



TOWN OF
QUEEN CREEK
ARIZONA

June 29, 2023

Mr. Adam Assenza
Surface Transportation Board
Environmental Filing, Docket No. FD 36501
Email: Adam.Assenza@stb.gov

c/o Ms. Sabra McNeish, Jacobs Engineering Group Inc.
1501 West Fountainhead Parkway, Suite 401
Tempe, AZ 85282

Re: Town of Queen Creek Comments to Pecos Industrial Rail Access and Train Extension (PIRATE) Project Draft Environmental Assessment; Docket No. FD 36501 – Union Pacific Railroad Company – Construction and Operation Exemption – Maricopa County, AZ; Docket No. FD 36501; Decision ID No. 51715

Dear Mr. Assenza:

This letter provides the Town of Queen Creek (sometimes referred to as “Queen Creek” or the “Town”) comments on the Surface Transportation Board’s (“STB”) Office of Environmental Analysis (“OEA”) Draft Environmental Assessment (“Draft EA”) for the proposed construction and operation of approximately 6.0 miles of new rail line in Maricopa County, Arizona (the Pecos Industrial Rail Access and Train Extension [PIRATE] rail line). These comments are provided to you via email. Please include them in the official record respecting the consideration of the Draft EA.

On June 30, 2022, the Union Pacific Railroad Company (“UP”) filed a petition with the STB in Docket No. FD 36501 pursuant to §10502 of Title 49 of the *United States Code* (49 U.S.C. §10502) seeking exemption from the requirements of 49 U.S.C. § 10901 to construct and operate the proposed PIRATE rail line. The proposed rail line attempts to connect UP’s Phoenix Subdivision main line to industrial properties southeast of the Phoenix-Mesa Gateway Airport. OEA is required to prepare the Draft EA pursuant to the National Environmental Policy Act (42 U.S.C. § 4321–4370m-11), the Council on Environmental Quality’s regulations, the STB’s environmental rules, and related environmental laws.

Queen Creek appreciates the STB’s request and encouragement of the submission of comments to the Draft EA. Queen Creek suggests that the Draft EA be approved with appropriate conditions which include but are not limited to grade separation at the Ellsworth Road crossing at the point of construction, cooperation of UP with local governments including Queen Creek and surrounding jurisdictions to allow the design and

construction of the Sossaman/Germann intersection crossing permitting the required extension of Germann to the west, and express and enforceable operational limits on train length, number of trains, and timing to reduce the negative impacts on existing and future traffic congestion on the roads being crossed.

The Town of Queen Creek

The Town of Queen Creek's current population is over 76,000 residents with another 100,000+ residents located in the unincorporated area immediately to the south known as San Tan Valley located in Pinal County. The Town's growth rate is significant, at approximately seven (7) percent annually. Over the past decade, Queen Creek's population has increased 80 percent. Properly managing the growth and providing appropriate traffic and road infrastructure is critical. Access to the greater metropolitan Phoenix highway system for the residents of Queen Creek and the San Tan Valley to the southeast is extremely limited. Thus, Queen Creek's north-south arterial road network is essential to ensure the continued movement of people and goods. As proposed and depicted in the Draft EA, the PIRATE rail line will have a significant negative impact on Queen Creek and the San Tan Valley residents who travel through Queen Creek to reach the highway system, including the SR24 currently under design for extension – the PIRATE project will negatively impact that access. Queen Creek provides its comments, referencing specific provisions of the Draft EA where appropriate, in the following discussions noted below.

