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October 17, 2022

Andrea Poole  
Surface Transportation Board, OEA Docket No. FD 36616  
395 E Street SW  
Washington, DC 20423

And by e mail to Board's website at <https://stb.gov>.

**RE: Response to Docket No. FD 36616, Savage Tooele Railroad Company – Construction and Operation Exemption – Line of Railroad in Tooele County, Utah; Preliminary Consultation**

Dear Ms. Poole:

I am the City Attorney for Erda Utah, and this letter is being sent in response to a letter ("Letter") from Danielle Gosselin, Director Office of Environmental Analysis U.S. Surface Transportation Board ("Board") dated October 4, 2022. It is my understanding that Savage Tooele Railroad Company (STR) is seeking authority from the Surface Transportation Board (Board) to construct and operate a new railroad line in Tooele County, Utah, which would in part encompass the reactivation of common carrier rail service over a segment of a previously abandoned rail line that is in Erda ("Railroad Extension"). The Erda City Council directed me to respond to the Letter. The City Council objects in the strongest terms possible to the Railroad Extension. Erda is submitting the following objections and comments regarding Railroad Extension.

**The Railroad Extension has been Factually Abandoned.**

This railroad bed has not been used for at least 30<sup>1</sup> years and would pass through a subdivision<sup>2</sup>, and working agricultural fields, much of which has been developed long after the railroad was factually/visually abandoned, and the tracks removed. Permitting the Railroad Extension would cause a significant increase in noise pollution, air pollution, and visual pollution all disproportionately affecting the residents referenced herein.

### **Railroad Extension Crossings.**

The Railroad Extension will pass over two well-traveled roads specifically - Erda Way and State Road 138 and a yet to be constructed road known as the Mid-Valley Highway. Erda would have to pay for intersection improvement and perpetual maintenance of these crossings and increase Erda potential liability for accident at these crossings. This would place an undue and disproportionate burden on Erda and its residents.

### **Railroad Extension Crosses Significant Wetlands.**

The Railroad Extension passes through a significant wetlands complex on the south shore of the Great Salt Lake ("GSL"). The wetlands associated with the GSL account for nearly 80% of the wetland acreage in Utah. The GSL is designated as a Hemispheric Site of Importance by the Western Hemisphere Shorebird Reserve Network, a designation that is shared by only seven such sites in the lower 48 states. The U.S. Fish and Wildlife Service describes the GSL ecosystem as a critically important and irreplaceable resource due to its location, size, and ecological features. In particular, the open waters, shorelines, and adjacent mix of wetlands and uplands provide a critical migratory bird staging area in an otherwise arid region. The maintenance of the GSL ecosystem, and its component areas and functions, is essential to the continued productivity and biodiversity of migratory birds and other wildlife species dependent upon the GSL ecosystem. The wetlands associated with the GSL are perhaps the most ecologically important wetlands in the region. Since there is no existing rail bed in this area, and the swamp/wetlands will require significant development to accommodate the Railroad Extension, including substantial ground disturbance and disruption to these critical wetlands.

### **Railroad Extension Will Cause Increased Air Pollution.**

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<sup>1</sup> We are informed that the last car to run on this track was in late 1979, with a single boxcar, carrying newsprint for the Transcript newspaper in Tooele

<sup>2</sup> Some residents are 50 feet to the Railroad Extension and many other residents are 100 feet to the Railroad Extension.

There is no indication in the Letter how often trains will run on the Railroad Extension. Any train operation on the Railroad Extension will increase air pollutions to an area already prone to dangerous pollution incidents, inversions, and haze. In fact, in 2020 Salt Lake City (Erda and Salt Lake City are in the Norther Wasatch areas), was ranked as one the worst cities for air quality by IQAir, a Swiss air quality company. Furthermore, ozone monitors along the Wasatch Front continue to show exceedance of the acceptable ozone levels in Tooele County. Adding additional rail traffic on the Railroad Extension will exacerbate the dangerous pollution incidents, inversions, and haze.

### **Railroad Extension Will Increase Noise Pollution and Vibration Disturbance.**

Once again there is no indication in the Letter how often trains will run on the Railroad Extension. Any train operation on the Railroad Extension will increase noise pollutions and vibration disturbance. These noises include but are not limited to engine noise, brake noise, train horns, crossing alarms, and track noise compounded by the extended hours of operating cause an untenable situation to resident in the areas. Furthermore, vibrations can damage nearby building and residents. Adding additional rail traffic on the Railroad Extension will create a new noise problem to residents and vibration disturbance specifically to resident near the Railroad Extension.

### **The Railroad Extension is in Conflicts with Land Use Plans, Policies, and Controls for Erda.**

All land uses in Erda are controlled by the Erda Land Use Code (“Code”). The areas where the Railroad Extension are located are zoned residential or agriculture. Specifically, the Code governing agriculture and rural residential districts says “[n]o building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the multiple use, agricultural or rural residential districts except as provided in this Chapter.” There is no place in the referenced chapter that allows for the Railroad Extension so therefore the Railroad Extension is not an allowed use and no permit will be issued.

### **The Railroad Extension is Located in a Resource Conservation and Development Area.**

The United States Department of Agriculture (“USDA”) manages the Resource Conservation and Development Area. The Resource Conservation and Development Area

contains planning tools, conservation practices, and best practices. Certainly, building the Railroad Extension is not a conservation or best practice and is contrary to the Railroad Extension.

### **Public Outcry**

The Erda City Council has received numerous phone calls, e-mails, and face to face meetings with residents that indicates unanimous disapproval to the Railroad Extension. In fact, the Erda City Council would characterize it as a public outcry against the Railroad Extension.

In conclusion, we appreciate the opportunity to register our objections and provide our comments. We urge the Board to carefully scrutinize the proposed Railroad Extension.

Sincerely,

John Brems