

Mr. Dave Navecky
Office of Environmental Analysis
Surface Transportation Board
Docket No. FD 35952
395 E Street SW
Washington, DC 20423-0001

May 21, 2016

EI-23756

Dear Mr. Navecky,

I am writing the Surface Transportation Board with concerns about the proposed Great Lakes Basin Rail Line that has requested a route passing from Wisconsin to Indiana. I am a lifelong farm owner in Boone County, IL and one of my farms will be dissected by this train line should it be build.

It has been brought to my attention that a private rail crossing on farm land may not only pose a severe safety risk due to hazardous waste spill, accidents between trains and farm equipment and livestock but also the serious and expensive question of liability coverage.

The University of Vermont/ Vermont Legislative Research Shop paper detailing Private Rail Crossing Liability states that "private railway crossings are not federally regulated and state regulations are inconsistent. In the absence of legislation, the use of private crossings is negotiated between the landowner and the railroad.³ Due to the lack of national policy, most private crossings are not up-to-date and are dangerous.⁴"

"All examples of agreements found by the researchers require the landowner to have Railroad Protective Liability (RRPL) insurance. Because RRPL is intended for short-term construction projects rather than long-term crossing agreements, the policies are very expensive (\$2,500 - \$5,000 annually) and do not guarantee renewal."

"Disputes between the private crossing owner and the railroad tend to be both expensive and time-consuming due to the complicated process of solving disputes."

The paper says that, "the greatest safety concern is that no single agency or government regulates all aspects of private crossings."

The Vermont Legislative Research Shop cites an agreement between a private landowner and the Reading Blue Mountain and Northern Railroad Company in Pennsylvania. To cover all liabilities the landowner is expected to purchase insurance for the private crossing shall be not less than five million dollars (\$5,000,000).

This would create an incredible financial burden for a farm owner and would likely severely cripple farm income. It would likely make it impossible to farm for the majority of owners. A private crossing would be used repeatedly by the farmers planting, spraying, disking, plowing, spreading manure and harvesting a crop. Other service operators would also need to cross to spread lime, fertilize, place or fix field tile or repair equipment which would leave the farm owner incredibly responsible for their safety as well.

Please consider this unfair liability foisted on those who do not care to give up their land to the Great Lakes Basin Rail Line. I respectfully request that your office refuse a building permit for this rail line.

Sincerely,
Lori A. Pepper
514 Stevens Court
Sleepy Hollow, IL 60118



³ L. Stephen Jennings, Compilation of State Laws and Regulations Affecting Highway-Rail Grade Crossings, 4th Edition, U.S. Dept. of Transportation, Federal Highway Administration, 16 October 2002.

⁴See Private Highway-Rail Grade Crossing Safety Research and Inquiry report.

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