The Draft EA, 1-5, Section 1.1 Introduction

The Draft EA states as follows:

Although the Board normally requires an Environmental Impact Statement (EIS) for rail line construction projects, 49 C.F.R. § 1105.6(a), OEA can reclassify a proposal and prepare an Environmental Assessment (EA) if the proposal is not likely to have a significant impact on the environment, 49 C.F.R. § 1105.6(d). As discussed in Section 1.3.3, Determination to Prepare an Environmental Assessment, OEA determined that construction and operation of UP's proposed rail line would be unlikely to result in significant environmental impacts based on design and operational information provided by UP, on feedback obtained during initial agency consultation and meetings, and on a site visit of the study area. Therefore, OEA concluded that an EA is the appropriate level of environmental documentation for the NEPA process (Appendix A, OEA, Applicant, and Agency Correspondence).

Queen Creek notes that UP requested that an EIS be waived in a letter dated March 24, 2022 (Volume II, pg 79 of the Draft EA). On April 21, 2022 (Volume II, pg 86 of the Draft EA), the STB granted this waiver stating, in part "no group contacted has expressed opposition to the proposed rail line; even groups identifying

potential concerns regarding traffic, noise, or other local impacts still appear to support the PIRATE project and OEA's efforts to identify and mitigate such potential issues." Queen Creek's conceptual support of the PIRATE project; however, does not negate Queen Creek's consistent, detailed, and stated concerns over the potential significant negative impacts to traffic associated with the proposed at-grade crossings. Quantitative analysis of this traffic and commensurate mitigation measures, including alternative crossing designs, needs to be addressed in the EA.

Draft EA, 2-20, 2.4.4.1. At-grade Crossings

The Draft EA relates that it will maintain access to existing public and private roads, UP would construct at-grade crossings where either Alternative 1 or Alternative 2 would cross roadways, but alternatives to at-grade crossings are not considered in the Draft EA.

The at-grade crossings proposed by UP will impose significant burdens on the residents of Queen Creek, San Tan Valley, and the East Valley, and prohibit long-planned and necessary traffic infrastructure improvements. The Draft EA should include reasonable and appropriate conditions for approval, including, but not limited to, the following:

1. Grade separation at the Ellsworth Road crossing at the point of construction;
2. A process to require cooperation of UP with local governments including Queen Creek and surrounding jurisdictions to allow the design and construction of the Sossaman/Germann intersection crossing to allow the required extension of Germann to the west; and
3. Controls on train length, number of trains, and timing to reduce the negative impacts on existing and future traffic congestion on the roads being crossed.

These conditions are based on the recent census data identified that Queen Creek is the second fastest growing municipality in the West. Additionally, over 70 percent of Queen Creek residents must commute over 20 minutes to their employment outside of the Town. The PIRATE Project will cross the major access roads (particularly Ellsworth Road) for commuters from Queen Creek and San Tan Valley to reach the freeway system. Queen Creek has invested over \$100 million dollars to connect the north-south arterials and SR24 to be part of the solution and serve the regional transportation needs. Ellsworth is already over capacity and congestion is a major problem despite the Town's previous investment of \$61 million to build an underpass for UP's mainline track which eliminated stops on that roadway due to train delays. An at-grade crossing will make Ellsworth Road even more intolerable and generate challenges for first responders including police and fire in the region, as well as the Queen Creek Unified School District.

Specific considerations in favor of requiring a grade separation alternative (acknowledged to be needed by UP at a future date in Arizona Corporation Commission proceedings) also include the following:

