedestrian issues in the western suburbs of Cleveland that would result from the Acquisition-related increase in train traffic. SEA also conducted several site visits to the area. In Rocky River, the Vermilion-to-Cleveland rail line segment (N-080) would experience a train traffic increase from 13.5 trains per day to 34.1 trains per day as a result of the proposed Conrail Acquisition. SEA determined that the effect on LOS at the highway/rail at-grade crossings along this rail line segment would be minor. None of these crossings that SEA analyzed would meet SEA's criteria of significance for vehicle delay.

SEA's safety analysis included the overall effect of risky driver behavior, but SEA did not calculate the way such behavior would vary at different highway/rail at-grade crossings. The analysis used a standard FRA method that applies a set of formulas to estimate the risk of accidents at each highway/rail at-grade crossing. The basis for the development of the formulas was a statistical analysis of actual accident history at highway/rail at-grade crossings in the United States. That history reflected the fact that some people ignore flashing lights and drive around crossing gates, and thus increase the probability of accidents. Because SEA used actual accident history, the formulas take into account actual driver behavior. The FRA method of analysis does not address the amount of time that drivers must wait for trains to pass a specific highway/rail at-grade crossing, so it cannot reflect crossing variations in the probability that drivers would increase driving speeds to makeup lost time.

SEA recommended improvements that would mitigate potential significant environmental impacts from the proposed Conrail Acquisition. Pre-existing conditions,

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such as an increase in driving speeds to make up for time lost at highway/rail at-grade crossings, are not within the purview of the Board or SEA, but are within the jurisdiction of the local authorities. SEA encourages each local jurisdiction to work with the Applicants to promote safety on any streets, roads, and highways that have public highway/rail at-grade crossings. See Chapter 4, "Summary of Environmental Review," Section 4.19, "Community Evaluations," and Appendix N, "Community Evaluations," of this Final EIS for detailed information about the Greater Cleveland Area. Also, see the Addendum to this Final EIS for discussion of the potential effects of NS's "Revised Mitigation Proposal."

Summary of Comments. The Board of Commissioners of Lorain County, Ohio has passed a resolution generally opposing the approval of the proposed Conrail Acquisition. However, the Commissioners provided a list of conditions for consideration if the Board approves the proposed Conrail Acquisition. Specifically, the Commissioners recommended one safety condition to "institute and fund an annual joint training program for rail personnel and local providers." The Lorain County Community Alliance supported the Commissioners' recommendations.

Response. SEA recommends that the Board require NS to implement the mitigation measures for major key routes, as Chapter 7, "Recommended Environmental Conditions," of this Final EIS discusses, along rail line segment N-080, which runs from Cleveland through Lorain to Vermilion, Ohio. SEA has determined that providing first-responder emergency services is a basic local government function that is funded through the general revenue taxation system. No changes associated with or resulting from the proposed Conrail Acquisition changed those basic responsibilities. See Chapter 4, "Summary of Environmental Review," Section 4.19, "Community Evaluations," and Appendix N, "Community Evaluations," of this Final EIS for detailed information about the Greater Cleveland Area. Also, see the Addendum to this Final EIS for discussion of the potential effects of NS's "Revised Mitigation Proposal."

Summary of Comments. A resident of Cleveland, Ohio expressed opposition to the proposed Acquisition as follows: "Bad Materials and other foreign matter will be traveling in my neighborhood. Families, men, women, and children will be affected. Our health and environment will decline."

Response. SEA recommends that the Board require the Applicants to implement key route and major key route mitigation measures on all rail line segments in the Greater Cleveland, Lorain County, and Cuyahoga County areas that met SEA's significance criteria for hazardous materials transport. See Appendix F, "Safety: Hazardous Materials Transport Analysis," of this Final EIS for a complete listing of affected rail line segments in the Greater Cleveland Area. Chapter 7, "Recommended Environmental Conditions," of this Final EIS discusses key route and major key route mitigation

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measures. The primary purposes of these measures are to prevent hazardous materials spills and to address prompt and appropriate responses to derailments and spills.

Summary of Comments. Two residents of Lorain, Ohio expressed opposition to “anymore trains traveling” through Lorain because “it would mean disaster for the ill and also for the children.” A resident of Cleveland, Ohio and a resident of Elyria, Ohio each expressed opposition to the proposed Acquisition. Both stated, “there are far-reaching effects of this proposed merger that warrant the ut-most consideration,” such as “the potential for health hazards that are compounded by the proposed elimination of Railroad Maintenance Employees.”

Response. SEA has interpreted the comments as focusing upon the health, environmental, and safety-related impacts from increases in hazardous materials transport by train as a result of the proposed Conrail Acquisition. SEA’s review of hazardous materials transport provided the most comprehensive review of these potential environmental impacts. To address the potential health, environmental, and safety-related impacts that the proposed Conrail Acquisition might cause in Greater Cleveland and the Lorain County areas, SEA performed extensive analysis on each rail line segment within the area. The analysis looked at each rail line segment for the increases and/or decreases in numbers of trains, types of hazardous materials transported, and environmental conditions, among others. See Appendix F, “Safety: Hazardous Materials Transport Analysis,” of this Final EIS.

As a result of the analysis, SEA recommends that the Board require the Applicants to implement key route and major key route mitigation conditions on all rail line segments in the Greater Cleveland, Cuyahoga County, and Lorain County areas that meet SEA’s significance criteria for hazardous materials transport. Chapter 7, “Recommended Environmental Conditions,” of this Final EIS discusses key route and major key route mitigation conditions. The primary purpose of these mitigation conditions is to prevent hazardous materials spills and to address prompt and appropriate responses to derailments and spills. These mitigation conditions also include expanded employee emergency response training and coordination with local emergency response organizations.

SEA maintains that these mitigation conditions and existing FRA and DOT regulations would protect public safety. Although the hazardous materials transport through Cuyahoga and Lorain Counties would increase, SEA concludes that the appropriate measure to provide for public safety following the proposed Conrail Acquisition is the adoption of the key route/key train requirements.

Summary of Comments. A resident of Vermilion, Ohio voiced strong opposition to the large increase in rail traffic through Vermilion that would result from the proposed Conrail Acquisition. He stated, “All of the horn blowing resulting from heavy rail traffic greatly diminishes its warning effect.”

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Response. SEA recognizes the commentor's concern; however, the use of train horns is a requirement of state and local laws and railroad operating practices (see Appendix J, "Noise Analysis," of this Final EIS). As a result of the proposed Conrail Acquisition, the average number of trains moving through Vermilion would increase by 7.6 percent. FRA is reviewing the effectiveness of various highway/rail at-grade crossing warning devices aimed at minimizing the amount of noise generated by train horns at crossings while maintaining public safety. Should FRA approve these warning devices for use in the future, the communities would then have the opportunity to explore noise reduction alternatives.

Summary of Comments. The City of Cleveland, Ohio expressed a concern that the increased train traffic would result in safety hazards and decreases in emergency response times.

Response. SEA conducted several site visits and additional emergency response analysis for Cleveland. In addition, SEA has addressed safety issues in and around Cleveland. SEA's proposed mitigation measures, which Chapter 7, "Recommended Environmental Conditions," of this Final EIS discusses, apply the best possible proven technology to enhance train traffic safety in the movement of hazardous materials for key routes and major key routes. See Appendix N, "Community Evaluations," and Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," of this Final EIS.

Greater Cleveland Area—Transportation: Passenger Rail Service

Summary of Comments. Faith-Based Organizing for Northeast Ohio, United WE-CAN!, Broad-Faith Organizing for Lorain's Development (BOLD), and United Pastors in Mission of Northeast Ohio; the Lorain County Community Alliance; and a resident of Lorain, Ohio expressed concern about the potential impact of the proposed Conrail Acquisition on the future of commuter rail service in the area. Faith-Based Organizing asked the Board to impose a condition requiring that "CSX and NS guarantee access to their rail lines for proposed future commuter projects, and that NS guarantees access to the rail lines from Lorain-Westshore-Cleveland...."

Response. SEA acknowledges these comments on commuter rail service. After reviewing the relevant issues, SEA determined that the proposed commuter rail service involving Lorain, Westshore, and Cleveland is not sufficiently advanced to consider in the Final EIS. SEA did not analyze the proposed Conrail Acquisition's potential impact on current or future passenger service plans where it did not receive an Operating Plan or an identified source of funding.

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Greater Cleveland Area—Transportation: Highway/Rail At-grade Crossing Delay

Summary of Comments. Flair, a development corporation in Olmsted Falls, Ohio commented that additional rail traffic on rail line segment C-061 would worsen an already unacceptable traffic situation at highway/rail at-grade crossings FRA ID 524367U and 524368B. Flair indicated that traffic blockage on Columbia Road of 2.8 hours per day is untenable. Flair also considered it unreasonable to expect the residents of the Raintree community to endure any further delays when attempting to reach their homes. Flair noted that the only egress from the Raintree community is to Sprague Road, and the access road is next to highway/rail at-grade crossing FRA ID 524368B. Flair added that residents of the Raintree community must travel at least 4.3 miles to bypass that crossing and must cross another highway/rail at-grade crossing, which trains may also block. Flair stated that this condition would worsen if rail traffic on rail line segment C-061 increases following the proposed Conrail Acquisition.

Response. SEA analyzed the change in delay that would result from the Acquisition-related increase in train traffic at the Columbia Road (FRA ID 524367U) and Sprague Road (FRA ID 524368B) highway/rail at-grade crossings in Olmsted Falls. The number of trains on the Berea-to-Greenwich rail line segment (C-061) would increase by 38.5 trains per day, from 14.5 trains per day before the proposed Conrail Acquisition to 53.0 trains per day after the proposed Conrail Acquisition.

The analysis of Columbia Road showed that the ADT on the roadway was 9,500. LOS at the crossing would change from LOS A to LOS B, and the crossing delay per stopped vehicle would increase from 1.24 minutes per vehicle to 1.33 minutes per vehicle. This crossing would not meet SEA's criteria for a significant increase in vehicle delay.

The analysis of Sprague Road showed an ADT on the roadway was 996, which did not meet SEA's threshold for traffic delay analysis of 5,000 ADT. In SEA's experience, for roadways with ADT volumes below 5,000, the additional total vehicular delay that would result from Acquisition-related increased train traffic would be minimal. The current delay problem cited by the commentor is not an impact of the proposed Conrail Acquisition, but is caused by trains that are already operating through the area. Mitigation of traffic delay is not appropriate for pre-existing conditions, and is not necessary in this area. NS and CSX have executed a Negotiated Agreement with the Cities of Olmsted Falls and Brook Park, Ohio. See Appendix C, "Settlement Agreements and Negotiated Agreements."

Summary of Comments. A resident of Avon Lake, Ohio commented that the increased train traffic would isolate his area from the other side of the tracks for an average of 10 hours per day.

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Response. SEA analyzed the change in vehicle delay in Avon and Avon Lake that would result from the Acquisition-related increase in train traffic. The number of trains on the Vermilion-to-Cleveland rail line segment (N-080) would increase by 20.6 trains per day, from 13.5 trains per day before the proposed Conrail Acquisition to 34.1 trains per day after the Acquisition.

SEA analyzed the Avon Center Road/SR 83 (FRA ID 472258U) and Miller Road (FRA ID 472269G) highway/rail at-grade crossings. At both crossings, the total amount of time that the tracks would be blocked by passing through trains would increase from about 26 minutes per day before the proposed Conrail Acquisition to 66 minutes per day after the proposed Acquisition, far less than the 10 hours a day cited in the comment. The amount of delay experienced by a stopped vehicle would remain at approximately one minute. LOS at the crossings would remain at LOS A, so neither crossing would meet SEA's criteria for a significant increase in vehicle delay. SEA notes that NS has offered to divert approximately 18 to 20 trains per day from this corridor. See Chapter 4, Summary of Environmental Review," Section 4.19, "Community Evaluations," and Appendix N, "Community Evaluations," of this Final EIS for more detail. See the Addendum to this Final EIS for a discussion of the potential effects of NS's proposed "Revised Mitigation Proposal."

Summary of Comments. The City of Berea, Ohio requested that SEA prepare a comprehensive city-wide EIS to determine the full potential environmental impacts of the proposed Conrail Acquisition on the community. According to the City, such an EIS would reveal that key highway/rail at-grade crossings, including Front Street, Bagley Road, and Sheldon Road, would require grade separations for mitigation.

Response. SEA conducted several site visits to Berea and analyzed the change in vehicle delay in the City that would result from the Acquisition-related increase in train traffic. The number of trains on the Berea-to-Greenwich rail line segment C-061 would increase by 38.5 trains per day, from 14.5 trains per day before the proposed Conrail Acquisition to 53.0 trains per day after the proposed Conrail Acquisition. SEA updated the ADT and analyzed the Bagley Road (FRA ID 524363S) highway/rail at-grade crossing on this rail line segment. As presented in both the Draft and this Final EIS, the LOS at this crossing would decrease from LOS A to LOS B. The crossing delay per stopped vehicle, as calculated in this Final EIS, would increase from 1.19 minutes per vehicle to 1.28 minutes per vehicle. This crossing would not meet SEA's criteria of significance for increased vehicle delay.

The number of trains on the Short-to-Berea rail line segment C-074 would increase by 31.9 trains per day, from 13.4 per day before the proposed Conrail Acquisition to 45.3 trains per day after the proposed Conrail Acquisition. SEA updated the ADT and analyzed the Front Street highway/rail at-grade crossing on this rail line segment. The LOS at this crossing would decrease from LOS A to LOS C. The crossing delay per

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stopped vehicle would increase from 1.69 minutes per vehicle to 1.84 minutes per vehicle. This crossing would not meet SEA's criteria of significance for increased vehicle delay.

The number of trains on the Cleveland-to-Vermilion rail line segment N-293 would not increase after the proposed Conrail Acquisition. Therefore, SEA did not analyze the Sheldon Road and Front Street highway/rail at-grade crossings of this rail line segment because there would be no potential environmental impact from the proposed Conrail Acquisition.

The number of trains on the CSX Lester-to-Cleveland rail line segment C-213, located in the eastern part of Berea, would not increase after the proposed Conrail Acquisition. SEA did not analyze highway/rail at-grade crossings of this rail line because there would be no potential environmental impacts from the proposed Conrail Acquisition.

See Chapter 4, "Summary of Environmental Review," Section 4.19, "Community Evaluations," Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," and Appendix N, "Community Evaluations," of this Final EIS. Also, see the Addendum to this Final EIS for a discussion of potential effects of NS's "Mitigation Proposal for Train Frequencies in Greater Cleveland and Vicinity."

Summary of Comments. The City of Cleveland, Ohio stated that the increased train traffic following the proposed Conrail Acquisition would increase congestion and decrease access to various areas of the City. The City asked, "What, for example, will be the impact on the infrastructure from increased delays to vehicle traffic at crossings?" The City stated that drivers would seek alternative routes through residential neighborhoods when trains block traffic at highway/rail at-grade crossings. The City added that the quality of life in these neighborhoods would suffer as a result of the increased traffic.

Also, the City of Cleveland stated that the Draft EIS understated the total blocked time for Dille Road because SEA used too high a train speed in the calculations. The City indicated that SEA should have used 35 mph instead of 50 mph.

The "Cleveland Solution" that the City proposed includes an underpass at Nottingham/Dille Road to mitigate the potential traffic impacts at Dille Road. The City suggested an additional grade separation at London Road.

Response. SEA analyzed the change in delay that would result from the Acquisition-related increase in train traffic in Cleveland and conducted several site visits to the potentially affected rail crossings. The number of trains on the Cleveland-to-Ashtabula rail line segment N-075 would increase by 23.6 trains per day, from 13.0 trains per day before the proposed Conrail Acquisition to 36.6 trains after the proposed Acquisition. The LOS at the Dille Road crossing (FRA ID 472093Y) would change from LOS A to

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LOS B, and the crossing delay per stopped vehicle would increase from 1.49 minutes per vehicle before the proposed Conrail Acquisition to 1.51 minutes per vehicle after the proposed Acquisition. This highway/rail at-grade crossing would not meet SEA's criteria for a significant increase in vehicle delay.

SEA has reviewed the train time tables and concluded that it was appropriate to use a train speed of 50 mph at the Dille Road crossing, as Appendix A of the Draft EIS explained.

Summary of Comments. BRL indicated that NS suggested that Lakewood close several highway/rail at-grade crossings. BRL stated that this is not an action the Board can require, and Lakewood advised NS on several occasions that it will not close streets for the convenience of NS. BRL pointed out that the Draft EIS indicated that the BRL area had one highway/rail at-grade crossing every quarter mile, but there is one every 485 feet in Lakewood. BRL indicated that the Supplemental Errata established that the average delay at the five crossings that SEA analyzed would increase by 163 percent. According to BRL, this additional delay is a cost to the public resulting from the NS proposal to increase net operating benefits. The BRL questioned the use of maximum speed for average delay calculations, while SEA used "typical freight train speed" for air quality calculations. BRL suggested that SEA relabel Table 5-OH-53 "Minimum Delay at At-grade Crossings."

BRL stated that approximately 20 percent of the NS trains through its area use the Clague Siding. BRL pointed out that Clague Siding crosses Columbia Road at a highway/rail at-grade crossing; therefore, the delay calculations on Columbia Road should reflect the use of the siding.

BRL stated that the criteria used to consider the potential environmental impact of additional rail traffic on highway traffic are unclear and should be clarified in the Final EIS. The Draft EIS cited two criteria, (a) a "post-Acquisition" LOS E or F regardless of the "pre-Acquisition" condition, or (b) a reduction from "pre-Acquisition" LOS C or better to a "post-Acquisition" LOS D. BRL stated that the Draft EIS did not indicate which of these two standards SEA used. BRL added that the LOS analysis does not allow for a mitigation recommendation unless the "pre-Acquisition" condition was poor at best. According to BRL, this was true in all but the most extreme situations.

BRL stated that the delay figures presented in Table 5-OH-11 (Revised) in the Supplemental Errata are incorrect for the following reasons: (a) SEA used the maximum speed in the calculations instead of the average speed; (b) SEA calculated delays using a "post-Acquisition" trains-per-day figure that NS has been unable to verify; and (c) SEA should have used 0.66 minutes for gate closure and opening before and after the train passes rather than 0.5 minutes.

Response. SEA has analyzed the change in vehicle delay in the BRL areas that would result from the Acquisition-related increase in train traffic. In addition, SEA conducted several site visits to the potentially affected area (see Appendix G, "Transportation:

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Highway/Rail At-grade Crossing Traffic Delay Analysis,” of this Final EIS). The number of trains on the Vermilion-to-Cleveland rail line segment N-080 would increase by 20.6 trains per day, from 13.5 trains per day before the proposed Conrail Acquisition to 34.1 trains per day after the proposed Conrail Acquisition. Although the greater number of trains would increase average delay, the effect on the LOS at the highway/rail at-grade crossings along the rail line segment would be minor. At the Bunts Road, Columbia Road, and West 117th Street crossings, the LOS would decrease from LOS A to LOS B. At the Dover Center Road and Bradley Road crossings, the LOS would remain at LOS A. None of these highway/rail at-grade crossings would meet SEA’s criteria of significance for increased vehicle delay.

SEA calculated vehicle delay only for the increase in through trains, not changes in trains on sidings or in rail yards. The Board does not regulate railroad operations, such as train speed, dispatching, or yard operations, and cannot impose restrictions on operations on sidings or in rail yards.

SEA used three criteria to determine whether an increase in vehicle delay at a highway/rail at-grade crossing would be significant: (a) LOS E or F after the proposed Conrail Acquisition, regardless of the condition before the proposed Acquisition, (b) a reduction from LOS C before the proposed Conrail Acquisition to LOS D after the proposed Acquisition, or (c) an increase in the delay per stopped vehicle of 30 seconds or more. The first criterion provides mitigation for a highway/rail at-grade crossing with significant delay because of an increase in trains as a result of the proposed Conrail Acquisition, regardless of the LOS before the proposed Acquisition.

In response to the comments about the delay figures presented in Table-5-OH-11 (Revised), SEA has the following clarifications: (1) The accident-prediction analysis used the maximum timetable speed, but the delay and air quality calculations used typical operating speeds. The use of typical speeds instead of maximum speeds prevented underestimating the delay. (2) The Applicants provided SEA with the proposed number of trains operating on each rail line segment after the proposed Conrail Acquisition. (3) The 0.5 minute assumption for gate closure/opening in the delay calculations for the entire study is the standard input for the equation in the FRA method. (Stanford Research Institute, *Guidebook for Planning to Alleviate Urban Railroad Problems*, prepared for the Federal Railroad and Highway Administration, August 1974, RP-31, Volume 3, Appendix C.)

Chapter 7, “Recommended Environmental Conditions,” of this Final EIS addresses the proposed mitigation for the BRL areas. Also see the Addendum to this Final EIS for a discussion of NS’s change in train traffic in the BRL area resulting from NS’s “Mitigation Proposal for Train Frequencies in Greater Cleveland and Vicinity.”

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Summary of Comments. The Lorain County, Ohio Board of Commissioners, the Lorain County Community Alliance, and an individual Commissioner expressed opposition to the proposed Conrail Acquisition, partly because of the increase in average traffic delay time. The commentors stated, "The conclusions are less than realistic when looked at logically." In addition, the commentors disagreed with the results of the Supplemental Errata dated January 21, 1998. Specifically, they questioned the finding that highway/rail at-grade crossings in Wellington Village would decrease from an existing LOS A to LOS B after the proposed Conrail Acquisition. The Commissioners noted, "It is not logical that an increase in the number of trains per day from 14 to 54; an increase in train length from 5,260 feet to 6,200 feet; an increase in the number of vehicles delayed per day from 145 to 583; an increase in the number of vehicles in line per lane (2) from 14 to 16; and increases in average delay per vehicle, could take place, and the result be a level of service determination of B." Although the commentors opposed the proposed Conrail Acquisition, they stated that the Board should impose conditions if the Board approves the proposed Acquisition. The commentors requested that the Board require the Applicants to build a grade separation at the North Main Street highway/rail at-grade crossing in Wellington as a condition for approval of the proposed Conrail Acquisition. The Lorain County Community Alliance also called for a grade separation at North Main Street in Wellington. Its comment stated that their members had voted to affirm the Board of Commissioners' views on the proposed Conrail Acquisition.

Response. SEA identified the impact of the proposed Conrail Acquisition on the Village of Wellington by analyzing the change in delay that would result from the Acquisition-related increase in train traffic. LOS is a measure of the operational efficiency of the highway/rail at-grade crossing using procedures contained in the Transportation Research Board's HCM. LOS is measured by the average vehicle delay for all daily vehicles at a crossing and ranges from LOS A (free flowing) to LOS F (severely congested). LOS B is assigned to crossings with an average delay per vehicle of more than 5 seconds but not more than 15 seconds.

SEA analyzed the North Main Street (FRA ID 518510N) and Herrick Avenue (FRA ID 518509U) highway/rail at-grade crossings. SEA also conducted site visits to the potentially affected crossings. As the comment noted, the number of trains on the Berea-to-Greenwich rail line segment C-061 would increase by 38.5 trains per day, from 14.5 trains per day to 53.0 trains per day after the proposed Conrail Acquisition. LOS at the North Main Street crossing would decrease from LOS A to LOS B because the average delay per vehicle would increase from 2.50 to 10.61 seconds per vehicle. Crossing delay per stopped vehicle would increase from 1.17 minutes per vehicle to 1.26 minutes per vehicle. LOS at the Herrick Avenue crossing would decrease from LOS A to LOS B because the average delay per vehicle would increase from 2.48 to 10.51 seconds per vehicle. Crossing delay per stopped vehicle would increase from 1.16 minutes per vehicle to 1.25 minutes per vehicle. Neither crossing would meet SEA's significance criteria for vehicle delay.

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Summary of Comments. A resident of Lorain, Ohio expressed her strong opposition to the proposed Conrail Acquisition because increased train traffic would tie up traffic at highway/rail at-grade crossings.

Response. SEA analyzed traffic delay at nine highway/rail at-grade crossings in Lorain County. The analysis of the existing conditions indicated LOS A at each of these highway/rail at-grade crossings. After the proposed Conrail Acquisition, delay would remain at LOS A on two of the highway/rail at-grade crossings, but would become slightly worse (LOS B) on the remaining seven crossings. The average delay per vehicle at the nine crossings would range from 4.49 seconds to 13.62 seconds. These delays are well within the acceptable limits, and SEA does not recommend mitigation for these crossings.

Summary of Comments. Congressman Dennis J. Kucinich, who represents the 10th Congressional District of Ohio, which includes the City of Brooklyn, commented that an increase in rail traffic on the Cleveland-to-Medina CSX rail line segment would lengthen delays for American Greetings workers on American Road. The Congressman explained that highway traffic could queue as far as Tiedeman Road. He stated that SEA should investigate whether the potential delay on American Road warrants mitigation.

The Congressman added that SEA should investigate the increased rail traffic on the Conrail line and determine its effects on Ridge Road traffic. He noted that Ridge Road is a major north-south commuter route between Cleveland and the southwestern suburbs, and if SEA determines that there is a potential environmental impact, SEA should recommend mitigation.

Response. SEA notes that the CSX Lester-to-Cleveland rail line segment C-213, which is the same rail line segment to which Congressman Kucinich referred and which crosses American Road and Ridge Road in Brooklyn, would not experience an increase in the number of trains per day after the proposed Conrail Acquisition. SEA did not analyze the highway/rail at-grade crossings along this rail line segment because this rail line segment does not meet the Board's thresholds for environmental analysis.

Summary of Comments. Congressman Dennis J. Kucinich, who represents Ohio's 10th District, which includes the west side of Cleveland, disagreed with the Draft EIS regarding highway/rail at-grade crossing delays in Cuyahoga County. He indicated that the Draft EIS stated for Cuyahoga County, "Of the 12 crossings analyzed in Cuyahoga County, 10 would have a minimal increase in crossing delay per stopped vehicle." The two highway/rail at-grade crossings that would experience more than a minimal delay are not along NS's Cleveland-to-Vermilion rail line segment that affects the Congressman's district. The Congressman added that it "defies logic that the SEA could determine that tripling the freight train traffic in an area with more at-grade crossings than anywhere else in the country will have only 'minimal' effects." He noted that the increased number of vehicles experiencing delays is more than minimal.

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Congressman Kucinich maintained that the proposed Conrail Acquisition would disproportionately affect the Cities of Berea and Olmsted Falls. He stated that train traffic would increase by 83.8 percent in this area. He indicated that this would affect access for residents as well as school buses and commercial vehicles. He suggested that the Applicants install grade separations on the following roadways to mitigate the problem: Berea (Front Street, Sheldon Road, West Street, Bagley Road), Olmsted Falls (Columbia Road, Maple Way), and Olmsted Township (Fitch Street).

Response. SEA acknowledges the concerns of Congressman Kucinich regarding traffic delay. SEA has performed additional analyses that address these concerns. Chapter 4, "Summary of Environmental Review," of this Final EIS addresses the results of SEA's analysis of many issues pertaining to the Cleveland area. See also Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," and Appendix N, "Community Evaluations," of this Final EIS.

Summary of Comments. The City of Olmsted Falls, Ohio stated that the train traffic figures on rail line segments N-293 and C-061 are incorrect, because they do not reflect special trains, passenger trains, short engine hauls, and work trains. The addition of these trains, which the delay analysis did not include, would increase the total time that trains block highway/rail at-grade crossings in Olmsted Falls. The City requested that SEA contact the Conrail Dearborn Division for the Erie-to-Chicagorail line and the Conrail Indianapolis Division for the Berea-to-St. Louis rail line to obtain accurate train traffic information. The City asked SEA to use this information for the delay calculation in the Final EIS.

The crossing blockages affect school bus deliveries to two elementary schools, one parochial school, one middle school, and one high school. The City stated that the "delay in educational attendance must be addressed."

The tracks bisect the City and block traffic on State Route 252, Columbia Road. The traffic on Columbia Road crossing rail line segment C-061 is more than 9,500 ADT, and the traffic on Columbia Road crossing rail line segment N-293 is more than 11,500 ADT. The City stated that the Final EIS should use the correct volumes for these roadways for calculation of delay.

The City indicated that another recurring problem with rail line segment N-293 involves trains that stop and block highway/rail at-grade crossings as well as trains that reduce their speed below 30 mph as they approach the crossover of rail line segments C-061 and N-293 in the City of Berea. The City stated that it understood the Applicants would eliminate this crossover, but found no reference to the elimination in the Draft EIS.

Response. SEA analyzed the change in delay that would result from the Acquisition-related increase in train traffic in the City of Olmsted Falls. SEA also conducted several site visits to the area. The train data for the affected rail lines contained in the Draft and this Final EIS are consistent with the Applicants' Operating Plans for through freight

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trains. SEA concluded that passenger trains would have little effect on delay. Consideration of special trains, short engine hauls, and work trains is not within the scope of the EIS.

SEA analyzed the changes in vehicle delay resulting from the proposed increase in trains on the Berea to Greenwich rail line segment (C-061). None of the highway/rail at-grade crossings would meet SEA's criteria for significant increase in vehicle delay. SEA does not anticipate a significant impact on school bus operations as a result of the proposed Conrail Acquisition.

SEA analyzed Columbia Road (FRA 524367U) where it crosses rail line segment C-061 with a revised ADT volume of 9,500 in the Final EIS. The crossing would not meet SEA's criteria for significant increase in vehicle delay. SEA did not analyze the Columbia Road highway/rail at-grade crossing on rail line segment N-293 for vehicle delay because the number of trains on the segment would not increase, based on the information that the Applicants submitted. However, SEA notes that NS's April 1998 "Mitigation Proposal for Train Frequencies in Greater Cleveland and Vicinity," which the Addendum to this Final EIS discusses, would redirect more trains to this rail line segment.

SEA reviewed the Operating Plans for the crossover in the City of Berea. The existing train operations require Conrail trains to slow down and stop to avoid conflict with other Conrail trains crossing between rail line segments N-293, C-074, and C-061. NS would operate rail line segment N-293, and CSX would operate rail line segments C-061 and C-074 if the Board approves the proposed Conrail Acquisition. The crossover would not physically be eliminated, but the use of the crossover would be reduced because the rail line segments would be operated by separate railroads. See Chapter 4, "Summary of Environmental Review," and Appendix N, "Community Evaluations," of this Final EIS.

Summary of Comments. A resident of Rocky River, Ohio stated that train traffic through his neighborhood has recently increased to 16.4 trains per day. Previously, approximately ten trains passed through the community each day. This increased train traffic has already blocked access to his home, which is two blocks from the track. A further increase in train traffic would exacerbate the problem. The resident recommended that the Board consider several solutions, such as requiring NS to build a new track south of Cleveland or imposing a limit of 13.5 trains per day through Rocky River.

Response. To identify the potential environmental impact of the proposed Conrail Acquisition on Rocky River, SEA analyzed the change in delay that would result from an Acquisition-related increase in train traffic. The current delay problem the commentor cited is not a potential impact of the proposed Conrail Acquisition; it is caused by pre-existing trains that already operate. The number of trains on the Vermilion-to-Cleveland rail line segment (N-080) would increase after the proposed Conrail Acquisition by 20.6

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trains per day, from 13.5 trains per day before the proposed Acquisition to 34.1 trains per day after the proposed Acquisition. None of the highway/rail at-grade crossings in Rocky River met the 5,000-vehicle ADT threshold for delay analysis. In SEA's experience, for roadways with ADT volumes below 5,000, the additional vehicular delay that would result from Acquisition-related increased train traffic would be minimal. See Chapter 4, "Summary of Environmental Review," Section 4.19, "Community Evaluations," and Appendix N, "Community Evaluations," of this Final EIS for detailed information about the Greater Cleveland Area. Also, see the Addendum to this Final EIS for discussion of the potential effects of NS's "Revised Mitigation Proposal."

Summary of Comments. Councilman Coats of the 10th Ward of Cleveland, Ohio and the Euclid Park, Forest Hills Park, Collinwood Coalition in northeast Cleveland stated that delays in traffic at highway/rail at-grade crossings could create a life-threatening problem for their communities. The Councilman and the Coalition stated that trains now rarely use the tracks, and an increase in train traffic would affect many people.

Response. SEA analyzed the change in delay that would result from the Acquisition-related increase in train traffic in Cleveland. SEA also conducted site visits to the area. The number of trains on the Cleveland-to-Ashtabula rail line segment (N-075) would increase by 23.6 trains per day, from 13.0 trains per day before the proposed Conrail Acquisition to 36.6 trains per day after the proposed Acquisition. LOS at the Dille Road crossing (FRA ID 472093Y) would change from LOS A to LOS B, and the crossing delay per stopped vehicle would decrease from 1.49 minutes per vehicle to 1.51 minutes per vehicle. This highway/rail at-grade crossing would not meet SEA's criteria for a significant increase in vehicle delay. Chapter 4, "Summary of Environmental Review," of this Final EIS addresses the comments for the Cleveland area.

Summary of Comments. The Mayor, the City Council, and the Councilwoman for Ward II of Olmsted Falls, Ohio commented that 80 to 100 trains currently pass through the City each day, and there are no overpasses or underpasses to relieve auto or truck traffic. They stated that the proposed Conrail Acquisition would increase train traffic through the City, which would result in greater mental anguish for residents waiting for long and stopped trains. Periods of heavy rail traffic would totally isolate Olmsted Falls from the north and the south.

Response. SEA analyzed highway/rail at-grade crossings in the City of Olmsted Falls for changes in vehicle delay resulting from the proposed increase in trains on the Berea-to-Greenwich rail line segment (C-061). See Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," of this Final EIS. The number of trains would increase by 38.5 trains per day, from 14.5 trains per day before the proposed Conrail Acquisition to 53.0 trains per day after the proposed Acquisition. LOS at the Columbia Road (FRA ID 524367U) crossing would drop from LOS A to LOS B, and the average crossing delay per stopped vehicle would increase from 1.24 minutes per vehicle to 1.33 minutes per vehicle. This crossing does not meet SEA's criteria for a

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significant increase in vehicle delay. The other highway/rail at-grade crossings in Olmsted Falls did not meet the 5,000-vehicle ADT threshold for traffic delay analysis. In SEA's experience, for roadways with ADT volumes below 5,000, the additional vehicular delay that would result from Acquisition-related increased train traffic would be minimal.

Summary of Comments. The Village of Wellington commented that Route 58 and Route 18 are the two state highway routes that serve the Village. Each of these highways experiences heavy auto and truck traffic. The Conrail Berea-to-Greenwich rail line segment (C-061) intersects both highways, and the existing rail traffic significantly disrupts traffic flow on the State highways. Because the traffic on this line would increase from 14.5 to 53.0 trains per day following the proposed Conrail Acquisition, the Village expressed concern that traffic could be at a complete standstill for lengthy periods of time.

Response. SEA analyzed both the Route 58 and Route 18 highway/rail at-grade crossings in the Village of Wellington for changes in vehicle delay resulting from the proposed increase in trains on the Berea-to-Greenwich rail line segment. LOS at the Route 58 (North Main Street, FRA ID 518510N) crossing would drop from LOS A to LOS B, and the crossing delay per stopped vehicle would increase from 1.17 to 1.26 minutes per vehicle. LOS at the Route 18 (Herrick Avenue, FRA ID 518509U) crossing would drop from LOS A to LOS B, and the crossing delay per stopped vehicle would increase from 1.16 to 1.25 minutes per vehicle. LOS B is well within acceptable limits and does not exceed SEA's criteria for a significant increase in vehicle delay. Therefore, these rail line segments would not warrant traffic delay mitigation (see Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," of this Final EIS).

Summary of Comments. The City of Cleveland, Ohio expressed concern that additional trains would block highway/rail at-grade crossings and jeopardize emergency response times. The City stated that it agreed with the Draft EIS that the Draft EIS understated the actual impacts of crossing delay because emergency response times are so significant and difficult to quantify. The City requested that CSX and NS mitigate the problems that increased delays at highway/rail at-grade crossings cause. Further, the City stated, "SEA should require a recheck of the data for all of the crossings in the City to determine whether the actual speeds of the trains through crossings are, like Dille Road, less than the posted speed at the track at that location." Finally, the City noted, "SEA should require NS and CSX to work with the City to identify the actual delays expected to occur at busy grade crossings and to implement plans to mitigate these delays and insure that the residents of the affected areas will not suffer from increased response time for police, fire, and rescue vehicles delayed by an increase in the frequency and length of trains crossing City arterial streets."

Congressman Louis Stokes and community leaders from the 10th Ward in the northeast portion of Cleveland, Ohio commented that the proposed increase of trains could cause delays in

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emergency vehicle traffic, creating a life-threatening problem for the communities. Congressman Stokes stated, "Worse yet, these are areas that already have emergency service response times slower than more affluent parts of the City."

NS stated, "Although there were no NS grade crossings that exceeded the D[raft]EIS threshold for significance for traffic delay, nonetheless, the January 12, 1998 Errata recommends that NS consult with the City of Cleveland to reach agreement on measures to minimize or mitigate the effects of 'increased' emergency response vehicle delay."

Response. Appendix N, "Community Evaluations," of this Final EIS contains a discussion of the effects of the proposed Conrail Acquisition on the Cleveland, Ohio area. See Section N.1.3, "Potential Environmental Impacts of the Alternative Actions and Recommended Mitigation." The discussion in Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," Section G.2.1, "Emergency Response Vehicle Delay," of this Final EIS addresses SEA's analysis pertaining specifically to emergency response vehicle delay at highway/rail at-grade crossings.

