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Minnesota Department of Transportation

Office of Freight, Railroads, & Waterways
395 John Ireland Blvd., MS 470
St. Paul, MN 55155-1899

Phone: 651/296-0355
Fax: 651/297-1887

February 26, 2001

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Office of the Secretary
Attn: Ms. Victoria Rutson
Case Control Unit
STB Finance Docket No. 33407
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Dear Ms. Rutson:

Enclosed for filing are the original and ten copies of comments by the Minnesota Department of Transportation as announced by the Surface Transportation Board for Finance Docket No. 33407.

Sincerely,

A handwritten signature in cursive script, appearing to read 'All Vogel'.

Allan J. Vogel, Director
Office of Freight, Railroads & Waterways

BEFORE THE
SURFACE TRANSPORTATION BOARD



STB FINANCE DOCKET NO. 33407

DAKOTA, MINNESOTA & EASTERN RAILROAD CORPORATION CONSTRUCTION
INTO THE POWDER RIVER BASIN

MINNESOTA DEPARTMENT OF TRANSPORTATION COMMENTS
ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT CONCERNING THE
DAKOTA MINNESOTA & EASTERN RAILROAD'S PROPOSED POWDER RIVER BASIN
EXPANSION PROJECT

Allan J. Vogel, Director
Office of Freight, Railroads & Waterways
Minnesota Department of Transportation
395 John Ireland Blvd.
Mail Stop 470
St. Paul, Minnesota 55155

February 26, 2001

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My name is Allan J. Vogel, Director of the Office of Freight, Railroads and Waterways for the Minnesota Department of Transportation (Mn/DOT). Mn/DOT is the state agency responsible for rail planning and programs in Minnesota. Part of Mn/DOT's responsibility is to comment on mergers, consolidations, acquisitions or other significant transactions involving railroads that affect or may affect Minnesota. The proposal by the Dakota, Minnesota and Eastern Railroad (DM&E) for construction into the Powder River Basin, herein referenced as "PRB project," is a matter falling within the jurisdiction of Mn/DOT.

I. Introduction

The DM&E is vital to the economy of the region as a primary rail carrier in the agricultural heartland of Minnesota, providing a critical link in the state's transportation system. The PRB project has the potential to provide substantial economic benefit to Minnesota shippers as it holds the promise of expanded markets for Minnesota products and access to additional rail carriers at competitive rates. Since the DM&E began operations, they have been a good rail service provider and have worked cooperatively with Mn/DOT on a number of rail rehabilitation and safety improvement projects. *The continued operation of the DM&E is in the best interest of the State and the customers that use its system.*

Given Mn/DOT's views of the value the DM&E adds to the state's transportation system, Mn/DOT hoped the draft Environmental Impact Statement (DEIS) would have provided a level of analysis that would allow Mn/DOT to state full and unqualified support for this project. *However, the depth of analysis provided in the DEIS, as evident by the comments that follow, does not allow Mn/DOT to make a statement of support.*

The following briefly summarizes Mn/DOT's concerns and disappointments with the DEIS:

- The DEIS makes no recommendations for grade separations or grade crossing closures and the related safety issues;
- The DEIS does not acknowledge all the work and the agreements already negotiated between DM&E and local communities;
- The DEIS provides mapping that is sometimes inaccurate and lacks the level of detail necessary for making an accurate assessment of the proposed project;
- The DEIS does not address who is responsible for specific funding of mitigation efforts once they are identified; and
- The DEIS does not address several local issues including the possible increase of railroad traffic to the city of Winona and whether the new line should run through the city of Rochester or bypass around it.

II. STB's No-Action Alternative

The STB has done a commendable job describing the "no-action" alternative. *Mn/DOT believes the DM&E is a critical element of a balanced multi-modal transportation system in Minnesota and we share the STB's conclusions that there are significant environmental and social costs if this railroad were to fall into further disrepair and/or service abandoned.*

Competitive transportation options for shippers in Minnesota are critical and this railroad provides economic advantages to the agricultural community in southern Minnesota. Near unanimous support from Minnesota's agricultural community for this project further emphasizes the importance of this railroad in Minnesota.

III. Community Agreements

Mn/DOT appreciates the STB encouraging the DM&E to negotiate mutually acceptable agreements with affected communities and other government entities addressing potential environmental impacts, including ways to share the costs associated with project-related environmental mitigation measures (ES.10.5). *However, since the DM&E is not required to submit these agreements to the STB, there is no mechanism that binds the DM&E to the*

agreement and there is no recourse for failure of any party to achieve any of the agreed upon mitigative measures.

