

SUBJECT: Canadian Pacific Acquisition of
Kansas City Southern: Docket FD 36500

Thank you for the opportunity to address
my concerns on the subject acquisition.

I would like to address two topics:

1. Safety: OEA expects that the Proposed Acquisition would result in only minor adverse impacts on freight rail safety. Impacts are defined as hitting vehicles/people on tracks, derailments, spills, fires, etc.. In Section S.3.1 of the DEIS OEA projects that the greatest increase in the number of incidents would occur on the rail line segment between Muscatine, Iowa, and Ottumwa, Iowa. On that segment, OEA projects that the number of incidents would increase by approximately

0.32 incidents per year from approximately 0.11 incidents per year under the No-Action Alternative to approximately 0.43 incidents per year under the Proposed Acquisition.

While CP has a positive record of reportable incidents, the DEIS indicates that KCS has a substantially higher incident rate than CP, which cannot be averaged away. While it could be argued that since rail transport is safer than truck transport that there will be fewer reportable incidents under the Proposed Action. However, given the predominant location of rail lines near sensitive environmental ecosystems the total number of incidents is inadequate to address the severity of incidents. I contend that although the total number of projected incidents is small, it is still quadrupled which is not insignificant given the potential spillage of toxic chemicals. I believe the

DEIS contention that the Proposed Acquisition will result in only minor adverse impacts to safety and environmental security does not take into account the serious nature of quadrupling the possible number of catastrophic incidents.

2. Noise: In 1974 the EPA concluded that “an Ldn level of 55db as an outdoor level compatible with the protection of public health and welfare. The level of 55db is identified as the maximum level compatible with adequate speech communication outdoors. With respect to complaints and long-term annoyance this level is clearly a maximum satisfying the large majority of the population.”

A 2007 Final Environmental Report by Joseph & Associates Studies indicated that

the smallest perceptible change in sound level for a person of normal hearing sensitivity is approximately 3 decibels. A change of 5 decibels would be noticeable and likely evoke a community reaction. A 10-decibel increase is subjectively as an approximate doubling in loudness and would almost certainly cause a community response.

Figure M.1-1. of the DEIS illustrates Freight Train Pass-By Sounds Level Time History. Over 3 minutes the sounds begins at a base level of 50db, jumps to 90db as the locomotive passes, settles to 82db as the freight cars pass, then dropping down to the base level as the train passes. As the DEIS notes, most receptors have become accustomed to these noise levels over time and the Proposed Action would not make a change in noise levels. It does note that the

projected tripling in the number of trains will have an affect based on frequency. Table M.1-2 presents Noise Assessments by Cities and Towns. The table shows that Davenport currently has 7 receptors within 65Ldn. The total number of receptors with Adverse Noise Impacts (65db Ldn and 3db increased) is 66. Since my house is 120 yards from the center of the railbed I suspect I am one of the 59 additional receptors impacted by the Proposed Action.

OEA has concluded that train noise could result in adverse impacts but that the potential adverse impacts would be negligible. I believe that the numbers in the DEIS indicate otherwise.

On a personal basis, the impact from increased rattling windows and inability to communicate in a normal speaking voice

may be considered quality of life issues...hard to attribute a value to. However, the reduced resale value of my home can be readily measured. These are not negligible impacts to me and my neighbors.

Thank you for your time. I appreciate your consideration.

Rich Clewell