1. Grade separation at Ellsworth Road is the best alternative based on the findings of the TIA, dated September 2022.
2. The existing traffic volume far exceeds Ellsworth roadway capacity as evidenced by the findings of the TIA and meeting the warrant for the grade separation.
3. Ellsworth Road is a principal arterial that provides a significant transportation connection to the region. Future traffic volume demand will increase significantly because of population and employment growth. Economic development activities such as the opening of Costco on Ellsworth Road south of Germann Road (not included in the TIA) triggered even more demand which supports grade separation.
4. The State of Arizona, Maricopa Association of Governments, City of Mesa and the Town of Queen Creek have invested approximately \$25 million to build the SR24 overpass to alleviate traffic congestion on Ellsworth Road. An at-grade crossing at Ellsworth Road will undermine this investment and will cause increased traffic congestion along this principal arterial serving Pinal County and Queen Creek, as well as the City of Mesa.
5. Grade separation will unlock the future growth opportunities for PIRATE industrial area and provide no conflict crossing at the highest traffic volume arterial within the PIRATE extension line, especially with the uncertainty of future operations, frequency, and the duration of the PIRATE project.
6. Grade separation is consistent with other similar crossings and the communities around crossings in Arizona will provide for the public's safety. Federal Railroad Administration web-based accident prediction systems ("WBAPS") should be utilized to examine the risk for an Ellsworth Road at-grade crossing compared to grade separation. Additionally, blocked crossings should be investigated and considered during the PIRATE workshop and to avoid unnecessary motorist delay and frustration.
7. The TIA traffic volume forecast is at 74,000 vehicles per day, far exceeding the anticipated future roadway capacity of Ellsworth Road. Thus, an at-grade alternative is a temporary solution, and grade separation would be the permanent solution.
8. The Draft EA should consider UP's standard policy to require the closure of two existing crossings with the addition of any newly created crossing.
9. Queen Creek also shares the significant transportation and safety concerns raised by the Queen Creek Unified School District ("QCUSD") (the fastest growing school district in Arizona) with daily bus trips estimated to be in excess of 120 (and likely closer to 150) on Ellsworth Road where the posted speed limit is 50 MPH over four (4) to six (6) lanes. The QCUSD bus transportation facility is on Ellsworth Road just south of where the

PIRATE Project will be built. By law and Arizona school regulation, all school buses would be required to stop, open the bus door, and look both ways before proceeding at an at-grade crossing on Ellsworth Road, every time the buses would cross, even when no train is coming. The resulting traffic delays, regardless of the number or timing of trains, will be significant.

10. Also, regarding school bus traffic and referencing Vol II, pg 61, email from Jared Taylor (Heritage Academy) to Adam Assenza (STB) on January 3, 2022, Mr. Taylor wrote:

While we don't have a bus system our parents arrive from over 30 different zip codes in the region. This means that our traffic is heaviest between 7:30 - 8:00 a.m. and 3:00 - 4:00 p.m., Monday - Thursday. I know you probably can't bind future UP schedules, but having excess at-grade crossings and trains blocking traffic at these times would increase our tardy rates. Carefully locating these crossings or requiring UP to install bypass systems will help not only the surrounding school systems, but also the public safety in the area.

Direct impacts to traffic, and indirect impacts to school tardy rates and public health and safety, are not currently disclosed in sufficient detail to determine if a potential for significant impacts may occur from the proposed at-grade crossings. Queen Creek requests disclosure of the methodology used to assess impacts to and from traffic associated with the proposed at-grade crossings, as well as the threshold for significance of these impacts, in order to better understand the actual impacts of the project.

11. Queen Creek and surrounding jurisdictions have entered into several intergovernmental agreements ("IGAs") to design the intersection of Sossaman and Germann Roads to allow the required short western extension of Germann to complete that "Road of Regional Significance". Completion of German Road, which is part of Proposition 400 extension and currently in design under the intergovernmental agreements, is critical to dealing with the unique traffic issues in the East Valley. UP's plan for the Sossaman at-grade crossing will preclude that extension and UP has not cooperated in a solution, despite repeated requests to work together.

Draft EA, 2-24, 2.5.1 Rail Traffic

The Draft EA states that UP anticipates trains would operate during daylight hours on weekdays, unless customers require specific service windows. Queen Creek requests additional specificity to determine potential impacts and a requirement to address school bus and peak commuter time traffic. The Draft EA is based on representations that there will be no more than two (2) trains per day, five (5) days a week of no

more than 3,000 feet long. This anticipated operations plan needs to be memorialized in a binding and enforceable agreement. Precluding trains from using the PIRATE Project tracks during peak traffic hours ("rush" and school bus scheduled times) would greatly reduce the adverse impacts on traffic. UP and Queen Creek both expect the use of the PIRATE Project to significantly increase in the future based upon commercial/industrial development in the region to be served by the Project. Increases in use beyond that included in the Draft EA should require UP to address those future impacts - now - in a binding and accountable manner.