IV. Mapping

Mn/DOT believes the draft EIS is inadequate in that it fails to provide enough detail in its mapping. In many cases, the mapping is inaccurate. The absence of mileposts, lack of detail for locations of passing sidings and overall lack of detail makes it impossible for Mn/DOT to provide thorough comments with respect to the proposed new construction.

It is likely the proposed bypasses will disrupt communities. It would be helpful to Mn/DOT, and others providing comments, for the EIS to provide accurate maps so those commenting can effectively identify and evaluate all potential impacts.

V. Safety Issues

Train Control System — The train control system chosen by the DM&E will impact safety, particularly when trains are slowing or are stopped. *Mn/DOT does not feel the PRB project is the proper environment for testing an unproven, sophisticated train control system* and requests the STB to require the DM&E to identify a more conventional type control system for the project as an alternative before the STB gives its approval. The DEIS fails to comment or recognize this potential safety concern.

Grade Crossing Safety — Mn/DOT is very concerned about (up to) 34 additional trains per day and their impact with respect to grade crossing safety along the DM&E corridor and other affected rail corridors (i.e., Canadian Pacific Rail through the city of Winona, the I&M Railroad through the city of Owatonna, the Union Pacific through the city of Mankato and the Burlington

Northern Santa Fe in Lyon County) in Minnesota.

Mn/DOT appreciates the STB directing the DM&E to develop a grade crossing safety plan to minimize traffic delay and improve vehicular safety at grade crossings; and, to consult with various federal, state and local agencies to prioritize these safety improvements (Section 7.8.1.1). *However, there is no mechanism that binds the DM&E to the safety plan and there is no recourse for failure of any party to achieve an agreed upon safety plan.*

Mn/DOT recently conducted a safety study for the proposed DM&E expansion project (Mn/DOT's Southern Minnesota Rail Corridor Safety Study) and identified appropriate warning devices for all public grade crossings along the DM&E's corridor through Minnesota at various levels of service (20 million, 50 million and 100 million tons per year). *Mn/DOT's expectation is that the safety recommendations identified in our study will be the minimum grade crossing safety improvements as part of this project.*

There are substantial differences between the proposed safety improvements contained in the Mn/DOT study and the proposed safety improvements contained in the DM&E's community plans. The Mn/DOT and DM&E plans differ in three basic areas:

- 1) The use of gates at signalized crossings — Mn/DOT's guidelines for the use of gates are based on train speed and number of tracks, while the DM&E uses train volumes only to determine gate requirements. There are 90 crossings where the two plans differ regarding the use of gates. *Mn/DOT insists the STB require the DM&E to install gate arms at all locations with active warning devices.*

- 2) The use of stop signs at unsignalized crossings — Mn/DOT's guidelines for the use of stop signs is based on high speed, high train volume criteria. DM&E's community agreements do not address stop signs. There are 90 crossings where the two plans differ. *Mn/DOT insists that the STB require the DM&E to install stop signs at all unsignalized crossings.*
- 3) Projected increases in roadway traffic — Mn/DOT's plan projects traffic volumes based on county projection factors. The DM&E (and the STB analysis) uses existing traffic volumes only. There are 31 crossings where there is a difference between Mn/DOT's recommendations for new signal systems and the DM&E's plan for keeping these crossings unsignalized. *Use of existing traffic volumes rather than projected volumes is a major shortcoming in the DEIS methodology.*

At grade crossings where new active warning devices will be installed, Mn/DOT requires gate arms when train speeds are 40 miles per hour or greater. This guideline has been in place for at least 15 years and this is the standard to which Mn/DOT will hold the DM&E.

There are approximately 100 locations in Minnesota that have active warning devices without gate arms and trains operating at 40 miles per hour or greater. Mn/DOT is working systematically with appropriate railroads and local agencies to upgrade these locations to include gate arms. Our most significant constraint is lack of available funding.

The following three issues are not addressed by the STB in the DEIS:

- 1) The DEIS is silent on who shall pay for these safety improvements. *It is Mn/DOT's position that the STB should specifically order the DM&E to pay for all costs associated with grade crossing safety, including installation of signs, signals, crossing surfaces and construction of appropriate roadway approach work, consistent with what the DM&E offered in its construction application.*
- 2) The DM&E proposes to rebuild their entire existing mainline track in Minnesota with new rail, ties, ballasts, and other track material. This will require all grade crossing surfaces to be rebuilt and, in many locations, highway approach grades be adjusted. Poor approach grades, including hump crossings and poor crossing surfaces, can create serious safety concerns. Given that the new crossing surfaces will include various materials, the railroad should ensure that roadway approaches be reconstructed to eliminate rough or humped crossings. *All approaches must meet the standards of the American Association of State Highway and Transportation Officials (AASHTO) design manual, Minnesota Rules Chapter 8830 and American Railway Engineering and Maintenance of Way Association (AREMA) standards.*
- 3) What mechanism will be put in place to ensure that these safety improvements are made in a timely fashion and to hold the DM&E accountable if these improvements are not made in a timely fashion?