SEA used a consistent analysis base for determining delay at highway/rail at-grade crossings. SEA used the posted speed limit in the calculation, with the exception of higher-speed facilities, where SEA estimated the operating speed by using a speed 10 miles per hour lower than the current speed limit.

SEA identified three areas in the City of Cleveland where emergency services may be affected by the proposed Conrail Acquisition. These include the Collinwood-Nottingham area in northeast Cleveland, the Edgewater area in northwest Cleveland, and the Aetna Road area in central Cleveland.

In the Collinwood-Nottingham area, the NS Cleveland-to-Ashtabula rail line segment (N-075) met or exceeded the Board's thresholds for environmental analysis. SEA determined that the blocked-crossing time caused by a train on this rail line segment, currently 2.1 minutes, would not change as a result of the proposed Conrail Acquisition. When delays affect emergency vehicles, the average delay would be half this blocked-crossing time, which would be slightly more than 1 minute. The average number of trains on the NS rail line segment would increase from 13 to 36.6 trains per day as a result of the proposed Conrail Acquisition, which would increase the total blocked-crossing time from 27.1 minutes to 77.7 minutes per day.

In the Collinwood-Nottingham area, a small area bounded by a rail spur near Catalpa Road on the north and Ivanhoe Road on the south is isolated from emergency services by the NS Cleveland-to-Ashtabula rail line segment, which is the northwestern boundary of this area. The separated grade crossings in this area are approximately 3 miles apart. The crossings of Ivanhoe Road on the south and East 222nd Street on the north are grade-separated. Emergency service providers for this area are located northwest of the NS

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tracks. Local officials stated to SEA that response time could be up to 7 minutes longer if emergency vehicles need to divert to one of the grade separations to cross the tracks. During 1996, there were more than 17,000 calls for emergency services in this area, according to local officials. There is a police station located in this area, and a medical center and ambulance service located just north of the City limits, each located southeast of the NS rail line segment, but these providers serve a different jurisdiction and respond to emergencies in the Collinwood-Nottingham area only during mutual-aid situations.

Because there are separated grade crossings in the area, SEA has concluded that no mitigation is warranted in the Collinwood-Nottingham area.

In the Edgewater area in northwest Cleveland, the NS Cleveland-to-Vermilion rail line segment (N-080) met or exceeded the Board's thresholds for environmental analysis. SEA determined that the blocked-crossing time caused by a train on this rail line segment, currently 2.1 minutes, would not change as a result of the proposed Conrail Acquisition. When delays affect emergency vehicles, the average delay would be half this blocked-crossing time, which would be slightly more than 1 minute. The average number of trains on the NS rail line segment would increase from 13.5 to 34.1 trains per day as a result of the proposed Conrail Acquisition, which would increase the total blocked-crossing time from 28.1 minutes to 72.5 minutes per day.

In the Edgewater area, there are six highway/rail at-grade crossings between West 110th Street and West 117th Street. In order to avoid the highway/rail at-grade crossings, emergency vehicles must travel nearly 2 miles out of their way, adding 4 minutes to the emergency response time. There are a police station and a hospital located in the area south of the NS Vermilion-to-Cleveland rail line segment. Fire stations are located on both sides of the tracks.

Because there are separated grade crossings in the area, SEA concluded that mitigation is not warranted. With NS's "Revised Mitigation Proposal," the NS Cleveland-to-Vermilion rail line segment would not meet the Board's thresholds for environmental analysis.

In the Aetna Road area, the NS White-to-Cleveland rail line segment (N-081) and the CSX Mayfield-to-Marcy rail line segment (C-072) met or exceeded the Board's thresholds for environmental analysis. On the White-to-Cleveland rail line segment, SEA determined that the blocked-crossing time caused by a train, currently 3.3 minutes, would not change as a result of the proposed Conrail Acquisition. When delays affect emergency vehicles, the average delay would be half this blocked-crossing time, which would be approximately 1.7 minutes. The average number of trains on this rail line segment would increase from 12.5 to 29.7 trains per day as a result of the proposed Conrail Acquisition, which would increase the total blocked-crossing time from 40.8 minutes to 99.2 minutes per day.

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On the Mayfield-to-Marcy rail line segment, SEA determined that the blocked crossing time caused by a train would increase from 2.1 minutes to 2.3 minutes per train. When delays affect emergency vehicles, the average delay would be slightly more than 1 minute. The average number of trains on this rail line segment would increase 3.4 to 43.8 trains per day as a result of the proposed Conrail Acquisition, which would increase the total blocked-crossing time from 7.1 to 99.1 minutes per day.

In the Aetna Road area, there are two fire stations and a hospital located west of both the White-to-Cleveland and the Mayfield-to-Marcy rail line segments, and a police station is located east of these rail line segments. Emergency medical service operates from one fire station. Bessemer Road and Aetna Road have highway/rail at-grade crossings along the White-to-Cleveland rail line segment, but the highway/rail crossings on the Mayfield-to-Marcy rail line segment are grade-separated.

With regard to NS's "Revised Mitigation Proposal," SEA determined that the blocked-crossing time caused by a train on the NS White-to-Cleveland rail line segment, currently 3.3 minutes, would not change as a result of the proposed Conrail Acquisition. When delays affect emergency vehicles, the average delay would be half this blocked-crossing time, which would be approximately 1.7 minutes. The average number of trains on the NS White-to-Cleveland rail line segment would increase from 12.5 to 40.3 trains per day under NS's "Revised Mitigation Proposal," which would increase the total blocked-crossing time from 40.8 minutes to 134.6 minutes per day.

Because there are separated grade crossings in this area, SEA concluded that mitigation is not warranted in the Aetna Road area. Mitigation would also not be warranted under the Cloggsville Alternative.

Summary of Comments. The City of Berea, Ohio and DOT expressed concern that additional trains would disrupt the emergency response time of fire, medical, and police services in the area. The City stated that, because of trains, the industrial area south of Bagley Road and west of the Berea-to-Greenwich rail line segment "is blocked from police, fire, and hospital access at Bagley Road and access through the Rocky River Drive is difficult at best and treacherous at the extreme." Further, the City maintained that congestion at the Rocky River Drive and Sheldon Road grade separations hinders emergency service access to the residential areas north of Bagley Road. The City estimated that, if the Board approves the merger, trains would block area highway/rail at-grade crossings every 24 minutes.

Response. SEA conducted additional analysis and site visits, as appropriate, in response to public comments regarding the potential impacts of the proposed Conrail Acquisition on emergency response in the City of Berea, Ohio. Appendix N, "Community Evaluations," Section N.1.3, "Potential Environmental Impacts of the Alternative Actions and Recommended Mitigation," of this Final EIS contains a discussion of the potential effects of the proposed Conrail Acquisition on the Cleveland, Ohio area. The

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discussion in Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," Section G.2.1, "Emergency Response Vehicle Delay," of this Final EIS addresses SEA's analysis pertaining specifically to emergency response vehicle delay at highway/rail at-grade crossings. Chapter 7, "Recommended Environmental Conditions," of this Final EIS addresses SEA's recommended mitigation.

In Berea, two rail line segments, the CSX Short-to-Berea rail line segment (C-074) and the CSX Berea-to-Greenwich rail line segment (C-061), met or exceeded the Board's thresholds for environmental analysis. On the CSX Short-to-Berea rail line segment, SEA determined that the blocked-crossing time caused by a train would increase from 2.3 minutes to 2.5 minutes as a result of the proposed Conrail Acquisition, which is an increase of approximately 12 seconds per train. When delays affect emergency vehicles, the average delay would be half this blocked-crossing time, which would be approximately 1.3 minutes. The average number of trains on this rail line segment would increase from 13.4 to 45.3 trains per day as a result of the proposed Conrail Acquisition, which would increase the total blocked-crossing time from 30.8 minutes to 113.3 minutes per day.

On the CSX Berea-to-Greenwich rail line segment, SEA determined that the blocked-crossing time caused by a train would increase from 1.8 minutes to 1.9 minutes as a result of the proposed Conrail Acquisition, which is an increase of approximately 6 seconds per train. When delays affect emergency vehicles, the average delay would be half this blocked-crossing time, which would be less than a minute. The average number of trains on this rail line segment would increase from 14.5 to 53.0 trains per day as a result of the proposed Conrail Acquisition, which would increase the total blocked-crossing time from 26.1 minutes to 100.7 minutes per day.

The police, fire, and ambulance facilities, as well as the main hospital, in Berea are located south of both the CSX and NS tracks. There is one grade-separated crossing of both the CSX and NS tracks at Rocky River Drive. Local officials told SEA that emergency vehicle drivers typically use this underpass to reach the northern and western parts of the community when trains block the tracks, although traffic congestion in the underpass affects emergency vehicles using it. When there are trains on both the CSX and NS tracks in Berea, two areas are difficult to reach. One is the area between the NS CP-190-to-Berea rail line segment and the CSX Short-to-Berea rail line segment south of Sheldon Road, which can be reached only by a grade separation at the crossing of Eastland Road and the Short-to-Berea rail line segment. The other is the industrial area south of West Bagley Road and west of the Berea-to-Greenwich rail line segment.

NS's train frequency modifications (see the Addendum to this Final EIS for a discussion of NS's "Mitigation Proposal for Train Frequencies in Greater Cleveland and Vicinity" and Appendix N, "Community Evaluations," of this Final EIS) would also increase train traffic through Berea. SEA has determined that the CSX Short-to-Berea, CSX Berea-to-

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Greenwich, and the NS CP-190-to-Berea rail line segments would all exceed the Board's thresholds for environmental analysis in NS's "Revised Mitigation Proposal."

On the NS CP-190-to-Berea rail line segment, SEA determined that the blocked-crossing time caused by a train, currently 1.6 minutes, would not change as a result of the proposed Conrail Acquisition. When delays affect emergency vehicles, the average delay would be half this blocked-crossing time, which would be less than a minute. The average number of trains on this rail line segment in the Applicants' Operating Plans would decrease from 48.4 to 32.9 trains per day as a result of the proposed Conrail Acquisition, but the NS train frequency modification would increase the average number of trains on this rail line segment to 63.1 trains per day, which would increase the total blocked-crossing time from 77.4 minutes to 101.0 minutes per day.

SEA recommends mitigation to improve the ability of emergency vehicles to avoid blocked crossings in Berea as a result of either the Applicants' Operating Plans or NS's "Mitigation Proposal for Train Frequencies in Greater Cleveland and Vicinity." See Chapter 7, "Recommended Environmental Conditions," of this Final EIS for a discussion of SEA's recommended mitigation.

Summary of Comments. The Lorain County, Ohio Board of Commissioners and a few residents of the County expressed concern that additional trains would disrupt the ability of fire, medical, and police services to respond to emergencies in a timely matter. The Commissioners stated that the Draft EIS "does not account for the geographic isolation from necessary emergency services, such as fire and ambulance protection"

The Village of Wellington, Ohio commented that the disruption in traffic flow resulting from the proposed increase in trains would be more than just an aggravation or inconvenience. The Village noted that "it is dangerous for the people that require vital and immediate attention to be deprived of timely service by our police, fire, and ambulance departments just because of train traffic." The Town is split in half by the tracks, with the police and ambulance on one side and the fire department on the other side of the tracks. The neighboring community of Huntington Township expressed concern over the effect of the proposed Conrail Acquisition because the Township depends on Wellington's fire and ambulance service.

The Village of Lagrange, Ohio commented that increased rail traffic and train length would isolate one side of the Village/Township from emergency vehicles and personnel.

A resident of Avon Lake, Ohio commented that areas would be cut off from the other side of the tracks for an average of 10 hours per day, thereby restricting access for emergency services such as fire, medical, and police.

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Response. In Wellington and Lagrange, the CSX Berea-to-Greenwich rail line segment (C-061) met or exceeded the Board's thresholds for environmental analysis. The time that a train would cause a highway/rail at-grade crossing on this rail line segment to be blocked would increase from 1.8 minutes to 1.9 minutes as a result of the proposed Conrail Acquisition, an increase of approximately 6 seconds per train. When delays affect emergency vehicles, the average delay would be half the blocked-crossing time, which in this case would be less than a minute. The average number of trains on this rail line segment would increase from 14.5 to 53.0 trains per day, so the total time that a crossing would be blocked would increase from 25.7 minutes to 101.2 minutes per day as a result of the proposed Conrail Acquisition. The discussion in Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," Section G.2.1, "Emergency Response Vehicle Delay," of this Final EIS addresses SEA's analysis pertaining specifically to emergency response vehicle delay at highway/rail at-grade crossings.

There are two fire stations in Wellington, one on each side of the CSX rail line segment, allowing fire protection on both sides. Ambulance service and the police station are both located south of the CSX tracks, but there are several alternate crossings both to the north and south that can be used when trains block SR 58 or SR 18. Because blocked crossing time in Wellington would be relatively short, SEA has determined that no mitigation is warranted.

Huntington Township is located south of Wellington on SR 58. As the fire and ambulance service in Wellington is also located south of the CSX rail line segment, the proposed Conrail Acquisition would not affect emergency service to Huntington Township.

In Lagrange, the police station is south of the tracks, and local officials informed SEA that the majority of police calls are north of the tracks. The fire and ambulance service is north of the tracks, and about half of the calls are to the south side of the tracks. There are no grade-separated crossings in the area. Because blocked crossing time would be relatively short, SEA concluded that no mitigation is warranted.

In the Avon Lake area, the NS Vermilion-to-Cleveland rail line segment (N-080) met or exceeded the Board's thresholds for environmental analysis. The time that a train would cause a highway/rail at-grade crossing on this rail line segment to be blocked, 1.6 minutes, would not change as a result of the proposed Conrail Acquisition. When delays affect emergency vehicles, the average delay would be half the blocked-crossing time, less than a minute. The average number of trains on this rail line segment would increase from 13.5 to 34.1 trains per day, so the total time that a crossing would be blocked would increase from 21.7 minutes to 55.8 minutes per day as a result of the proposed Conrail Acquisition. Because blocked-crossing time would be relatively short, SEA concluded that no mitigation is warranted in Avon Lake. Under NS's "Revised Mitigation

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Proposal,” the NS Cleveland-to-Vermilion rail line segment (N-080) does not meet the Board’s thresholds for environmental analysis.

NS has provided SEA with a rerouting proposal that would divert a number of trains away from the Cleveland-to-Vermilion (N-080) rail line segment. See Appendix N, “Community Evaluations,” of this Final EIS for more details.

Summary of Comments. BRL collectively expressed concern over the increase in response time that would result from increases in train traffic. BRL disagreed with the Draft EIS conclusion that it is impossible to predict actual delays that would occur as a result of changes in train traffic related to the proposed Conrail Acquisition. BRL also objected to the Draft EIS conclusion that train traffic “potentially” affects emergency response time and argued, “It is fact.” BRL further noted that “the D[raft]EIS has failed to recognize that changes in the total blocked crossing time per day are a more than reasonable tool to estimate changes in the number of emergency vehicles that would be delayed every year in [Bay Village, Rocky River, and Lakewood] if NS is allowed to operate 34.1 trains per day.”

BRL stated that “emergency service providers are blocked by NS trains approximately 253 times per year under current conditions.” BRL suggested that this number would increase by roughly the same percentage as the proposed increase in the number of trains. Using this methodology, BRL estimated that trains would delay approximately 640 emergency vehicles per year, which amounts to almost two emergency vehicles per day. BRL stated that this increase in the number of delayed emergency vehicles is “an unacceptable result and requires mitigation.”

Congressman Dennis J. Kucinich, Lakewood Hospital, Lakewood PTA, and several residents of Lakewood, Ohio expressed concern that increases in rail traffic through the Cleveland West Shore suburbs of Lakewood, Rocky River, and Bay Village would cause delayed response for emergency vehicles. Lakewood Hospital pointed out that there is only one underpass in the City of Lakewood; the location of the hospital is south of the rail lines, but 30 percent of the ambulance and paramedic runs to the hospital originate north of the rail lines. Congressman Kucinich commented that “the only appropriate mitigation for the West Shore is to keep freight traffic at or below current levels.”

Response. SEA conducted additional analysis and site visits, as appropriate, in response to these comments regarding the potential impacts of the proposed Conrail Acquisition on emergency response in BRL. Appendix N, “Community Evaluations,” Section N.1.3, “Potential Environmental Impacts of the Alternative Actions and Recommended Mitigation,” of this Final EIS contains a discussion of the effects of the proposed Conrail Acquisition on the Cleveland, Ohio area. The discussion in Appendix G, “Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis,” Section G.2, “Emergency Response Vehicle Delay,” of this Final EIS addresses SEA’s analysis pertaining specifically to emergency response vehicle delay at highway/rail at-grade crossings.

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In BRL, the NS Vermilion-to-Cleveland rail line segment (N-080) met or exceeded the Board's thresholds for environmental analysis. SEA determined that the average blocked-crossing time caused by a train on this rail line segment, currently 1.6 minutes in Bay Village and 2.1 minutes in Rocky River and Lakewood, would not change as a result of the proposed Conrail Acquisition. When delays affect emergency vehicles, the average delay would be half the blocked-crossing time, less than a minute in Bay Village and slightly more than a minute in Rocky River and Lakewood. The time differs because trains operate at different speeds along this rail line segment, and the speed difference is not expected to change. The average number of trains on this rail line segment would increase from 13.5 to 34.1 trains per day as a result of the proposed Conrail Acquisition, which would increase the total blocked-crossing time from 21.7 minutes to 55.8 minutes per day in Bay Village and from 28.1 minutes to 72.4 minutes per day in Rocky River and Lakewood.

Bay Village has one fire station, which also houses the ambulance service, and one police station. It has mutual-aid agreements with North Olmsted, Rocky River, Lakewood, Fairview, and several other municipalities. Emergency personnel in Bay Village have access to three hospitals, Lakewood Hospital, Fairview Hospital, and St. John West Shore Hospital, all of which are approximately 7 to 8 miles from the fire and police stations.

In Bay Village, there is one highway/rail grade separation located on Clague Road. In addition, there are five highway/rail at-grade crossings in Bay Village. These are located at Bradley Road, Basset Road, Kahoon Road, Dover Center Road, and Wolf Road. Emergency service providers use all of these highway/rail at-grade crossings as key routes.

Bay Village is located north of the tracks, but 25 of 29 of the Bay Village firefighters live south of the tracks in Westlake. Local officials said that the firefighters must often respond from home. Bay Village personnel often help Westlake in emergencies and must cross the tracks.

In Rocky River, both a police station and a fire station are located south of the Vermilion-to-Cleveland tracks. Lakewood Hospital is the nearest hospital used by the emergency services. There are three grade-separated highway/rail crossings at Smith Court, Blount Street, and W. Clifton Boulevard. About 15 percent of the Emergency Medical Services runs are to the area north of the tracks.

Officials in Rocky River and Lakewood complained of delays of up to 10 minutes. Trains operating on the Clague siding near Bay Village may cause this delay.

In Lakewood, two fire stations are south of the tracks and one station is north of the tracks. The Lakewood Police Department has three stations, all south of the tracks.

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Their beats cross the tracks. Lakewood Emergency Medical Services, which has two rescue squads, is based at Lakewood Hospital, south of the tracks. Local officials informed SEA that about 26 percent of the EMS calls are to locations north of the tracks.

To improve the ability of emergency vehicles to avoid blocked crossings, SEA recommends mitigation in the Lakewood area. Mitigation is not warranted in Rocky River because the existing grade separations provide access to the community. In Bay Village, mitigation is not warranted because the higher train speeds there would block crossings for shorter periods. Chapter 7, "Recommended Environmental Conditions," of this Final EIS addresses recommended mitigation.

The Cloggsville Alternative would reduce traffic through the BRL area. Under the Cloggsville Alternative, the average number of trains on the NS Vermilion-to-Cleveland rail line segment would increase from 13.5 to 16.4 trains per day as a result of the proposed Conrail Acquisition, an increase of 2.9 trains per day, which is less than the Board's thresholds for environmental analysis. SEA determined that mitigation would not be warranted in BRL with this alternative. See Chapter 4, "Summary of Environmental Review," Section 4.19, "Community Evaluations," and Appendix N, "Community Evaluations," of this Final EIS for detailed information about the Greater Cleveland Area. Also, see the Addendum to this Final EIS for discussion of the potential effects of NS's "Revised Mitigation Proposal."

Summary of Comments. The City of Olmsted Falls, Ohio passed and sent to SEA a resolution stating that adding more rail traffic would block highway/rail at-grade crossings and cause an increase in response time for emergency vehicles. The City expressed concern that a blocked crossing would force emergency vehicles to turn around and go to another hospital farther away than Southwest General Health Center. Furthermore, the City noted, "An increase in daily freight train use would adversely affect the ability of all types of coordinated mutual aid responses between the City of Olmsted Falls and the surrounding communities to best utilize each other's paramedics, fire and police forces and equipment in a predictable and timely fashion."

Numerous residents signed a petition opposing the proposed Conrail Acquisition, citing the potential delay in emergency response. The City concluded that a separated grade crossing and communications between the Applicants and the emergency dispatch center would resolve the situation. Royalton Acres Development Corporation and Flair Corporation, builders of homes in the City, commented as follows: "Additional rail traffic along segment C-061 will worsen an already unacceptable traffic situation at crossings FRA ID 524367U and 524368B," resulting in "unacceptable delays of emergency vehicles...."

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Response. In Olmsted Falls, Ohio, the CSX Berea-to-Greenwich rail line segment (C-061) met or exceeded the Board's thresholds for environmental analysis. The time that a train would cause a highway/rail at-grade crossing on this rail line segment to be blocked would increase from 1.8 minutes to 1.9 minutes as a result of the proposed Conrail Acquisition, an increase of approximately 6 seconds per train. When delays affect emergency vehicles, the average delay would be half the blocked-crossing time, less than a minute. The average number of trains on this rail line segment would increase from 14.5 to 53.0 trains per day, so the total time that a crossing would be blocked would increase from 25.7 minutes to 101.2 minutes per day as a result of the proposed Conrail Acquisition.

All of the emergency services are located north of the CSX rail line segment. According to emergency response officials in Olmsted Falls, approximately 25 percent of the calls for fire and ambulance service are for locations south of the CSX rail line segment. There is no grade-separated highway/rail crossing in Olmsted Falls. Fire department officials told SEA that they must drive to the CSX tracks to determine whether they are blocked, and then decide whether to call for mutual aid or find another route. They said that they often encounter slow or stopped trains. SEA concluded that the cause of slow and stopped trains in Olmsted Falls is a siding, which extends through town, where trains stop to wait for the passage of other trains on the through track. If the Board approves the proposed Conrail Acquisition, CSX plans to double-track this rail line segment, so trains would no longer need to wait in Olmsted Falls, and the cause of pre-existing delay would be removed. NS and CSX have executed a Negotiated Agreement with the Cities of Olmsted Falls and Brook Park, Ohio.

NS's train frequency modifications, based on NS's "Mitigation Proposal for Train Frequencies in Greater Cleveland and Vicinity," would result in an increase of 6.7 trains per day on N-293d instead of a reduction of 15.5 trains per day. Because the time that a train would cause a highway/rail at-grade crossing to be blocked would be relatively short, SEA concluded that no mitigation is warranted. See Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," Section G.2.1, "Emergency Response Vehicle Delay," of this Final EIS, and the Addendum to this Final EIS.

Greater Cleveland Area—Transportation: Roadway Systems

Summary of Comments. The City of Cleveland, Ohio expressed concern over the estimate of truck traffic associated with the proposed Collinwood Yard intermodal facility. The City stated, "Increased truck traffic to and from the new Collinwood Yard intermodal facility is conservatively estimated by the [A]pplicants to show growth of only 49 trucks per day, see D[raft]EIS vol. 3B at OH-42, in order to avoid the 50 truck per day threshold that would require further study."

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Response. The Board's thresholds for environmental analysis at intermodal facilities require analysis if the ADT on roadways leading to and from the facility would increase by at least 10 percent, or 50 trucks per day. To address this comment, SEA analyzed the potential environmental impact of the proposed 49 truck-per-day increase at the Collinwood intermodal facility. The increase in daily truck traffic would be less than 1 percent of the ADT for all roadways that trucks would use in the vicinity of the facility. These results confirm SEA's conclusion that the increase in truck trips related to the proposed Conrail Acquisition at the Collinwood intermodal facility would have no significant impact on traffic on the surrounding roadways, 152nd Street, and Interstate 90.

Greater Cleveland Area—Transportation: Other

Summary of Comments. A resident of Vermilion, Ohio requested that the Board protect the North Shore communities of Lake Erie from the "harms created by the proposed rail mergers." The commentator expressed concern over the fourfold increase in rail traffic in the area.

Response. SEA reviewed train density data for the two rail line segments that intersect in Vermilion. If the Board approves the proposed Conrail Acquisition, NS would own and operate both rail line segments. According to the Applicants, the Conrail Lakeshore rail line segment N-293 would experience a change from 48.4 trains per day to 32.9 trains per day, a decrease of 15.5 trains per day.

Traffic along the NS Main Line (N-080) would experience an increase from 13.5 trains per day to 34.1 trains per day, an increase of 20.6 trains per day. Because NS would own both rail line segments, this would result in approximately 5.1 more trains per day operating through Vermilion. See Chapter 4, "Summary of Environmental Review," and Appendix N, "Community Evaluations," for discussion of alternatives.

Summary of Comments. In response to the Draft EIS, a commentator representing Abington Arms, a HUD-assisted high-rise apartment building in Cleveland, Ohio expressed concern over the proposed increase in freight rail traffic from 20 trains per day to approximately 81 trains per day on a route through the Little Italy area. The commentator requested that the Board "consider the alternate routes proposed by our City of Cleveland Mayor White."

Response. In response to comments on the Draft EIS, SEA has considered the potential environmental impacts of increased rail activity in the vicinity of Abington Arms in Cleveland. Both Conrail and NS operate in a shared corridor for approximately 2 miles in this area. In the Draft EIS, NS presented a proposed mitigation plan in response to community concerns for the suburbs on the west side of Cleveland. However, that mitigation proposal did not reduce train traffic on the east side of Cleveland. On April 10, 1998, NS submitted to SEA a revised mitigation Operating Plan that would reduce the train traffic through the Little Italy area to a total of 26.0 trains per day after the proposed Conrail Acquisition. With approval of this proposed revised mitigation plan,

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the total traffic through Little Italy would amount to 69.8 trains per day including CSX traffic.

In this Final EIS, SEA has evaluated numerous alternatives, including those that Cleveland Mayor Michael White proposed. Several of the alternatives significantly reduce the number of trains that operate past Abington Arms each day. For a complete analysis of those alternatives, see Chapter 4, "Summary of Environmental Review," and Appendix N, "Community Evaluations," of this Final EIS.

Summary of Comments. The Mayor of East Cleveland, Ohio expressed concern that the Draft EIS did not "adequately address issues regarding safety, transportation of toxic materials and substantial increase in volume of rail traffic in and around the City of East Cleveland." The Mayor requested that SEA reexamine the potential environmental impacts on the City.

Response. SEA conducted additional analysis in the East Cleveland area. In addition, subsequent to filing its comment, the City of East Cleveland reached agreements with CSX and NS regarding potential environmental impacts of the proposed Conrail Acquisition. See Appendix C, "Settlement Agreements and Negotiated Agreements," of this Final EIS.

Summary of Comments. The City of Olmsted Falls, Ohio and a local business, the Flair Corporation, protested any attempt to "vacate usage of the current Norfolk Southern (former Nickel Plate) Tracks known as segment N-80 on the Cleveland-Vermilion Run and divert traffic to segment N293 also known as the Cleveland to Vermilion Run or to Segment C-061 known as the Berea to Greenwich Run." The City questioned the accuracy of freight rail traffic volumes on rail line segments N-293 and C-061 and asked that the Board confirm the volumes, which the City considered low. Flair, a development corporation in Olmsted Falls, expressed concern over the proposed 239 percent traffic increase from 16 to 54.2 trains per day.

Response. Two rail corridors pass through Olmsted Falls: Conrail's Lakeshore Line (rail line segment N-293) connecting Cleveland and Vermilion, Ohio passes through the city center on an east-west axis, and Conrail's Indianapolis Line (rail line segment C-061) connecting Cleveland and Greenwich, Ohio passes through the southeast portion of Olmsted Falls on a northeast-southwest alignment. Should the Board approve the proposed Conrail Acquisition, NS would acquire rail line segment N-293 and CSX would acquire rail line segment C-061. NS currently owns and operates the Nickel Plate Route (rail line segment N-080) that passes through Lakewood.

The commentator expressed concern that NS might vacate the use of rail line segment N-080 and divert all of the rail traffic from N-080 onto rail line segment N-293. According to a rerouting alternative that NS proposed in Appendix S, "Railroad Mitigation Plans," of the Draft EIS, NS plans to reroute approximately 18 trains per day from rail line segment N-080 to rail line segment N-293. This shift of rail traffic would

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result in 50.6 trains per day operating on the N-293 segment through Olmsted Falls, an increase of 2.2 trains per day over levels before the proposed Conrail Acquisition. Because this potential increase is only slightly above the current levels, SEA did not analyze the potential impacts of this increase. SEA notes that NS indicated a willingness to assist in providing a separated grade crossing at Fitch Road in the west side of Olmsted Falls.

Should the Board approve the proposed Conrail Acquisition, rail traffic on rail line segment C-061 would increase from 38.5 trains per day before the proposed Conrail Acquisition to 53.0 trains per day after the proposed Conrail Acquisition. SEA's analysis indicated that none of the highway/rail at-grade crossings along this rail line segment would meet SEA's criteria of significance.

The train volume data for the affected rail lines that the Draft EIS contained and that this Final EIS contains are consistent with the Applicants' Operating Plans for through freight trains. These numbers have been revised to reflect slight adjustments between CSX and NS. With the exception of the shift in rail traffic from rail line segment N-080 to rail line segment N-293, the train data that CSX and NS furnished are consistent with their Operating Plans. See Appendix C, "Settlement Agreements and Negotiated Agreements," and Appendix N, "Community Evaluations," of this Final EIS as well as the Addendum to this Final EIS.

Summary of Comments. The City of Cleveland, Ohio proposed two alternative routing arrangements "designed to prevent the potentially devastating impact of the enormous increase in freight traffic that will result from the CSX/NS proposal." The City requested that the Board consider the alternatives, which would "allow CSX and NS to move cross-country traffic efficiently through the city." The City also asked the Board to impose train limits or curfews "that hold the neighborhoods harmless from the impacts they will experience from the implementation of [the] Applicants' proposal."

Response. For each proposed alternative, SEA considered the change in number of trains and hazardous materials transport, and the resultant potential environmental impact on air quality, noise, and highway traffic delay. SEA also considered mitigation opportunities. Appendix N, "Community Evaluations," of this Final EIS provides a detailed analysis and evaluation of numerous alternatives for routing trains through the City of Cleveland.

Placing a permanent cap on the number or length of trains going through Cleveland would have ripple effects throughout the entire CSX and NS systems and could lead to gridlock of rail traffic. Congress has mandated that railroads have the flexibility to operate their systems as business demands, while satisfying safety regulations. The Board does not regulate railroad operations, such as train speed, dispatching, yard operations, or the number or length of trains.

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Summary of Comments. BRL stated that NS provided no data to support the train volume estimates on which the Draft EIS analyses rely. The Cities requested that “the F[inal] EIS reexamine the train count issue and provide all data used to ‘verify’ the number of trains expected to operate over the Cleveland to Vermilion line segment.” Further, the Cities claimed that if NS cannot verify the number of trains on this link, SEA cannot determine the potential environmental impacts.

Response. SEA notes that the Applicants furnished train count data in their Primary Application. NS and CSX independently derived these data from modeling a representative sample of 1995 waybill information. National waybill information regarding routing and commodity data is compiled on behalf of all railroads by the AAR. CSX and NS completed separate modeling efforts for their individual railroads and, where appropriate, added the rail traffic each railroad would receive from the apportioned Conrail system. In addition, they added intermodal, automotive, and bulk (including coal and grain traffic) trains to the total.

The Applicants then incorporated growth projections for each traffic corridor. By comparing these traffic levels with existing track capacity, each Applicant evaluated whether track and signal improvements would be necessary to support the forecasted rail traffic.

SEA notes that 13.5 trains per day operated through BRL over NS’s rail line segment N-080 in 1995. According to NS, the number grew to 16.4 trains per day by 1997. This increase is a result of normal growth and is not related to the proposed Conrail Acquisition. This number corresponds to the figures offered by a Lakewood community group that observed approximately 16 trains per day during an informal survey conducted in September 1997.

The train count data represents CSX’s and NS’s “best estimate” of the levels of traffic expected to operate over a particular rail line segment each day. The modeling information determined annual volumes, which were then divided by the number of days in a year, resulting in a daily “average.” Because of weekly and seasonal variations and because of shipper demands, the number of trains that operate could vary considerably on a given day. See Appendix N, “Community Evaluations,” of this Final EIS as well as the Addendum to this Final EIS.

Summary of Comments. The Ohio Attorney General, the Ohio Rail Development Commission, and the Public Utilities Commission of Ohio collectively expressed concern over the potential environmental effects of the proposed Conrail Acquisition in the Cleveland area. They commented that it is not “the optimal plan when the adverse safety and environmental impacts are taken into account.” The commentators recommended that the Applicants consider two alternatives that the City of Cleveland suggested. These alternatives “would route most of the increased rail traffic that would result from the proposed [A]cquisition through Cleveland

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and neighboring industrial corridors” and “would ameliorate most of the worst adverse environmental impacts.” The commentors further urged “that the STB [the Board] require that essential safety and environmental agreements between Cleveland area communities, State officials and the Applicants be concluded prior to any increase in existing traffic levels.”

Response. SEA concurs with the commentors’ recommendation to consider routing alternatives. Appendix N, “Community Evaluations,” of this Final EIS gives a detailed analysis and evaluation of seven principal alternative concepts for routing trains through Cleveland, including those alternatives that the City of Cleveland provided. For each alternative, SEA has considered the change in number of trains and hazardous materials transport, and the subsequent impact on air quality, noise, and highway traffic delay. SEA has also considered the mitigation needs for each of the seven alternatives. Where appropriate, SEA has included mitigation as a condition in Chapter 7, “Recommended Environmental Conditions,” of this Final EIS.

Summary of Comments. Congressman Dennis J. Kucinich and Louis Stokes, both representatives of the Cleveland, Ohio area, stated that the Board should not approve the proposed Conrail Acquisition without sufficient mitigation in affected communities. Congressman Kucinich opposed the increase in rail traffic in Cleveland unless it is “mitigated by adequate and appropriate grade separations in the Cities of Berea and Olmsted Falls.” Congressman Stokes cited an increase in rail traffic of between 100 and 1,200 percent.

Congressman Kucinich commented that the train traffic increase resulting from the proposed Conrail Acquisition should not occur until the Applicants complete the mitigation for the potential environmental impacts of the proposed Conrail Acquisition. Congressman Kucinich recommended removing freight traffic from single-track rail line segments through densely populated residential areas. He suggested reserving these tracks for a commuter rail.

Response. Subsequent to the Draft EIS, the City of Olmsted Falls, Ohio reached an agreement with NS and CSX (see Chapter 4, “Summary of Environmental Review,” of this Final EIS). This agreement addresses the comment and satisfies the requirements of this Final EIS. Chapter 7, “Recommended Environmental Conditions,” of this Final EIS contains the results of SEA’s evaluation regarding a grade separation in Berea.

SEA notes that although Congressman Kucinich proposes commuter rail service in the Cleveland area, no service currently exists, nor has the city approved capital funding. The Cleveland-related analysis in Appendix N, “Community Evaluations,” of this Final EIS identifies many issues related to impacts and alternatives that SEA considered for the proposed Conrail Acquisition. SEA did not analyze potential effects on commuter rail service unless the service is in operation or the community has committed capital and operating funding.

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Summary of Comments. The Mayor and Law Director of the City of Berea, Ohio both commented that trucks become stuck in the Rocky River Drive railroad overpass approximately 12 times per year. This leaves Sheldon Road, at the far northeastern corner of the City, as the only crossing point within the City. The Mayor and Law Director suggested refurbishing the existing overpass at Rocky River Road.

Response. The cited problem is an pre-existing situation, not an impact that would result from the proposed Conrail Acquisition. The Draft EIS evaluated only the potential environmental impacts of the proposed Conrail Acquisition. Furthermore, it is the Board's policy not to require mitigation of pre-existing conditions.

Summary of Comments. A citizen of the City of Vermilion stated that the proposed Conrail Acquisition would bring about tremendously increased train traffic on the local tracks. This could result in the rerouting of school buses, which could increase student ride time as well as fuel consumption. The citizen commented that both of these conditions would be very detrimental to a school system with existing financial strains.

Response. SEA clarifies that, as a result of the original proposed Conrail Acquisition, the number of trains moving between Vermilion and Cleveland, Ohio on rail line segment N-293d through Olmsted Falls and Elyria would decrease by 15.5 trains per day, and rail traffic between Vermilion and Cleveland would increase by 20.6 trains per day on rail line segment N-080. These two segments, which NS would own and operate, intersect in Vermilion. NS would construct two new connections west of Vermilion. SEA notes that, because NS would operate the two rail line segments, SEA forecasts the total number of trains per day over the two segments to increase by 7.1 trains per day. See the Addendum to this Final EIS for discussion of potential effects of NS's "Mitigation Proposal for Train Frequencies in Greater Cleveland and Vicinity."