Draft EA, 9, 3.1.3.1 2050 Build Level of Service

The Draft EA reads that the approaches at several of the study intersections in the Build scenario would have longer delays when compared to the No Build scenario. The longer delays in the Build scenario are mainly attributed to the new at-grade rail crossings associated with PIRATE. It is also noted the average hourly Level of Service ("LOS") for the Build scenario would meet City Mesa's goal of maintaining traffic operations at LOS D or better.

This needs to be corrected. First, Ellsworth is currently at a LOS of F or worse. Moreover, where the longer delays are attributed to the new at-grade rail crossings, alternatives to these crossings should be considered in the EA. The text also notes that the average hourly LOS for the Build scenario would meet the City of Mesa's goals but the EA should include additional information and analysis evaluating the peak hourly LOS impacts as well as impacts to other communities, including Queen Creek, which would experience increased traffic. Moreover, Queen Creek should be allowed to complete the proposed enhancements to intersections to increase the intersection LOS. It should be noted and addressed that the data on Table 3-3, pgs 3-10 regarding Sossaman Road and Germann Road does not match the graphics on the previous pages (including Figure 3-2).

Draft EA, 3-11, 3.1.3.2 2050 Build Delays and Queue Lengths

The Draft EA provides that due to high traffic volumes on these corridors during the analysis year 2050, queue lengths would likely be longer; however, even the longest queues would dissipate within the first few cycles of the traffic signal operations, resulting in an overall intersection LOS that is within acceptable level. This is incorrect; it was established in the Arizona Corporation Commission hearing that the queues would extend across multiple intersections.

Queen Creek notes that the EA should specify what the acceptable limits are and how these limits were determined. If the EA is only using City of Mesa's limits, Queen Creek requests that the EA address other impacted communities' limits.

Draft EA, 3-11, 3.1.3.4 Transportation Safety and Access Management

The Draft EA relates recommending mitigation (MM-TS-4) to ensure that UP coordinates temporary road closures and detours with Mesa, Gilbert, and Queen Creek 30 days prior to any road closure and follows the guidelines stipulated by local agencies. The temporary traffic control permits would require UP to maintain access to adjacent properties during construction, including those at the at-grade crossing locations, or provide an alternate detour (MM-TS-4).

Queen Creek observes that the Draft EA correctly notes that mitigation measures need to be developed in coordination with Mesa, Gilbert, and Queen Creek, because impacts will occur to each of these three communities. The Draft EA should include quantification and disclosure of both short-term and long-term traffic impacts to these communities so that a full range of reasonable alternatives that avoid impacts to these communities to the maximum extent possible is developed. Moreover, regarding the Draft EA's Recommended Mitigation Measures - Transportation & Safety (4.5.1.2 - pgs 177 - 178), the following should be implemented:

1. MM-TS-1. The EA should expand the peak periods for the area to include the hours from 6:00 - 9:00 a.m. and 3:00 - 7:00 p.m.
2. MM-TS-2. UP should be prohibited from operating the line through at-grade crossings during a.m. and p.m. rush hours (6:00 - 9:00 a.m. and 3:00 - 7:00 p.m.), unless an emergency situation exists.
3. MM-TS-3. UP should not be permitted to block an intersection for longer than three (3) minutes, decreased from ten (10). This is more reasonable given the length limitations that UP has represented will apply.