Traffic Delays — *The DEIS analyzed traffic delays at all high vehicular volume grade crossings and determined that an additional 34 trains per day would not result in traffic delays in Minnesota. Mn/DOT takes strong exception to this conclusion. The statistics used in this*

analysis are flawed because the analysis averaged daily traffic volumes over a 24-hour period. This is a false and unrealistic view of what will occur at heavily traveled grade crossings. In fact, at a minimum, peak travel periods will produce significant traffic delays at these locations. More likely, 37 trains per day will create serious traffic delays during long stretches during the day. This is particularly problematic in the city of Rochester, with its large medical facilities and the city of Winona, which already has large numbers of trains traveling through the city.

Mn/DOT believes the addition of 34 trains per day will create serious traffic delays at a number of grade crossings in Minnesota. *Mn/DOT strongly encourages the STB to re-visit the results of their traffic delay analysis. The STB needs to identify mitigation measures, such as grade separations and emerging Intelligent Transportation Systems (ITS) technology to address this serious problem.*

Grade Separations — *Mn/DOT is very concerned that the STB did not evaluate, nor consider, the need for grade separations.*

Nationally, exposure figures in excess of 300,000 (number of trains per day multiplied by the number of vehicles per day at a particular crossing) are oftentimes used as an indicator of the need for a grade separation.

Mn/DOT's Southern Minnesota Rail Corridor Safety Study identified 20 potential candidates for grade separations along the DM&E corridor. Mn/DOT is particularly concerned about the need for grade separations in the cities of Winona and Rochester. The City of Mankato negotiated an agreement with the DM&E to construct two grade separations within the city; however, the City

subsequently terminated its agreement with the railroad. Grade separations within the city of Mankato remain to be resolved.

VI. Train Volumes

The analysis contained in the DEIS for environmental impacts is flawed because of how poorly and inconsistently the STB addressed the issue of train volumes. For example, when determining noise or vibration consequences of this application, the STB assumed current train levels in Minnesota that range between 8 and 14 trains per day. Mn/DOT's analysis and records indicate that four trains per day in Minnesota is on the high side of average traffic levels on this corridor.

In addition, the STB assumes thirty-seven (37) trains per day will travel the entire length of Minnesota at full build out. The use of this figure presents the railroad's "best business case" and represents communities' "worst case."

Mn/DOT is particularly concerned with the inconsistent manner in which train volumes are used in the analysis of the DEIS. *First, the STB needs to acknowledge that a portion of the 37 trains used in the analysis will likely interchange at Mankato and at Owatonna. Not all trains will continue east through Rochester and into Winona.*

Second, if the STB chooses to conduct its analysis based on 37 trains traveling the entire length of Minnesota to Winona, then *the DEIS cannot remain silent on the environmental consequences in the City of Winona.*

Third, for the DEIS to state that 37 trains through the City of Rochester does not present serious

traffic consequences is a flawed conclusion. If, at full build out, 37 trains run through the City of Rochester (as referenced in the DEIS), the increased rail traffic will significantly affect safety and road traffic. The impacts will be due, in part, to the increased speed, frequency, and length of trains. Stoppage of any of these trains, within the city, could essentially cut the city in half, thus delaying traffic on either side of the track.

It appears to Mn/DOT that the STB's work in the area of train volumes provides for "analysis of convenience" with respect to train volumes rather than an objective analysis based on what is logically known. *The STB has the authority and the responsibility to provide an analysis based on a real world business scenario.*

VII. City of Mankato

New Construction at Mankato — The STB should condition the approval of the proposed Mankato bypass construction based on the compatibility with state and local road projects as the new line crosses trunk highways and numerous county and local roads. Mn/DOT has no preference to any of the proposed alignments at Mankato. However, as the STB selects the preferred alignment for Mankato, it is Mn/DOT's position that the DEIS must direct the DM&E to work closely with, and receive approval from all road authorities, as to the impacts on safety, bikeway development plans, and roadway reconstruction proposals. The STB cannot allow for safety of the motoring public at highway railroad grade crossing environments to be compromised by the PRB project and the proposed eightfold increase in rail traffic and increased operating speeds.