Summary of Comments. A resident of Rocky River, Ohio expressed concerns regarding the increase in train traffic that would result from the proposed Conrail Acquisition. The commentor expressed an opinion that the best scenario would be for "NS to build a new train track south of Cleveland in areas not developed yet." The resident further suggested that the next best scenario would be for the Board to limit NS to 13.5 trains per day through the area, letting NS decide where to route the remaining trains. The commentor also stated that NS should be required to improve its tracks, gates, and lights at highway/rail at-grade crossings; improve rail segments before being allowed to increase the segment speed; and take care of noise problems.

Response. As part of the proposed Conrail Acquisition, NS would take control of the Conrail main line that connects Berea with Vermilion south of Rocky River. This main line could serve as an alternative route for NS traffic that would otherwise travel through Rocky River. In response to citizen and community comments (received prior to the issuance of the Draft EIS), NS has proposed to shift most of the Acquisition-related increase in train traffic from the Nickel Plate Route through Rocky River to the more

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southerly route through Berea. In this way, NS proposes to keep train traffic levels through Rocky River at the 1997 level. As part of the NS mitigation plan, NS would make numerous highway/rail at-grade crossing improvements between Cleveland and Vermilion. The Draft EIS discussed this proposed mitigation in Volume 3B, page OH-138. SEA analyzed this alternative as one of several rail traffic routing options through the Cleveland area. This Final EIS presents a discussion of the Cleveland routing options analysis and findings in Chapter 4, "Summary of Environmental Review"; Chapter 7, "Recommended Environmental Conditions"; and Appendix N, "Community Evaluations."

Summary of Comments. A resident of Vermilion, Ohio expressed the opinion that "the merger would be very devastating not just [to] Vermilion, but to the entire state of Ohio" because it will increase the traffic along rail line segments adjacent to Lake Erie. The resident stated: "Instead of considering something that could possibly endanger the future of such a valuable asset, you should be considering the use of eminent domain to acquire the tracks for use by passenger rail, enhancing access to Lake Erie, and increasing its value."

Response. According to national safety data, hazardous materials transport by train is more than ten times safer per ton-mile than by truck. In the Draft EIS, SEA determined that 20.6 additional trains per day would move over the rail line segment adjacent to Lake Erie (N-080) if the Board approves the proposed Conrail Acquisition. Additionally, this rail line segment would become a major key route because of the increase in the volume of hazardous materials transport. See Chapter 7, "Recommended Environmental Conditions," of this Final EIS for the mitigation measures that SEA recommends. While the Board has authority to impose conditions on the transaction that would mitigate environmental impacts, it does not possess the power of eminent domain, and therefore would not attempt to acquire and alter the use of the subject rail line segment. See the Addendum to this Final EIS for discussion of potential effects of NS's "Mitigation Proposal for Train Frequencies in Greater Cleveland and Vicinity."

Summary of Comments. The Lorain County Board of Commissioners and Lorain County Community Alliance of Ohio recommended that the Board limit or restrict rail car switching activities to night hours to reduce congestion on the surrounding roadway system.

Response. The Board does not regulate railroad operations, such as train speed, dispatching, or yard operations, and cannot impose operating conditions as a part of the proposed Conrail Acquisition. The Board does not regulate day-to-day operations. Local governments are responsible for resolving switching issues at highway/rail at-grade crossings.

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Summary of Comments. The Village of Wellington, Ohio stated that the increased rail traffic would cause a rapid deterioration of the highway/rail at-grade crossings in its community. The Village noted that the resulting maintenance of these crossings would affect the community when the crossings are closed for repairs.

Response. The Board does not regulate day-to-day railroad operations and maintenance activities. Any possible deterioration of track would be the responsibility of CSX and NS as part of their maintenance programs. See Chapter 7, "Recommended Environmental Conditions," of this Final EIS.

Greater Cleveland Area—Air Quality

Summary of Comments. A resident of Lorain, Ohio commented that the effects of increased air pollution from the proposed Conrail Acquisition would be devastating to people.

Response. SEA did determine that increasing the number of trains per day in Lorain, Ohio would likely cause an increase in project-related air pollutant emissions. However, the change is not large enough to cause any discernible difference in air quality in Lorain. The health-based NAAQS would not be exceeded as a result of Acquisition-related activities in Lorain. The additional air quality impact analyses documented in Appendix I, "Air Quality Analysis," of this Final EIS substantiate this conclusion.

Summary of Comments. Congressman Dennis J. Kucinich, representing the 10th Congressional District in Ohio, commented that mitigation is warranted for air pollution emissions that are a direct result of increased train traffic in his district. He further commented that SEA's determination that no mitigation is needed is flawed, because projected net NO_x emissions in Cuyahoga County, Ohio are significantly above the Board's significance criteria for air quality mitigation.

The Congressman also stated that the increased NO_x emissions would represent a 3.5 percent increase in the County's NO_x emissions, as computed by EPA. According to the Congressman, this increase means that significant additional reductions in NO_x emissions would be needed to meet the Clean Air Act requirement for a 3 percent reduction in NO_x emissions per year.

The City of Berea, Ohio commented that a comprehensive city-specific EIS should be conducted and that it would demonstrate that mitigation of air pollution emissions would be necessary in the Berea area. The City also stated that the increased NO_x emissions would represent a 3.5 percent increase in the County's NO_x emissions. According to the City, this increase would mean that significant additional reductions in NO_x emissions would be needed to meet the Clean Air Act requirement for a 3 percent reduction in NO_x emissions per year.

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The City also commented that the increase in air pollution emissions from freight traffic is quantifiable, while decreases in emissions from truck-to-rail diversions is not known or measurable.

Response. SEA acknowledges the Congressman's comment; however, SEA does not agree with the Congressman's statements that NO_x emissions in Cuyahoga County would increase by 3.5 percent of the current county total. This comment is based on information in CSX's and NS's Environmental Report, not on the Draft EIS.

It is true that CSX's and NS's original Environmental Report, filed on June 23, 1997, showed approximately 1,500 tons per year of additional NO_x emissions in Cuyahoga County. This was a conservatively high estimate of NO_x emissions changes in the County, however, because it did not account for decreases in emissions resulting from rail-to-rail freight diversions or truck-to-rail freight diversions. SEA's analysis in the Draft EIS, which accounts for these diversions, shows a NO_x emissions increase of slightly over half that amount (Draft EIS, page OH-50). SEA's projected increase of 787 tons per year is only 1.29 percent of EPA's 1995 total NO_x emissions estimate for Cuyahoga County (EPA 1996), as opposed to the 3.5 percent value that the Congressman cited.

This Final EIS presents SEA's additional analyses (see Appendix I, "Air Quality Analysis") to evaluate the combined or cumulative effects of proposed activities related to the proposed Conrail Acquisition and EPA's final rule establishing emissions standards for new and rebuilt locomotive engines (see Appendix O, "EPA Rules on Locomotive Engines," of this Final EIS). As shown in Appendix I, "Air Quality Analysis," of this Final EIS, the maximum NO_x emissions increase in any year because of the cumulative effects of these actions would be 664 tons per year (1.09 percent of the 1995 inventory) in the year 2001. By the year 2005, the effect of the new locomotive emissions standards is projected to more than offset the estimated NO_x increase associated with the proposed Conrail Acquisition.

SEA maintains its conclusion that an approximately 1 percent (temporary) increase in NO_x emissions in Cuyahoga County would not significantly affect local air quality. Furthermore, as the Draft EIS explains, the Ozone Transport Assessment Group recently demonstrated that NO_x impacts on ozone levels are primarily a regional (multi-state) concern, rather than a local issue that could be solved by local county emissions budgets. The expected NO_x reductions projected on a multi-state and system-wide level resulting from the proposed Conrail Acquisition actually would have a slight positive effect on reducing ozone formation.

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Summary of Comments. BRL asked for clarification of inconsistencies in data for Cuyahoga County in Attachments E-2, E-3, and E-4 in Appendix E, "Air Quality," of the Draft EIS.

As an example, BRL noted Attachment E-3 states that the NO_x increase for Cuyahoga County would be 1,272 tons per year, a figure derived from Attachment E-2, page 9. However, the Attachment E-2 NO_x totals are substantially smaller than the totals in Attachment E-4. Also, Attachment E-2, page 8 finds the NO_x increase for the Vermilion-to-Cleveland rail line segment to be 39.66 tons per year. In contrast, Attachment E-4, page 9 finds the NO_x increase for the same rail line segment to be 111.76 tons per year. The Final EIS must resolve these apparent discrepancies.

Response. Differing sources of NO_x and CO emissions information produced apparent inconsistencies in the data in Attachments E-2, "Emissions Increases for Rail Activities Projected to Exceed Board Analysis Thresholds," and E-4, "Emissions Changes for Rail Line Segments Included in Detailed County Netting Analyses," of the Draft EIS. The railroads submitted information used in Attachment E-2. SEA generated Attachment E-4. SEA does not recognize any known error in its analysis.

One should not compare the NO_x and CO emissions totals for counties listed in the two attachments, as they represent different analyses. Attachment E-2 represents only railroad activities that exceed Board thresholds for air quality analysis. These county emissions totals were used for screening purposes to determine which counties to analyze in detail, based on whether the total emissions exceeded SEA's emissions screening criteria. Attachment E-3 was also based on this data.

Attachment E-4 represents only rail line segments (no rail yards, intermodal facilities, or highway/rail at-grade crossings). This list includes all rail line segments with any emissions changes (positive or negative) for the counties listed, which are all of the counties included in SEA's detailed emissions netting analysis.

SEA found a number of data values in Attachment E-2 with which it disagreed, but corrected information in Attachment E-2 only if it would have affected whether a given county would be included in the detailed emissions analysis. In the case of NS's Cleveland-to-Vermilion rail line segment, SEA maintains that the 39.66 tons per year value provided by the Applicants is incorrect. Because the threshold activities in Cuyahoga County triggered a detailed analysis regardless of the error (NO_x emissions from listed threshold activities in Cuyahoga County were significantly greater than 100 tons per year, even with the error), SEA did not correct this or other possible discrepancies for Cuyahoga County in Attachment E-2. SEA concluded that the value of 111.76 tons per year shown in Attachment E-4 is more accurate. SEA used this value in its detailed NO_x emissions analysis for Cuyahoga County (see Draft EIS, Table 5-OH-20). See Appendix I, "Air Quality Analysis," of this Final EIS for further information.

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Summary of Comments. BRL disagreed with SEA's conclusion that increased emissions in Cuyahoga County, which exceed the emissions screening level, are not sufficient to warrant environmental mitigation. They commented that the costs of mitigation should be part of CSX's and NS's operating costs.

Response. SEA maintains that an approximately 1 percent temporary increase in NO_x emissions in Cuyahoga County is not sufficient to warrant mitigation. Furthermore, as explained in the Draft EIS, the Ozone Transport Assessment Group has recently demonstrated that NO_x impacts on ozone levels are primarily a regional (multi-state) concern, rather than a local issue that could be solved by reducing local emissions. The expected NO_x reductions projected on a multi-state and system-wide level resulting from the proposed Conrail Acquisition would actually have a slightly positive effect on reducing ozone formation. See Appendix I, "Air Quality Analysis," of this Final EIS for further information.

Summary of Comments. BRL commented that the air quality analysis is flawed because the analysis used incorrect train speeds. They stated that train speeds in the BRL area are much slower than the speeds shown in the Draft EIS.

Response. Based on SEA's air quality analysis methodology, train speeds would affect only the estimated emissions from motor vehicles delayed near highway/rail at-grade crossings. Such emissions are a small part of the total emissions changes estimated for the proposed Conrail Acquisition. However, SEA performed a screening air quality impact analysis of air pollutant emissions from motor vehicles delayed at highway/rail at-grade crossings. SEA used conservative assumptions in the analysis, including the lowest train speeds, as Appendix I, "Air Quality Analysis," of this Final EIS describes. The analysis demonstrated that air pollutant emissions from motor vehicles delayed at highway/rail at-grade crossings would not cause pollutant concentrations to exceed the health-based NAAQS in BRL.

Summary of Comments. BRL commented that potential air quality impacts at the Columbia Road highway/rail at-grade crossing must be recalculated to reflect the use of the Clague Siding by 20 percent of the freight trains. The BRL added that the Draft EIS did not address the impact of these trains idling on the siding for two hours or more.

Response. SEA notes that some trains currently stop on the Clague siding and idle their locomotive engines. This is a pre-existing condition not related to the proposed Conrail Acquisition. It is the Board's policy not to require mitigation of pre-existing conditions. SEA recognizes, however, that existing, regularly occurring rail activities in the vicinity of a highway/rail at-grade crossing might increase the background air pollutant levels (concentrations unrelated to the proposed Conrail Acquisition) simultaneously with any effects of activities related to the proposed Conrail Acquisition. SEA performed screening air quality impact analyses of emissions from vehicles delayed at highway/rail

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at-grade crossings and from idling locomotives. SEA used conservative assumptions in these analyses, as described in Appendix I, "Air Quality Analysis," of this Final EIS. These analyses demonstrated that emissions from vehicles delayed at highway/rail at-grade crossings and from idling locomotives would not cause air pollutant concentrations to exceed the health-based NAAQS in the Clague siding area.

Summary of Comments. BRL commented that the air quality analysis in the Draft EIS ignored CO impacts resulting from motor vehicles queued at the highway/rail at-grade crossing at Hird Avenue in Lakewood, Ohio. BRL expected these levels to exceed the "significant impact level" by substantial amounts. BRL stated that SEA should perform a refined air quality modeling assessment for motor vehicles queuing at all highway/rail at-grade crossings in the BRL area, and include the results in the Final EIS.

Response. SEA performed a screening air quality impact analysis of emissions from motor vehicles delayed at highway/rail at-grade crossings. SEA used conservative assumptions in the analysis, as described in Appendix I, "Air Quality Analysis," of this Final EIS. The conservative assumptions result in high estimated CO concentrations compared to the concentrations that would be calculated with refined modeling. The analysis demonstrated that emissions from vehicles delayed at highway/rail at-grade crossings, including Hird Avenue, would not cause pollutant concentrations to exceed the health-based NAAQS in BRL.

Summary of Comments. The City Council of Olmsted Falls, Ohio commented that increasing the number of freight trains in their community would make the air quality worse; the air quality is already poor because of proximity to the City of Cleveland. The Council also stated that increased numbers of freight trains would worsen the long delays suffered by traffic stopped on State Route 252, causing increased air quality problems.

Response. SEA agrees that increasing the number of trains in Olmsted Falls, Ohio would likely cause an increase in project-related air pollutant emissions. However, the change is not large enough to cause any discernable change in air quality. Acquisition-related activities in Olmsted Falls would not cause ambient pollutant levels to exceed the health-based NAAQS. SEA also determined that incremental changes in vehicle delay on State Route 252 would not cause significant adverse air quality impacts. The additional air quality impact analyses documented in Appendix I, "Air Quality Analysis," substantiate these conclusions.

Summary of Comments. Several Council members and residents from Olmsted Falls, Ohio commented that increases in trains would lessen the quality of life because of diminished air quality.

Response. SEA points out that any increase in overall rail traffic in Olmsted Falls would likely cause an increase in air pollutant emissions. SEA expects, however, that such

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increases would be only a small fraction of the total emissions from all sources in the Olmsted Falls area. The projected increases in NO_x and CO emissions, for example, are only 1.29 percent and 0.03 percent, respectively, of the totals for Cuyahoga County. SEA concluded that the proposed Conrail Acquisition would not cause air pollutant emissions to exceed the health-based NAAQS in Olmsted Falls. The additional air quality impact analyses that Appendix I, "Air Quality Analysis," of this Final EIS documents substantiate these conclusions.

Summary of Comments. A resident from Lakewood, Ohio claimed that the increase in dust and debris from the increased number of trains proposed in the Conrail Acquisition would make living close to the tracks unbearable.

Response. SEA agrees that increasing the number of trains per day in Lakewood, Ohio would likely cause an increase in Acquisition-related air pollutant emissions. SEA maintains that there would be no adverse air quality impacts associated with the proposed Conrail Acquisition. With respect to dust or particulate matter, however, SEA performed a dispersion modeling analysis to determine whether increases in locomotive exhaust emissions related to the proposed Conrail Acquisition might cause ambient concentrations to exceed the health-based NAAQS. SEA performed the air quality analysis on a conservative screening basis, and did not account for the significant overall reduction in diesel locomotive exhaust emissions that will result from EPA's new locomotive emission standards issued in December 1997. All estimated worst-case concentrations were below the NAAQS for all pollutants, including particulate matter. These results demonstrate that diesel locomotive exhaust emissions from rail line segments should not cause adverse air quality effects in Lakewood. Appendix I, "Air Quality Analysis," of this Final EIS contains details of this study.

With respect to debris, the Applicants use modern locomotives, rail cars, and freight handling practices that are designed to prevent objects from falling from trains to the ground. SEA concluded that any increase in debris resulting from an increase in the number of trains would be negligible.

Summary of Comments. Several residents in Vermilion and the University Circle area of Cleveland, Ohio indicated that the Draft EIS stated that increased freight rail operations would increase air pollutant emissions.

Response. SEA agrees that freight rail operations would increase in some areas of Ohio if the proposed Conrail Acquisition is approved. This could increase air pollutant emissions temporarily in some local areas, including the City of Vermilion and the University Circle and Abington Arms area in Cleveland. SEA expects, however, that such emissions increases would be small relative to existing emissions, and short-lived because the increases would be offset by locomotive emissions decreases resulting from EPA's new rule to control such emissions from new and rebuilt locomotive engines. See

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Appendix O, "EPA Rules on Locomotive Emissions." Also, SEA has conducted air quality impact screening analyses that show only negligible impacts from criteria air pollutants and potentially carcinogenic air pollutant emissions from locomotives (see Appendix I, "Air Quality Analysis," of this Final EIS).

Summary of Comments. Residents of Rocky River, a West Shore suburb of Cleveland, Ohio, asked SEA to identify the potential air quality impacts that arise from stopped (idling) trains and the blockage of cars at highway/rail at-grade crossings in Rocky River.

Response. SEA points out that to the extent that stopped trains currently block motor vehicle traffic at highway/rail at-grade crossings, these are pre-existing conditions and therefore are not a result of the proposed Conrail Acquisition. It is the Board's policy not to require mitigation of pre-existing conditions. However, SEA performed a screening air quality impact analysis of air pollutant emissions from vehicles delayed at highway/rail at-grade crossings using conservative assumptions, as Appendix I, "Air Quality Analysis," of this Final EIS describes. The analysis demonstrated that air pollutant emissions from motor vehicles delayed at highway/rail at-grade crossings would not cause air pollutant concentrations to exceed the health-based NAAQS in Rocky River.

Summary of Comments. The property manager of University Circle, a collection of institutional, residential, and retail properties in Cleveland, Ohio, and the President of the Church of the Covenant in University Circle expressed concerns regarding the increase in air pollutants that not only significantly impact air quality, but also may be introducing carcinogenic and other pollutants into the area, with wide-reaching medical repercussions on the local residents.

The City of Cleveland, Ohio said that the Draft EIS only addressed regional air quality impacts, not local air quality impacts. The City disagreed that increases in train operations in one location would be offset by decreases in another location. They noted that air quality impacts are a localized issue that must be addressed on that level.

The City also stated that the Draft EIS failed to analyze PM₁₀, which may have serious health consequences to the young, the elderly, and the infirm.

The City of Cleveland also commented that SEA should have utilized dispersion modeling along critical corridors with increasing rail traffic to evaluate the potential for a localized impact, particularly with respect to PM₁₀.

In addition, the City of Cleveland provided summary results of its own air quality impact analysis in the University Circle area of Cleveland. The City predicted that the proposed Conrail Acquisition would result in increased air pollutant emissions resulting from increased train traffic. The City maintains that the Final EIS should include additional analyses that specifically address the concentration and dispersion of air pollutants on sensitive receptors and populations.

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The President of Case Western Reserve University in Cleveland said he was disturbed that emissions from train engines would be quadrupled in an area that has air currents that do not rapidly disperse. Therefore, he noted, particulates and other emissions resulting from increased train traffic might concentrate in the University Circle area, having adverse implications for public health.

Response. SEA performed a dispersion modeling study to ascertain whether locomotive exhaust emissions increases related to the proposed Conrail Acquisition might cause or significantly contribute to adverse carcinogenic and noncarcinogenic health effects on the public in the University Circle area and similar urban areas. SEA performed the air quality modeling on a conservative screening basis, and did not account for the significant overall reduction in diesel locomotive exhaust emissions that will result from EPA's new emission standards for locomotives, which it issued in December 1997.

SEA maintains its assertion that an approximately 1 percent increase (temporarily) in NO_x emissions in Cuyahoga County is not sufficient to warrant mitigation. Furthermore, as explained in the Draft EIS, the Ozone Transport Assessment Group has recently demonstrated that NO_x impacts on ozone levels are primarily a regional (multi-state) concern, rather than a local issue that could be solved by reducing local emissions. The expected NO_x reductions projected on a multi-state and system-wide level resulting from the proposed Conrail Acquisition would actually have a slightly positive effect on reducing ozone formation. See Appendix I, "Air Quality Analysis," of this Final EIS for further information.

SEA compared the screening dispersion modeling results with the NAAQS, the Ohio Environmental Protection Agency's Maximum Acceptable Ground-Level Concentrations for air toxics, and representative diesel exhaust health effects data from the Health Effects Institute and EPA. SEA used the Health Effects Institute and EPA data to establish threshold concentrations of diesel particulate matter and gaseous organic substances found in diesel exhaust. Concentrations below these thresholds should not pose any adverse health effects to the public.

All conservative concentrations that SEA modeled were less than all NAAQS, the Ohio Environmental Protection Agency's Maximum Acceptable Ground-Level Concentrations, and the threshold concentrations based on Health Effects Institute and EPA health effects data. These results demonstrate that diesel locomotive exhaust emissions should not cause or contribute to any adverse carcinogenic and noncarcinogenic health effects in the University Circle area. Appendix I, "Air Quality Analysis," of this Final EIS contains details of this modeling study.

Contrary to the City of Cleveland's comments regarding PM₁₀, SEA did analyze PM₁₀ emissions for the Draft EIS; the total PM₁₀ emissions from activities related to the proposed Conrail Acquisition, however, was less than the emissions screening level.

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Also, SEA has conducted air quality impact screening analyses that show only negligible impacts from PM₁₀ emissions from locomotives. Therefore, SEA does not expect PM₁₀ emissions related to the proposed Conrail Acquisition to cause ambient pollutant concentrations to exceed health-based NAAQS.

Greater Cleveland Area—Noise

Summary of Comments. Communities, groups, and individuals in the Cleveland, Ohio area expressed concern that increased train traffic would result in potential noise impacts. University Circle Incorporated, a nonprofit planning and service organization for University Circle (a cultural, medical, and educational center in Cleveland), commented that increased train traffic would be problematic to the Cleveland Orchestra. Associated Estates Management Company commented that increased train traffic through University Circle would result in noise impacts on office and retail space in close proximity to the Mayfield Road elevated tracks. The Church of the Covenant and Case Western Reserve University, both in the University Circle area, expressed concern about noise impacts resulting from increased rail traffic. The Cleveland Hearing and Speech Center expressed concern that increased noise would affect its clients, who are persons with significant hearing loss resulting from long-term exposure to noise, and persons who suffer from psychological consequences from noise exposure. The residents of 10th Ward in the northeastern area of Cleveland commented that a dramatic increase in train traffic and increases in noise would diminish the quality of life. A citizen in Rocky River, a West Shore suburb of Cleveland, stated a concern about traffic blockages associated with increased train traffic, which would result in more noise at the citizen's residence. A citizen in the Broadway neighborhood of Cleveland expressed concern about noise impacts from increased train traffic.

Response. SEA realizes that increased daily train traffic can result in increased noise impacts on communities near the rail line. Where the increases would exceed the Board's thresholds for environmental analysis, SEA performed site-specific noise analyses. In accordance with Board regulations, SEA identified and counted potentially affected noise-sensitive receptors near these rail lines. Sensitive receptors included but were not limited to schools, residences, retirement communities, and nursing homes.

The Church of the Covenant and the Cleveland Hearing and Speech Center are more than 1,500 feet away from the tracks, where the expected noise levels do not exceed the Board's thresholds for noise analysis.

Case Western Reserve University is located along CSX's Quaker-to-Mayfield rail line segment (C-073). This rail line segment is eligible for noise mitigation. SEA identified two buildings that appear to be part of the university campus and would exceed the mitigation criteria.

SEA performed a noise analysis to determine the potential noise effects of the proposed Conrail Acquisition on activities inside the Severance Hall concert facility in Cleveland.

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Three rail systems use the tracks in this area—CSX, NS, and the local Greater Cleveland Regional Transit Authority commuter rail line. At its closest point, the Severance Hall building is approximately 1,800 feet from the rail line. The CSX line is closest to Severance Hall, the Regional Transit Authority line is farthest from it, and the NS line runs between the two other rail lines. For the CSX Mayfield-to-Marcy rail line segment (C-072), 43.8 trains per day would pass through this area after the proposed Conrail Acquisition, according to CSX's Operating Plan. This would be an increase of 40.4 trains per day over the current level of 3.4 trains per day. For the NS Cleveland-to-Ashtabula rail line segment (N-075), daily operations would increase from 13 to 36.6 trains per day after the proposed Conrail Acquisition, an increase of 23.6 trains per day. The Regional Transit Authority's rail line operations would remain the same after the proposed Conrail Acquisition.

To evaluate the potential noise impacts of the additional train traffic on Severance Hall activities, SEA used equations published in Chapter 6 of the Federal Transit Administration *Transit Noise and Vibration Impact Assessment* (Report No. DOT-T-95-16). In addition to the 1,800-foot distance between Severance Hall and the rail lines, SEA's assumptions included a SEL of 102 dBA at 100 feet, (3 locomotives and 75 cars per train for the CSX and NS lines), an even spacing of traffic volume over the course of a day, and a train speed of 40 miles per hour. Also, given the shielding provided by many buildings and topographical variations (including a 30-foot cut for the rail lines) between Severance Hall and the rail line, SEA added a 10 dBA shielding factor to the analysis. No horn sounding occurs in this area; therefore, SEA accounted only for wayside (train engine and wheel/rail) noise in its analysis.

Given the above assumptions, SEA's analysis yielded an hourly equivalent noise level ($L_{eq(h)}$) of 47 dBA outside the Severance Hall facility, based on rail-related noise sources only.

The Board's regulations consider only vehicular traffic noise for intermodal facilities where truck activity to and from the facility could result in an increase in noise. However, in this case, SEA also considered the traffic noise source of the six-lane U.S. Route 20 roadway passing within 100 feet of the facility. SEA estimated that the minimum $L_{eq(h)}$ at Severance Hall from the traffic noise is in the lower 60s on the dBA scale (approximately 15 dBA louder than the anticipated rail noise at the facility). When two sound levels differ by more than 10 dBA, the combined sound level is the same as the louder sound, and the quieter sound is usually masked by that louder sound. Given this information and the information discussed above, the noise that the rail traffic increase would generate would not be perceptible over the background noise sources in the area around Severance Hall. See Appendix F, "Noise," of the Draft EIS and Chapter 4, "Summary of Environmental Review," and Appendix J, "Noise Analysis," of this Final EIS.

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Summary of Comments. Some private citizens from Vermilion and Lorain, Ohio expressed concern about potential noise impacts from increased train traffic and train horns through their communities. The Citizens Advisory Board of the Eastgate Development and Transportation Agency, serving Mahoning and Trumbull Counties, commented that increased rail traffic along the Youngstown-to-Ashtabula rail line segment would exceed 100 percent, resulting in noise impacts.

Response. SEA recognizes that increased daily train traffic could result in greater wayside noise (train engine and wheel/rail noise) near the rail line. SEA notes that rail line segments N-072 and N-080 pass near Vermilion and Lorain. SEA has determined that approximately 240 noise sensitive receptors would experience noise levels of 65 dBA L_{dn} or more as a result of increased train traffic, compared with 170 noise-sensitive receptors associated with existing train traffic along rail line segment N-072. In addition, SEA has determined that approximately 4,800 noise-sensitive receptors would experience noise levels of 65 dBA L_{dn} or more as a result of increased train traffic, compared with 2,500 noise-sensitive receptors associated with existing train traffic along rail line segment N-080.

Also, SEA has determined that approximately 330 noise-sensitive receptors would experience noise levels of 65 dBA L_{dn} or more as a result of increased train traffic, compared with 200 noise-sensitive receptors associated with existing train traffic along rail line segment N-082 (Youngstown-to-Ashtabula). See Appendix J, "Noise Analysis," of this Final EIS.

As Appendix F, "Noise," of the Draft EIS explains, SEA considered mitigation for noise receptors it predicted would be exposed to at least 70 dBA L_{dn} and an increase of at least 5 dBA as a result of locomotive and wheel/rail noise associated with increased rail activity.

Based on SEA's review, this rail line segment is not eligible for noise mitigation because predicted noise levels resulting from the proposed Conrail Acquisition do not meet the noise mitigation criteria. See Appendix N, "Community Evaluations," of this Final EIS for a discussion of alternatives and their impacts.

Currently, state and local regulations require trains to sound their horns one-quarter mile from highway/rail at-grade crossings, resulting in noise exposure to residences in the surrounding area. The purpose of sounding the horn is to warn motorists and others at the crossing of a train's approach. FRA is assessing a device that delivers horn noise only to the area at or near the crossing (loudspeaker horn technology) as an alternative to rail horn soundings. SEA cannot recommend horn noise mitigation at this time because sounding the train horn is a primary safety concern.

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Another alternative that FRA is considering is the use of four-quadrant gates or median barriers designed to keep motorists from driving around the crossing gate arm as a train approaches. Loudspeaker horn technology and four-quadrant and median gates could eliminate the sounding of train horns at specific highway/rail at-grade crossings. FRA expects to incorporate the results of its evaluation of these alternative signaling technologies into its anticipated Quiet Zone Rules. However, FRA has not promulgated the Quiet Zone Rules to date, and therefore SEA cannot incorporate it into this action.

For SEA's mitigation recommendations for train noise, see Chapter 7, "Recommended Environmental Conditions," of this Final EIS.

Summary of Comments. A private citizen in Lakewood, Ohio expressed concern about potential noise impacts from increased train traffic and horn noise in the commentor's community.

Response. SEA recognizes that increased daily train traffic can result in increased noise near the rail line. Where potential impacts exceeded the Board's thresholds for noise analysis, SEA performed a site-specific noise analysis. In accordance with the Board's regulations, SEA identified and counted affected receptors near such rail lines. Similarly, where predicted noise level increases exceeded mitigation criteria established for the proposed Conrail Acquisition, SEA performed a site-specific mitigation analysis. Results of these analyses are presented in Chapter 5, "State Settings, Impacts and Proposed Mitigation," of the Draft EIS and Appendix J, "Noise Analysis," of this Final EIS.

Lakewood is located along NS's Vermilion-to-Cleveland rail line segment (N-080). Predicted Acquisition-related traffic increases of 20.6 trains per day would cause the thresholds for noise analysis to be exceeded; therefore, SEA conducted a site-specific noise analysis and counted affected receptors in this area. As Table 5-OH-42 in Chapter 5, "State Settings, Impacts and Proposed Mitigation," of the Draft EIS shows, the number of noise-sensitive receptors that SEA predicted would experience an L_{dn} of 65 dBA would increase from 2,194 to 4,439 following the proposed Conrail Acquisition.

As Appendix F, "Noise," of the Draft EIS explains, SEA considered mitigation for noise receptors it predicted would be exposed to at least 70 dBA L_{dn} and an increase of at least 5 dBA as a result of locomotive and wheel/rail noise associated with increased rail activity.

Based on SEA's review, this rail line segment is not eligible for noise mitigation because predicted noise levels resulting from the proposed Conrail Acquisition do not meet the noise mitigation criteria. See Appendix N, "Community Evaluations," of this Final EIS for a discussion of alternatives and their impacts.

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Currently, state and local regulations require trains to sound their horns one-quarter mile from highway/rail at-grade crossings, resulting in noise exposure to residences in the surrounding area. The purpose of sounding the horn is to warn motorists and others at the crossing. FRA is assessing a device that delivers horn noise only to the area at or near the crossing (loudspeaker horn technology) as an alternative to rail horn soundings. SEA cannot recommend horn noise mitigation at this time because sounding the train horn is a primary safety concern.

Another alternative FRA is considering is the use of four-quadrant gates or median barriers, which are designed to keep motorists from driving around the crossing gate arm as a train approaches. Loudspeaker horn technology, and four-quadrant and median gates could eliminate train horns at specific highway/rail at-grade crossings. FRA expects to incorporate the results of its evaluation of these alternative signaling technologies into its anticipated Quiet Zone rules. However, FRA has not promulgated the Quiet Zone Rule to date, and therefore, SEA cannot incorporate it into this action.

Summary of Comments. The Cleveland Hearing and Speech Center asked why noise abatement regulations for the railroad industry are not similar to those that apply to airports.

Response. Railroads operate on a fixed guideway, the railroad tracks. The use of train horns for safety purposes to prevent accidents where the rail lines cross public or private roads is a necessity. Airplane noise varies by type of aircraft and flight patterns, which are dependent on wind direction, runway length and location, and governing noise ordinances. For these and other reasons, railroad and airport noise regulations differ.

Summary of Comments. Congressman Dennis J. Kucinich, representing the 10th Congressional District of Ohio and the City of Brooklyn, asked what noise mitigation SEA and the Board would offer to residents living adjacent to the Conrail line parallel to Brookpark Road and to residents living adjacent to Idlewood Drive. The Congressman expressed concern about the lack of noise mitigation considerations along CSX's Cleveland-to-Medina rail line segment, which abuts the Spring Crest-Pepper Ridge Drive neighborhood; the NS Cleveland-to-Vermilion corridor; and the west side of Cleveland and the West Shore Communities.

Response. To address noise considerations, SEA conducted site-specific noise and mitigation analyses on rail line segments it predicted would exceed analysis criteria. SEA considered mitigation for noise sensitive receptors meeting the mitigation criteria of 70 dBA L_{dn} and a 5 dBA increase after the proposed Conrail Acquisition. Sites that do not meet these criteria are not eligible for noise mitigation.

The rail line segment (C-069) that runs parallel to Brookpark Road between Brooklyn and Brookpark and near Idlewood Drive does not meet SEA's criteria for noise mitigation. The rail line segment that Congressman Kucinich referred to as Cleveland-to-Medina is apparently the Cleveland-to-Lester rail line segment (C-213), which would

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have no train traffic increases from the proposed Conrail Acquisition, and therefore no potential noise impacts warranting mitigation. Similarly, the Cleveland-to-Vermilion rail line segment (N-080) did not meet SEA's mitigation criteria for noise.

This Final EIS includes a discussion of these and other sites that are eligible for noise mitigation. See Chapter 4, "Summary of Environmental Review"; Chapter 7, "Recommended Environmental Conditions"; Appendix J, "Noise Analysis"; and Appendix N, "Community Evaluations," of this Final EIS.

Summary of Comments. The City of Olmsted Falls and Flair Corporation of Ohio (a company based in Olmsted Falls) expressed a general concern about increased noise from freight traffic and commented on potential noise impacts and mitigation along rail line segment C-061. The City requested that SEA calculate the L_{dn} on rail line segment C-061 for housing developments immediately before the FRA ID 524367U and 524368B highway/rail at-grade crossings, and that SEA consider mitigation measures for potential noise impacts at these crossings. The City commented that the L_{dn} would exceed 70 dBA in residential areas unless the Applicants implement mitigation. Olmsted Falls also requested mitigation by means of grade-mounted horn systems at four highway/rail at-grade crossings along rail line segment N-293, which are already in a 65 to 70 dBA L_{dn} situation because of their proximity to the Cleveland Hopkins International Airport.

Flair Corporation expressed concern about potential noise impacts on residents on Raintree Boulevard, Summerset Lane, Laurel Drive, Cyprus Drive, and Magnolia Drive (the Raintree Community) resulting from increased train traffic along rail line segment C-061. The Corporation commented that existing noise levels in the community from train whistles and wayside noise exceed 70 dBA L_{dn} , and "any increase in traffic would exacerbate the situation to an intolerable level."

Response. SEA recognizes the concerns regarding the potential for increased noise levels along rail line segment C-061 as a result of the proposed Conrail Acquisition. Both CSX and NS as well as SEA performed noise analyses to determine predicted noise levels at affected sensitive receptors. SEA based those analyses on accepted methodologies and the Board's regulations, and then specifically modeled locomotive horns at highway/rail at-grade crossings. SEA does not perform noise analysis for areas outside the 65 dBA L_{dn} noise contour line. For further information regarding methodology, see Appendix F, "Noise," of the Draft EIS and Appendix J, "Noise Analysis," of this Final EIS.

