



Victoria Rutson, Director
Office of Environmental Analysis
Surface Transportation Board
395 E. Street, SW
Washington, D.C. 20423

January 30, 2015

Dear Ms. Rutson:

On behalf of Northern Plains Resource Council (Northern Plains) members, I am writing to follow up on the issues raised in a March 14, 2013, letter from Senator Jon Tester to the members of the Surface Transportation Board (STB). Senator Tester had requested that the environmental impact statement (EIS) being prepared to address the transportation merits and the cumulative environmental impacts of the Tongue River Railroad (TRR) "include communities along the shipping routes between the mine mouth [Otter Creek] and the delivery point for that product [coal]" (copy of letter attached).

The Board responded to Senator Tester in an April 1, 2013, letter (copy attached) stating that "... The DEIS [draft EIS] will include an analysis of the potential environmental impacts from increased coal train traffic on communities along TRRC's [TRR Company] proposed rail line and to communities between TRRC's proposed rail line and the potential destination points, to the extent such destination points are reasonably foreseeable and to the extent required under NEPA [National Environmental Policy Act]."

We are aware of ten communities that have sent official letters to the STB requesting inclusion of their cities, towns, and counties in the EIS process because of the connected and cumulative impacts increased coal train traffic will have on their citizens. These communities have requested that the STB actively seek input from them for consideration and analysis in the draft EIS being prepared for the TRR. We have contacted many of these communities, and, to date, find that none have received a response to their letter nor any request for pertinent information from the STB or from ICF, the contractor preparing the draft EIS on the TRR. We are happy to supply you with copies of these letters if somehow they have not reached your desk.

Communities that have (so far) expressed interest for the STB to take the impacts to their citizens into account in the EIS are not only from Montana but also from across the Pacific Northwest and include:

- Whitefish, Montana, City Council, September 2014 resolution
- Missoula, Montana, City Council, September 2014 resolution

- Bonner/Milltown, Montana, Community Council letter to the Missoula County, Montana, Commissioners, October 2014 letter
- Lewis and Clark City/County, Montana, Board of Health, October 2014 letter
- Livingston, Montana, City Commission, December 2014 letter
- Spokane, Washington, City Council's president Ben Stuckart, August 2014 letter
- Sandpoint, Idaho, City Council, September 2014
- Seattle, Washington, City Council, November 2014 letter
- Mosier, Oregon, City Council, November 2014
- Bonner County, Idaho, County commissioners, January 2015

Increased coal train traffic from the proposed Otter Creek coal mine via the TRR will impact communities along the entire existing rail transportation network in Montana and the Pacific Northwest. The connected and cumulative impacts include:

- increased traffic congestion at rail crossings,
- disruption of business and commerce in communities where the rail line divides cities and towns,
- increased likelihood of delay for emergency services such as EMS, fire, or police,
- increased likelihood of vehicle collisions with trains,
- increased likelihood of pedestrian accidents,
- an increase in airborne pollutants (particulate matter) from train diesel exhaust as well as from coal dust (medical studies have shown a clear link between both diesel air pollutants and coal dust and disease),
- an increase in airborne pollutants (particulate matter) from an increase in idling automobile traffic at train crossings when trains are passing,
- increased noise pollution, especially noise from the sound of train horns (noise is a health issue beyond the obvious link of loud noise exposure to hearing impairment and deafness as it is linked to increased blood pressure, arrhythmia, and stroke; sleep disturbance and resultant fatigue; cognitive impairment in children; and exacerbation of mental health disorders),
- increased financial costs to local governments and taxpayers in towns crossed by rail lines as state and local governments would bear the brunt of the costs associated with local infrastructure upgrades necessary to mitigate the above negative impacts of increased train traffic.

Previously, Northern Plains supplied your office with two reports prepared for the Western Organization of Resource Councils (WORC) on the potential impacts associated with recent and projected significant increases in Powder River Basin coal shipments to export terminals (actual and proposed) in the Pacific Northwest. Both reports can be accessed online web at: <http://www.heavytrafficahead.org/>. The reports were prepared by Terry C. Whiteside and Gerald W. Fauth III, both recognized experts in rail transportation issues.

The first report, *Heavy Traffic Ahead: The Impacts Associated with the Expected Increase in Railroad Export Coal Movements from Powder River Basin Origins to Existing and Proposed Pacific Northwest Export Coal Terminals* was issued in July 2012 and is a well-

documented and sobering exposé of what proposed increases in coal-hauling rail traffic would mean for citizens and local governments in Montana, Idaho, Washington, and Oregon; for grain producers whose agricultural supplies and market-ready products rely on the rail system; for other shippers who rely on the rails, and for landowners crossed by the rail lines.