The train traffic increases proposed by the DM&E will significantly exacerbate traffic and circulation issues in Mankato. Grade separations will help improve safety, while minimizing vehicle delay and emergency access issues.

The significant increase in train traffic the DM&E will generate within the city of Mankato justifies the STB specifically ordering the DM&E to pay for all costs associated with construction of grade separations within the city of Mankato. *Recognize that it is totally unacceptable that there be at-grade crossings of four-lane divided highways. Mn/DOT will not accept this conclusion because safety is compromised. In fact, Mn/DOT will not accept at-grade crossings of a mainline railroad of any four-lane divided roadway at any location in Minnesota.*

The DEIS is unclear in its description of the bypass alignment south of Mankato (M-2). This lack of clarity allows too much room for conjecture and uncertainty. The STB must clearly describe the bypass alignment so as to provide agencies and communities enough information on which to appropriately comment.

A bypass alternative that provides for 19 new at-grade crossings over a relatively short distance is also unacceptable. If this alternative is selected, the STB must identify the appropriate mix of road closures and safety improvements, including grade separations, on any bypass alignment that would ensure safety of the motoring public, pedestrians, and railroad employees.

VIII. City of Owatonna

New Construction at Owatonna — The STB should condition the approval of the Owatonna

construction based on the compatibility with state and local road projects including current and future reconstruction plans for T.H. 14 in the vicinity of Owatonna, and local road projects in Owatonna as the DM&E constructs the connection to the I&M Rail Link (I&M) at Owatonna. In its application, the DM&E has identified construction for a connection to the I&M at Owatonna for the interchange of coal traffic for both north and south movements. The potential impacts of increased train traffic on the I&M raise safety concerns for their line in Minnesota. Neither Mn/DOT nor the communities potentially affected by the north/south coal traffic have received any information from either the DM&E or the I&M related to their plans to bring the I&M up to safety standards necessary for the increased train speed or volumes.

IX. City of Rochester

Mn/DOT is extremely disappointed that after two and a half years of study, the STB could not identify a preferred alternative for the city of Rochester. Mn/DOT offers the following comments for the through-city and by-pass alternative.

With respect to the alternative through Rochester, Mn/DOT thinks it is unreasonable to suggest that an additional 34 trains per day could run through the city of Rochester without substantial traffic impacts, particularly to safety and congestion concerns. This analysis is simply not correct.

Mn/DOT conducted a thoughtful and technically sound Southern Minnesota Rail Corridor Safety study, dated February 2000. The STB fails to acknowledge the study's conclusions in the DEIS. The findings of the study illustrate that grade separations are an essential element of resolving issues related to the through-Rochester alternative.

Grade Separations — There are two existing grade separations in Rochester, Trunk Highway 52 and County State Aid Highway 22, and fourteen grade crossings. Seven locations are grade separation candidates and seven other locations do not meet grade separation criteria. Currently, there are no proposals for grade separations for any of these fourteen grade crossings in the Mn/DOT, Olmsted County, or City of Rochester construction plans. *The train traffic increases proposed by the DM&E will significantly exacerbate traffic and circulation issues in Rochester. Grade separations will help improve safety, while minimizing vehicle delay and emergency access issues.*

As part of Mn/DOT's Southern Minnesota Rail Corridor Safety Study, the following table was developed to present a scenario that addresses safety concerns in the City of Rochester:

Grade Separation Scenario — Rochester				
	3 Trains/Day	11 Trains/Day	20 Trains/Day	37 Trains/Day
Timeframe	2000	2003	2005	2010
Existing Grade Separations	2 (TH 52 and CSAH 22 west)	2 (TH 52 and CSAH 22 west)	2 (TH 52 and CSAH 22 west)	2 (TH 52 and CSAH 22 west)
Crossings Meeting Criteria	0 meet criteria	4 meet criteria	4 meet criteria	7 meet criteria
Possible Locations for Additional Grade Separations		1 – downtown and 1 – Rochester east location	1 – downtown 1 – Rochester east location and 1 – additional location (could be downtown or Rochester east or west)	1 – downtown 1 – Rochester east location 1 – additional location (could be downtown or Rochester east or west) and 2 additional locations

The significant increase in train traffic the DM&E will generate within the city of Rochester justifies the STB specifically ordering the DM&E to pay for all costs associated with construction of grade separations within the city of Rochester as outlined above.