SEA also recognizes that in some areas, noise mitigation is warranted. Eligibility for mitigation is based on the mitigation criteria of 70 dBA L_{dn} with a 5 dBA L_{dn} increase from engine and wheel/rail noise. For further information, see Chapter 7, "Recommended Environmental Conditions," of this Final EIS.

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SEA also recognizes that airport noise affects existing noise levels in Olmsted Falls and that this analysis did not account for airport noise. Hopkins International Airport has not yet completed its EIS (begun in April 1998) evaluating the effects of the planned expansion on noise contours. Therefore, SEA has determined it is not sufficiently advanced to consider in this Final EIS.

SEA notes the request for grade mounted horn systems at highway/rail at-grade crossings along rail line segment N-293. SEA recognizes that increased daily train traffic can result in increased noise near the rail line and highway/rail at-grade crossings. Currently, regulations typically require trains to sound their horns one-quarter mile from grade crossings, which results in noise exposure to residences in the surrounding area. The purpose of sounding the horn is to warn motorists and others at the crossing of an approaching train. FRA is assessing a device that delivers horn noise only to the area at or near the crossing.

FRA is also considering the use of four-quadrant gates or median barriers; these options are designed to keep motorists from driving around the crossing gate arm as a train approaches. Such innovations could eliminate train horns at specific highway/rail at-grade crossings. FRA will incorporate results of its evaluation of these alternative safety devices into its proposed Quiet Zone rules. However, FRA has not yet promulgated Quiet Zone Rules, and therefore, SEA cannot incorporate such measures into this action.

In response to comments and requests from Flair Corporation, SEA reiterates that none of the areas in Olmsted Falls meet the noise mitigation criteria. With respect to the Flair Corporation's comment that the combination of train whistles or horn noise and wayside noise exceed 70 dBA L_{dn} , SEA notes that trains are required to sound their whistles or horns at highway/rail at-grade crossings. SEA cannot require mitigation of such horn noise. For details regarding noise mitigation, see Chapter 7, "Recommended Environmental Conditions," and Appendix J, "Noise Analysis," of this Final EIS.

Summary of Comments. The City of Berea, Ohio commented on potential noise impacts as a result of increased train traffic through Berea. The City requested the construction of grade separations at Bagley Road, Front Street, and Sheldon Road to mitigate potential noise impacts in key locations in Berea. The City also requested a separated grade crossing at West Street in Olmsted Falls and construction of a noise barrier for noise mitigation along North Rocky Drive and adjacent to the tracks at Abbeyshire Drive.

Response. Results of the noise analyses that SEA performed on rail line segments near the City of Berea indicated that predicted noise levels meet or exceed the mitigation criteria. SEA conducted site-specific mitigation analyses along portions of rail line segments C-061 and C-074. SEA has recommended specific mitigation for sites on C-061 and C-074. Appendix J, "Noise Analysis," and Chapter 7, "Recommended Environmental Conditions," of this Final EIS present the results of the mitigation

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analysis and SEA's recommended mitigation. SEA did not consider grade separations to be appropriate potential noise mitigation options for the proposed Conrail Acquisition; however, SEA has recommended noise barriers or sound insulation treatments for noise mitigation where it predicted that potential impacts would meet the mitigation criteria.

Summary of Comments. BRL expressed concern about potential noise impacts from increased rail traffic from 13.5 to 34.1 trains per day on the Cleveland-to-Vermilion rail line segment. BRL expressed concern that SEA proposed no mitigation although noise would affect 4,439 receptors on this rail line segment, which is 83 percent higher than on any other rail line segment. BRL commented that the Draft EIS "errs in that it omits any consideration of the number of 'sensitive' receptors in the determination of whether mitigation is required." Further, BRL commented that the Draft EIS mitigation criteria (based on the number of trains) were an unreasonable basis on which to determine the need for mitigation. BRL requested that the Final EIS abandon the 70 dBA and 5 dBA L_{dn} increase standard in favor of one that is consistent with HUD's approach.

Also, BRL commented on mitigation of horn noise and FRA's pending rule making. BRL's suggestion was that mitigation occur through rerouting of traffic.

BRL commented that approximately 20 percent of the trains on the Cleveland-to-Vermilion rail line segment would use Clague Siding. BRL requested that the Final EIS address potential noise impacts from idling locomotives at the Clague Siding.

Response. SEA recognizes concerns expressed by BRL regarding predicted increases in Acquisition-related noise levels. SEA performed an analysis based on accepted methodologies and the Board's regulations. SEA considers the mitigation criteria established for the proposed Conrail Acquisition to be reasonable and appropriate. Therefore, SEA disagrees with the suggestion that the mitigation criteria err in that they omit any consideration of the number of sensitive receptors in the determination of whether mitigation is warranted.

SEA also disagrees with the suggestion that the mitigation criteria are arbitrary in that the criteria ignore standards adopted by other Federal agencies. SEA conducted an evaluation of mitigation criteria and the corresponding number of affected receptors. Use of mitigation standards adopted by other Federal agencies would result in general mitigation requirements. Because of the unusually large geographic coverage of the proposed Conrail Acquisition, such general mitigation requirements are not reasonable to impose on the Applicants. SEA notes that the concept of reasonableness exists in FHWA noise mitigation guidelines. Therefore, SEA maintains that its noise mitigation criteria are reasonable and appropriate.

Finally, SEA also clarifies that HUD does not have jurisdiction to approve the proposed Conrail Acquisition; therefore, HUD noise standards are not appropriate to use as

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thresholds in this noise analysis. The noise analysis appropriately conforms to accepted methodologies and the Board's regulations.

Regarding comments addressing rerouting as a possible mitigation alternative, the Board has jurisdiction over the proposed Conrail Acquisition as proposed. The Board has considered several alternative routing scenarios. See Appendix N, "Community Evaluations," for a discussion of all alternatives and Appendix J, "Noise Analysis," of this Final EIS.

Finally, SEA notes that the Board's regulations and the EIS scope do not include analysis of locomotive noise emissions from sidings. The number of locomotives and the time spent idling at sidings is not data SEA has, nor is it likely that such noise impacts would exceed levels of moving trains.

Summary of Comments. The City of Cleveland, Ohio commented that a "significant increase in train frequencies" would result in potential noise and vibration impacts to residential neighborhoods in the City. Cleveland expressed concern that the noise analysis in the Draft EIS is "oversimplified" in that it includes the number of additional receptors in the 65 dBA contour but does not quantify the noise increase for these receptors. The City referred to its own study, which consisted of continuous monitoring of the Short Line (rail line segment C-073 in the Draft EIS). Based on the study, the City commented that the Draft EIS did not consider the following: the actual nature of sensitive receptors for which SEA predicted a potential environmental impact; the noise level at the receptor; the effectiveness of proposed mitigation; the potential environmental impact of locating additional track closer to some homes; and whether alternative routes would experience less of a potential environmental impact.

The City commented that the Draft EIS criteria of 70 dBA and 5 dBA increase are "too high," and that "the Draft EIS does not take into consideration situations where ambient noise is low yet incremental increases in noise are significant."

Also, the City requested that the Final EIS include a study of increased vibration along rail line segments that would experience the largest increase in train frequencies, and that SEA determine the location of the sensitive receptors that are least likely to tolerate substantial increases in vibration.

Response. SEA analyzed rail line segments exceeding the Board's thresholds for noise analysis and counted affected receptors. Where noise levels exceeded mitigation criteria, SEA conducted site-specific mitigation analyses. SEA does not agree that the noise analysis in the Draft EIS is "oversimplified" because it did not quantify the noise level increase at each receptor. The Board's regulations require that the analysis count affected receptors when noise levels exceed certain thresholds. These regulations do not require quantification of noise level increases at all locations.

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The Board's regulations consider the nature of certain sensitive receptors that the regulations specifically identify, such as residences, schools, libraries, retirement communities, and nursing homes. Because of the large geographic area affected by the proposed Conrail Acquisition, it was not practical or reasonable for SEA to make site visits to all locations with sensitive receptors. SEA did, however, conduct numerous site visits and made extensive use of recent aerial photographs and maps in the noise analysis. For similar reasons, it was not practical or reasonable to conduct noise monitoring at every location where affected receptors were located.

This Final EIS incorporates details of the mitigation analysis, which addresses the predicted effectiveness of recommended mitigation measures. See Appendix J, "Noise Analysis," and Chapter 4, "Summary of Environmental Review," of this Final EIS for further discussion. SEA selected the mitigation criteria that would provide mitigation for a reasonable amount of the most highly affected receptors. SEA considers this approach to be reasonable and appropriate.

SEA notes that a freight train traveling at 50 mph produces a vibration velocity of 95 dB (re 1 micro-inch per second) at 10 feet from the trucks. This value is substantially below cosmetic damage criteria (106 dB re 1 micro-inch/second), which is lower than structural damage criteria (126 dB re 1 micro-inch/second). It is unlikely that vibration levels would exceed any damage criterion and thus unlikely that freight train activity at any level would cause damage to buildings in the study area.

Further, existing FTA vibration impact criteria address the potential impact of vibration levels at a sensitive receptor for a single event only. Therefore, an increase in the number of freight trains does not affect the vibration levels per event or the likelihood of exceedance of the single-event criterion. There are no impact guidelines that assess potential vibration impacts on the basis of increases or decreases in the number of daily train operations.

Summary of Comments. The City of Cleveland commented on the technical report entitled "CSX Noise Analysis, Cleveland, Ohio." The City expressed concern that CSX's methodology used the L_{eq} noise metric, which is based on short-term monitoring for a single train event and is not normally used in train noise impact assessments. The City commented on the CSX methodology, which projects a 65 dBA L_{dn} noise contour based on a train noise model and projects a 70 dBA L_{dn} contour using the "erroneous assumption that there would be a 5 dBA increase halfway between the 65 dBA contour and the railroad tracks." The City cited an impact assessment procedure that is the "widely accepted standard" that SEA should have used in the analysis.

The City commented that the projected noise increases at residential areas adjacent to the tracks in the East 131st Street vicinity of Cleveland (CSX Zone 3) would be higher than the level that the CSX report projected. The City based its projection on continuous monitoring that the City's

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consultant performed at a sensitive residential property adjacent to the tracks. The City also monitored day and nighttime noise levels in the Puritas-Longmead neighborhood and determined that future noise levels would increase both at night and in the daytime. The City commented that the CSX study “fail to mitigate the noise impacts that will be created by the dramatic increase of freight traffic that CSX proposes to run on the Short Line through the neighborhoods of Cleveland and East Cleveland and through the University Circle district.”

CSX commented that its analysis of the noise impacts from its proposed operations over the Short Line in Cleveland and East Cleveland resulted in CSX providing mitigation for 235 residences. CSX stated that its proposed mitigation would consist of low noise barriers to shield wheel/rail noise and landscaping to provide a visual barrier (“an offsetting benefit”). CSX commented that it is willing to consult with Cleveland and East Cleveland regarding other forms of offsetting benefits.

Response. These comments from the City of Cleveland address a technical report that CSX prepared. SEA did not perform this analysis or prepare the referenced report, and therefore, SEA cannot respond. SEA recognizes the mitigation analyses that CSX performed and encourages the Applicants to consult with affected communities regarding mitigation.

The rail line segments that the City referred to are apparently C-072 and C-073 (the Short Line). C-073 runs near the University Circle area and 131st Street. Both of these rail line segments exceed SEA’s noise mitigation criteria. SEA determined that there are approximately 200 affected receptors along rail line segment C-073 and approximately 100 along rail line segment C-072. SEA has made its recommended noise mitigation more flexible to allow CSX and NS to work with the communities to achieve the desired approach to noise mitigation.

Greater Cleveland Area—Cultural and Historic Resources

Summary of Comments. The management of Abington Arms (a rental apartment complex) expressed concern about the proposed Conrail Acquisition and its potential impacts on Little Italy, a historic district. The commentor did not present specific information regarding potential environmental impacts on the Little Italy area.

Response. SEA prepared a detailed definition of the Area of Potential Effects as part of the NHPA, Section 106 compliance process. The Area of Potential Effects definition recognizes all of the criteria of adverse effects, but SEA determined that none were applicable to increased railroad traffic. Increased traffic is limited to moving and handling more rail cars on the existing trackage, and it does not have the potential to affect cultural resources because such railroad traffic is already part of the historic setting. Increased rail traffic would not require any ground disturbance or physical alteration of existing facilities. However, should it be necessary to construct grade

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separations or noise mitigation walls along any rail line segments in the vicinity of NRHP-eligible historic properties or districts, such as the Little Italy historic district, SEA would conduct further Section 106 analysis and consultation within the Area of Potential Effects related to this construction.

Summary of Comments. The Ohio Canal Corridor provided comments on the Ohio and Erie Canal National Heritage Corridor from Cleveland to Zoar, Ohio and the Mill Creek Waterfall. The Ohio Canal Corridor noted the 45-foot Mill Creek Waterfall and an unspecified community's plans to provide access to the waterfall through Garfield Park. A commuter rail stop near the Broadway/Turney intersection would provide access to the park system. The Mill Creek Waterfall represents the center of early settlement in Cleveland.

The Ohio Canal Corridor also voiced a concern involving the extension of the Cuyahoga Valley Scenic Railroad between Rockside Road and Tower City in Cleveland's Flats. Any surplus trackage that resulted from approval of the proposed Conrail Acquisition would enable the Scenic Railroad to complete a downtown Cleveland connection, which is vital to the growth of the Scenic Railroad; this would be the only scenic railroad in the United States to link to the urban center of a major city. The organization supported any agreements that would further these community projects.

Response. In the Draft EIS, SEA did not identify any activities other than increased railroad traffic on rail line segments near the Ohio and Erie Canal National Heritage Corridor. Increased traffic would be limited to moving and handling more rail cars on the existing trackage and does not have the potential to adversely affect cultural resources like the Ohio and Erie Canal because such railroad traffic is already part of the historic setting. Increased rail traffic would not require any ground disturbance or physical alteration of existing facilities. The Draft EIS did not identify any railroad right-of-way acquisitions, track additions, or track changes in the area near the Mill Creek Waterfall or Garfield Park. Therefore, should the Board approve the proposed Conrail Acquisition, access to these properties would not change with respect to the existing railroad right-of-way.

A railroad may voluntarily agree to sell or donate its property, which would provide an opportunity for the Cuyahoga Valley Scenic Railroad to make agreements if surplus trackage becomes available. However, the Board cannot force a railroad to sell or donate its property as a condition to obtaining acquisition authority, as stated in its Implementation of Environmental Laws (7 I.C.C.2d 7).

Summary of Comments. The City of Cleveland, Ohio commented that, while the Draft EIS stated that abandonment and new construction are the activities most likely to cause impacts, the City recognizes that "isolation; introduction of elements that are out of character; neglect; and transfer, lease, or sale" may also constitute adverse environmental effects. The City requested that SEA conduct further impact evaluations with regard to increased train frequencies.

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Specifically, the City noted that two historic districts, Little Italy and the Hessler Road and Court District, are within one-half mile of activities related to the proposed Conrail Acquisition. In addition, two National Register districts (Mather College and Wade Park) “lie in the immediate vicinity.” The City also noted that 17 individually listed properties are in the immediate vicinity of activities related to the proposed Conrail Acquisition. The City indicated that increased noise levels and particulate matter (air pollution) were items of concern. In addition, the City requested a “careful analysis” of the proposed Conrail Acquisition and potential impacts on the City’s historic resources.

Response. SEA prepared a detailed definition of the Area of Potential Effects as part of the National Historic Preservation Act, Section 106 compliance process. The Area of Potential Effects definition recognizes all of the criteria of adverse effects, but SEA determined that none were applicable to increased railroad traffic. Increased traffic is limited to moving and handling more rail cars on the existing trackage, and does not have the potential to affect cultural resources because such railroad traffic is already part of the historic setting. Increased rail traffic would not require any ground disturbance or physical alteration of existing facilities. However, should it be necessary to construct grade separations or noise mitigation walls along any rail line segments in the vicinity of NRHP-eligible historic properties or districts, such as those that the City mentioned, SEA would conduct further Section 106 analysis and consultation within the Area of Potential Effects related to this construction.

Summary of Comments. CSX agreed with the Draft EIS recommendation that CSX complete cultural and historic resource documentation for the Lake Shore and Michigan Southern Shops District at the Collinwood Yard in Cleveland before CSX begins proposed construction at the yard.

Response. SEA acknowledges this comment.

Greater Cleveland Area—Natural Resources

Summary of Comments. Vermilion Township and Huron County requested that SEA evaluate drainage structures such as culverts, bridges, and farm tiles so that activities associated with the proposed Conrail Acquisition do not result in flooding or additional stormwater runoff to adjacent properties.

Response. SEA has determined that the Applicants have developed BMPs to address stormwater runoff, erosion and sediment control, and impacts on surface waters, thereby minimizing impacts during and after construction. See Appendix P, “SEA’s Best Management Practices for Construction and Abandonment Activities,” of this Final EIS.

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NS would have to seek final design approval from the Ohio Department of Natural Resources and USACE to minimize the potential for flooding at the proposed construction in Vermilion Township.

SEA also determined that the proposed increase in rail traffic would not increase levels of water runoff and flooding in the areas adjacent to the rail lines.

Summary of Comments. The Broadway Area Housing Coalition and the Ohio Canal Corridor expressed concerns about the Mill Creek Waterfall. The commentors noted that the Mill Creek Waterfall is 45 feet in height and has been adversely affected by train traffic. Specifically, land next to the tracks has eroded, and debris has been deposited in the waterfall. Their concern is that additional train traffic would cause further adverse effects to the surrounding area.

Response. SEA acknowledges the concerns regarding the Mill Creek Waterfall. However, it is the Board's policy not to require mitigation of pre-existing conditions, such as the railroad right-of-way condition in this case. In addition, SEA does not have jurisdiction regarding maintenance of railroad right-of-way.

Summary of Comments. The Mayor of the City of Vermilion, Ohio cited a recent stormwater management study that noted drainage obstructions associated with railroad culverts on Edson Creek, west of the City. The Mayor requested that this area be given an extensive review prior to any upgrades of the drainage system.

Response. SEA determined that there is no construction planned for the area; therefore, there would be no impact on existing conditions. Also, NS's proposed two new rail connections in Vermilion would not affect the Edson Creek area.

Summary of Comments. NS did not concur with the mitigation measure SEA proposed in the Draft EIS for the Indiana bat and the bald eagle. NS requested that SEA clarify the methodologies that it used to determine survey distances for identifying biological resources for Vermilion as Section 7.7 of the Draft EIS and the wildlife survey describe. NS also requested inclusion of the following statement in the Final EIS concerning mitigation for potential environmental impacts on threatened and endangered species in Ohio: "NS should coordinate with the U.S. Fish and Wildlife Service [USFWS] and Ohio Department of Natural Resources prior to construction."

Response. In accordance with natural resources methodology, SEA contacted the Ohio Department of Natural Resources and USFWS to determine the presence of any Federally listed threatened or endangered species. SEA concluded that there are no listings of Federally protected species within the proposed project area. However, SEA identified, through coordination with the Department and USFWS, the potential presence of habitat for the Indiana bat within the vicinity of the proposed construction site. SEA

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verified this potential during a site visit, which involved review of the project area and the area within 200 feet of the proposed construction site.

SEA concurs with NS's objection to the proposed mitigation that NS perform a survey for the bald eagle. Based on further coordination with USFWS and the Department and an additional site visit, SEA determined that there is minimal potential for the presence of the bald eagle and therefore, there would be no effect on the bald eagle. SEA also concluded that NS still must coordinate with USFWS and the Department to determine the need for a survey for the Indiana bat. Based on consultation with USFWS, this coordination should be in the form of a report on habitat at the Vermilion site. The report must contain an evaluation of cavity trees and exfoliating bark, type of tree present, and photo documentation. See Chapter 7, "Recommended Environmental Conditions," of this Final EIS.

Greater Cleveland Area—Land Use and Socioeconomics

Summary of Comments. A citizen from Vermilion expressed concern that the promise of 90 jobs in Cleveland "does not enhance any other community for the cost in safety, decrease in property values or quality of life drained from it by the proposal."

Response. In accordance with the Board's environmental regulations and the scope of the EIS, SEA limited its land use and socioeconomic analysis to considering the consistency of proposed rail line construction and abandonment activities with existing land use plans, and evaluating potential business loss directly related to proposed constructions and abandonments. Overall economic effects related to the proposed Conrail Acquisition are merits issues and are not part of SEA's direct environmental review responsibility.

Summary of Comments. University Circle Incorporated, a nonprofit planning and service organization for University Circle (a cultural, medical, and educational center in Cleveland), commented that the increase in train traffic from the proposed Conrail Acquisition would adversely affect the Circle's economic progress and plans.

Response. In accordance with the Board's environmental regulations and the scope of the EIS, SEA limited its land use and socioeconomic analysis to considering the consistency of proposed rail line construction and abandonment activities with existing land use plans, and evaluating potential business loss directly related to proposed constructions and abandonments. SEA evaluated the land use effects of construction and abandonments by contacting agencies with statutory authority over land use planning. Consistent with the scope of the EIS, SEA contacted the City of Cleveland, Ohio to verify the consistency of any proposed construction or abandonment activities that would result from the proposed Conrail Acquisition. The City of Cleveland determined that the proposed construction activity at Collinwood Yard would be consistent with local land

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use plans. As noted in the Draft EIS, the University Circle area was not subject to proposed construction or abandonment. The overall economic effects related to the proposed Conrail Acquisition are merits issues and are not part of SEA's direct environmental review responsibility.

Greater Cleveland Area—Environmental Justice

Summary of Comments. Congressman Louis Stokes commented that emergency response times near at-grade crossings are slower than in more affluent parts of the City, and that the increase in rail traffic associated with the proposed Conrail Acquisition would further slow the response times.

Response. SEA performed an analysis of emergency response in Cleveland for this Final EIS (see Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," Section G.2, "Additional Analysis in Response to Public Comments"). SEA considered highway/rail at-grade crossing delay in conducting its environmental justice analysis. For this Final EIS, SEA determined whether these effects would be disproportionately high and adverse on minority and low-income populations. See Appendix M, "Environmental Justice Analysis," of this Final EIS for further discussion of SEA's environmental justice analysis. SEA gathered information by means of public comments and site visits and used this information together with the analysis methods developed to determine disproportionality. See Chapter 4, "Summary of Environmental Review," of this Final EIS for a full discussion of the methodology for determining disproportionality. SEA concluded that there would be no disproportionately high and adverse highway/rail at-grade crossing delay impacts on minority and low-income populations in Cleveland.

Greater Cleveland Area—Cumulative Effects

Summary of Comments. The Ward II Councilwoman in Olmsted Falls, Ohio disagreed with the preliminary finding in the Draft EIS that there would be no significant cumulative effects for any of the issue areas. Also, the Mayor, the Ward II Councilwoman, and other city officials requested that NS install grade-mounted horn systems at four at-grade crossings on rail line segment N-293. They indicated that the L_{dn} along this segment already approaches 65-70 decibels because it is located under the approach path to Cleveland Hopkins International Airport. Additionally, they stated that the airport has announced plans to extend the major southwest/northeast runway from 8,999 feet to 12,500 feet, which would increase the L_{dn} for nearly half the town to 70-75 decibels.

Response. In response to comments on the Draft EIS, SEA evaluated other potential projects or activities that, when combined with the proposed Conrail Acquisition, could create a cumulative effect. SEA became aware of these projects or activities through public comments from local agencies. SEA analyzed the potential environmental

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impacts on specific resource categories, and SEA considered agency and public comments to develop the scope of analysis for this EIS and to assess potential environmental impacts. Often, perceived cumulative effects are actually multiple resource effects, and cognizant agencies can best determine mitigation for potential impacts through resource-specific mitigation techniques. For the proposed Conrail Acquisition, however, individual resource category impacts in some instances did not exceed the respective thresholds that SEA established for analysis in the Draft EIS. In accordance with the scope of the EIS, SEA did not consider aggregated multiple resource effects in its cumulative effects analysis.

Under the Swift Rail Act of 1994, Congress directed FRA to issue rules regarding the use of train horns at all public highway/rail at-grade crossings. These rules, including preliminary rules and specifications, are tentatively scheduled for release during mid-1998. These rules would preempt local ordinances that ban train horns and whistles except where other demonstrable measures provide the same level of safety. Quiet Zones would be allowed at highway/rail at-grade crossings where FRA finds that alternative safety measures are equally effective as train horns. FRA is studying safety technologies such as four-quadrant gates and automated horn systems as alternatives to train horns. SEA cannot address details regarding the implementation of Quiet Zones until FRA issues its final rules.

Train traffic would decrease from 48.4 trains per day to 32.9 trains per day on rail line segment N-293. Therefore, SEA has determined that mitigation for this rail line segment would not be necessary.

With regard to the planned runway expansion at Hopkins International Airport, the comment specifically addressed noise and nearby highway/rail at-grade crossing safety. The airport initiated an EIS in April 1998 to evaluate the planned runway expansion, which would accommodate an increased capacity after the year 2000. Existing regulations that would be in effect in the year 2000 include requirements that aircraft meet more stringent Stage 3 noise technical standards. For this reason, SEA cannot accurately assess assumptions regarding the ultimate extent of noise contours and L_{dn} values at nearby crossings at this time. In conjunction with the EIS, the airport will complete a new airport layout plan and a noise compatibility plan in conformance with Federal Aviation Regulation Part 150. The airport facility EIS will consider the potential effects of noise upon nearby crossings as part of its evaluation, as it establishes noise contour data. Notwithstanding the lack of accurate noise data at this time, SEA has determined that this runway extension action is not sufficiently advanced to consider in this Final EIS because it has not been planned, approved, and funded for capital improvements.

When SEA identified unique or unusual local circumstances that did not meet SEA's thresholds, SEA evaluated individual or cumulative effects. The Mayor, the Ward II

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Councilwoman, and other city officials did not identify projects or activities that would cause SEA to treat the City differently from any other community affected by the proposed Conrail Acquisition. SEA has determined that the potential environmental impacts that the comment identified were adequately addressed with respect to Olmsted Falls, Ohio on the basis of individual resource categories.

Summary of Comments. BRL commented that “while individual environmental components of the NS proposal, e.g. noise and air quality degradation, are discussed, albeit incorrectly, the cumulative impact of these components is ignored.” Referring to DOT’s October 21, 1997 preliminary comments, BRL stated that DOT addressed highway/at-grade crossings on an NS rail line segment through Lakewood that SEA projected would experience a large increase in trains per day. BRL quoted DOT as saying that all highway/rail at-grade crossings “should be analyzed together as a corridor and mitigation measures designed to reduce risk along entire segments rather than on a crossing-by-crossing basis.” BRL added that “it is the total impact of the NS proposal on BRL that must determine whether a mitigation proposal meets the Board’s three criteria.” In its conclusion, BRL indicated that the individual potential environmental impacts of the proposed Conrail Acquisition would be severe, and when “considered in the aggregate, they amount to nothing less than an assault on quality of life.”

Response. SEA considered agency and public comments in developing the scope for the EIS. The scope included an analysis of the potential environmental impacts on specific resource categories and cumulative effects on a regional or system-wide basis for the resource categories of air quality, energy, and transportation. Also, SEA evaluated cumulative effects on specific resource categories associated with other projects or activities that related to the proposed Conrail Acquisition, where local communities, local, regional, state, or Federal officials, or other interested parties provided information to SEA. However, in accordance with the scope of the EIS, SEA did not consider aggregated multiple resource effects in its cumulative effects analysis on a system-wide, regional, or local basis. Multiple resource effects are best addressed by the analysis and recommended mitigation, if appropriate, of individual resource categories. BRL has not brought any matter to SEA’s attention that warrants treatment of the resource categories on other than an individual basis.

Summary of Comments. The City of Cleveland called attention to the rail line segment adjacent to the Rainbow Babies and Children’s Hospital and the Abington Arms apartment complex, which is home to senior citizens and handicapped persons. The City expressed concern about the increase in carcinogenic pollutants “and the cumulative effect that may result from exposure to numerous carcinogens.”

Response. SEA performed a dispersion modeling study to ascertain whether Acquisition-related increases in locomotive exhaust emissions might cause or contribute to carcinogenic health effects on the public. All studies estimated conservative concentrations of carcinogenic pollutants that were below applicable standards, criteria,

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or significance levels. Therefore, SEA did not recommend mitigation. Refer to Chapter 4, "Summary of Environmental Review," and Appendix I, "Air Quality Analysis," of this Final EIS for additional details.

Greater Cleveland Area—General

Summary of Comments. A Lakewood, Ohio resident requested the rationale regarding specific current nighttime freight train operations over a rail line segment.

Response. SEA points out that railroads operate 24 hours a day to meet market and customer requirements throughout the country. The Applicants contend that they require this flexibility so that they can meet interstate commerce needs. Traditionally, the Board does not dictate the number, length, or times of operations of freight trains. SEA conducted site visits to Lakewood to assist in the analysis of alternatives for the Cleveland area, and assumed a 24-hour schedule in its analysis. See Appendix J, "Noise Analysis," of this Final EIS and the Addendum to this Final EIS for a discussion of NS's "Mitigation Proposal for Train Frequencies in Greater Cleveland and Vicinity."

Summary of Comments. A citizen of Vermilion, Ohio, commented that Vermilion is a beautiful town and attracts many visitors. The citizen stated that train traffic would double through Vermilion and the Applicants should recognize the "town's quality of life ... as an important factor in addition to the concerns relating to the railroad business."

Response. The scope of the EIS identified numerous safety and environmental areas that the proposed Conrail Acquisition may affect. SEA has addressed operational issues in accordance with the scope and discussed the potential transportation-related impacts on Vermilion in the Draft EIS. See Appendix N, "Community Evaluations," of this Final EIS for routing alternatives in the Greater Cleveland Area.

Northeastern Ohio—Safety: Highway/Rail At-grade Crossings

Summary of Comments. Northeast Ohio Areawide Coordinating Agency requested that the Applicants negotiate with affected communities to determine appropriate protection at highway/rail at-grade crossings. The Agency noted that "particular concern should be given to those crossings which have more than 8,000 vehicles per day on the roadway and more than 24 trains per day on the railroad."

Response. SEA's highway/rail at-grade crossing safety analysis addressed the safety risk at all highway/rail at-grade crossings on rail line segments that would have an Acquisition-related increase of 8 or more trains per day. The analysis did not use a threshold for minimum roadway traffic volumes. SEA's highway vehicle threshold for environmental analysis is more rigorous than the Agency suggested, providing a more comprehensive safety analysis of highway/rail at-grade crossings than would result from

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the Agency's suggested thresholds. SEA's train volume threshold is a measure of the change in the number of trains rather than the absolute number of trains because the change is a better reflection of the potential effects of the proposed Conrail Acquisition.

SEA created flexibility in its mitigation by allowing the Applicants to negotiate with affected local jurisdictions and state Departments of Transportation to implement alternative safety improvements in the vicinity of a highway/rail at-grade crossing that SEA identified for mitigation. The alternate safety improvement shall include improvement at the identified crossing among the series of crossings that would be included.

Summary of Comments. The City of Ashtabula, Ohio commented that the replacement and/or upgrade of several highway/rail at-grade crossings in the city would be essential to ensure greater safety. The City also noted that Table 5-OH-8 in the Draft EIS incorrectly states that there is a flashing light at the Main Street crossing (FRA ID 471980Y, rail line segment N-070). Instead, the City indicated, the protection for this highway/rail at-grade crossing is a gate warning device.

Response. SEA's safety analysis that the Draft EIS described included all highway/rail at-grade crossings on rail line segments within the City of Ashtabula and Ashtabula County that met SEA's thresholds for environmental analysis. SEA understands that NS operates all three affected rail line segments in Ashtabula County (N-070, N-075, and N-082). SEA determined in the Draft EIS that the Acquisition-related increase in trains would adversely affect only one of the 58 crossings analyzed for safety—Walter Main Road (FRA ID 472012W). SEA recommended the upgrade of the passive warning device at this highway/rail at-grade crossing to flashing lights. However, field investigation indicated that SEA's recommended warning device upgrade is in place at this crossing. As a result, the analysis indicated no crossings in Ashtabula County that would warrant mitigation.

The analysis in this Final EIS includes all revised data that the Applicants provided to SEA, including the warning device information the City cited.

Northeastern Ohio—Safety: Hazardous Materials Transport

Summary of Comments. The Eastgate Development and Transportation Agency of Youngstown, Ohio expressed concerns about a proposed increase in hazardous materials transport on the Youngstown-to-Ashtabula rail line. The Agency described hazardous materials transport as the most important environmental issue because of residential development near the rail line. The Agency asked that SEA ensure that appropriate emergency response procedures are in place to respond to derailments or hazardous materials releases and that those procedures are acceptable to local emergency response organizations.

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Response. Based on SEA's analysis and information that CSX and NX provided, the Youngstown-to-Ashtabula rail line segment (N-082) would become a key route following the proposed Conrail Acquisition. SEA recommends that the Board require NS to implement key route mitigation measures as discussed in Chapter 7, "Recommended Environmental Conditions," of this Final EIS. These recommended mitigation measures include development of emergency response procedures and coordination with local emergency response agencies.

Summary of Comments. The City of Ashtabula, Ohio expressed concern about hazardous materials transport through the City. The City stated that the "controlling railroad body" should be responsible for regulating hazardous materials transport through the City and should partially fund any necessary training of local rescue crews.

Response. SEA has identified two CSX rail line segments, C-060 between Ashtabula and Quaker, Ohio, and rail line segment C-690 between Buff Seneca, New York and Ashtabula, Ohio that are already key routes, which means that CSX is already required to adhere to AAR key route guidelines for these rail line segments. SEA recommends that the Board require NS to implement key route and major key route mitigation measures on rail line segments N-070 between Buffalo FW, New York-to-Ashtabula, Ohio and N-075 between Ashtabula-to-Cleveland, Ohio following the proposed Conrail Acquisition because of the potential environmental impacts resulting from the increase in the volume of hazardous materials that NS would transport. See Chapter 7, "Recommended Environmental Conditions," for SEA's specific recommendations. SEA has determined that providing first-responder emergency services is a basic local government function, funded through the general revenue taxation system. No changes associated with or resulting from the proposed Conrail Acquisition altered those basic responsibilities. See the Addendum to this Final EIS for additional information.

Northeastern Ohio—Safety: Other

Summary of Comments. The Ashtabula, Ohio City Council expressed concern over an increase in rail traffic through the City as a result of the proposed Conrail Acquisition. In addition, the Council stated that "there are many evenings trains [that] travel at very slow rates of speed or are stopped on multiple railroad crossings simultaneously, that if someone wanted to they could jump on the trains with little concern for injury. This occurs on a daily basis, and continues to increase as we are experiencing increased rail traffic already without such a proposed acquisition."

Response. SEA recognizes that the City Council's concern is related to the increase in rail traffic that would result from the proposed Conrail Acquisition. Information provided by the Applicants shows that rail traffic on the rail line segments originating or terminating at Ashtabula would increase by approximately 36 percent. SEA analyzed all highway/rail at-grade crossings meeting SEA's criteria for analysis of delay. SEA

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determined that the Main Avenue and West Avenue highway/rail at-grade crossings in the City would experience changes in delay as a result of the proposed increase in trains on NS's Ashtabula-to-Buffalo FW rail line segment (N-070) and NS's Cleveland-to-Ashtabula rail line segment (N-075). This analysis showed that the crossing delay per stopped vehicle would increase from 1.13 to 1.15 minutes per vehicle at Main Avenue and from 1.37 to 1.39 minutes per vehicle at West Avenue, or 1.2 seconds per vehicle. Drivers would be unlikely to notice this increase, which is well below SEA's significance criterion of a 30-second increase in vehicle delay (see Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," of this Final EIS). See also the Addendum to this Final EIS.

SEA shares the City's concern for the safety of individuals who might jump on the trains, but this concern relates to a pre-existing condition that the proposed Conrail Acquisition would only affect minimally.

Northeastern Ohio—Transportation: Passenger Rail Service

Summary of Comments. The Northeast Ohio Areawide Coordinating Agency, which represents all county, municipal, and township governments in Cuyahoga, Geauga, Lake, Lorain, and Medina Counties, stated that it is involved in a Federally-funded study evaluating the feasibility of instituting commuter rail service on existing tracks throughout northeast Ohio. The Agency requested that the Board consider this in its decision on the proposed Conrail Acquisition.

Response. SEA determined that the Northeast Ohio Areawide Coordinating Agency's planning for commuter rail service for Northeast Ohio is not sufficiently advanced to consider in this Final EIS. SEA did not analyze the potential impact of the proposed Conrail Acquisition on passenger service plans where the passenger rail organizations have not entered into agreements with the owner of the trackage and do not have an Operating Plan or a source of capital funding.

Summary of Comments. The Northeast Ohio Four County Regional Planning and Development Organization, representing governments in Portage, Stark, Summit, and Wayne Counties, forwarded comments from the Akron Metropolitan Area Transportation Study and the Metro Regional Transit Authority of Akron. The commentators noted that the Board disregarded recommendations that the Akron Metropolitan Area Transportation Study submitted in August of 1997 to "evaluate the impacts of the acquisition on proposed passenger rail service" and the possibility of "freight railroads rejecting the idea of commuter service on their lines." The Study requested delay of the proposed Conrail Acquisition "until the Applicant has satisfactorily addressed these concerns."