The second report, *Heavy Traffic Still Ahead*, was issued in February 2014. This report updated the information presented in the 2012 report and included data about current and potential rail traffic moving oil from the Bakken area in North Dakota and Montana to the Pacific Northwest. Potential rail congestion impacts raised in the first report have only increased and been exacerbated by the rapid increase in rail transport of Bakken oil.

Additionally, in September 2014, the Government Accountability Office (GAO), issued a report titled, "Freight Transportation: Developing National Strategy would Benefit from Added Focus on Community Congestion Impacts" (GAO-14-740, available at <http://www.gao.gov>). This overview report describes freight congestion issues and consolidates information on the lack of resources and recourse available to assist local officials with the costly infrastructure needs that are the result of the dramatic increases in coal export and Bakken oil-by-rail shipments. These costs should not fall on local taxpayers. The Tongue River Railroad will add to the impacts and costs already being experienced by communities along a strained rail system. An analysis of these issues must be included in the draft TRR EIS.

As the date approaches when the STB has indicated that the draft TRR EIS will be released to the public for review and comment, we want to be sure that you have received these official letters and documented studies and have included them in the draft EIS analysis being prepared. We believe that this information is vitally important to a comprehensive and thorough analysis of the connected and cumulative impacts of down rail traffic that would be associated with construction of the proposed TRR. We would appreciate a reply to this letter indicating that you have received it and are, indeed, including a critical analysis of the down rail impacts of the TRR in the draft EIS. Thank you.

Sincerely,



Steve Charter, Chair
Northern Plains Resource Council

Attachments (2)

cc: Deb Miller, Acting Chair, STB
Ann D. Begeman, Vice Chair, STB
Senator Jon Tester
Senator Maria Cantwell
Governor Jay Inslee
Governor John Kitzhaber

JON TESTER
MONTANA

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March 14, 2013

The Honorable Daniel R. Elliott III, Chairman
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

The Honorable Ann D. Begeman, Vice Chairman
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

The Honorable Francis P. Mulvey, Commissioner
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Dear Chairman Elliott, Vice Chairman Begeman, Commissioner Mulvey:

I write regarding the Surface Transportation Board's (the Board) pending permit application for construction of the re-proposed Tongue River Railroad and the Tongue River Railroad Company's (TRRC) preferred alternative, the Colstrip Alignment. I urge the Board to take the time to conduct an analysis on both the transportation merits and the cumulative environmental impacts of the railroad. I believe that this process must consider these impacts in Montana and throughout the affected region.

I ask that the Board review the impacts a new railroad would have on existing regional rail networks and current shippers. For instance, shippers of agricultural products face some of the highest tollage in the country. It is vital to the regional economy that existing shippers are able to continue to financially compete with other shippers and that there is sufficient rail capacity to handle the additional traffic. A full and thorough analysis will also allow communities, decision-makers, and public officials to weigh the true costs and benefits of such a project.

I also encourage the Board to expand the scope of the Environmental Impact Statement (EIS) to include communities along the shipping routes between the mine mouth and the delivery point for the product.

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Office of the Chairman

Surface Transportation Board
Washington, D.C. 20423-0001

COPY

April 1, 2013

The Honorable Jon Tester
United States Senate
Washington, DC 20510-2604

Dear Senator Tester:

Thank you for your letter of March 14, 2013, regarding the Tongue River Railroad Company's (TRRC) proposal to construct and operate a new rail line in Montana to serve the planned Otter Creek coal mine and any future mines that may be developed in the Ashland, Montana area. As you note, this matter is currently pending before the Board.

In your letter, you request that the Board conduct a full and thorough analysis of both the transportation merits and potential environmental impacts of TRRC's proposal. Specifically, you ask that the Board assess the possible effects that a new rail line would have on regional rail networks and existing shippers, particularly shippers of agricultural products, to ensure that sufficient rail capacity exists to handle additional train traffic. In addition, you ask that the Board's Environmental Impact Statement analyze possible environmental impacts to communities between the Otter Creek mine and the ultimate destination of the coal projected to be shipped on TRRC's proposed rail line.

With regard to potential effects on existing shippers, the Board will conduct a new and full review of the transportation merits of TRRC's proposal. Under 49 U.S.C. 10901, the Board must approve a proposed new rail line unless it finds that the proposal would be inconsistent with the public convenience and necessity. As part of the public convenience and necessity review, the Board examines potential effects on existing shippers, among other things.

Concerning the scope of the Board's environmental review, the Board's Office of Environmental Analysis (OEA) issued the Final Scope of Study for the Environmental Impact Statement on Friday, March 22, 2013. We have enclosed the Final Scope for your reference. OEA is now developing the Draft Environmental Impact Statement (DEIS), which will be issued for public review and comment.