Draft EA, 3-15, 3.2.3.2 Long-term Operational Emissions

The Draft EA identifies that CO emissions tend to accumulate in areas where a large number of vehicles are idling or traveling at low speeds at intersections. As summarized in Section 3.1, Transportation and Safety, three (3) intersections would have a deteriorated LOS D or worse because of the operation of the proposed rail line. The modeling results in Table 3-6 show that the CO concentrations at the three (3) intersections would not cause exceedances of the 1-hour or 8-hour CO NAAQS in 2050. While the project's locomotive operation would cause GHG emissions, the emission would be offset by the GHG emission reduction from the reduced diesel truck trips that would not otherwise occur without PIRATE, resulting in a net reduction in GHG emissions (referencing Table 3-8).

Queen Creek comments that the emissions estimates and GHG analysis do not appear to include idling school bus emissions or additional idling vehicles at railroad intersections. Queen Creek respectfully requests the EA consider these emissions in the air quality analysis.

Draft EA, 5-1, 5.1.1.2 Agency Coordination Meeting

The Draft EA relates that as listed in Table 5-1, OEA also held or attended additional virtual meetings with Queen Creek and Mesa and to discuss potential traffic impacts and with SRP to discuss the utility's proposed transmission line projects in the project area. During the April 2022 meeting, Queen Creek presented a summary of population growth and traffic concerns in southeastern Maricopa County and adjacent Pinal County. Queen Creek requested that OEA's review include a traffic impact analysis to evaluate potential safety and traffic impacts at six arterial crossings, including the intersection of Sossaman and Germann Roads, and the need for grade separations, where necessary. Based upon the results of the traffic analysis, OEA determined that traffic impacts do not necessitate the need for grade-separated crossings. Queen Creek also requested that OEA consider vibration impacts to Arizona State Land Department land (which is being developed for major high-tech manufacturing) and lighting and noise impacts along the proposed rail line.

Queen Creek notes that there is no analysis provided by the Draft EA that merits a conclusion of no need for grade separation. Queen Creek requests additional transparency regarding the methodology and assumptions used by OEA to determine that traffic impacts do not necessitate grade-separated crossings. The OEA conclusion does not appear to be justified in the Draft EA. Moreover, OEA has not considered that future growth should be a significant factor in approval now – *i.e.*, the requirement for grade separation at Ellsworth, and design of the Sossaman/Germann intersection. Queen Creek invested hundreds of millions of dollars (and much staff time) in public infrastructure to alleviate the traffic problems in the East Valley, including outside its borders and in cooperation with other governments. The Draft EA should include provisions which require UP to respect Queen Creek's efforts and not allow the PIRATE Project to render Queen Creek's commitment to improving the road systems in the East Valley ineffective.

Thank you for your acceptance and consideration of these comments. The Draft EA should include reasonable and appropriate conditions for approval, including, but not limited to, the following:

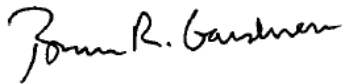
1. Grade separation at the Ellsworth Road crossing at the point of construction;
2. A process to require cooperation of UP with local governments including Queen Creek and surrounding jurisdictions to allow the design and construction of the Sossaman/Germann intersection crossing to permit the required extension of Germann to the west;
and

Pg. 9, Re: Town of Queen Creek Comments to Pecos Industrial Rail Access and Train Extension (PIRATE) Project Draft Environmental Assessment; Docket No. FD 36501 – Union Pacific Railroad Company – Construction and Operation Exemption – Maricopa County, AZ

3. Controls on train length, number of trains, and timing to reduce the negative impacts on existing and future traffic congestion on the roads being crossed.

The Town of Queen Creek looks forward to the continued coordination on this project. Should you have any questions, please contact Intergovernmental Relations Director Heather Wilkey at (480) 358-3913 or heather.wilkey@queencreekaz.gov.

Sincerely,



Bruce Gardner
Town Manager

cc: Heather Wilkey, Intergovernmental Relations Director, Queen Creek
Mohamed Youssef, Public Works Director, Queen Creek
Scott A. Holcomb, Member, Dickinson Wright/Town Attorney, Queen Creek
Peter H. Webster, Member, Dickinson Wright