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Response. SEA determined that the plans for rail commuter service in Portage, Stark, Summit, and Wayne Counties in Ohio were not sufficiently advanced to be included in the passenger service analysis. The Northeast Ohio Four County Regional Planning and Development Organization did not provide SEA with an Operating Plan nor did it identify a capital funding source.

Northeastern Ohio—Transportation: Highway/Rail At-grade Crossing Delay

Summary of Comments. The City Council of Ashtabula, Ohio stated that the proposed Conrail Acquisition would cause a threefold increase in traffic delays at highway/rail at-grade crossings in the City. The City Council recommended that CSX and NS construct three grade separations on the east-west rail lines and two grade separations on the north-south rail lines at a height that would allow access by tractor-trailers and fire equipment. The City Council stated that if the Board does not make this request a condition of the proposed Conrail Acquisition, the Applicants should provide at least one grade separation on each rail line as well as a grade separation on State Route 84.

Response. Four rail line segments that met Board thresholds for analysis traverse Ashtabula. SEA analyzed all highway/rail at-grade crossings on rail line segments meeting SEA's criteria of analysis for delay in the City of Ashtabula for changes resulting from the proposed Conrail Acquisition. Specifically, the increase in trains on NS's Ashtabula-to-Buffalo rail line segment (N-070) and NS's Cleveland-to-Ashtabula rail line segment (N-075) triggered evaluation at only two highway/rail at-grade crossings: Main Avenue and West Avenue. While the average delay per vehicle would increase, the effect on LOS would be minimal. LOS at the Main Avenue (FRA ID 471983Y) crossing would drop from LOS A to LOS B, and the crossing delay per stopped vehicle would increase from 1.13 minutes per vehicle to 1.15 minutes per vehicle. LOS at the West Avenue (FRA ID 471989W) crossing would drop from LOS A to LOS B, and the crossing delay per stopped vehicle would increase from 1.37 minutes per vehicle to 1.39 minutes per vehicle. None of these highway/rail at-grade crossings would meet SEA's criteria for a significant increase in vehicle delay. Therefore, SEA concludes that no mitigation for vehicular traffic delay is warranted. See Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," of this Final EIS.

Summary of Comments. The City Council of Ashtabula, Ohio stated that an increase in rail traffic following the proposed Conrail Acquisition would hamper the police, fire, and rescue services in the community, resulting in a higher risk to human life. The City Council recommended that the Applicants construct five separated grade crossings. If the construction of these grade separations is not a condition of the proposed Conrail Acquisition, the City Council suggested that the "controlling railroad body" construct a fully furnished fire station on the south side of the railroad tracks to mitigate this problem.

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Response. In Ashtabula, Ohio, three rail line segments, the NS Ashtabula-to-Bufferail line segment (N-070), the NS Cleveland-to-Ashtabularail line segment (N-075), and the NS Youngstown-to-Ashtabula rail line segment (N-082), met or exceeded SEA's threshold for environmental analysis for emergency response.

SEA determined that the hospital, fire, police, and ambulance facilities in Ashtabula are located north of the NS tracks. Currently, no local streets are grade-separated in Ashtabula.

SEA determined that the blocked-crossing time caused by a train on the NS Ashtabula-to-Bufferail rail line segment (N-070), currently 2.1 minutes, would not change as a result of the proposed Conrail Acquisition. When delays affect emergency vehicles, the average delay would be half this blocked-crossing time, which would be slightly more than 1 minute. The average number of trains on this rail line segment would increase from 13.0 to 25.2 trains per day as a result of the proposed Conrail Acquisition, which would increase the total blocked-crossing time from 27.1 minutes to 53.5 minutes per day.

SEA determined that the blocked-crossing time caused by a train on the NS Cleveland-to-Ashtabula rail line segment, currently 2.1 minutes, would not change as a result of the proposed Conrail Acquisition. When delays affect emergency vehicles, the average delay would be half this blocked-crossing time, which would be slightly more than 1 minute. The average number of trains on this rail line segment would increase from 13.0 to 36.6 trains per day as a result of the proposed Conrail Acquisition, which would increase the total blocked-crossing time from 27.1 minutes to 77.7 minutes per day.

SEA determined that the blocked-crossing time caused by a train on the NS Youngstown-to-Ashtabula rail line segment would increase from 2.3 minutes to 2.4 minutes as a result of the proposed Conrail Acquisition. When delays affect emergency vehicles, the average delay would be half this blocked-crossing time, which would be approximately 1.2 minutes. The average number of trains on the NS rail line segment would increase from 11.7 to 23.8 trains per day as a result of the proposed Conrail Acquisition, which would increase the total blocked-crossing time from 27.4 minutes to 57.0 minutes per day.

SEA concluded that because there are no separated grade crossings along the NS rail line segment, trains may delay emergency calls to the south of the NS tracks.

Therefore, SEA recommends mitigation to assist emergency vehicles in Ashtabula to avoid delay. See Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," Section G.2.1, "Emergency Response Vehicle Delay," of this Final EIS for the analysis, and Chapter 7, "Recommended Environmental Conditions," of this Final EIS for a discussion of SEA's recommended mitigation.

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Northeastern Ohio—Transportation: Roadway Systems

Summary of Comments. The Metro Regional Transit Authority submitted a comment through the Northeast Ohio Four County Regional Planning and Development Organization. The Transit Authority expressed the concern that, if freight railroads decide to restrict use of their lines, this may force rail passengers to use other modes, such as private vehicles. The Transit Authority contended that the additional demand would affect an overburdened highway system.

Response. SEA's analysis of passenger rail operations described in the Draft EIS did not identify a decrease in commuter train operations as a result of the proposed Conrail Acquisition. Therefore, no increase in private vehicle use would occur as a result of the proposed Conrail Acquisition.

Northeastern Ohio—Noise

Summary of Comments. NS commented that the Draft EIS identified three rail line segments for mitigation within proposed environmental justice communities that failed to meet Draft EIS criteria of significance for noise. These rail line segments are Cleveland-to-Ashtabula (N-075), White-to-Cleveland (N-081), and Youngstown-to-Ashtabula (N-082).

Response. SEA notes NS's comments. SEA does not propose noise mitigation measures for the three rail line segments to which NS refers.

Northeastern Ohio—Cumulative Effects

Summary of Comments. The Executive Director of the Northeast Ohio Areawide Coordinating Agency indicated that the Agency is in the middle of a study that the Intermodal Surface Transportation Efficiency Act funded. The study is on the feasibility of commuter rail on existing tracks throughout northeastern Ohio.

Response. SEA has reviewed the Northeast Ohio Areawide Coordinating Agency's letter and has determined that the Agency's commuter rail service feasibility study for northeastern Ohio is not sufficiently advanced to consider the rail service reasonably foreseeable for the purposes of cumulative effects analysis. Cumulative effects analysis applies to planned, approved, and funded capital improvements with completed operating agreements for access. Therefore SEA did not evaluate the potential cumulative effects of the proposed Conrail Acquisition with respect to the Agency's commuter rail proposal.

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Northwestern Ohio—Safety: Highway/Rail At-grade Crossings

Summary of Comments. The Ohio Attorney General, the Ohio Rail Development Commission, and the Public Utilities Commission of Ohio concurred with SEA's recommendations for mitigation measures at nine passively protected highway/rail at-grade crossings on the Toledo-to-Deshler rail line segment (C-065), a previously dormant segment. The commentors recommended, however, that the mitigation measures include both flashing lights and traffic control gates. Also, the commentors noted that increased traffic on this rail line segment is not solely an issue related to the proposed Conrail Acquisition because CSX began raising the level of train traffic in May 1997. The Public Utilities Commission has directed installation of gates and lights at the following five locations since the reactivation of this rail line segment: Main Street (FRA ID 155755Y) in Henry County and Kellogg Road (FRA ID 155794P), Middletown Pike (FRA ID 155804T), Eckel Junction Road (FRA 155818B), and Ford Road (FRA ID 155838M) in Wood County.

Response. SEA recommended upgrades where that change would mitigate the increased accident risk resulting from the Acquisition-related increase in train traffic. Flashing lights are a standard accepted warning device that would be effective in mitigating increased accident risk. If Ohio wishes to add gates where SEA recommended flashing lights at highway/rail at-grade crossings on the Toledo-to-Deshler rail line segment (C-065), SEA encourages Ohio to discuss such additions with the Applicants.

SEA acknowledges the May 1997 increase in through train operations along the Toledo-to-Deshler rail line segment C-065. However, for consistency in its review, SEA continues to analyze this rail line segment based on an increase from a level of 0.6 trains per day before the proposed Conrail Acquisition (1995 Operating Plan) to 14.2 trains per day after the proposed Conrail Acquisition. The reanalysis in this Final EIS reflects new information that SEA received about changes in existing warning devices at highway/rail at-grade crossings. See Chapter 7, "Recommended Environmental Conditions," and Appendix E, "Safety: Highway/Rail At-grade Crossing Safety Analysis," of this Final EIS.

Summary of Comments. The Toledo Metropolitan Area Council of Governments of Ohio supported the recommendations in the Draft EIS to eliminate grade differentials and improve highway/rail at-grade crossing protection in Oak Harbor and Vermilion. The Council of Governments requested that the Board require these changes as a condition of the proposed Conrail Acquisition.

Response. SEA recommended improvements that would mitigate environmental impacts resulting from the proposed Conrail Acquisition. Conditions that existed before the proposed Conrail Acquisition, such as grade differentials, would require improvement only if doing so would mitigate an Acquisition-related impact, not a pre-existing condition.

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SEA's analysis calculates the risk of train-vehicle accidents at all highway/rail at-grade crossings where the increase in the number of trains would exceed SEA's thresholds for environmental analysis. The analysis method takes into account the way that the physical characteristics of each highway/rail at-grade crossing affect the risk of accidents. The method reflects these characteristics by including actual accident history in the formulas that SEA used to calculate the risk of accidents. See Chapter 7, "Recommended Environmental Conditions," and Appendix E, "Safety: Highway/Rail At-grade Crossing Analysis," of this Final EIS for details.

Summary of Comments. State Senator Schafrath expressed concern about the effect of the proposed Conrail Acquisition on the safety of the children going to and from school in Greenwich and Willard and noted the need for underpasses and "proper signalization."

Response. The Draft EIS presented SEA's safety analysis that included all highway/rail at-grade crossings on affected rail line segments within Huron County, Ohio. The methodology for this Final EIS remains much the same as in the Draft EIS. The six affected segments within Huron County are C-061, C-067, C-068, C-075, N-079, and N-085. Of the 36 crossings that SEA analyzed for safety in the Draft EIS, none met SEA's criteria for mitigation. However, based on comments, field visits, and updated information about crossing characteristics, SEA performed additional analysis. In the Final EIS, SEA identified one crossing that would warrant mitigation. This is Greenwich East Town Line (FRA ID 518488D) located northeast of Greenwich on rail line segment C-061. SEA notes that the analysis shows that no new grade separations are warranted in Huron County. See Appendix E, "Safety: Highway/Rail At-grade Crossing Safety Analysis," of this Final EIS.

Summary of Comments. The Seneca County Planning Commission of Ohio asked whether the Board would require CSX to upgrade all the highway/rail at-grade crossings in the County to alleviate a crossing problem where there is a difference in elevation between the roadway and the rail line. The County Engineer requested that the Board require CSX to upgrade all highway/rail at-grade crossings to meet standards the County has recently adopted. At a minimum, the County Engineer stated, CSX should install lights and gates at all crossings on its rail line segment C-075.

Response. SEA recommends improvements to mitigate only those environmental impacts that would result from the proposed Conrail Acquisition. It is the Board's policy not to require mitigation of pre-existing conditions. Characteristics that existed prior to the proposed Conrail Acquisition, such as a crossing where there is a difference in elevation between the roadway and the rail line, would require improvement only if it would mitigate an impact related to the proposed Conrail Acquisition. SEA would recommend mitigation if an increase in the number of trains across such a crossing resulting from the proposed Conrail Acquisition would create a potentially significant safety impact.

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The analysis that the Draft EIS presented calculated the risk of train-vehicle accidents at all highway/rail at-grade crossings, including crossings with differences in elevation, where the increase in the number of trains would exceed SEA's thresholds for environmental analysis. The analysis method takes into account the ways in which physical characteristics of each highway/rail at-grade crossing, such as crossings with differences in elevation, affect the risk of accidents. The method reflects these characteristics by including actual accident history in the formulas that SEA used to calculate the risk of accidents.

The Draft EIS identified two of the 34 highway/rail at-grade crossings on the Willard-to-Fostoria rail line segment (C-075), Gillick Road and Morrison Road, that would require safety mitigation. Further analysis SEA performed in the preparation of this Final EIS identified the need for an upgrade at one additional highway/rail at-grade crossing at Holmes Street (FRA ID 142181Y). However, field investigation indicated that SEA's recommended warning device upgrades are already in place at these crossings. As a result, this Final EIS contains no recommendations for highway/rail at-grade crossing safety mitigation on rail line segment C-075 (see Appendix E, "Safety: Highway/Rail At-grade Crossing Safety Analysis").

Summary of Comments. Seneca County, Ohio commented that the number of highway/rail at-grade crossings that SEA identified as Class A is low. SEA classified four highway/rail at-grade crossings in the County as Class A, even though the County consistently ranks in the top five Ohio counties for grade crossing fatalities.

Response. SEA's highway/rail at-grade crossing safety analysis addressed all-inclusive accident rates, not just the incidence of fatalities. SEA used the same analysis for highway/rail at-grade crossings in Seneca County as for all other highway/rail at-grade crossings.

Summary of Comments. The Erie County, Ohio Engineer submitted a table of minimum upgrades at 31 highway/rail at-grade crossings that he said were necessary to offset increased rail traffic following the proposed Conrail Acquisition. The Engineer recommended that the Board require the Applicants to remove brush and obstacles for better visibility at 11 locations, add gates at three locations, and add gates and flashers at 14 locations.

The City of Sandusky, Ohio commented that there would be an increased need for safety measures if highway/rail at-grade crossings experience the same amount or more vehicular traffic combined with the increase in rail traffic density. The City recommended separated grade crossings or relocations of rail lines.

The Oxford Township Trustees of Ohio stated, "We strongly feel that all crossings [in the Township] should be equipped with safety gates and lights." The Trustees cited the increase of

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11 trains per day on the Vermilion-to-Bellevue rail line segment and the “numerous deaths ... at three of the four crossings in Oxford Township” as reasons for the improvements.

The Trustees of Berlin Township, Ohio commented that the increase in train traffic would cause additional risk to motorists at all highway/rail at-grade crossings. The Berlin-Milan Local School District Superintendent noted that school buses must cross the tracks many times each day in an area where snow, ice, fog, and rain can set in quickly and create adverse driving conditions.

Response. In the Draft EIS, SEA presented SEA’s safety analysis that included all highway/rail at-grade crossings on rail line segments within Erie County, Ohio (which includes the City of Sandusky) meeting SEA’s threshold for environmental analysis. SEA has determined that, of the three rail line segments within Erie County, NS operates two, N-072 and N-085, that met SEA’s thresholds for highway crossing safety. Of the 33 highway/rail at-grade crossings that SEA analyzed for safety, the proposed Conrail Acquisition would adversely affect only Skadden/CR42 (FRA ID 481660M). See Appendix E, “Safety: Highway/Rail At-grade Crossing Safety Analysis,” of this Final EIS. SEA recommended improving the warning device at this location to flashing lights in both the Draft EIS and this Final EIS. Chapter 7, “Recommended Environmental Conditions,” of this Final EIS contains SEA’s recommendations regarding mitigation. SEA determined that no other crossings in Erie County would exceed SEA’s significance criteria and concluded that these crossings do not warrant mitigation.

Summary of Comments. The Toledo Metropolitan Area Council of Governments of Ohio commented that the Board must require CSX and NS to help fund upgrades of highway/rail at-grade crossing protection. Of the twenty locations in the area, many currently have crossbucks and would need upgrading to flashing lights and gates. The Council noted that state and Federal funding is already limited for existing problem crossings.

Response. The Council did not identify the specific highway/rail at-grade crossings that would require upgrades. SEA recommended that the Applicants install improved warning devices as a condition of the proposed Conrail Acquisition in locations where the analysis revealed that Acquisition-related increases in train traffic met SEA’s thresholds. Where the installation of improved warning devices would be a condition of the proposed Conrail Acquisition, the Applicant would bear the cost of the improvement. Chapter 7, “Recommended Environmental Conditions,” of this Final EIS presents SEA’s recommended mitigation measures.

Summary of Comments. The Toledo Metropolitan Area Council of Governments of Ohio commented that the continued raising of rail lines over level terrain, for maintenance and rehabilitation purposes, has resulted in very unsafe, steep (humped) highway/rail at-grade crossings.

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Response. In response to the Council of Governments' comment, SEA explains that recommended improvements mitigate only those environmental impacts that would result from the proposed Conrail Acquisition. It is the Board's policy not to require mitigation of pre-existing conditions. Characteristics that existed prior to the proposed Conrail Acquisition, such as steep highway/rail at-grade crossings where there is a difference in elevation between the roadway and the rail line, would require improvement only where increases of potential environmental impacts would result from the proposed Conrail Acquisition.

The Draft EIS described SEA's analysis that calculated the risk of train-vehicle accidents at all highway/rail at-grade crossings, including steep ones, where the increase in the number of trains would meet SEA's thresholds for environmental analysis. SEA's analysis method takes into account how the physical characteristics of each highway/rail at-grade crossing affect the risk of accidents. SEA's method reflects these characteristics by including actual accident history in the formulas that it used to calculate the risk of accidents. See Appendix E, "Safety: Highway/Rail At-grade Crossing Safety Analysis," of this Final EIS for SEA's analysis methodology.

Summary of Comments. Erie County, Ohio expressed concern that SEA's analysis of predicted increases in accident rates showed that only one out of 36 highway/rail at-grade crossings in the County was above the criteria of significance. The County noted that SEA proposed the addition of flashing lights as mitigation at the Skadden Road highway/rail at-grade crossing, yet this crossing already has flashing lights. The County also expressed concern that SEA did not review roadways with less than 5,000 ADT for safety at highway/rail at-grade crossings.

Response. SEA analyzed all highway/rail at-grade crossings on rail line segments that would have an Acquisition-related increase of 8 or more trains per day, including highway/rail at-grade crossings with ADT of less than 5,000 vehicles. SEA did not apply a minimum threshold for roadway traffic in the safety analysis.

SEA understands that the existing flashing light at Skadden Road is not a standard warning device, but rather a light that flashes continuously whether or not a train is approaching. Because it does not actively warn drivers of approaching trains, SEA considers it a passive device. See Chapter 7, "Recommended Environmental Conditions," of this Final EIS for SEA's recommendations for highway/rail at-grade crossings.

Summary of Comments. Seneca County, Ohio commented on the method that SEA used to determine increases in accident rates between cars and trains. The County's comment stated, "SEA appears to have analyzed each line separately and has not taken into account the major adverse compounding effect that drastically increasing three Class I Lines (C-070 by 10 trains; C-075 by 22 trains; N-071 by 8 trains) will have in one county."

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Response. SEA determined that analyzing accident risk at individual highway/rail at-grade crossings is appropriate (see Chapter 4, “Summary of Environmental Review,” of this Final EIS). The standard FRA accident risk methodology uses this approach, which SEA considers a demonstration of its validity. The FRA methodology does not indicate that there is any compounding effect of multiple crossings or multiple rail lines. SEA, however, acknowledges the potential for a corridor-based analysis. Consequently, SEA’s recommended highway/rail at-grade crossing safety mitigation in Chapter 7, “Recommended Environmental Conditions,” of this Final EIS includes an optional approach that would allow the states and the Applicants to agree on alternative measures. This could include a state-performed corridor safety analysis as an alternative to the individual crossing mitigation, as long as the crossing specified for mitigation is in the analyzed corridor.

Northwestern Ohio—Safety: Hazardous Materials Transport

Summary of Comments. The Seneca County Regional Planning Commission of Ohio expressed concerns about training for emergency response organizations, involvement in developing emergency response plans, and the number of drills the Applicants plan for major key routes. The Commission recommended that the Applicants develop a separate emergency response plan for the Sandusky River in Tiffin, Ohio. The Seneca County Commissioners and Engineer stated that the proposed major key route designation for rail line segments C-070 and C-075 was not sufficient mitigation to protect citizens living along those routes. The Commissioners and Engineer stated that “CSX should provide training for the local EMS, fire, [and] police” at least every six months. They added that CSX should communicate “with the EMA Director at least monthly” on what hazardous materials CSX would transport through the area during the month.

Response. SEA recommends that the Board require CSX to implement key route and major key route mitigation measures in Seneca County on rail line segments C-070 and C-075, between Marion and Fostoria, and Willard and Fostoria, respectively, following the proposed Conrail Acquisition. See Chapter 7, “Recommended Environmental Conditions,” of this Final EIS for more information. The primary purpose of these measures is to prevent hazardous materials spills and to address prompt and appropriate responses to derailments and spills.

Summary of Comments. Huron County, Ohio expressed concerns about the increased potential for an accident that would release hazardous materials along Section Line 30 as a result of the expansion of the Willard Yard. The County requested help from CSX for emergency response planning, training, drills, and equipment that the County would need to prepare for hazardous materials incidents.

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Response. To address Huron County's concerns adequately, Chapter 7, "Recommended Environmental Conditions," of this Final EIS presents SEA's mitigation recommendations for rail line segments in the vicinity of the Willard Yard. All Willard Yard improvements would be within the existing boundaries and include improved roadways within the yard for emergency vehicles to bypass trains. SEA recommends that the Board require the Applicants to implement key route mitigation on rail line segment N-072 between Vermilion and Bellevue, and on rail line segment N-079 between Oak Harbor and Bellevue. SEA also recommends that the Board require the Applicants to implement major key route mitigation measures on rail line segments C-061 between Berea and Greenwich, on C-068 between Greenwich and Willard, and on C-075 between Willard and Fostoria following the proposed Conrail Acquisition.

SEA has determined that providing first-responder emergency services is a basic local government function, funded through the general revenue taxation system. No changes associated with or resulting from the proposed Conrail Acquisition changed those basic responsibilities. SEA encourages the Applicants to participate in and support local emergency response planning efforts and to make their response resources, including contractors, available to the public response agencies during incidents involving hazardous materials.

Summary of Comments. The Village of Oak Harbor, Ohio stated that its emergency response department is well trained and estimated costs of hazardous materials suits as high as \$24,000. The Village noted that it is discussing this and other issues with NS.

Response. SEA has determined that the total annual volume of carloads of hazardous materials moving through Oak Harbor would not change. Annually, 76,000 carloads of hazardous materials move through Oak Harbor. Because of rail traffic shifts, one of the four rail line segments in Oak Harbor (N-079 between Oak Harbor and Bellevue) would become a key route as a result of the proposed Conrail Acquisition. SEA recommends mitigation for rail line segments that were considered "key routes" as discussed in Chapter 7, "Recommended Environmental Conditions," of this Final EIS.

SEA has determined that providing first-responder emergency services is a basic local government function, funded through the general revenue taxation system. No changes associated with or resulting from the proposed Conrail Acquisition changed those basic responsibilities.

Summary of Comments. The City of Fostoria, Ohio expressed concern about increased hazardous materials transport through the City and noted that the "State of Ohio filing" included mitigation recommendations.

Response. SEA recommends that the Board require the Applicants to implement key route and major key route mitigation measures on the rail line segments that pass through

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Fostoria and exceed the criteria of significance. These rail line segments include C-070 between Marion and Fostoria, C-075 between Willard and Fostoria, and C-228 between Fostoria and Toledo. Chapter 7, "Recommended Environmental Conditions," of this Final EIS discusses the mitigation measures that SEA recommends for key routes and major key routes. The primary purpose of these measures is to prevent hazardous materials spills and to address prompt and appropriate responses to derailments and spills.

Summary of Comments. Several commentors in the Sandusky, Ohio area expressed concerns about increased hazardous materials transport, particularly adjacent to Sandusky Bay. The City of Sandusky stated that increased training and awareness for emergency response organizations was insufficient mitigation. The City recommended evaluating each community for the types of incidents that may occur and the associated appropriate response. Also, the City stated that the Applicants should purchase emergency response equipment for those communities that lack adequate equipment. The Oxford Township Board of Trustees found the proposed increase in hazardous materials transport between Vermilion and Bellevue, Ohio alarming. The Trustees expressed concern about potential additional hazardous materials spills and requested that mitigation include key route designation and "more than material accident simulations." The Erie County Commissioners expressed similar concerns regarding hazardous materials transport and mitigation along the Vermilion-to-Bellevue, Oak Harbor-to-Bellevue, and Cleveland-to-Vermilion rail line segments, noting that Erie County has had four derailments and five accidents at the Bellevue Yard since 1990. The Commissioners also expressed concerns regarding potential hazardous materials spills near hospitals, schools, and retirement care centers near the tracks. The Berlin Township Trustees stated that hazardous materials transport concerns its residents and that the volunteer fire department does not have the equipment or personnel to handle a hazardous materials derailment.

Response. SEA has reviewed the comments from a number of concerned entities within Erie County, Ohio. In response, SEA has conducted site visits as a part of its analysis.

Rail line segments N-072 and N-079 between Vermilion and Bellevue, Ohio and Bellevue and Oak Harbor, Ohio, respectively, would become key routes after the proposed Conrail Acquisition because of the potential increase in the volume of hazardous materials that NS would transport. SEA recommends that the Board require NS to implement mitigation measures for key routes before increasing the number of rail cars carrying hazardous materials on a rail line segment that would become a key route as a result of the proposed Conrail Acquisition. SEA notes that the number of cars switched at Bellevue Yard would decrease by more than 25 percent as a result of the proposed Conrail Acquisition. SEA concludes that the combination of decreased yard activity and facility improvements from key route implementation would adequately address safety concerns. Chapter 7, "Recommended Environmental Conditions," of this Final EIS describes SEA's recommendations. SEA maintains that these mitigation measures would adequately address the potential safety risks associated with increased

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transportation of hazardous materials through these areas, including those in proximity to hospitals, schools, retirement care centers, and receiving bodies of water.

Although it is beyond SEA's authority to require the Applicants to pay for local emergency response equipment and/or training, SEA encourages the communities to discuss local emergency response concerns with the Applicants to develop mutually agreeable mechanisms. Given the more than 50,000 generic chemicals and 80,000 trade name chemicals and mixtures in use throughout the nation, it would be impractical to evaluate the types of incidents that may occur in or near each community that could experience potential environmental impacts and to prepare specific response plans for every possible incident. Rather, SEA recommends that planning, prevention, and response focus on more manageable groupings or classifications of chemicals.

Summary of Comments. The Toledo Metropolitan Area Council of Governments of Ohio raised concern about the financial burdens on local communities purchasing equipment to respond to hazardous materials transport emergencies. The Council supported a requirement for emergency response training and urged that the Applicants underwrite a state-wide or regional fund to assist local communities in purchasing additional training and safety equipment. The Council also supported other mitigation measures, including track and mechanical inspections, key route designations, and development of emergency response plans and drills.

Response. SEA evaluated the potential safety impacts of hazardous materials transport and determined that only rail line segment C-228 between Fostoria and Toledo in the Toledo metropolitan area would become a major key route as a result of the proposed Conrail Acquisition. SEA recommends that the Board impose the mitigation measures for key routes and major key routes for this rail line segment as Chapter 7, "Recommended Environmental Conditions," of this Final EIS describes.

SEA has determined that providing first-responder emergency services is a basic local government function, funded through the general revenue taxation system. No changes associated with or resulting from the proposed Conrail Acquisition changed those basic responsibilities. SEA encourages the Council to coordinate with the Applicants to support local emergency response planning efforts.

Summary of Comments. The City Council of Huron, Ohio stated that it would not support the proposed Conrail Acquisition until satisfied that the Applicants had implemented safety measures to ensure safe hazardous materials transport throughout Erie County.

Response. SEA evaluated freight train accident potential and hazardous materials transport on rail line segments passing through Huron, Ohio. SEA determined that the predicted freight train accident frequency did not exceed the SEA's criteria of significance. SEA also determined that rail line segment N-072 between Vermilion and Bellevue, Ohio and rail line segment N-079 between Bellevue and Oak Harbor, Ohio

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would become key routes following the proposed Conrail Acquisition. Therefore, SEA recommends that the Board require NS to implement key route mitigation measures on these rail line segments, as Chapter 7, "Recommended Environmental Conditions," of this Final EIS discusses.

National documentation shows that, on a ton-mile basis, compared with trucks and barges, railroads have the safest record in hazardous materials transport. SEA also notes that the Applicants must comply with the requirements of DOT and the requirements of the railroad industry through AAR Circular OT-55-B.

Northwestern Ohio—Safety: Freight Rail Operations

Summary of Comments. The Seneca County Regional Planning Commission of Ohio is concerned that operating key trains at 50 mph and freight trains at speeds of 80 mph between Chicago, Illinois and Cleveland, Ohio is inherently dangerous. The Commission stated, "Because dispatch for CSX is in Jacksonville, Florida, the potential for an accident related to dispatch error in relating speeds and the further potential that error is in response to a 'full train inspection' of a Key Train, warrants consistency in train speeds."

Response. SEA understands that the operation of freight trains at different speeds, depending on various factors of train makeup—such as key train status, types of cars in the train, train weight, and train length—is common practice on North American railroads. SEA is not aware of any evidence that this practice increases the potential for accidents, particularly given modern communications and signaling equipment in use on trains and in dispatching centers.

Summary of Comments. The Seneca County Regional Planning Commission of Ohio expressed the following concern if the Board approves the proposed Conrail Acquisition: "The increased potential change in safety of the Major Key Route (C-075) going into Fostoria, OH is 'significant.' The increase to the Key Route (C-070) going into Fostoria is not 'significant' in that the accident interval is less than 100 but it is much lower than pre acquisition (256 down to 162). The Regional Planning Commission is concerned about realizing multiplicity in evaluating impacts on Fostoria.

1. The interlock
2. The Iron Triangle areas
3. The increase train speeds
4. The position of 4 rail segments (one key, one major key)
5. The increase of hazardous waste
6. Traffic flow projections
7. Increased stopped trains and traffic."

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Response. SEA notes that the projected decrease in hazardous materials transport on the NS rail line would partially offset the increased hazardous materials transport on the CSX rail lines through Fostoria after the proposed Conrail Acquisition. SEA recommends that the Board require CSX to implement mitigation measures for key routes on the Marion-to-Fostoria rail line segment (C-070) and the Fostoria-to-Toledo rail line segment (C-228), and for major key routes on both of those rail line segments and the rail line segment east from Fostoria to Willard (C-075). See Chapter 7, "Recommended Environmental Conditions," of this Final EIS for more information on these measures.

Northwestern Ohio—Safety: Other

Summary of Comments. Congressman Paul E. Gillmor, representing the 5th District of Ohio, stated that the district's major area of concern relates to public safety of drivers, pedestrians, and school children. He added that SEA must adequately address this concern, which he shares with his constituents.

Response. SEA appreciates the concern for the safety and welfare of children, pedestrians and motorists, and recognizes that their safety and welfare may be affected by any increase in the numbers of trains traveling through Ohio's 5th Congressional District as a result of the proposed Conrail Acquisition.

SEA's response to this comment encompasses three areas of public safety: (a) rail traffic safety; (b) hazardous materials transport safety; and (c) rail/public safety. Chapter 7, "Recommended Environmental Conditions," of this Final EIS addresses SEA's recommended mitigation for the following rail line segments in Ohio's 5th Congressional District:

- C-061 Berea, Ohio to Greenwich, Ohio.
- C-065 Deshler, Ohio to Toledo, Ohio.
- C-066 Deshler, Ohio to Willow Creek, Indiana.
- C-067 Greenwich, Ohio to Crestline, Ohio.
- C-068 Greenwich, Ohio to Willard, Ohio.
- C-205 Sterling, Ohio to Greenwich, Ohio.
- C-206 Fostoria, Ohio to Deshler, Ohio.
- C-227 Lima, Ohio to Deshler, Ohio.
- C-228 Fostoria, Ohio to Toledo, Ohio.
- C-680 Stanley, Ohio to Dunkirk, Ohio.
- N-072 Vermilion, Ohio to Bellevue, Ohio.
- N-077 Oak Harbor, Ohio to Miami, Ohio.
- N-080 Cleveland, Ohio to Vermilion, Ohio.
- N-085 Bellevue, Ohio to Sandusky Dock, Ohio.
- N-293 Cleveland, Ohio to Vermilion (2), Ohio.

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- N-294 Vermilion, Ohio to Oak Harbor, Ohio.
- N-303 Airline, Ohio to Butler, Indiana.
- N-467 Bellevue, Ohio to Ft. Wayne, Indiana.
- N-476 Oakwood, Michigan to Butler, Indiana.

Total rail line segment mileage = 884 miles

1. Rail Traffic Safety

1996 data were the last complete year of data available from FRA on “reportable accidents.” SEA analyzed the “reportable accident” data available for the rail line segments in Ohio’s 5th Congressional District. SEA determined, based upon the probabilities prior to the proposed Conrail Acquisition, that there would be 4.94 “reportable accidents” per year on the 884 miles of rail line segments in the District. Furthermore, SEA determined, based upon the probabilities after the proposed Conrail Acquisition, that there would be 6.31 “reportable accidents” per year on the 884 miles of rail line segments in the District. Therefore, if the Board were to approve the proposed Conrail Acquisition, the rail line segments in Ohio’s 5th Congressional District would experience a probabilistic increase of 1.37 “reportable accidents” per year, as a result of the increase in rail traffic. As Chapter 3, “Analysis Methods and Potential Mitigation Strategies,” of the Draft EIS explains, SEA developed criteria of significance for requiring freight train safety mitigation. Based upon the analysis, for three of the District’s rail line segments, C-061, C-068 and N-077, SEA recommends that the Board require freight train safety mitigation conditions. See Chapter 7, “Recommended Environmental Conditions,” of this Final EIS.

2. Hazardous Materials Transport Safety

SEA’s review of hazardous materials transport provided a comprehensive review of these potential environmental impacts. To address the potential health, environmental, and safety-related impacts, which the proposed Conrail Acquisition might cause in Ohio’s 5th Congressional District, SEA analyzed each rail line segment within the area (see Appendix F, “Safety: Hazardous Materials Transport Analysis,” of this Final EIS). SEA proposed mitigation measures for key routes and major key routes that apply proven physical facility, responder, and carrier coordination technology to provide safety in the movement of hazardous materials at all locations. SEA analyzed all changes in freight rail traffic and hazardous materials transport that would occur in Ohio following the proposed Conrail Acquisition.

SEA maintains that this analysis and the mitigation measures it proposes in Chapter 7, “Recommended Environmental Conditions,” of this Final EIS, when viewed in conjunction with existing FRA and DOT regulations, adequately address the potential environmental impacts that would result from the proposed Conrail Acquisition. Based on the analysis, SEA recommends designating rail line segments C-068, C-065, C-067,

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and C-205 as new major key routes and rail line segment N-072 as a new key route. SEA recommends designating rail line segments C-228 and N-080 as both new key routes and new major key routes.

3. Rail/Public Safety

SEA analyzed the change in vehicle delay along rail line segments in Ohio's 5th Congressional District that would result from the Acquisition-related increase in train traffic. As Table 5-OH-9 of the Draft EIS presents, SEA determined that rail line segments C-061, C-065, C-066, C-067, N-080, and N-085 would warrant mitigation of specific highway/rail at-grade crossings located in the Ohio Counties of Defiance, Erie, Henry, Lorain, Richland, and Wood.

SEA's safety analysis included the overall effect of risky driver behavior, but did not calculate the way that behavior would vary at different highway/rail at-grade crossings. The analysis used a standard FRA method that applies a set of formulas to estimate the risk of accidents at each highway/rail at-grade crossing. The basis for the development of the formulas was a statistical analysis of actual accident history at highway/rail at-grade crossings in the United States. That actual history reflected the fact that some people ignore flashing lights and drive around crossing gates, and thus increase the probability of accidents. SEA used actual accident history, and therefore, the formulas take into account actual driver behavior.

Northwestern Ohio—Transportation: Highway/Rail At-grade Crossing Delay

Summary of Comments. DOT commented on highway/rail at-grade crossing delays in Fostoria. DOT indicated that these rail lines pass through Fostoria at grade, creating a U-shaped configuration. According to DOT, more than 80 trains per day currently pass through the community. DOT stated that trains must often stop to wait for other trains to pass, which may block access to two sections of the community. DOT commented that the addition of trains would increase blockage of access to those parts of Fostoria in the middle of the U-shaped area.

The Seneca Regional Planning Commission of Ohio stated that changes to four rail line segments (C-075, C-070, C-206, and C-228) would affect Fostoria. The Commission noted that stopped trains waiting for interlock availability would cause traffic delays.

Response. The cited delay problem resulting from turning and switching trains is a pre-existing situation and not an impact of the proposed Conrail Acquisition. This delay arises from trains that currently operate through the area. It is the Board's policy not to require mitigation of pre-existing conditions.

SEA examined highway/rail at-grade crossings in Fostoria and all of Seneca County for changes in vehicle delay resulting from the proposed increase in trains from the proposed

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Conrail Acquisition. SEA calculated vehicle delay only for increases in through trains. SEA identified one highway/rail at-grade crossing that satisfied SEA's threshold for environmental analysis. This crossing is U.S. Route 224 (FRA ID 481606U), located along the Bucyrus-to-Bellevue rail line segment (N-071). The LOS at this crossing would remain at LOS A, both for conditions before and after the proposed Conrail Acquisition. The crossing delay per stopped vehicle would increase from 0.95 minutes per vehicle before the proposed Conrail Acquisition to 0.97 minutes per vehicle following the proposed Conrail Acquisition. This crossing did not meet SEA's criteria of significance for increased vehicle delay.

The other highway/rail at-grade crossings in Seneca County did not meet the 5,000-vehicle threshold for environmental analysis of traffic delay. In SEA's experience, roadways with ADT volumes below 5,000 would incur minimal additional vehicle delay.

See Chapter 7, "Recommended Environmental Conditions," of this Final EIS for SEA's final recommended mitigation, and Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," of this Final EIS for discussion of traffic delay in the Fostoria area.

Summary of Comments. The Toledo Metropolitan Area Council of Governments pointed out that there is an increased propensity for trains to barely "hang over" highway/rail at-grade crossings and block them unnecessarily. The Council of Governments stated that engine crews cause this problem because they do not know the exact location of the last car on the train. The Council explained that, although this issue is not directly related to the proposed Conrail Acquisition, it would like the Board to address the issue.

Response. SEA notes that the Board does not regulate railroad operations, such as train speed, dispatching, or yard operations, and cannot impose operating practices as part of the proposed Conrail Acquisition conditions. The blockage of crossings that the Council cited is a pre-existing condition, not a result of the proposed Conrail Acquisition. It is the Board's policy not to require mitigation of pre-existing conditions. Therefore, SEA encourages local governments to resolve this existing issue with the railroads.

Summary of Comments. The City of Sandusky commented that the proposed Conrail Acquisition would increase rail traffic in the City, which would disrupt motor vehicle and pedestrian traffic movements in many areas. The City also stated that the diversion of freight from truck to rail after the proposed Conrail Acquisition would increase the need for grade separations. The City noted that "the number of trucks making local deliveries and using local routes will remain the same and may in fact increase depending upon the location of an intermodal facility." The truck traffic and increased train traffic "leads toward an increased need for safety measures as well as inconvenience issues which will force grade separations." The City suggested that "The solution is to separate the conflicting movements through individual grade separations...."

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“The City of Sandusky also questions the applicability of the average vehicle delay time. Using the average time allows the actual delay (from the time crossing guards go down to when they return to the up position) to be divided in half.... Total length of delay experienced by the first vehicle in the queue is the factor which leads to irritation and the decision for risk taking and is therefore the time that must be used in analysis and decision making.” The City also expressed concern over SEA’s threshold for environmental analysis of 5,000 ADT for highway/rail at-grade crossings. The City indicated that the assumption that roadway segments carrying less than 5,000 ADT would not experience problems at crossings is not valid, because the peak seasonal traffic can be much higher. The City asked, “Where did the ADT originate and what year were the traffic counts taken?” The City also questioned whether the analysis considered peak-hour traffic resulting from industrial locations. The City stated that SEA could use train speed to change the traffic delay threshold for environmental analysis.

The City of Sandusky is finalizing a comprehensive plan that emphasizes the protection of the western section of the City for residential and industrial development. The City remarked that increased rail traffic from the proposed Conrail Acquisition would isolate this portion of the City. Furthermore, the City pointed out, it has identified the need for a grade separation on U.S. Route 6 to correct this problem.

Response. SEA evaluated 36 highway/rail at-grade crossings in Erie County, Ohio for safety, and three for delay. As noted in Chapter 3, “Analysis Methods and Potential Mitigation Strategies,” Section 3.7.1, “Methods for Highway/Rail At-grade Crossing Delay Analysis,” of the Draft EIS and in the Supplemental Errata, the delay analysis included the assumption of a uniform arrival rate of vehicles at a highway/rail at-grade crossing. In order to evaluate the overall effect on drivers, SEA calculated the average delay, which is half the time it takes for a train to pass, including the time for gate closing and opening, plus the time for vehicles to disperse after the train has passed. Drivers who arrive near the beginning of a crossing event are delayed for a longer time, while those who arrive near the end of a crossing event are delayed for a shorter time. If the analysis had used the total crossing blockage time—that is, the total length of delay experienced by the first vehicle in the queue—it would have overstated the average delay per vehicle and the LOS would have been incorrect.

In SEA’s experience, for roadways with ADT volumes below 5,000, the additional vehicle delay that would result from Acquisition-related increased train traffic would be minimal. The primary data source for the ADT volumes used in the vehicle delay analysis was the FRA database of all highway/rail at-grade crossings in the United States.

Because freight trains do not operate on fixed schedules, SEA assumed that trains can arrive during any part of the day, including hours of light roadway traffic and heavy roadway traffic. For this reason, SEA did not examine peak-hour traffic. However, SEA added a significant conservative factor by doubling the uniform hourly rate of daily traffic. This factor (that is, one-twelfth of the ADT) has the practical effect of assuming

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high hourly traffic volumes in the calculation of average vehicle delay per single train event.

Of the highway/rail at-grade crossings that SEA evaluated, none near Sandusky meet SEA's criteria for mitigation of delay. Only two, Skadden Road and Bradshar on rail line segment N-085, meet criteria for mitigation of safety.

A related traffic concern around Sandusky could also include the NS proposal to build a new Triple Crown Service facility along the east side of the existing NS rail yard approximately two miles southwest of downtown Sandusky. The proposed facility would handle 71 trucks per day after the proposed Conrail Acquisition. Chapter 4, "Summary of Environmental Review," Section 4.8, "Transportation: Roadway Systems," and Appendix H, "Transportation: Roadway Systems Analysis," of this Final EIS describe the analysis of the impacts that the proposed facility would have on the highway system. The analysis shows that the total increase in daily truck traffic would be less than 7 percent of the ADT on the roadways that trucks would use to reach the intermodal facility. Therefore, SEA has concluded that these truck increases would have no significant effects on the area roadways.

In light of the analysis, SEA concludes that no grade separation is warranted for U.S. Route 6 or any other roadway facility in Sandusky.

Summary of Comments. The Village of Oak Harbor, Ohio commented that the Draft EIS did not address the delay problems at the State Route 163 highway/rail at-grade crossing in downtown Oak Harbor. The Village pointed out that there is currently a problem with delay at this crossing and that, with a 200 percent increase in train traffic, there would be a 200 percent increase in traffic backups.

Response. In response to the comment from the Village of Oak Harbor on the Draft EIS, SEA has conducted a site visit. Also, SEA has further analyzed the highway/rail at-grade crossing at State Route 163 (Water Street) (FRA ID 473754T) in the Village for changes in delay that would result from the increase in train traffic because of the proposed Conrail Acquisition. The number of trains on the Oak Harbor-to-Bellevue rail line segment N-079 would increase by 19.5 trains per day, from 7.7 trains per day to 27.2 trains per day. The LOS at this crossing would decrease from LOS A to LOS B, and the crossing delay per stopped vehicle would increase marginally from 1.34 to 1.37 minutes per vehicle. This highway/rail at-grade crossing would not meet SEA's criteria of significance for vehicle delay (see Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," of this Final EIS). Therefore, SEA does not recommend any traffic delay mitigation at this location.

Summary of Comments. The State Senator for District 19, Ohio, which includes the towns of Greenwich and Willard, pointed out that changes resulting from the proposed Conrail

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Acquisition could cause long delays and increased anxiety for motorists. The Senator stated that the Ohio Senate had introduced Senate Concurrent Resolution 14, which opposes the sale of Conrail to CSX and NS unless the Board imposes conditions to mitigate the commercial and community harm that the proposed Conrail Acquisition would cause.

Response. To identify the impact of the proposed Conrail Acquisition on Greenwich and Willard, SEA analyzed the change in delay that would result from the Acquisition-related increase in train traffic. The number of trains on the Berea-to-Greenwich rail line segment (C-061) would increase by 38.5 trains per day, from 14.5 trains per day before the proposed Acquisition to 53.0 trains per day after the Acquisition. The number of trains on the Greenwich-to-Crestline rail line segment (C-067), which passes through Willard, would increase by 16.8 trains per day, from 14.5 trains per day before the proposed Conrail Acquisition to 31.3 trains per day after the proposed Conrail Acquisition.

SEA analyzed the Main Street highway/rail at-grade crossing (FRA ID 518481F) in Greenwich (see Appendix G, "Transportation: Highway/Rail At-grade Crossing Delay Analysis," of this Final EIS). The existing LOS at the crossing would decrease from LOS A to LOS B, and the crossing delay per stopped vehicle would increase from 1.04 minutes per vehicle to 1.22 minutes per vehicle. Reduction of LOS A to LOS B is within acceptable limits. This crossing would not meet SEA's criteria for a significant increase in vehicle delay. Other highway/rail at-grade crossings in Greenwich and Willard did not meet the 5,000 vehicle threshold for traffic delay analysis. In SEA's experience, for roadways with ADT volumes below 5,000, the additional vehicular delay that would result from Acquisition-related increased train traffic would be minimal. Therefore, SEA does not recommend any traffic delay mitigation at these locations.

Summary of Comments. The Seneca County Engineer and the Seneca County Board of Commissioners stated that the Draft EIS incorrectly indicated that train traffic passes only through Fostoria. The County Engineer and the Board of Commissioners indicated that the Draft EIS overlooked train traffic that CSX and NS switch and turn in Fostoria on a regular basis. These activities result in stopped trains that block city streets, county roads, and township roads. The commentors stated that trains often block roads for more than one hour. The County Engineer expressed concern that an additional 40 trains per day passing through Fostoria would totally disrupt vehicle movement. The commentors also raised a concern that the Draft EIS considered only crossings with 5,000 or greater ADT. They stated that SEA should conduct a detailed review of Fostoria's crossings, regardless of ADT, to determine the effects of the increased train traffic on the area roadways.

Response. SEA considered freight train traffic volumes on all rail line segments in Fostoria affected by the proposed Conrail Acquisition. The master segment listing appears in the Draft EIS, Appendix A, "Rail Line Segments and Traffic Density Changes." SEA considered switching operations only as related to the potential effect

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on average train speeds, a factor in SEA's calculation of highway/rail at-grade crossing delay. Further discussion on the rationale for the 5,000 ADT appears in Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," of this Final EIS. Appendix G also provides additional discussion on Fostoria in Section G.2.2, "Fostoria, Ohio." Also see Chapter 7, "Recommended Environmental Conditions," of this Final EIS for SEA's final recommended mitigation.

Summary of Comments. Congressman Paul E. Gillmor, representing the 5th District of Ohio in the U.S. House of Representatives, stated his concern that the increase in rail traffic from the proposed Conrail Acquisition would cause traffic delays for his constituents.

Response. SEA analyzed the increase in vehicle delay that would result from the Acquisition-related increase in train traffic that exceeds SEA's thresholds for environmental analysis.

SEA's analysis shows that, of all the crossings in the 5th District, one crossing—Kilbourne (FRA ID 473668W) in Sandusky County—would experience a significant delay impact. The close proximity of this street to a train yard prevents mitigation as SEA would typically recommend to reduce delay. Specifically, speeding up trains to reduce delay is not a viable solution in this instance.

In addition to delay at individual crossings, SEA performed a corridor analysis for groups of crossings located within 800 feet of each other (see Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," of this Final EIS). NS has executed a Negotiated Agreement with the City of Bellevue (where Kilbourne Street is located) to address the communities' concerns. See Appendix C, "Settlement Agreements and Negotiated Agreements," of this Final EIS.

Summary of Comments. The Huron County Board of County Commissioners commented that CSX should provide private highway/rail at-grade crossings for farms that would lose access to fields following the proposed Conrail Acquisition.

Response. All private crossing agreements that are currently in effect would remain in effect after the Acquisition, should the Board decide to approve the proposed Conrail Acquisition. There is no new Acquisition-related construction in Huron County that would result in the reduction of access to existing farms.

Summary of Comments. The Erie County Commissioners of Ohio stated that increased rail traffic resulting from the proposed Conrail Acquisition would disrupt the motor vehicle traffic movements in many areas of Erie County. The Erie County Sheriff's Department commented that it had received numerous calls from citizens regarding trains obstructing public rights-of-way, including State Route 99, Patten Tract Road, and Ransom Road.

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The Erie County Department of Engineering of Ohio suggested that “an overpass should be constructed over the existing N&W Railroad” because of the high volume of truck and other traffic on State Route 99. The Department further stated, “There already are major highway traffic delays there with the existing volume of rail traffic, and this can only get worse by completing this acquisition.”

The Commissioners stated that some of the assumptions and methodologies that SEA used in the Draft EIS do not address the concerns of smaller urban and rural communities. They expressed concern that SEA analyzed only three crossings in Erie County, and only roadways over 5,000 ADT. The Commissioners remarked that the conclusion in the Draft EIS that the largest increase in maximum queue would be one vehicle is unrealistic.

Response. SEA analyzed highway/rail at-grade crossings in Erie County for changes in delay resulting from the proposed increase in trains on all affected rail line segments: Bellevue-to-Vermilion (N-072), Vermilion-to-Cleveland (N-080), and Bellevue-to-Sandusky Docks (N-085). SEA’s analysis for this Final EIS confirms that the same three crossings meet SEA’s traffic delay criteria: Water Street, State Street, and Tiffin Road (State Route 101).

According to the FRA database, none of the other highway/rail at-grade crossings in Erie County meet the 5,000 highway vehicle ADT threshold for traffic delay analysis. The ADT on State Route 99 was 2,300 vehicles, 540 vehicles on Patten Tract Road, and 250 vehicles on Ransom Road. SEA has determined that roadways with ADT volumes below 5,000 would experience only minimal additional vehicular delay as a result of the proposed Conrail Acquisition.

SEA conducted site visits to Erie County. In addition to analysis of delay at individual crossings, SEA performed a corridor analysis for groups of crossings located within 800 feet of each other. SEA included all such roadways in this corridor analysis, including those with ADT volumes less than 5,000. This grouping analysis helped to address delay concerns of smaller urban and rural communities.

Because these roadways are near the NS yard at Bellevue, there may be delays related to NS yard operations. SEA concluded that delays related to yard operations would not increase because NS estimated the average number of daily cars switched at Bellevue Yard to decrease by more than 25 percent if the Board approves the proposed Conrail Acquisition. The Board does not regulate railroad operations, such as train speed, dispatching, or yard operations; therefore, the local government may wish to discuss these operational considerations with NS. SEA did not consider mitigation of traffic delay necessary.

Summary of Comments. The Board of Trustees of Vermilion Township, Ohio stated that the Township would receive a connection that would join Conrail and NS rail lines on Coen Road.

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The Trustees noted that this connection would cause added traffic congestion in Vermilion City and Vermilion Township. This would have an enormous impact on pedestrians and vehicles attempting to use the highway/rail at-grade crossing.

The Mayor of Vermilion commented that Vermilion is the only community that would experience the full environmental impact of the proposed Conrail Acquisition. He stated that there are seven highway/rail at-grade crossings and five separated grade crossings in Vermilion. The Mayor added that the community needs more separated grade crossings because the limited grade separations and the increased rail traffic would adversely affect the entire southeast portion of the City of Vermilion and all of Brownhelm Township. The Mayor stated that the increased rail traffic would limit or restrict the efficient delivery of goods and services. He recommended that the Board not approve the proposed Conrail Acquisition until the Applicants address these issues in a manner that will not depreciate the existing or future quality of life in his community.

A resident and business owner in Vermilion stated the proposed Conrail Acquisition would result in an average of two trains per hour traveling through Vermilion. The commentor added that this frequency of train traffic would cause too frequent delays for north-south traffic seeking access to major interstate highways. A resident in Vermilion voiced strong opposition to the proposed Conrail Acquisition because of the great increase in rail traffic through Vermilion. The resident stated that none of the highway/rail at-grade crossings in his community have grade separations, and that switching, slow, or stopped trains frequently block the crossings. The resident indicated that this situation would worsen if rail traffic increased. Another resident of Vermilion stated that the proposed Conrail Acquisition would tremendously increase traffic on the existing tracks in her community, which would make vehicular travel more difficult.

Response. In this Final EIS, SEA reanalyzed the changes in vehicle delay at highway/rail at-grade crossings in the City of Vermilion that would result from the increase in train traffic after the proposed Conrail Acquisition. The analysis in the Draft EIS and in the Supplemental Errata did not accurately describe the vehicle delay at the Water Street and the State Street highway/rail at-grade crossings because the original analysis inadvertently used train traffic data from a different rail line segment.

SEA reanalyzed the two highway/rail at-grade crossings using train traffic data for the correct rail line segment, the Vermilion-to-Cleveland rail line segment N-080. The number of trains on this rail line segment would increase by 20.6 trains per day, from 13.5 trains per day before the proposed Conrail Acquisition to 34.1 trains per day after the Acquisition. The revised analysis showed that the LOS at the Water Street crossing (FRA ID 472306G) would remain at LOS A, and the crossing delay per stopped vehicle would increase from 0.99 to 1.01 minutes per vehicle. LOS at the State Street crossing (FRA ID 472308V) would drop from LOS A to LOS B, and the crossing delay per stopped vehicle would increase from 0.95 to 1.05 minutes per vehicle. Neither crossing would meet SEA's criteria of significance for vehicle delay. The other highway/rail at-grade crossings in Vermilion did not meet the 5,000-vehicle threshold for vehicle delay

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analysis. In SEA's experience, for roadways with ADT volumes below 5,000, the additional vehicle delay that would result from increases in train traffic would be minimal. See Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," of this Final EIS.

Although there are existing grade separations on the NS line, they are east of the Vermilion River, not in the center of the community. The current delay problems that the comment cited are not an impact attributable to the proposed Conrail Acquisition because they are the result of train traffic already operating through the area.

At the time that SEA prepared the Draft EIS, NS planned a new highway/rail crossing on Coen Road at the Vermilion connection. In the Draft EIS, SEA's preliminary recommendation was for the Board to require NS to raise the Coen Road elevation between the existing NS crossing and the new crossing to minimize the "roller coaster" effect of the grade variation.

As the Draft EIS presented, NS has proposed construction of a new rail alignment that would use the existing crossing at Coen Road and thereby maintain the existing trackage and railroad elevation at Coen Road. Although this would eliminate the proposed new crossing at Coen Road, the divergent angles of the new alignment could create potential safety impacts related to sight distances at the highway/rail at-grade crossing. See the Cloggsville Alternative in Appendix N, "Community Evaluations," of this Final EIS for a description of this new rail alignment.

If NS does not implement the Cloggsville Alternative, SEA recommends that the Board require NS to raise the elevation of Coen Road between the existing NS crossing and the proposed new crossing. See Chapter 7, "Recommended Environmental Conditions," of this Final EIS. Also see the Addendum to this Final EIS.

Summary of Comments. The City of Fostoria, Ohio expressed concern that, with increases in rail traffic, emergency vehicles would not have access to segments of the community for extended periods of time. According to the City, CSX and NS currently perform switching and turning movements that cause trains to block city streets and county roads. The City estimates that this activity would block at least one highway/rail at-grade crossing for more than 12 of the 24 hours in a day. The City requested the construction of separated grade crossings in the two areas known as the Iron Triangles, which tracks completely surround. State Representative Damschroder commented, "What good is an ambulance to a dying person if it can't get to them?" He also noted that Fostoria does not have the funds to build grade-separated crossings, and there should be no expectation for the City to build them. U.S. Congressman Gillmor, together with the Seneca County Commissioners, Seneca Regional Planning Commission, Toledo Metropolitan Area Council of Governments, and the Seneca County Engineer, addressed the potential impact of train traffic on emergency response and commented on the need for separated grade crossings in Fostoria. In addition, the County Commissioners noted that it is not

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uncommon for CSX to close a crossing for repair work without advising the proper emergency response agencies.

Response. See Chapter 7, "Recommended Environmental Conditions," of this Final EIS for SEA's mitigation recommendations for Fostoria. The discussion in Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," Section G.2.2, "Fostoria, Ohio," of this Final EIS addresses SEA's analysis pertaining specifically to emergency response vehicle delay at highway/rail at-grade crossings in Fostoria.

Summary of Comments. Huron County, Ohio voiced concern about the risk to public safety in Greenwich, Willard, and New London if emergency vehicles cannot respond because trains are blocking highway/rail at-grade crossings. In Greenwich, the County has reached an agreement with CSX to replace highway/rail at-grade crossings at U.S. Route 224 and Townsend Avenue with separated grade crossings. As a result of the Willard Yard expansion, CSX has agreed to participate financially in an overpass at Section Line 30. The County stated its opinion that CSX should pay 100 percent. In New London, where all of the safety forces are on the south side of the tracks, the County has asked CSX to provide an underpass at Euclid Road. State Senator Schafrath commented, "It is critical that these remaining concerns be resolved prior to the approval of the acquisition."

The Village of New London, Ohio commented that its volunteer fire department and emergency medical services "are going to be greatly impaired with an additional 50 trains passing through the Village on a daily basis." The Village recommended that the Board consider an underpass to allow emergency vehicles access to the residents and territories they serve.

Response. Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," Section G.2.1, "Emergency Response Vehicle Delay," of this Final EIS provides information relevant to this subject. In Greenwich, the CSX Greenwich-to-Crestline rail line segment (C-067) met or exceeded SEA's threshold for environmental analysis for emergency response. The time that a train would cause a highway/rail at-grade crossing on this rail line segment to be blocked would increase from 1.8 minutes to 2.1 minutes as a result of the proposed Conrail Acquisition, an increase of approximately 18 seconds per train. When delays affect emergency vehicles, the average delay would be half the blocked-crossing time, slightly more than a minute. The average number of trains on this rail line segment would increase from 14.5 to 30.1 trains per day, so the total time that a crossing would be blocked would increase from 25.7 minutes to 62.2 minutes per day as a result of the proposed Conrail Acquisition.

Also in Greenwich, a new connector would link the CSX Berea-to-Greenwich rail line segment (C-061) to the CSX Greenwich-to-Willard rail line segment (C-068). The time that a train would cause a highway/rail at-grade crossing on the connector to be blocked would be 3.3 minutes. When delays affect emergency vehicles, the average delay would

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be half the blocked-crossing time, 1.7 minutes. The average number of trains on the connector would be 23 trains per day, so the total time that a crossing would be blocked would be 75.9 minutes per day.

In Greenwich and Willard, Ohio, the CSX Greenwich-to-Willard rail line segment (C-068) met or exceeded SEA's threshold for environmental analysis. The time that train would cause a highway/rail at-grade crossing on this rail line segment to be blocked would increase from 1.8 minutes to 1.9 minutes as a result of the proposed Conrail Acquisition, an increase of approximately 6 seconds per train. When delays affect emergency vehicles, the average delay would be half the blocked-crossing time, less than a minute. The average number of trains on this rail line segment would increase from 32.5 to 55.2 trains per day, so the total time that a crossing would be blocked would increase from 57.6 minutes to 105.4 minutes as a result of the proposed Conrail Acquisition.

In Greenwich, ambulance, police, and fire services are south of the Greenwich-to-Willard rail line segment (C-068). There is no separated grade crossing in Greenwich on this rail line segment, although Townsend Street is grade-separated where it crosses the CSX Sterling-to-Greenwich rail line segment (C-205) and Wheeling and Lake Erie rail line segments. The proposed connector would use this existing Townsend Avenue grade separation. Because the blocked-crossing time in Greenwich would be short, SEA concludes that no mitigation is warranted for emergency vehicle delay.

In Greenwich and New London, Ohio, the CSX Berea-to-Greenwich rail line segment (C-061) met or exceeded SEA's threshold for environmental analysis for emergency response. The time that a train would cause a highway/rail at-grade crossing on this rail line segment to be blocked would increase from 1.8 minutes to 1.9 minutes as a result of the proposed Conrail Acquisition, an increase of approximately 6 seconds per train. When delays affect emergency vehicles, the average delay would be half the blocked-crossing time, less than a minute. The average number of trains on this rail line segment would increase from 14.5 to 53.0 trains per day, so the total time that a crossing would be blocked would increase 25.7 minutes to 101.2 minutes per day as a result of the proposed Conrail Acquisition.

In Willard, all emergency services are south of the CSX Greenwich-to-Willard rail line segment (C-068) tracks. The service area for all emergency services extends north of the tracks, and the service area for fire and rescue also extends into the surrounding rural area. There are three separated grade crossings in Willard. Because emergency vehicles can use the existing separated grade crossings in Willard, SEA concludes that no mitigation is warranted for emergency vehicle delay.

In New London, all emergency services are south of the CSX Berea-to-Greenwich rail line segment (C-061), which divide the community. There are no grade-separated

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highway/rail crossings in New London. While the number of trains on the rail line segment would increase, train speed would increase so that the blocked crossing time would be short. SEA concludes that no mitigation is warranted for emergency vehicle delay.

SEA cannot recommend the construction of a separated grade crossing at Euclid Road in New London. The crossing is at present closed to highway traffic, and no information indicates that its opening to traffic is necessary to mitigate the effects of the proposed Conrail Acquisition.

However, during the New London site visit to evaluate Euclid Road, SEA evaluated the State Route 162 highway/rail at-grade crossing located west of the New London town center. Parallel CSX and Wheeling and Lake Erie Railroad mainline tracks that cross within 50 feet of each other traverse State Route 162. While on site, SEA observed that a Wheeling and Lake Erie Railroad approaching this highway/rail at-grade crossing did not activate the CSX safety/warning devices. Because of the increased potential for vehicles to either become trapped between the two main lines or to become trapped on one of the main lines, SEA recommends that CSX interconnect the operation of its warning devices at its highway/rail at-grade crossing of State Route 162 in New London with the device of Wheeling and Lake Erie Railroad at the same location so that the devices at both crossings operate for trains on either rail line. For further information, see Chapter 7, "Recommended Environmental Conditions," of this Final EIS.

Summary of Comments. The Village of Oak Harbor, Ohio expressed concern that trains stopping traffic at the State Route 163 highway/rail at-grade crossing would interfere with fire department response. The fire department, located one-half block east of the crossing, is a volunteer force. Therefore, personnel have to arrive at the station promptly when responding to a call. The Village also remarked that highway/rail at-grade crossing blockages could interfere with fire trucks leaving the station.

Response. In Oak Harbor, two rail line segments, the NS Oak Harbor-to-Bellevue rail line segment (N-079) and the NS Oak Harbor-to-Miami rail line segment (N-077), met or exceeded SEA's criteria for environmental analysis for emergency response. The NS Oak Harbor-to-Bellevue rail line segment (N-079) runs north-south through the community, but the NS Oak Harbor-to-Miami rail line segment (N-077) does not affect emergency services because it runs east-west at the northern edge of the community. Emergency vehicles serving the area north of the Oak Harbor-to-Miami rail line segment (N-077) can access this area using Locust Street, which crosses the NS Vermilion-to-Oak Harbor rail line segment (N-294) that would have fewer trains resulting from the proposed Conrail Acquisition.

The time that a train would cause a highway/rail at-grade crossing on the Oak Harbor-to-Bellevue rail line segment to be blocked, 2.1 minutes, would not change as a result of the

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proposed Conrail Acquisition. When delays affect emergency vehicles, the average delay would be half the blocked-crossing time, slightly more than a minute. The average number of trains on this rail line segment would increase from 7.7 to 27.2 trains per day, so the total time that a crossing would be blocked would increase from 16.0 minutes to 57.8 minutes per day as a result of the proposed Conrail Acquisition. See Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," Section G.2.1, "Emergency Response Vehicle Delay," of this Final EIS.

Emergency service providers in Oak Harbor are located east of the Oak Harbor-to-Bellevue rail line segment (N-079). The highway/rail crossings at Park Street and South Railroad Street are grade-separated. The Park Street grade separation is several blocks from the location of the emergency service providers.

The queue of vehicles on Water Street because of a passing train would not change as a result of the proposed Conrail Acquisition. The average queue would be 16 cars both before and after the proposed Acquisition, so the queue would extend approximately 400 feet back from the stop bar for the railroad tracks. This queue could affect westbound egress from the fire station, which is located about one-half block east of the tracks.

SEA recommends mitigation for the emergency response impacts in Oak Harbor. Chapter 7, "Recommended Environmental Conditions," of this Final EIS addresses recommended mitigation.

Summary of Comments. A State Representative and the Seneca Regional Planning Commission of Ohio stated that increased blockage of highway/rail at-grade crossings would divert traffic to other routes, worsening congestion in the Iron Triangle areas in Fostoria. The State Representative requested that SEA deny the proposed Conrail Acquisition unless CSX and NS provide Fostoria with sufficient separated grade crossings.

Response. SEA analyzed highway/rail at-grade crossings in Fostoria for changes in vehicle delay resulting from the proposed increase in trains from the proposed Conrail Acquisition. SEA calculated vehicle delay only for increases in through trains. SEA identified one highway/rail at-grade crossing that satisfied SEA's criteria for analysis. This crossing is U.S. Route 224 (FRA ID 481606U), located along the Bucyrus-to-Bellevue rail line segment (N-071). This crossing did not meet SEA's criteria of significance for increased vehicle delay.

SEA conducted site visits and contacted CSX and NS to refine its analysis of emergency vehicle delay at specific highway/rail at-grade crossings in Fostoria. Based on its study, SEA recommends that CSX and NS take certain actions to relieve the potential emergency response issues for the Iron Triangle areas, both east and west of Fostoria. In response to the State Representative, SEA concludes that separated grade crossings are not warranted to solve the problem that the commentors cited.

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See Chapter 7, "Recommended Environmental Conditions," of this Final EIS for SEA's final recommended mitigation, and Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," of this Final EIS for discussion of traffic delay and emergency response.

Summary of Comments. The Erie County, Ohio, Engineer commented that the Draft EIS did not address an existing underpass on Miller Road. The underpass, located about midway between the Cities of Sandusky and Bellevue, provides the only means of emergency access between the east and west sides of the railroad tracks. The County Engineer recommended that the "underpass be reconstructed to accommodate physically large fire equipment and provide for other situations including but not limited to medical, or those of a national emergency nature."

Response. The proposed Conrail Acquisition would not affect the dimensions of the underpass on Miller Road, which are pre-existing characteristics. It is the Board's policy not to require mitigation of pre-existing conditions. Therefore, SEA does not recommend mitigation for this underpass.

Summary of Comments. The Erie County Commissioners of Ohio stated that the increase in rail traffic following the proposed Conrail Acquisition would isolate sections of Sandusky, Huron, and Vermilion, thereby affecting the County's ability to provide emergency services to those areas. The Commissioners noted that the Final EIS must address response to public safety calls, as Erie County has a limited number of separated grade crossings. The Commissioners commented that these conditions increase the risk of delaying both emergency services and the delivery of necessary care to those in need of such services. Also, the Commissioners indicated that Oxford Township has no fire department and must depend on neighboring townships for fire protection. The Commissioners remarked that increasing train traffic by 11 trains per day would jeopardize fire protection in Oxford Township because highway/rail at-grade crossing delays are already significant.

The City of Sandusky, Ohio commented that train increases occurring after the proposed Conrail Acquisition could have a direct impact on emergency response to the entire west end of the City. The NS Bellevue-to-Sandusky Dock rail line segment crosses two major roadways, Tiffin Avenue (State Route 101) and Venice Road (U.S. Route 6). The City voiced a concern that increases of 11.7 trains per day resulting from the proposed Acquisition would cause the closing of each highway/rail at-grade crossing for 6.5 minutes, 11 times a day, or 1 hour and 11 minutes each day.

Oxford Township, Ohio raised a concern about additional trains on the NS east-west line from Vermilion-to-Bellevue, which cuts through the middle of the Township. According to the Township, additional trains would greatly impact its fire protection and emergency medical services. The Township does not have a fire department of its own and must rely on volunteer fire departments from the adjoining Townships of Milan and Groton. The southern part of Oxford Township has a water source for fire protection services, located in the Town of Kimball,

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but this arrangement is ineffective when highway/rail at-grade crossing delays occur. Huron Township, Ohio also identified Oxford Township as an area where crossing delays have the effect of nullifying fire protection. Huron Township posed the question, "Is the loss of human life, due to train crossings being blocked so that emergency vehicles cannot access a community, not a valid and reasonable request for further consideration and alternate plans for such a merger?"

The City, the Township, and several residents of Vermilion, Ohio commented that they were concerned that increased train traffic would cut off many residents from receiving adequate emergency response. The City stated that there are no grade separations in the southwest section of the City, causing it to be isolated from the area of the community where emergency services are located. Vermilion Township Board of Trustees commented that increased rail activity in the City and Township would have an "enormous impact on crossings being blocked to emergency vehicles...." A resident of the City also noted that the tracks cross each north-to-south street, effectively cutting Vermilion in half, with the emergency vehicles located north of the tracks. Another resident pointed out that the only alternative routes are Vermilion Road and Baumhart Road, each necessitating at least a 15-minute detour.

A citizen from Vermilion, Ohio commented that emergency response time in his community would increase following the proposed Conrail Acquisition. He stated that the NS tracks do not have grade separations in Vermilion and that switching, slow, or stopped trains frequently block the highway/rail at-grade crossings. The citizen remarked that bypassing these blockages would take 15 minutes or longer. He stated that additional rail traffic resulting from the proposed Conrail Acquisition would exacerbate the problem.

Response. In the Sandusky, Ohio area, the NS Bellevue-to-Sandusky Dock rail line segment (N-085) met or exceeded SEA's thresholds for environmental analysis for emergency response. SEA determined that the blocked-crossing time caused by a train on this rail line segment would increase from 4.2 minutes to 4.3 minutes as a result of the proposed Conrail Acquisition. When delays affect emergency vehicles, the average delay would be half this blocked-crossing time, which would be approximately 2.2 minutes. The average number of trains on the NS rail line segment would increase from 1.4 to 12.9 trains per day as a result of the proposed Conrail Acquisition, which would increase the total blocked-crossing time from 5.9 minutes to 55.3 minutes per day.

A hospital and a police station are located north of the Bellevue-to-Sandusky Docks rail line segment, and fire stations are located on both sides. Tiffin Road (State Route 101) and Venice Road (U.S. Route 6) have highway/rail at-grade crossings.

The additional Acquisition-related trains would operate only on the portion of the rail line segment south of the NS Sandusky Yard. The Acquisition-related trains would not affect emergency vehicle delay along the portion of the rail line segment that is located north of the yard. Therefore, SEA determined that no mitigation is warranted.

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In Huron, SEA determined that no rail line segment met SEA's thresholds for environmental analysis.

In Oxford Township, Ohio, the NS Bellevue-to-Vermilion rail line segment (N-072) met or exceeded SEA's thresholds for environmental analysis. SEA determined that east of Kimball, the blocked-crossing time caused by a train on this rail line segment, currently 1.6 minutes, would not change as a result of the proposed Conrail Acquisition. When delays affect emergency vehicles, the average delay would be half this blocked-crossing time, which would be less than 1 minute. The average number of trains on this rail line segment would increase 15.6 to 27.0 trains per day as a result of the proposed Conrail Acquisition, which would increase the total blocked-crossing time from 25.1 to 44.2 minutes per day.

West of Kimball, trains would operate at slower speeds near the Bellevue Yard. SEA determined that the blocked-crossing time caused by a train would increase from 1.7 minutes to 1.8 minutes as a result of the proposed Conrail Acquisition. When delays affect emergency vehicles, the average delay would be half this blocked-crossing time, which would be less than 1 minute. The increase in the average number of trains on this rail line segment would cause the total blocked-crossing time to increase from 27.0 to 47.6 minutes per day as a result of the proposed Conrail Acquisition.

Oxford Township does not have its own emergency service providers. It relies on surrounding area fire and police services. Oxford Township has five highway/rail at-grade crossings. Because the time that a train would cause a highway/rail at-grade crossing to be blocked would be short, and because the volume of emergency calls in the area is historically low, SEA has determined that no mitigation is warranted.

In Vermilion, Ohio, two rail line segments, the NS Vermilion-to-Cleveland rail line segment (N-080) and the NS Bellevue-to-Vermilion rail line segment (N-072), met or exceeded SEA's thresholds for environmental analysis for emergency response. On the NS Vermilion-to-Cleveland rail line segment, SEA determined that the blocked-crossing time caused by a train, currently 2.1 minutes, would not change as a result of the proposed Conrail Acquisition. When delays affect emergency vehicles, the average delay would be half this blocked-crossing time, which would be slightly more than 1 minute. The average number of trains on this rail line segment would increase from 13.5 to 34.1 trains per day as a result of the proposed Conrail Acquisition, which would increase the total blocked-crossing time from 28.1 minutes to 72.4 minutes per day.

SEA determined that the Cloggsville Alternative, which the Draft EIS discussed, would reduce the average number of trains through Vermilion on the Vermilion-to-Cleveland rail line segment to 16.4 trains per day. This estimated increase is below SEA's threshold for environmental analysis.

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On the NS Bellevue-to-Vermilion rail line segment, SEA determined that the blocked-crossing time caused by a train on this rail line segment, currently 1.6 minutes, would not change as a result of the proposed Conrail Acquisition. When delays affect emergency vehicles, the average delay would be half this blocked-crossing time, which would be less than 1 minute. The average number of trains on this rail line segment would increase from 15.6 to 27.0 trains per day as a result of the proposed Conrail Acquisition, which would increase the total blocked-crossing time from 25.1 to 44.2 minutes per day. SEA determined that the Cloggsville Alternative would not affect this rail line segment.

The base alternative would include the construction of a new connection between the Vermilion-to-Sandusky and the Vermilion-to-Cleveland rail line segments near Coen Road west of Vermilion. The Cloggsville Alternative would include the construction of a second connection between the Bellevue-to-Vermilion and the Vermilion-to-Berea rail line segments in the same vicinity. SEA determined that the blocked-crossing time caused by a train on either of the connections would be 2.8 minutes in both the base alternative and the Cloggsville Alternative. In the base alternative, an average of 26 trains per day would block the Coen Road highway/rail at-grade crossing for 72.8 minutes per day. In the Cloggsville Alternative, an average of 39.5 trains per day would block the Coen Road highway/rail at-grade crossing for 110.6 minutes per day.

In Vermilion, the main fire station is located north of the Cleveland-to-Vermilion tracks, and a volunteer fire station is located south of the tracks. Ambulance service is based north of the Vermilion-to-Berea tracks, and also in a neighboring community southeast of Vermilion. The emergency service area extends to the south and west well beyond the Vermilion city limits. The Vermilion area has eight separated grade crossings. Only one is in the eastern portion of the community. According to local officials, fire trucks travel across tracks only about twice a week. Local officials indicated that the fire personnel do not know that a highway/rail at-grade crossing is blocked until they arrive at it. SEA concludes that emergency service to the southwest part of Vermilion would be affected by the increased train traffic on both rail line segments.

SEA recommends mitigation to improve the ability of emergency vehicles to avoid blocked crossings in Vermilion. See Chapter 7, "Recommended Environmental Conditions," of this Final EIS for a discussion of SEA's recommended mitigation. The discussion in Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," Section G.2.1, "Emergency Response Vehicle Delay," of this Final EIS addresses SEA's analysis pertaining specifically to emergency response vehicle delay at highway/rail at-grade crossings.

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Northwestern Ohio—Transportation: Roadway Systems

Summary of Comments. Congressman Paul E. Gillmor, representing the 5th District of Ohio, expressed concern that the “redeployment of trains caused by the acquisition may...force farm machinery onto major highways....” He urged the Board to approve the proposed Conrail Acquisition only if it redresses the negative impacts.

Response. SEA has determined that delay at private highway/rail at-grade crossings is too small to be a potentially significant environmental impact.

SEA expects added delay resulting from the proposed Conrail Acquisition to farm machinery at private highway/rail at-grade crossings to be so small that operators would be unlikely to divert to major roads. At public highway/rail at-grade crossings in Ohio, the maximum delay per stopped vehicle that would occur after the proposed Conrail Acquisition would be less than 3 minutes, of which less than 10 seconds would result from the Acquisition-related increase in train traffic. Diverting to major roads would add far more time to farm machine trips, especially at the low speeds at which they operate. Therefore, the volume of farm machinery traffic that would divert to major roads from a private highway/rail at-grade crossing to avoid the increase in delay would be minimal.

Summary of Comments. The City of Sandusky and Erie County, Ohio expressed concern over the proposed intermodal facility NS would locate in Sandusky. The City noted that NS did not contact City officials regarding this decision, and that the City is unaware of the impact of the proposed Conrail Acquisition. The City requested that NS keep it informed of any planned activities, and that the Board answer its questions before evaluating any impacts.

The County also requested additional information regarding the proposed facility. The County stated, “It is noted that the truck traffic is projected to increase by 65 trucks/day and this increase would need to [be] addressed and the impact determined.”

Response. SEA understands that NS proposes to build a new Triple Crown Service intermodal facility at the northwest side of the existing NS rail yard approximately 2 miles southwest of downtown Sandusky. The proposed facility would handle 71 trucks per day as a result of the proposed Conrail Acquisition. See Chapter 4, “Summary of Environmental Review,” Section 4.8.2, “Public Comments and Additional Evaluations,” and Appendix H, “Transportation: Roadway Systems Analysis,” of this Final EIS for a description of the analysis. The analysis showed that the total daily increase in truck traffic would be less than 7 percent of the ADT for all roadways that trucks would use in the vicinity of the facility. SEA concluded that the increase in truck traffic would have no significant environmental impact on the area roadways.

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Summary of Comments. The Toledo Metropolitan Area Council of Governments of Ohio requested that the Board require, as a condition of approval of the proposed Conrail Acquisition, SEA's recommendation to raise a roadway between two proposed crossings in the area (Oak Harbor and Vermilion). The Council of Governments stated that doing so would reduce the "roller-coaster effect" of the change in grades.

NS provided updated information for SEA to use in this Final EIS. NS cited the Draft EIS as recommending that NS raise the highway/rail at-grade crossing at Toussaint-Portage Road in Oak Harbor, Ohio to create a level highway/rail at-grade crossing. NS stated that the Draft EIS recommended that NS fully fund the cost of this project. NS explained that, under the new plan, it would make some changes to the track profile to eliminate the need for raising the Toussaint-Portage Road.

Response. At the time that SEA prepared the Draft EIS, NS planned a new highway/rail crossing on Coen Road at the Vermilion connection. In the Draft EIS, SEA's preliminary recommendation was for the Board to require NS to raise the Coen Road elevation between the existing NS crossing and the new crossing to minimize the "roller coaster" effect of the grade variation.

As the Draft EIS discussed, NS has proposed construction of a new rail alignment that would use the existing crossing at Coen Road and thereby maintain the existing trackage and railroad elevation at Coen Road. Although this would eliminate the proposed new crossing at Coen Road, the divergent angles of the new alignment could create potential safety impacts related to sight distances at the highway/rail at-grade crossing. See the Cloggsville Alternative in Appendix N, "Community Evaluations," of this Final EIS for a description of this new rail alignment.

If NS does not implement the Cloggsville Alternative, SEA recommends that the Board require NS to raise the elevation of Coen Road between the existing NS crossing and the proposed new crossing. See Chapter 7, "Recommended Environmental Conditions," of this Final EIS. Also see the Addendum to this Final EIS.

NS has also revised its plans for the Oak Harbor connection. The connection would be approximately 4,835 feet long. The proposed connection would cross Toussaint-Portage Road approximately 1,200 feet north of the existing Conrail highway/rail at-grade crossing and approximately 950 feet south of the existing NS highway/rail at-grade crossing. The proposed vertical rail alignment would be lower than NS previously proposed, and would require that NS raise Toussaint-Portage Road approximately 12 inches higher than the existing surface at the highway/rail at-grade crossing instead of the previously indicated 10 feet. NS has indicated that it would create a smooth transition in the roadway profile by constructing approximately 100-foot-long runoff approaches on each side of the new highway/rail at-grade crossing. For SEA's

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recommendations, see Chapter 7, "Recommended Environmental Conditions," of this Final EIS.

Northwestern Ohio—Transportation: Other

Summary of Comments. The City of Sandusky, Ohio Department of Engineering Services requested that SEA clarify a statement in the Draft EIS which predicted that an additional 10.3 trains per day would use the rail line segment between Bellevue and Sandusky Docks, Ohio. The Department asked whether the trains would use the east-west connection and the current Conrail east-west main line, or would dead-end at the dock.

Response. SEA has determined that, for rail line segment N-085 between Bellevue and Sandusky Dock, the current 1.4 trains per day would increase by 11.5 trains per day to 12.9 trains per day. This increased train traffic would primarily consist of coal train traffic bound for the Sandusky transloading facility north of the existing NS/Conrail railroad crossing. Some additional train traffic would also use the existing NS/Conrail connection in the southeast corner of the railroad crossing. Therefore, all additional trains would traverse that portion of rail line segment N-085 between the north end of the Sandusky Yard and the NS/Conrail railroad crossing. See Appendix T, "Final Environmental Impact Statement Rail Line Segments," of this Final EIS for the master table of all rail line segments.

Summary of Comments. The Huron Township Board of Trustees of Ohio voiced concern regarding maintenance of the highway/rail at-grade crossings in Huron Township. Several highway/rail at-grade crossings, including Camp Road, Rye Beach Road, and a crossing in the City of Huron are in "poor and inexcusable condition." According to the Trustees, local citizens complain about these highway/rail at-grade crossings on a regular basis. The Trustees indicated that, "if maintenance and improvement of these areas were a trade-off for the increased speed and usage, perhaps the public would be more accommodating of such an acquisition."

Response. In response to this comment, SEA visited Huron Township. SEA acknowledges the Trustees' concern but explains that the problem the commentor cited is a pre-existing problem, not a result of the proposed Conrail Acquisition. It is the Board's policy not to require mitigation of pre-existing conditions.

Summary of Comments. The Seneca County Board of Commissioners of Ohio stated that it was common in the past for CSX to close a highway/rail at-grade crossing for repairs without seeking the needed permits. The Commissioners stated that the crossing may be closed for 3 to 8 weeks, with no workers at the site for weeks. The Commissioners asked if there was "any way to mitigate better response to the local agencies as well as minimizing the closure time of the crossing."

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Response. Because the Board does not regulate day-to-day railroad operations, including temporary closures for highway/rail at-grade crossing repairs, it cannot impose operating conditions as part of the proposed Conrail Acquisition. Only local governments can enforce such regulations and permitting processes.

Summary of Comments. A Cincinnati resident who owns a farm near the Willard Yard stated that, if CSX constructs the additional fueling track west of Daniels Road (the Willard Fueling Facility), he would lose access to part of his farm. He stated that he currently has a farm crossing access and asked whether the railroad would provide him with a farm crossing access to the rear portion of his farm.

Response. SEA points out that, subsequent to the Draft EIS, CSX has withdrawn its plans to construct the Willard Fueling Facility to which the farm owner referred. CSX does continue to propose other construction at the Willard Yard, but none is planned west of Daniels Road.

Summary of Comments. The County Engineer of Erie County commented that the Final EIS should reconsider possible major reconstruction at the Perkins Avenue-Cleveland Road highway/rail at-grade crossing of the Conrail tracks just east of the City of Sandusky. The County Engineer noted that the Draft EIS did not address this issue. Further, the County Engineer stated that roadway vertical alignment at several highway/rail at-grade crossings would require upgrades because of the increased rail traffic resulting from the proposed Conrail Acquisition. The County Engineer identified these roadways as Coen Road, Barnes Road, and Smokey Road.

The Erie County Commissioners stated that the Draft EIS “determined that the Coen Road crossing would be significantly affected and it is SEA’s preliminary recommendation that NS consider the following mitigation strategy to alleviate the vertical alignment of Coen Road. Raise the elevation of Coen Road between the NS crossing and the new crossing to minimize the ‘roller coaster’ effect of the grade variation.” The Commissioners stated that Table 5-2 of the Draft EIS, “Summary of Impacts Warranting Mitigation By State,” indicated that NS shall raise the elevation for Coen Road. The Commissioners requested that the Board change the word “consider” on page OH-41 of the Draft EIS to “shall” as in Table 5-2.

Response. The Draft EIS evaluated the potential impacts of the proposed Conrail Acquisition. The Draft EIS did not address the Perkins Avenue-Cleveland Road overpass because any deficiency at that location is a pre-existing problem, not a potential result of the proposed Conrail Acquisition. It is the Board’s policy not to require mitigation of pre-existing conditions.

The vertical alignments of Coen, Barnes, and Smokey Roads are also pre-existing conditions. Improvement of vertical alignments would be warranted as part of the proposed Conrail Acquisition if the improvements were necessary to mitigate the impacts

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of an Acquisition-related increase in train traffic. The analysis in the Draft EIS found that the impacts of the Acquisition-related increase in train traffic at the three highway/rail at-grade crossings would not be significant; therefore, SEA did not recommend mitigation.

At the time that SEA prepared the Draft EIS, NS planned a new highway/rail crossing on Coen Road at the Vermilion connection. In the Draft EIS, SEA's preliminary recommendation was for the Board to require NS to raise the Coen Road elevation between the existing NS crossing and the new crossing to minimize the "roller coaster" effect of the grade variation.

As the Draft EIS discussed, NS has proposed construction of a new rail alignment that would use the existing crossing at Coen Road and thereby maintain the existing trackage and railroad elevation at Coen Road. Although this would eliminate the proposed new crossing at Coen Road, the divergent angles of the new alignment could create potential safety impacts related to sight distances at the highway/rail at-grade crossing. See the Cloggsville Alternative in Appendix N, "Community Evaluations," of this Final EIS for a description of this new rail alignment.

If NS does not implement the Cloggsville Alternative, SEA recommends that the Board require NS to raise the elevation of Coen Road between the existing NS crossing and the proposed new crossing. See Chapter 7, "Recommended Environmental Conditions," of this Final EIS. Also see the Addendum to this Final EIS.

Summary of Comments. NS provided updated information for SEA to use in the Final EIS. NS noted that the Draft EIS indicated that NS would construct a new highway/rail at-grade crossing at Coen Road in Vermilion, Ohio. However, NS has revised the proposed Vermilion project since SEA evaluated the site. NS stated that the new rail alignment would reuse the existing highway/rail at-grade crossing in lieu of constructing a new highway/rail at-grade crossing at Coen Road. NS indicated that the new plan would require no adjustment to the profile of Coen Road.

Response. At the time that SEA prepared the Draft EIS, NS planned a new highway/rail crossing on Coen Road at the Vermilion connection. In the Draft EIS, SEA's preliminary recommendation was for the Board to require NS to raise the Coen Road elevation between the existing NS crossing and the new crossing to minimize the "roller coaster" effect of the grade variation.

As the Draft EIS discussed, NS has proposed construction of a new rail alignment that would use the existing crossing at Coen Road and thereby maintain the existing trackage and railroad elevation at Coen Road. Although this would eliminate the proposed new crossing at Coen Road, the divergent angles of the new alignment could create potential safety impacts related to sight distances at the highway/rail at-grade crossing. See the

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Cloggsville Alternative in Appendix N, "Community Evaluations," of this Final EIS for a description of this new rail alignment.

If NS does not implement the Cloggsville Alternative, SEA recommends that the Board require NS to raise the elevation of Coen Road between the existing NS crossing and the proposed new crossing. See Chapter 7, "Recommended Environmental Conditions," of this Final EIS. Also see the Addendum to this Final EIS.

Summary of Comments. The Huron City Council of Ohio stated by resolution that it would not support the proposed Conrail Acquisition unless it receives written assurance that the Applicants would maintain the highway/rail at-grade crossings within the City limits. The Council requested specific maintenance attention for the highway/rail at-grade crossings at Rye Beach Road, Main Street, River Road, and Berlin Road.

Response. SEA visited Huron Township, and acknowledged the Council's concern. The Board does not regulate day-to-day railroad operations and maintenance activities, and current conditions are pre-existing problems, not a result of the proposed Conrail Acquisition. Any possible deterioration of track would be the responsibility of CSX and NS as part of their maintenance programs. See Chapter 7, "Recommended Environmental Conditions," of this Final EIS.

Northwestern Ohio—Air Quality

Summary of Comments. Congressman Paul E. Gillmor of the 5th District of Ohio commented that the redeployment of trains after the proposed Conrail Acquisition may decrease air quality for his constituents.

Response. SEA is aware that Ohio's 5th Congressional District is composed of primarily rural counties in northwestern Ohio. Most of these counties have very low existing emissions of NO_x. Consequently, because these rural counties would receive additional rail traffic associated with the proposed Conrail Acquisition, they would tend to show relatively large percentage increases in total NO_x. The projected total NO_x emissions in these counties would still be quite small, however, compared with the NO_x emissions in counties that have previously experienced ozone attainment problems. Therefore, SEA does not expect that the proposed Conrail Acquisition would have any noticeable effects on air quality in these rural counties. In addition, the cumulative effects of proposed activities associated with the proposed Conrail Acquisition, together with EPA's final rule establishing emissions standards for new and rebuilt locomotive engines (see Appendix O, "EPA Rules on Locomotive Emissions," of this Final EIS), would result in net NO_x emissions decreases within a few years (see Appendix I, "Air Quality Analysis," of this Final EIS).

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As explained in the Draft EIS, the Ozone Transport Assessment Group recently demonstrated that NO_x impacts on ozone levels are primarily a regional (multi-state) concern, rather than a local issue that could be solved by reducing local emissions. The expected NO_x reductions projected on a multi-state and system-wide level associated with the proposed Conrail Acquisition actually would have a slightly positive effect on reducing ozone formation.

Summary of Comments. Seneca County, Ohio questioned the potential air quality impacts caused by stopped (idling) trains and by the blockage of cars at highway/rail at-grade crossings in Seneca County.

Response. SEA notes that, to the extent that stopped trains currently block motor vehicle traffic at highway/rail at-grade crossings, these are pre-existing conditions and are therefore not a result of the proposed Conrail Acquisition. It is the Board's policy not to require mitigation of pre-existing conditions. However, SEA performed a screening air quality analysis of air pollutant emissions from motor vehicles delayed at highway/rail at-grade crossings, as well as idling locomotives, using conservative assumptions as Appendix I, "Air Quality Analysis," and Appendix O, "EPA Rules on Locomotive Emissions," of this Final EIS describe. The analysis demonstrated that air pollutant emissions from motor vehicles delayed at highway/rail at-grade crossings and idling locomotives would not cause air pollutant concentrations to exceed the health-based NAAQS in Seneca County.

Northwestern Ohio—Noise

Summary of Comments. The Toledo Metropolitan Council of Governments of Ohio requested that CSX and NS implement "noise control measures" on three rail line segments that SEA analyzed in Toledo—the Toledo-to-Deshler rail line segment (C-065), Oak Harbor-to-Bellevue rail line segment (N-079), and the Carleton-to-Ecorse, Michigan rail line segment (S-020). The Council requested noise mitigation from Carleton to Toledo. The Village of Oak Harbor requested that the Final EIS address noise mitigation.

NS commented that the Draft EIS identified rail line segment N-079 as having potential noise impacts that may warrant mitigation. However, NS added, the Draft EIS "does not provide specifics on which receptors are potentially significantly impacted by increased noise levels related to the transaction."

Response. SEA conducted site-specific noise and mitigation analyses on rail line segments that would exceed analysis criteria. SEA's results demonstrate that rail line segments C-065, N-079, and S-020 would be eligible for noise mitigation. This Final EIS discusses the results of the mitigation analyses SEA performed for these segments. See Chapter 4, "Summary of Environmental Review"; Chapter 7, "Recommended

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Environmental Conditions”; and Appendix J, “Noise Analysis,” of this Final EIS for further information.

Summary of Comments. Congressman Paul E. Gillmor, representing the 5th District of Ohio, expressed concern about increased noise from train deployments in this district.

Response. Several rail line segments that would be affected by the proposed Conrail Acquisition travel through the 5th Congressional District of Ohio. These rail line segments include: C-061, C-062, C-065, C-066, C-067, C-068, C-070, C-075, C-206, C-228, C-695, N-072, N-077, N-079, N-080, N-085, and N-086.

As the Draft EIS and Chapter 4, “Summary of Environmental Review,” and Appendix J, “Noise Analysis,” of this Final EIS describe, SEA conducted site-specific noise analyses and mitigation analyses on rail line segments it predicted would exceed the Board’s thresholds for noise analysis. A rail line segment must have receptors that meet the mitigation criteria of an L_{dn} of 70 dBA and a 5 dBA L_{dn} increase from engine and wheel/rail noise as a result of the proposed Conrail Acquisition. Sites that do not meet these criteria are not eligible for mitigation. Of the many rail line segments in the 5th Congressional District of Ohio, rail line segments C-061, C-065, and N-079 are eligible for mitigation. See the discussion in Chapter 7, “Recommended Environmental Conditions,” of this Final EIS for a more detailed evaluation of the mitigation measures that SEA proposes for these rail line segments.

Summary of Comments. The Seneca County Commissioners expressed concern about the failure rate of loudspeaker horn technology at highway/rail at-grade crossings.

Response. Under the Swift Rail Act of 1994, Congress directed FRA to issue rules and specifications regarding the use of train horns at all public highway/rail at-grade crossings. FRA has tentatively scheduled these rules, including preliminary rules and specifications, for release during 1998. These rules would preempt local ordinances that ban train horns and whistles except where other demonstrable measures provide the same level of safety. Quiet Zones or future whistle bans might occur where FRA found that the alternate safety measures were equal to the existing practice of train horns at highway/rail at-grade crossings. FRA is studying safety measures, such as the placement of four-quadrant gates and automated horn systems, as alternatives to train horns. SEA cannot address details regarding the use of Quiet Zones and alternatives to train horns as part of noise impact mitigation until the FRA rules are released. The Board’s final decision is likely to occur prior to the release of the final FRA regulations.

Northwestern Ohio—Cultural and Historic Resources

Summary of Comments. The Ohio State Historic Preservation Office, through ongoing project coordination, “doesn’t object to the proposed construction of the Crestline connector” and

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concur with a determination of “no effect” on the Crest Tower, a property eligible for inclusion in the NRHP.

Response. SEA acknowledges this comment.

Summary of Comments. The Bucyrus Historical Society of Ohio provided the following information: “The Bucyrus Historical Society now owns the building known as the Toledo and Ohio Central Railroad Passenger Station, located on East Rensselaer Street in Bucyrus, Ohio. Norfolk Southern has also pledged to deed us a 110 ft. by 230 ft. parcel, appr. (0).58 acre, on which the building stands. This parcel will not interfere with the N/S plan for a spur line in the area.”

Response. SEA acknowledges this comment.

Northwestern Ohio—Natural Resources

Summary of Comments. The Seneca County Regional Planning Commission requested bringing the concrete river wall up to current design standards “through the Army Corps of Engineers” to protect the rail line from 500- to 1,000-year flood events.

Response. This issue is not related to the proposed Conrail Acquisition.

Summary of Comments. The Erie County, Ohio Department of Engineering provided a list that indicated minimum required upgrades at intersections and other locations, including culvert and ditch work at Coen Road in Vermilion, Ohio.

Response. SEA has determined that this comment relates to pre-existing conditions and is not a result of the proposed Conrail Acquisition. NS’s proposed construction at Vermilion affects the existing crossing at Coen Road. However, SEA does not anticipate a change in drainage as a result of the proposed construction.

Northwestern Ohio—Land Use and Socioeconomics

Summary of Comments. The Seneca County Engineer commented, “The ‘extensive’ capital improvements proposed for Fostoria, need to be extended to the surrounding Townships.”

Response. In accordance with the Board’s environmental regulations and the scope of the EIS, SEA limited its land use and socioeconomic analysis to considering the consistency of proposed rail line construction and abandonment activities with existing land use plans, and evaluating potential business loss directly related to proposed constructions and abandonments. In nearly all cases, local jurisdictions determined that the rail line construction and abandonment activities of the proposed Conrail Acquisition were consistent with local land use plans. SEA did not analyze municipal Capital

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Improvements Programs, but rather consistency with land use plans. SEA's analysis of other technical environmental areas considered operational changes that are part of the proposed Conrail Acquisition, and resulted in recommendations for capital improvements and other mitigation activities.

Summary of Comments. The City of Sandusky Commissioners commented that their City has been designated as an "Impacted City" reflecting distress factors related to socioeconomic conditions. The Commissioners indicated that "any use of city funds to address the impacts of the proposed rail acquisition would have the effect of reducing funds available to meet recognized local needs"

Response. In accordance with the Board's environmental regulations and the scope of the EIS, SEA limited its land use and socioeconomic analysis to consideration of consistency with local land use plans and potential business loss directly related to proposed constructions and abandonments. SEA determined that no business losses would result from constructions or abandonments.

This Final EIS recommends mitigation measures for potential significant impacts resulting from the proposed Conrail Acquisition. The Applicants, not the taxpayers, would be financially responsible for these requirements and are responsible for all costs associated with the preparation of the EIS. See Chapter 7, "Recommended Environmental Conditions," of this Final EIS.

Northwestern Ohio—Environmental Justice

Summary of Comments. The Seneca Regional Planning Commission stated that rail line segment C-075 in Tiffin and Fostoria, Ohio warranted environmental justice mitigation, as discussed in Chapter 7, "SEA's Preliminary Recommended Environmental Mitigation," of the Draft EIS. The Commission expressed concern about flooding, train delays, hazardous materials transport, and emergency response.

Response. Rail line segment C-075 did not meet the first criterion (population criteria) for environmental justice for the Draft EIS, so SEA did not carry it forward for further analysis at that time. For the more specific analysis for the Final EIS, block groups along C-075 in Fostoria and Tiffin did meet the population criterion and did have multiple-resource effects that are high and adverse. Based on the model developed for analyzing disproportionality, however, the block groups in Fostoria did not meet SEA's disproportionality criteria. See Appendix M, "Environmental Justice Analysis," of this Final EIS.

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Northwestern Ohio—Cumulative Effects

Summary of Comments. The Mayor and other officials of the City of Fostoria, Ohio commented that “neither the individual nor the cumulative impacts of the increased rail traffic are considered on a community wide basis for safety and grade crossing delays,” even though SEA identified rail line segments C-070 and C-075 as meeting the threshold for environmental analysis. Similarly, the County Engineer of Seneca County, Ohio suggested that SEA, in addition to analyzing each rail line separately, should take into account the potential “major adverse compounding effect” of increasing the use of rail line segments C-070, C-075, and N-071 in Seneca County.

Response. SEA considered agency and public comments to develop the scope of the EIS. The scope included an analysis of the potential environmental impacts on specific resource categories and cumulative effects on a regional or system-wide basis for the resource categories of air quality, energy, and transportation. Also, SEA evaluated cumulative effects on specific resource categories associated with other projects or activities that related to the proposed Conrail Acquisition, where local communities; local, regional, state, or Federal officials; or other interested parties provided information to SEA. However, in accordance with the scope of the EIS, SEA did not consider aggregated multiple resource effects in its cumulative effects analysis on a system-wide, regional, or local basis. Multiple resource effects are best addressed by the analysis and recommended mitigation, if appropriate, of individual resource categories.

Northwestern Ohio—General

Summary of Comments. The City of Sandusky Department of Engineering Services stated: “Page OH-9 of Chapter 5 Volume 3B indicates that NS notified SEA that its intermodal facility would be moved to Sandusky, Ohio. There has been no contact to the City from NS regarding this issue and the City has no idea of what is being planned or the impact of this action.”

Response. NS had originally planned to move the existing Triple Crown Service intermodal facility at Crestline to Bellevue. In October 1997, NS notified SEA that it would move this intermodal facility to Sandusky rather than to Bellevue. SEA could not complete the environmental analysis of the Sandusky site in time for inclusion in the Draft EIS. The Draft EIS stated that the Final EIS would include an environmental analysis of the Sandusky site. Appendix H, “Transportation: Roadway Systems Analysis,” of this Final EIS contains the roadway system analysis for the proposed Sandusky Triple Crown Service site.

Summary of Comments. Members of the Huron City Council passed a resolution expressing concerns relating to “many environmental issues in Erie County, Ohio that have not been resolved regarding the CSX/NS proposed railroad merger” The Council stated that it “will

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not support the merger of CSX/NS unless all environmental issues and concerns in Erie County, Ohio have been addressed and resolved.”

Response. The Board will consider all environmental issues and concerns related to Erie County in its decision on the proposed Conrail Acquisition.

SEA has issued this Final EIS only after considering all the comments on the Draft EIS, conducting further independent environmental analysis, and consulting with appropriate agencies and communities. This Final EIS addresses the comments on the Draft EIS and includes SEA's final recommendations, including appropriate environmental mitigation (see Chapter 7, "Recommended Environmental Conditions"). This Final EIS and SEA's final environmental recommendations serve as the basis for the Board's disposition of environmental issues, including the imposition of appropriate environmental conditions. It has been the Board's policy that it does not mitigate pre-existing problems—only potential significant environmental impacts that would arise from changes as a result of the proposed Conrail Acquisition warrant mitigation.

Southwestern Ohio—Safety: Hazardous Materials Transport

Summary of Comments. The City of Dayton, Ohio expressed concerns about increased potential for hazardous materials spills in Well Field Protection Areas following the proposed Conrail Acquisition because of increased hazardous materials transport. The City recommended that SEA require specific training for CSX and NS employees on mitigating potential contaminant impacts in sensitive groundwater areas.

Response. Appendix L, "Natural Resources Analysis," of this Final EIS provides information on the potential hazardous materials transport impacts on natural resources, including groundwater. SEA notes four rail line segments in the well field protection areas the City identified in the comment:

- C-224, between Hamilton, Ohio and Dayton, Ohio.
- C-225, between Dayton, Ohio and Sidney, Ohio.
- N-078, between Dayton, Ohio and Ivorydale, Ohio.
- N-291, between Alton, Ohio and Dayton, Ohio.

SEA understands that following the proposed Conrail Acquisition, these rail line segments would experience less than an 8 percent total increase in hazardous materials shipments, which is within the normal annual variability. Because the projected increase in hazardous materials transport for each individual rail line segment is lower than SEA's criteria of significance, SEA does not recommend that the Board require additional mitigation measures for these rail line segments. Two of these segments, C-224 and C-225, already are key routes, which means that CSX already provides annual training in hazardous materials handling and equipment inspection for their employees.

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Southwestern Ohio—Transportation: Highway/Rail At-grade Crossing Delay

Summary of Comments. CSX commented that only three additional trains per day would use the Vine Street highway/rail at-grade crossing in Hamilton and the Township Avenue highway/rail at-grade crossing in Cincinnati, Ohio as a result of the proposed Conrail Acquisition. CSX stated that it was appropriate to undertake consultation on these highway/rail at-grade crossings, but suggested that State agencies might find it prudent to take a “wait and see” approach toward mitigation considering the small increase in train traffic. CSX added that the Board should not intervene, and appropriate mitigation should be the responsibility of State and local agencies.

Response. SEA analyzed the Vine Street highway/rail at-grade crossing in Hamilton and the Township Avenue highway/rail at-grade crossing in Cincinnati for changes in traffic delay resulting from the proposed Conrail Acquisition. The number of trains on the Cincinnati-to-Hamilton rail line segment C-063 would increase by 3.0 trains per day, from 28.2 trains before the proposed Acquisition to 31.2 trains after the Acquisition. The LOS at the Vine Street crossing (FRA ID 152407K) would change from LOS C to LOS D, and the crossing delay per stopped vehicle would increase from 2.47 minutes per vehicle to 2.54 minutes per vehicle. The LOS at the Township Avenue crossing (FRA ID 152355V) would change from LOS C to LOS D, and the crossing delay per stopped vehicle would increase from 2.70 minutes per vehicle to 2.78 minutes per vehicle. The increase in vehicle delay at these highway/rail at-grade crossings would meet SEA’s criteria for a significant impact.

While the increase in the number of trains is relatively small at these crossings, low train speeds contribute to delay. SEA’s analysis for this Final EIS delay for both highway/rail at-grade crossings indicates that increasing the typical train speeds by 5 mph to 25 mph would mitigate the significant delay at these crossings resulting from Acquisition-related increases in train traffic. SEA recommends that the Board require CSX to improve its operating efficiency at both locations in order to achieve the higher speed and implement necessary safety enhancement to permit these higher speeds. See Chapter 7, “Recommended Environmental Conditions,” of this Final EIS.

Summary of Comments. The Ohio-Kentucky-Indiana Council of Governments pointed out that the highway/rail at-grade crossing that the Draft EIS listed for Winton Road in Hamilton County no longer exists. The Council of Governments stated that this highway/rail at-grade crossing was for a former industrial spur. The Council of Governments also indicated that the main line CSX track that is parallel to this abandoned spur line is the rail line to which the Draft EIS referred, but the main line track does not cross Winton Road or Mitchell Avenue.

Response. SEA concurs and has eliminated this highway/rail at-grade crossing from this Final EIS.

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Other Ohio—Transportation: Roadway Systems

Summary of Comments. The Trustees of Berlin Township, Ohio expressed the concern that the proposed Conrail Acquisition would have many potential negative effects on the community. The Trustees stated that the proposed closure of Smokey Road and Jeffries Road in Berlin Township would increase travel times and transportation costs for local school students, and would increase fire and ambulance response times.

Response. In the Draft EIS, SEA did not recommend the closing of either of the roads mentioned, nor did the Applicants propose closing these roads. Because Smokey and Jeffries Roads carry fewer than 5,000 vehicles per day, SEA did not analyze them for highway delay. Where SEA's analysis of the rail line segments in Erie County indicates levels of potential environmental impact resulting from the proposed Conrail Acquisition that are above its criteria of significance, SEA has recommended appropriate mitigation. See Chapter 7, "Recommended Environmental Conditions," of this Final EIS.

Other Ohio—Energy

Summary of Comments. A citizen of Ohio raised a concern that if freight rail traffic reduces passenger traffic, displaced commuters would return to the highways, increasing energy consumption and worsening highway congestion.

Response. SEA analyzed the potential impacts of the proposed Conrail Acquisition on passenger rail services, including commuter rail. SEA determined that sufficient capacity exists on rail line segments used by passenger and commuter rail services to accommodate the increases in freight rail traffic as the Applicants proposed. As such, SEA does not anticipate a reduction of passenger rail traffic that would result in increased energy consumption on highways.

Other Ohio—Noise

Summary of Comments. CSX stated, "In the errata to the D[raft] EIS, SEA directed CSX to consult with respect to mitigation of noise impacts in Marion, Ohio." CSX also commented that there is no basis for noise mitigation in Marion, Ohio because the potential environmental impacts do not meet SEA's significance criteria for noise mitigation.

Response. Rail line segments C-070 and C-071 in Marion, Ohio did not meet noise mitigation criteria; therefore, SEA did not include these on the listing of rail line segments requiring preliminary noise mitigation in the Draft EIS. After publication of the Errata, SEA's noise analysis confirmed that these two rail line segments do not meet noise mitigation criteria. See Appendix J, "Noise Analysis," of this Final EIS.

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Pennsylvania—Safety: Hazardous Materials Transport

Summary of Comments. Lieutenant Governor Schweiker of Pennsylvania expressed his appreciation for a longstanding, productive relationship between Pennsylvania's local emergency planning committees and Conrail's local hazardous materials field staff. The Lieutenant Governor stated his understanding that NS does not currently have locally based hazardous materials staff and expressed his desire that NS continue to provide local hazardous materials staff on its Conrail lines following the proposed Conrail Acquisition. The Lieutenant Governor requested that the Board require such staff system-wide as a condition of the proposed Acquisition.

Response. NS's Safety Integration Plan, included in Volume 2 of the Draft EIS, indicates that NS would maintain hazardous materials officer positions in its Conrail divisions following the proposed Conrail Acquisition.

Pennsylvania—Safety: Passenger Rail Operations

Summary of Comments. SEPTA expressed a concern over CSX's proposed routing of local freight traffic to the Lansdale Cluster via SEPTA's Main Line. SEPTA pointed out that, although the Draft EIS does not say so, CSX and NS may intend to route local freight traffic to the Lansdale Cluster from either West Falls or Woodburne via Abrams Yard. "If CSX does not intend to use Abrams Yard, SEPTA asserts that the environmental and safety impacts of the alternative route through SEPTA's Main Line have not been addressed." SEPTA stated, "A thorough analysis of this issue would yield the conclusion that routing freight traffic through SEPTA's Main Line is unworkable."

"According to NS' Operating Plan," SEPTA continued, "NS proposes to grant CSX permanent overhead trackage rights to operate excess dimensional traffic (which it is assumed could mean double-stack freight trains, as well as multi-level and high-and-wide), including double-stack freight trains, over (1) the Norristown Connector (owned by SEPTA), (2) the track between CP-River (West Falls) and Abrams, Pennsylvania and (3) Conrail's Morrisville Line between CP-King and Woodburne (CP-Wood), Pennsylvania, plus run-around rights on a short portion of SEPTA's Norristown Line. See NS Operating Plan, Volume 3B at page 108. The Applicants provide no information as to the volume and frequency of freight traffic CSX plans to operate pursuant to this grant of permanent trackage rights or the environmental and safety impacts to the Norristown area. At page 4-37 of the D[raft] EIS, it is stated that the proposed transaction would have no adverse effect on SEPTA's passenger service on the Norristown, Pennsylvania Connector due to NS's proposed increase of only 2.6 freight trains per day in that area. The D[raft] EIS nowhere addresses NS's proposed grant of permanent trackage rights to CSX, the environmental impact of increased double-stack freight traffic in the Norristown area or the

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potential threat CSX's dimensional freight traffic poses to SEPTA's maintenance of safe and reliable passenger service on its existing Route R6 Norristown Line."

Response. SEA concluded that CSX's proposed routing of Lansdale Cluster traffic via Greenwich Yard, using the SEPTA Main Line between Newtown Junction and Lansdale, does not pose a public safety threat. SEA notes that freight traffic to and from Lansdale used the main line until 1993, when the Stoney Creek Branch was rehabilitated to permit the movement of excess dimensional traffic. SEA understands that, in CSX's opinion, there is little excess dimensional traffic moving to and from Lansdale and that CSX intends to work with NS to move that traffic onto the Stoney Creek Branch. CSX stated, in its letter of March 25, 1998 to SEA, that it plans to operate trains on the SEPTA Main Line between midnight and 4:15 a.m., when SEPTA does not schedule commuter service. SEA also notes that SEPTA dispatches the Main Line, and that both Conrail and SEPTA use Northeast Operating Rules Advisory Committee Operating Rules.

Regarding the movement of CSX excess dimensional traffic via Norristown, SEA notes that CSX's plans call for, at most, one additional automotive train on that route after completion of the Virginia Avenue Tunnel clearance project. SEA understands that CSX does not plan to use the backup moves that SEPTA describes in its comment to route trains between the Morrisville Line (rail line segment N-217) and the rail line segment between West Falls and Abrams (N-220). CSX states, in its letter of March 25, 1998, that it plans to route its trains around Abrams Yard. SEA also notes that SEPTA dispatches and maintains the entire rail line that it uses through Norristown, and that the CSX trains would occasionally operate on a short segment of the rail line. For these reasons, SEA has determined that CSX's plan does not pose any special risk to SEPTA's commuter service.

Pennsylvania—Hazardous Waste Sites

Summary of Comments. The Pennsylvania Department of Environmental Protection conducted studies at Conrail's facilities and found contamination. The Department requested that the Board require CSX and NS to incorporate investigations for contamination in all future construction projects at Conrail facilities where fueling, maintenance, or related operations have occurred. The Department stated that it looks forward to reviewing the analysis methods and mitigation strategies in the Final EIS.

Response. SEA notes that pre-existing conditions that are not a result of the proposed Conrail Acquisition are outside the Board's jurisdiction. SEA would assess the potential environmental impacts of any future construction projects when CSX and NS submit them to the Board for approval, if necessary. CSX and NS would be responsible for assessing and remediating, if necessary, any existing contamination. Existing Federal and state regulations address remediation of contaminated areas.

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Southeastern Pennsylvania—Safety: Highway/Rail At-grade Crossings

Summary of Comments. The Tri-County Regional Planning Commission for the Harrisburg, Pennsylvania area commented that the Draft EIS did not mention speed limits and that several municipalities desire a reduction in speeds through the Commission's jurisdictions.

Response. SEA notes that three rail line segments run through the Tri-County area near Harrisburg, Pennsylvania but did not meet the Board's thresholds for environmental analysis. Therefore, SEA did not evaluate the potential safety effects on these rail line segments (see Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," of this Final EIS). SEA notes that the communities may discuss this matter with CSX and NS to determine whether reducing train speeds is warranted.

Summary of Comments. The Tri-County Regional Planning Commission for the Harrisburg, Pennsylvania area requested consideration of a highway/rail at-grade crossing for additional safety measures beyond the current flashing light warning device. The Commission cited the Duke Street intersection in Hummelstown Borough, Pennsylvania as under the 5,000 ADT threshold for environmental analysis but noted that the area is growing because of recent subdivision approvals.

Response. SEA has determined that the Duke Street highway/rail at-grade crossing in Hummelstown Borough, Pennsylvania is not located on a rail line segment that would experience an increase of 8 or more trains per day as a result of the proposed Conrail Acquisition. As such, the Duke Street highway/rail at-grade crossing does not meet the Board's thresholds for environmental analysis. Therefore, SEA did not analyze this rail line segment or the Duke Street highway/rail at-grade crossing. SEA notes, however, that for all rail line segments that would exceed the Board's 8 train per day threshold, SEA analyzed safety risks at each highway/rail at-grade crossing regardless of ADT volumes.

Southeastern Pennsylvania—Safety: Hazardous Materials Transport

Summary of Comments. SEPTA commented that SEA proposed no mitigation measures for an increase of 15,000 cars per year containing hazardous materials on SEPTA's Route R8. According to SEPTA, this would be a 300 percent increase.

Response. After SEA completed the Draft EIS, it received revised information regarding hazardous materials transport on rail line segments C-766 between West Falls, Pennsylvania and CP-Newtown Junction, Pennsylvania and C-767 between CP-Newtown Junction and CP-Wood, Pennsylvania. Based on that information, SEA determined that following the proposed Conrail Acquisition, shipments of hazardous materials along these rail line segments would increase from 5,000 to 19,000 and 6,000

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to 19,000 carloads per year, respectively. Because these increases meet the SEA criteria of significance for key route mitigation, SEA recommends that the Board require CSX to implement key route mitigation measures as discussed in Chapter 7, "Recommended Environmental Conditions," of this Final EIS. SEA noted that SEPTA routes R-3 and R-8 operate on portions of rail line segment C-767.

Southeastern Pennsylvania—Safety: Passenger Rail Operations

Summary of Comments. SEPTA expressed concern that the increased number of freight trains would affect "its ability to provide safe and reliable commuter services and to expand those operations to meet the growing needs of the region."

Response. CSX states (in its March 25, 1998 letter to SEA) that CSX plans its train operation to be on the SEPTA Main Line between midnight and 4:15 a.m., when it does not schedule commuter service. SEA also notes that SEPTA dispatches traffic on the Main Line, and that Conrail and SEPTA currently follow Northeast Operating Rules Advisory Committee Operating Rules. SEA concluded that the CSX plan does not pose any special risk to SEPTA commuter service.

SEA did not analyze the effect of the proposed Conrail Acquisition on SEPTA's preliminary plan for transit service on Conrail's Morrisville and Harrisburg Lines because SEPTA has not finalized its plan, nor have the Applicants provided capital funding. (The Request for Conditions that SEPTA filed with the Board on October 20, 1997 refers to this light rail service as a non-railroad mode of transportation.) Because SEPTA's plan is still in a study phase, SEA did not consider mitigation to be appropriate. SEA noted that the preliminary plan would involve the operation of light rail vehicles over trackage rights on these rail lines. SEA points out that operation of such vehicles on rail lines with freight trains would require an unprecedented exemption from FRA's safety standards.

The proposed Conrail Acquisition would divide ownership of the Stoney Creek Branch between Norristown and Lansdale in such a way that CSX would use the SEPTA Main Line to reach Lansdale. Conrail and the Pennsylvania Department of Transportation rehabilitated the Stoney Creek Branch to provide freight trains with an alternative to the use of the SEPTA Main Line, where 164 passenger trains operate per weekday.

SEA concluded that, under the proposed Operating Plans, the Applicants would unnecessarily return local freight trains to SEPTA's Main Line. SEA concluded that SEPTA, CSX and NS would all benefit if they retained the current operating arrangement and CSX acquired haulage rights over NS's portion of the Stoney Creek Branch. Under this arrangement, SEA understands that CSX would avoid using the constrained SEPTA Main Line, while NS would receive additional revenue attributable to the Branch. SEA urges the parties to resolve this concern in the interest of both minimizing the effect of

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the proposed Conrail Acquisition on SEPTA's Main Line passenger service and providing more efficient freight service to the Lansdale Cluster.

SEA analyzed the impact of the proposed Conrail Acquisition on SEPTA's Norristown Line. SEA determined that the 2.6 freight train per day increase, which would result in a total of 10.3 freight trains on the half-mile Norristown Connector after the proposed Conrail Acquisition, would not adversely affect SEPTA passenger service. SEA understands that the increase would be temporary until the Applicants complete the plan to increase clearances on the Pattenburg Tunnel on the Lehigh Line in New Jersey. Because the freight traffic increase would be small, and because SEPTA controls the interlocking for the half-mile rail line segment, SEA concluded that the proposed temporary increase would not affect SEPTA passenger service on the Norristown Line.

SEA notes that CSX would reduce the number of freight trains per day over the Conrail Trenton Line. Therefore, SEA concludes that SEPTA's service on the R3 West Trenton Line would not experience potential environmental impacts if the Board approves the proposed Conrail Acquisition.

Southeastern Pennsylvania—Safety: Freight Rail Operations

Summary of Comments. The Tri-County Regional Planning Commission, representing Perry, Dauphin, and Cumberland Counties, Pennsylvania is concerned with the maintenance, repair, and upgrade of facilities in response to the proposed increase in rail traffic resulting from the proposed Acquisition. This concern stems from the 1997 freight derailment on the Rockville Bridge and a fatal accident in Hummelstown Borough, Pennsylvania.

Response. SEA understands that the Rockville Bridge is a historic stone arch bridge and the derailment on this bridge occurred as a result of failure of a portion of the bridge. SEA points out that NS has committed to evaluate all rail line segments that would receive increased traffic as a result of the proposed Conrail Acquisition and to complete any improvements that the Board requires before any increase in traffic. In its Safety Integration Plan, NS has committed to maintain its program of inspection, maintenance, and repair. This program would include the Rockville Bridge.

Although the FRA investigation is not yet complete, SEA understands that inadequate signal maintenance contributed to the accident that caused a fatality in Hummelstown Borough. NS has made a strong commitment to proper training of maintenance personnel and to provision of adequate maintenance staff.

SEA recommends that the Board require additional highway/rail at-grade crossing safety mitigation. The additional mitigation is based on SEA's analysis of the NS projected activity in these three counties, as the Draft EIS describes in Chapter 3, "Analysis Methods and Potential Mitigation Strategies," Table-5-PA-7. SEA has determined that

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Criswall and York Roads in Cumberland County, where rail line segment N-091 crosses Mill, would warrant mitigation (see Chapter 7, "Recommended Environmental Conditions," of this Final EIS). However, SEA does not recommend mitigation for any other highway/rail at-grade crossings in Cumberland, Perry, and Dauphin Counties, which SEA determined to be below the criteria of significance.

Southeastern Pennsylvania--Transportation: Passenger Rail Service

Summary of Comments. SEPTA, which provides commuter services in and around Philadelphia, Pennsylvania commented that operating changes and additional trains CSX and NS have proposed on rail lines SEPTA shares would "cause significant adverse operational, safety and environmental impacts to SEPTA's passenger transit service" SEPTA cited the Applicants' plans to add to the SEPTA Main Line freight movements that now move over the Stoney Creek Branch to the "Lansdale Cluster" and on the Norristown, Morrisville, West Trenton, and Airport rail line segments. SEPTA pointed out that the Pennsylvania Department of Transportation will begin renovating I-95 in the year 2000 "in areas currently served by SEPTA's Routes R3 [West Trenton line] and R7. As part of a mitigation plan, SEPTA's Routes R3 and R7 will serve as an alternate means of travel for drivers displaced by the PADOT [Pennsylvania Department of Transportation] renovations." SEPTA also objected that the Applicants are "blocking" SEPTA's planned expansion along the Harrisburg and Morrisville lines. It urged the Board to consider these operating concerns and address them with the Applicants or impose mitigation measures if the Board approves the proposed Conrail Acquisition.

SEPTA also stated its concern that "CSX will route dimensional, double-stack freight through Norristown, Pennsylvania using a 'weye' movement..." SEPTA asserted that the potential environmental impacts of the Draft EIS did not address the assumed routing of freight traffic in this area.

SEPTA stated that CSX and NS failed to provide proposed freight traffic volumes and frequencies for CSX in the Norristown area. The commentator noted that the Draft EIS did not address NS's proposed grant of permanent trackage rights to CSX nor the impact of increased double-stack freight traffic in the Norristown area. SEPTA expressed concern that "CSX's undisclosed use of the trackage rights to be granted by NS will cause an increase in freight traffic not addressed by the D[raft]EIS."

The Draft EIS indicated that the freight traffic on the rail line segment between Eastwick and Marcus Hook, Pennsylvania would increase from 3.0 to 7.8 trains per day. SEPTA stated that CSX and NS indicated verbally that said increase was incorrect. SEPTA added that no errata sheet was published nor additional analysis conducted to correct the error.

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Response. The proposed Conrail Acquisition would divide ownership of the Stoney Creek Branch between Norristown and Lansdale, Pennsylvania in such a way that CSX would use the SEPTA Main Line to reach Lansdale. Conrail and the Pennsylvania Department of Transportation rehabilitated the Stoney Creek Branch in order to provide freight trains with an alternative to the SEPTA Main Line, where 164 passenger trains operate per weekday. Under the proposed Operating Plans, local freight trains would be returned to the SEPTA Main Line.

SEA concludes that SEPTA, CSX, and NS would all benefit if they retain the current operating arrangement and CSX acquires haulage rights over NS's portion of the Stoney Creek Branch. Under this arrangement, CSX would avoid using the constrained SEPTA Main Line, while NS would receive additional revenue attributable to the Branch. Although such an arrangement would not require regulatory approval, SEA urges the parties to resolve this concern in the interest of both minimizing the proposed Conrail Acquisition's effect on SEPTA's Main Line passenger service and providing more efficient freight service to the Lansdale Cluster. In the event CSX chooses to operate local freight service on the SEPTA Main Line, it would not adversely affect passenger service because SEPTA owns and controls the Main Line on which only approximately 1 additional freight train per day would operate.

SEA analyzed the impact of the proposed Conrail Acquisition on SEPTA's Norristown Line and determined that the 2.6 freight train per day increase, for a total of 10.3 freight trains per day on the half-mile Norristown Connector, would not adversely affect SEPTA passenger service. The increase would be temporary until the work planned to increase clearances on the Pattenburg Tunnel on the Lehigh Line in New Jersey was complete. Because the freight traffic increase would be small, and SEPTA controls the interlocking for the half-mile rail line segment, SEA concluded that the proposed temporary increase would not affect SEPTA passenger service on the Norristown Line. SEPTA expressed concern that new dimensional and intermodal freight service would interfere with its passenger service. Dimensional train service consists of very short trains of high/wide loads operated at times that present minimum interference with other traffic, requiring special authorization. SEA concluded that the few dimensional shipments that would move through Norristown would not adversely impact SEPTA's system.

In its analysis, SEA considered a double-stack intermodal railroad car to have the same effect on passenger service as other types of railroad equipment. Double-stack train service is not normally considered by railroad companies as dimensional traffic, subject to special authorization for movement. Furthermore, there is no indication in the NS Operating Plan that it would create an Atlantic Coast double-stack route for CSX via Norristown, or elsewhere.

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SEA concluded that plans SEPTA is developing for passenger service on Conrail's Morrisville and Harrisburg Lines are neither complete nor fully funded. Thus, SEA did not consider them in its passenger service analysis.

Finally, SEA notes that CSX would reduce the number of freight trains per day over the Conrail Trenton Line. Therefore, SEA concludes that SEPTA's service on the R3 West Trenton Line would not experience potential environmental impacts if the Board approves the proposed Conrail Acquisition.

Summary of Comments. The Tri-County Regional Planning Commission, which represents Perry, Cumberland, and Dauphin Counties in Pennsylvania, indicated that Chapter 5-PA.8 of the Draft EIS (which concerns "Future Services Under Study" for "Passenger Rail Service") did not describe the Major Investment Study currently underway regarding future rail service in the Harrisburg, Pennsylvania area.

Response. SEA noted that although commuter rail service is being studied in the Harrisburg, Pennsylvania metropolitan area, no capital funding has been approved. Therefore, SEA did not analyze the potential effect of the proposed Conrail Acquisition on commuter service plans for which it did not receive an operating plan or information identifying a source of funding for construction.

Summary of Comments. CSX commented that it is continuing discussions with SEPTA regarding SEPTA's proposed light rail passenger service on Conrail's Morrisville and Harrisburg rail line segments. While the Draft EIS encourages CSX to "meet [with] SEPTA...to ensure that the proposed Acquisition can be accomplished without adversely affecting commuter rail plans," CSX indicated it would not be appropriate for the Board to make any voluntary agreement it might reach with SEPTA "a condition of Board approval of the Transaction. Nor would it be appropriate for the Board to impose its own condition in the event that an agreement is not reached, for the reasons stated in Applicants' rebuttal."

Response. SEA did not analyze the effect of the proposed Conrail Acquisition on SEPTA's preliminary plan for light transit service on Conrail's Morrisville and Harrisburg Lines because the plan has not been finalized nor has capital funding been provided. (SEPTA's Request for Conditions, filed with the Board on October 20, 1997, refers to this light rail service as a non-railroad mode of transportation.) Therefore, SEA did not consider mitigation to be appropriate. SEA noted the preliminary plan would involve the operation of light rail vehicles over trackage rights on these lines. The operation of such vehicles on lines with freight trains would require an exemption from FRA's safety standards.

Summary of Comments. A citizen of Rosemont, Pennsylvania commented that the Applicants' proposals to increase freight rail traffic on Amtrak's Northeast Corridor could be in conflict with Amtrak's business development plans. According to the commentor, Amtrak is studying a

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potential change in its electric traction catenary system from a 25 Hertz 12,500 Volt to a 60 Hertz 25,000 Volt system. The commentator stated that the "height of the electric traction catenary (on the Northeast Corridor) is already a limiting factor on use of double stack container loads" and this proposed change in power source would essentially "decrease the existing overhead clearance almost a foot all over the New York-Washington and Harrisburg Routes."

The commentator claimed that the decrease in clearance would restrict freight rail competition in the transport of high loads.

Response. The Operating Access Agreement governs the use of Amtrak's Northeast Corridor by Conrail or its successors, as well as by Special Instructions issued by Amtrak.

The overhead electric catenary system on Amtrak's Northeast Corridor imposes vertical clearance restrictions on freight traffic. These restrictions, which vary by location, presently preclude the operation of double-stack container trains. Amtrak continues to be engaged in the examination of modernization options associated with conversion to a 60 Hertz 25,000 volt electric traction catenary system. The Pennsylvania Railroad Company installed the present 25 Hertz 12,500 volt system in the 1930s. If Amtrak were to implement the modernized electric traction system it is studying, further reduction of the Northeast Corridor's vertical clearance would not be necessary. Amtrak has other options for either maintaining or improving vertical clearance if it updates the Northeast Corridor's electric traction system. Amtrak has not yet finalized its plans.

NS proposed in its Operating Plan to improve the clearance on the Northeast Corridor for double-stacking trains between Baltimore and Perryville, Maryland. While doing so would be a major engineering task, the plan is both feasible and consistent with Amtrak's plans to modernize the electric traction catenary system.

Southeastern Pennsylvania—Transportation: Highway/Rail At-grade Crossing Delay

Summary of Comments. SEPTA commented that it expects CSX's dimensional freight traffic to execute a "run-around" or "wye" movement as it proceeds from West Falls to Abrams, Pennsylvania (Norris Interlocking) and through to Conrail's Morrisville Line. SEPTA stated that CSX's run-around movement would interfere with SEPTA's Route R6 trains for lengthy periods of time and would block heavily traveled highway/rail at-grade crossings.

Response. In response to SEPTA's comment, SEA has analyzed traffic delay at highway/rail at-grade crossings along rail line segments where the number of trains would increase by 8 or more per day. The number of trains on the West Falls-to-Abrams rail line segment (N-217) would decrease by 3.3 trains per day, from 17.3 trains per day before the proposed Conrail Acquisition to 14.0 trains per day after the proposed Conrail Acquisition. The number of trains on the Morrisville-to-Abrams rail line segment (N-220) would increase by 2.6 trains per day, from 7.7 trains per day before the proposed

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Conrail Acquisition to 10.3 trains per day after the proposed Conrail Acquisition. These rail line segments do not meet SEA's thresholds for environmental analysis. Also, because the Board does not regulate railroad operations, such as train speed, dispatching, or yard operations, SEPTA may wish to discuss operational considerations directly with NS.

Southeastern Pennsylvania—Transportation: Roadway Systems

Summary of Comments. The Tri-County Regional Planning Commission of Pennsylvania stated that CSX and NS should consider an alternative route for truck traffic accessing the proposed intermodal facility at Rutherford Yard. The Commission described the alternative route in its comment. The Commission commented that the suggested alternative route would allow trucks to access the facility easily while avoiding a congested intersection and the "serpentine" Rupp Hill Road.

Response. SEA has conducted a site visit to the existing Rutherford Triple Crown Service intermodal facility. SEA has identified two routes that trucks now use to reach the Triple Crown Service facility and assumed that trucks would use the same routes to reach the proposed intermodal facility. The Draft EIS incorrectly described the routes because of errors in street names. Correctly designated, one of the routes is: I-83 or I-283 to U.S. 322, to Rupp Hill Road, to Grayson Road, to the facility entrance. The other route is: I-83 or I-283 to U.S. 322, to Grayson Road, with backtracking to the facility entrance. The error in street names did not affect the traffic analysis described in the Draft EIS, and therefore the analysis was correct.

The Tri-County Regional Planning Commission commented that trucks use a different route that includes Mushroom Hill Road to reach the facility. During a site visit, a large sign posted at the entrance and exit to the facility advised truck drivers not to use Mushroom Hill Road. SEA's analysis of probable truck routes revealed that Mushroom Hill Road does not provide access to the facility. See Appendix H, "Transportation: Roadway Systems Analysis," of this Final EIS.

SEA notes that local governments would be able to influence the design of the proposed intermodal facility through enforcement of local standards. Local governments must grant access permits for entrances to roadways, and they can require that the entrances be at locations that would encourage trucks to use the desired routes.

Summary of Comments. The Tri-County Regional Planning Commission, representing Perry, Dauphin, and Cumberland Counties in Pennsylvania, commented: "A full disclosure on the Rutherford and/or Harrisburg sites is needed prior to assessing the impact on the local environment and a specific written clarification of proposed action is requested."

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Response. NS proposes to relocate the existing Conrail conventional facility located in Harrisburg, Pennsylvania to a site adjacent to the existing Triple Crown Service facility near Rutherford, Pennsylvania. As discussed in the Draft EIS, the conventional intermodal facility would handle an additional 330 trucks per day. These trucks would be in addition to the current 68 trucks per day handled at the existing Triple Crown Service facility for a total of 398 trucks per day. Because each added truck equals two trips (one in and one out) on the local area roads, the increase of 330 trucks would result in a total increase of 660 truck trips per day. SEA has reviewed the Draft EIS and identified two routes that the document had incorrectly identified; however, SEA concludes that the information in the Draft EIS, with the corrections to the routing, represents a full disclosure of the potential environmental impacts of the proposed Conrail Acquisition as it relates to the Harrisburg and Rutherford intermodal sites.

Summary of Comments. The Lancaster County Transportation Coordinating Committee of Pennsylvania expressed concern that an additional 330 daily trucks (660 truck trips) accessing a proposed intermodal facility would use "deficient and unsafe portions of US 30" in Lancaster County. The Committee noted that the additional truck trips on U.S. 30 would contribute to existing problems on the route, including heavy truck traffic and recent fatal accidents.

Response. As part of its analysis, SEA conducted a site visit to the Rutherford Triple Crown Service intermodal facility. SEA determined that few through trucks use U.S. 30, apparently because truck drivers are aware of its condition and because the Pennsylvania Turnpike is available as an alternative route. The additional truck traffic on State Route 283 and U.S. 30 that would result from the proposed Conrail Acquisition would generally be limited to traffic that local customers generate. SEA has concluded that this amount of traffic is only a small percentage of the 330 trucks that would be created by the proposed Conrail Acquisition, and that this increase would not have a significant environmental impact on U.S. 30 in Lancaster County.

Southeastern Pennsylvania—Transportation: Other

Summary of Comments. The Tri-County Regional Planning Commission of Pennsylvania expressed a concern that the Draft EIS did not adequately address the potential impact of the proposed Conrail Acquisition on the Cumberland and Perry County, Pennsylvania railways.

Response. The purpose of the EIS is to evaluate the environmental effects of the proposed Conrail Acquisition. SEA's responsibility and the scope of the EIS exclude evaluating merits issues regarding the interaction between the Applicants and regional and short line railroads.

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Southeastern Pennsylvania—Air Quality

Summary of Comments. The Tri-County Regional Planning Commission of Pennsylvania stated that the Applicants should put more effort into mitigating air pollutant emissions from the proposed intermodal facility at Rutherford Yard. The Commission also requested that SEA measure local air quality impacts.

Response. SEA notes that the Draft EIS demonstrated that emissions from the proposed intermodal facility at Rutherford yard would be insignificant compared to county-wide emissions, and would not affect regional attainment and maintenance of the NAAQS. SEA does not expect emissions at intermodal facilities to cause exceedances of the NAAQS in the local area around the facility. Because the individual emissions sources are distributed over a large site, rather than concentrated at a single point, the effect of the proposed facility on ambient concentrations is expected to be minor. Therefore, SEA is not proposing air quality mitigation measures or air quality monitoring for this facility. See Chapter 4, "Summary of Environmental Review," and Appendix I, "Air Quality Analysis," of this Final EIS.

Summary of Comments. The Lancaster County Transportation Coordinating Committee and the Metropolitan Planning Organization for Lancaster County, Pennsylvania stated that the air quality analysis in the Draft EIS did not account for 330 additional truck trips per day needed to reach the proposed intermodal facility in Rutherford Heights, Pennsylvania. The Committee stated that the emissions from those truck trips should be estimated and included in the County totals for comparison to the significance criteria.

Response. SEA has projected that the 330 additional truck trips would add emissions of 5.2 tons per year of NO_x, 9.3 tons per year of CO, 1.2 tons per year of volatile organic compounds, 0.3 tons per year of particulate matter, and 0.1 tons per year of SO₂ at the intermodal facility. These amounts would not exceed any of SEA's emissions screening levels in Lancaster County. Additional truck-related emissions would occur on local roads near the facility, but SEA concludes that these emissions would be too small and widely dispersed to create air quality problems.

Southeastern Pennsylvania—Noise

Summary of Comments. The Lancaster County Transportation Coordinating Committee requested that the Final EIS note the names of all communities with locations on rail line segments in Pennsylvania that might qualify for Quiet Zones under the new FRA rules on train horn-blowing procedures.

Response. SEA cannot determine a community's eligibility for implementing Quiet Zones along rail lines because FRA has not yet proposed the Quiet Zone regulation.

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Southeastern Pennsylvania—Cultural and Historic Resources

Summary of Comments. The Historic Preservation Trust of Lancaster County, Pennsylvania provided comments on the Enola Branch of the Low-Grade Line of the Pennsylvania Railroad. The Trust requested that SEA consider the Trust to be an “interested person pursuant to Section 106 and 36 CFR Part 800.” The Trust objected to the methods that Conrail used in its review of the rail line and the Section 106 process involving Conrail’s abandonment of the Enola Branch of the Low-Grade Line. The Trust indicated that, based on the State Historic Preservation Officer’s 1994 resource evaluation, the entire railroad line, inclusive of all of the property Pennsylvania Railroad purchased and developed, is eligible for listing in the NRHP. The Trust indicated that SEA based its evaluation on the 1989 State Historic Preservation Officer’s determination, which only addressed specific bridges or crossings as eligible for the NRHP. One resident of New Providence, Pennsylvania also raised concerns about the Enola Low-Grade Line in Southern Lancaster County. Specifically, the resident requested that SEA complete the Section 106 process for the rail line segment prior to any alterations. Further, the resident requested that SEA include the rail line segment and stone arch bridges in the Final EIS because the State Historic Preservation Officer has determined that these areas are eligible for listing on the NRHP.

Response. SEA acknowledges these comments pertaining to the proposed abandonment of the Enola Branch of the Low-Grade Line in Lancaster County. SEA clarifies that this was a previous Conrail abandonment action, separate from and unrelated to the proposed Conrail Acquisition.

Summary of Comments. The Advisory Council on Historic Preservation (ACHP) informed SEA of citizens’ concerns regarding Section 106 review for the proposed abandonment of a portion of the Enola Branch of the Low-Grade Line of the Pennsylvania Railroad. ACHP stated that, although the Board and Conrail have discussed the abandonment since 1989, ACHP has not yet received formal notification that Section 106 consultation has begun, nor is it aware of how the Board has identified and involved interested persons as Section 106 requires. In its effort to determine the nature of its role in the Section 106 review, ACHP requested that the Board provide detailed background information on the identification and evaluation of historic properties associated with the entire Enola Branch of the Low-Grade Line, including whether the properties should be treated as historic districts or as individually eligible properties. ACHP intends to forward this information to the Keeper of the Register for review. Pending ACHP’s receipt of the Keeper’s review, ACHP has advised the Board not to finalize a Memorandum of Agreement mitigating potential impacts on historic properties associated with the abandonment.

Response. SEA clarifies that the proposed abandonment of the Enola Branch of the Low-Grade Line in Lancaster County is the subject of a separate abandonment action (ICC Docket No. AB 167-1095X) and is unrelated to the proposed Conrail Acquisition. On October 3, 1989, Conrail filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments, to abandon approximately 66.5 miles of track known as the

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Enola Line in Lancaster and Chester Counties, Pennsylvania. The ICC's SEA, known then as the Section of Energy and Environment, issued an EA on November 1, 1989. As a result of consultations with the Pennsylvania Historical and Museum Commission, SEA recommended a condition in the EA requiring Conrail to retain its interest in and take no steps to alter the historical integrity of the bridges located on the Enola Branch until completion of Section 106 review. The Board (ICC's successor agency), the Pennsylvania Historical and Museum Commission, Conrail, and representatives of Lancaster County, among others, continue to be involved in that case. The Enola Branch abandonment is, however, separate and apart from the proposed Conrail Acquisition.

SEA has discussed the Conrail Acquisition (Finance Docket No. 33388) in some detail with the ACHP on two separate occasions earlier this year (in a January 5, 1998 conference call and a January 14, 1998 meeting at SEA). During the January 14, 1998 meeting, SEA identified all projects associated with the proposed Conrail Acquisition and systematically summarized the involvement of historic properties. At the conclusion of the January 14, 1998 meeting, SEA agreed to submit to the ACHP detailed background information on the identification, effects assessment, and recommended mitigation associated with the proposed Conrail Acquisition as SEA finalizes this EIS.

Summary of Comments. A citizen of Rosemont, Pennsylvania commented on the proposed rehabilitation of Shellpot Bridge and its eligibility for inclusion in the National Register of Historic Bridges. The commentator disagreed with the Draft EIS, stating that NS shall undertake no construction of the Shellpot Bridge, near Wilmington, Delaware until completion of the Section 106 process of the Historic Preservation Act. The commentator remarked that restrictions that the Section 106 process of the Historic Preservation Act impose would constitute a "taking of property" because the Shellpot Bridge is "a facility that serves a wider purpose in Interstate Commerce, particularly as it serves to by-pass freight trains around another establishment."

Response. SEA points out that the recommended mitigation constitutes neither a property taking nor an undue delay. Shellpot Bridge, which is currently inoperable, is in disrepair and has been out of service for at least a decade. Under NS's proposal, the bridge would be restored to a functional condition. The Section 106 consultation process would require the Applicants to maintain the historical integrity of the bridge during restoration efforts. The consultation would be coordinated with NS's development of restoration plans and would take place concurrently with other permitting activities (such as those that USCG and USACE require).

Southeastern Pennsylvania—Natural Resources

Summary of Comments. The Mayor of the City of Harrisburg indicated that existing drainage facilities along the Conrail line and within the City are inadequate and result in periodic flooding, which, in turn, creates safety hazards. The Mayor requested that "Norfolk Southern Railway

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Company, Inc. be directed to correct the situation as a condition of approval of the acquisition of Conrail.”

Response. SEA determined that this comment relates to pre-existing conditions and is not a result of the proposed Conrail Acquisition. It is the Board’s policy not to require mitigation of pre-existing conditions.

Southeastern Pennsylvania—Environmental Justice

Summary of Comments. A citizen of Rosemont, Pennsylvania commented on Appendix K, “Environmental Justice,” of the Draft EIS. The commentator stated that “it is not conducive to good race relations in its singling out and defining areas that are given a stigma of being below par. There is an impression of building ‘expectations,’ yet not identifying anything constructive as a consequence of what any increased activity might be, such as added jobs from the area in say a ‘yard activity.’”

Response. SEA notes that Executive Order 12898 calls for research and data collection in potentially affected minority and low-income populations. These populations traditionally have been distanced from the political decision-making process. Further, high and adverse environmental impacts often disproportionately affect disadvantaged populations. SEA maintains that it has approached the spirit and letter of the Executive Order in a manner that recognizes those populated areas that may be subjected to disproportionately high and adverse environmental impacts.

Southeastern Pennsylvania—Cumulative Effects

Summary of Comments. SEPTA commented that it is studying the feasibility of using a portion of Conrail’s Harrisburg Main Line from Norristown to Reading and Conrail’s Morrisville rail line from Glen Loch to Morrisville. SEPTA referred to Table 5-PA-35 in the Draft EIS, which indicates that freight traffic may limit the potential for passenger service to expand. SEPTA asserted that it has met “to no avail” with the Applicants in an attempt to ensure that the proposed Conrail Acquisition can occur without adversely affecting SEPTA’s commuter rail plans.

The Chairman of the Tri-County Regional Planning Commission in Harrisburg, Pennsylvania stated that “Section 5-PA.8 Passenger Rail Service fails to indicate under the ‘Future Services Under Study’ subsection, the pending Major Investment Study currently being financed in the Harrisburg region. The proposed corridor for rail service runs from Carlisle Borough in Cumberland County, through Harrisburg City in Dauphin County, to Lancaster City in Lancaster County.” The Chairman expressed the desire to have a “meaningful discussion” with the freight operator.

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Response. SEA has determined that the studies are not sufficiently advanced for SEA to consider their implementation reasonably foreseeable with regard to the planning, approval, and funding of capital improvements and the completion of operating agreements for access. Therefore, SEA did not evaluate the potential cumulative effects of the proposed Conrail Acquisition together with the SEPTA and Tri-County proposals in the Draft EIS.

Southeastern Pennsylvania—General

Summary of Comments. A citizen of Rosemont, Pennsylvania commented that the Draft EIS placed “the onus on the railroads” for mitigation of highway/rail at-grade crossing problems. The citizen referenced the Interstate Commerce Commission’s Docket #33440 of February 1964, titled “Prevention of Rail Highway Grade Crossing Accidents Involving Railway Trains and Motor Vehicles,” as it relates to safety and “Rail Highway Crossings at Grade.” The Docket states that “the cost of installing and maintaining such systems and protective devices is a public responsibility and should be financed with public funds the same as highway traffic devices.” To the commentator’s knowledge, Docket #33440 “is not known to have been declaimed null and void” and the Board should take it into consideration.

Response. The ICC’s Docket No. 33440, which it decided on January 22, 1964, was the culmination of a three-year long proceeding to address collisions between trains and motor vehicles. The ICC designed it to address these growing risks outside of the context of a consolidation proceeding such as the proposed Conrail Acquisition. While the ICC’s finding that the commentator cited remains the basis for financing highway/rail at-grade crossing protection, the Board is responsible for considering and mitigating potential safety impacts associated with the proposed Conrail Acquisition, if appropriate. Consequently, SEA has recommended that the Board require the Applicants, at their cost, to upgrade existing warning devices at public highway/rail at-grade crossings in numerous locations if the Board approves the proposed Conrail Acquisition. See Chapter 7, “Recommended Environmental Conditions,” of this Final EIS for SEA’s final recommended mitigation.

If CSX or NS reach agreement with an impacted local jurisdiction and the responsible state Department of Transportation, CSX or NS may implement alternative measures that achieve at least an equivalent level of safety.

Northwestern Pennsylvania—Safety: Highway/Rail At-grade Crossings

Summary of Comments. A resident of Erie, Pennsylvania requested the removal of trains and tracks from 19th Street.

Response. NS and the City of Erie have reached an agreement whereby NS would relocate its operations onto new tracks located along the existing Conrail (future CSX)

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corridor and would remove the tracks from 19th Street. For a discussion of this relocation plan, see Appendix N, "Community Evaluations," of this Final EIS.

Northwestern Pennsylvania—Transportation: Highway/Rail At-grade Delay

Summary of Comments. NS commented that the Draft EIS originally indicated that five highway/rail at-grade crossings in Erie, Pennsylvania would exceed SEA's significance criteria because of the potential environmental impacts of traffic delay. NS indicated that the Supplemental Errata corrected the delay calculations, resulting in two of the five highway/rail at-grade crossings no longer requiring mitigation. NS stated that SEA recommended ignoring this error and keeping all five crossings on the list for mitigation. NS stated that there is no analytical support for such a deviation in the application of mitigation criteria. NS urged SEA to remove the two Erie highway/rail at-grade crossings from the list that SEA recommended for mitigation.

Response. SEA analyzed the change in vehicle delay that would result from the increase in train traffic after the proposed Conrail Acquisition. SEA's revised analysis in the Final EIS shows that the highway/rail at-grade crossings at Peach Street, Sassafras Street, Cherry Street, and Liberty Street meet the criteria of significance. SEA added Peach Street to this list from the Draft EIS Supplemental Errata after observing during field visits that it is a two-lane rather than four-lane street. SEA recognizes that the Raspberry Street crossing does not meet the criteria of significance for vehicle delay.

NS and the City of Erie have reached an agreement whereby NS would relocate its operations onto new tracks located along the existing Conrail (future CSX) corridor and would remove the tracks from 19th Street. For a discussion of this relocation plan, see Appendix N, "Community Evaluations," of this Final EIS.

Northwestern Pennsylvania—Transportation: Roadway Systems

Summary of Comments. The City of Erie, Pennsylvania requested that the Applicants properly reconstruct intersections following the removal of the 19th Street tracks.

Response. NS has reached an agreement with the City of Erie regarding potential environmental impacts. NS proposes to remove the tracks from 19th Street in conjunction with the proposed Conrail Acquisition. Chapter 4, "Summary of Environmental Review," of this Final EIS specifically addresses many issues for the Erie area.

Summary of Comments. The Mayor of Erie, Pennsylvania commented that industrial rail customers along 19th Street, where CSX and NS would remove the tracks after the proposed Conrail Acquisition, would not receive adequate rail service. He also requested that the Board require CSX and NS to construct appropriate highways, roadbeds, sidewalks, etc., after removal of the tracks.