A bypass alternative that provides for 34 new at-grade public crossings over a relatively short distance is also unacceptable. If this alternative is selected, the STB must identify the appropriate mix of road closures and safety improvements, including grade separations, on any bypass alignment that would ensure safety of the motoring public, pedestrians, and railroad employees.

X. City of Winona

The city of Winona is a community located on the Mississippi River approximately 110 miles southeast of Minneapolis/St. Paul. The Canadian Pacific Railroad (CP Rail) and the Union Pacific (UP) Railroad serve the city. The DM&E Railroad does not own trackage within the city. It provides service via trackage rights on CP Rail. Existing traffic volumes along the CP Rail line through the city of Winona are approximately 25 trains per day; this includes the existing three DM&E trains per day.

The city of Winona is currently experiencing significant congestion problems from rail, truck, and auto traffic. Adequate rail capacity **does not** exist in Winona to handle the 34 additional trains that are used as the STB's threshold for environmental analysis. Environmental impacts as well as benefits to the City of Winona, Port of Winona and the Mississippi River must be considered in the STB's analysis. *For the DEIS to be silent on the impacts this project will have on Winona is arguably a fatal flaw.* Safety, access, emergency services, mobility, noise, vibration, etc. are all significant issues in the City of Winona that the DEIS fails to acknowledge and address.

New Construction — Although the DM&E has not identified any new construction in the vicinity of Winona subject to STB approval, Mn/DOT requests the STB impose conditions on the DM&E to adequately identify their plans for new marshaling facilities, riverfront barge loading terminals and improvements to rail lines for interchanging coal traffic to other carriers in Winona, prior to approval of the project. The DM&E has stated the majority of the coal shipments will either interchange with other rail carriers or be transloaded onto river barges at Winona. The increase in train traffic moving through the city and the increase in barge loadings

at the Port of Winona will tax the capacity of current infrastructure to meet demand. The DM&E application to the STB lacks specific information related to new construction in the vicinity of Winona necessary for connections to other railroads and/or transferring coal to river barges. *With the additional train traffic in Winona and barge loadings at the Port of Winona, it appears new construction will be necessary for the DM&E to accomplish this. It is Mn/DOT's position that any new construction necessary in Winona should be subject to stringent review by the STB as part of this process. The STB must address these concerns, identify necessary mitigation measures, and identify who will pay for the mitigation measures.*

Grade Separations — There are seven crossings in Winona that meet the 300,000 indicator for being a grade separation candidate. Several locations have been considered for separations over the years, but would require major disruptions within the city. The current direction the City is pursuing is to propose grade separations on each end of town. Pelzer Street on the north side was developed as a truck bypass route to the industrial area of Winona, and a grade separation in this area seems reasonable. The southeastern side is more difficult, but an alignment in the area around Louisa Street and Mankato Street may provide the best location. *The significant increase in train traffic the DM&E will generate within the city of Winona justifies the STB specifically ordering the DM&E to pay for all costs associated with construction of two grade separations within the city of Winona.*

XI. Impacts On Landowners

Mn/DOT is aware of at least one landowner that will be significantly impacted by construction of the proposed eastern marshaling and staging yard. As proposed, the construction will essentially split the landowner's farm in half and require the use of Trunk Highway 14 for long distances to

move slow farm machinery. Mn/DOT urges the STB to identify and promote a reasonable accommodation for the landowner that would provide for more efficient access to the property and the safe movement of farm equipment.

XII. Who Pays For Mitigative Measures

With respect to all Minnesota communities, counties, and the State, all safety and roadway improvements that are necessitated because of an approved DM&E project should be constructed at no cost to the state or local unit of government and the EIS should declare same.

One hundred four mitigative measures have been identified in the DEIS. Mn/DOT's review of these mitigative measures does not provide an understanding of who is responsible for paying for the implementation of these measures.

The STB should specifically order that the cost of all mitigation is the sole responsibility of the DM&E railroad. This should include all costs associated with grade-crossing safety improvements and necessary grade separations.

XIII. General Comments

Coordination With State and Local Plans — Prior to initiating any project related construction activities, the STB should direct the DM&E to develop a plan that coordinates with Mn/DOT and local road authorities to ensure all new construction and reconstruction activities are consistent with state and local transportation plans, projects and proposals. Mn/DOT currently has a completed EIS for two state trunk highway projects in Owatonna. The DM&E cannot ignore this and must work with Mn/DOT to resolve any issues that exist along this corridor prior to any

construction activities. This condition is necessary due to the lack of detailed engineering for the new construction made available to Mn/DOT and local road authorities as part of the DM&E's application to the STB.

Whistle Bans — Mn/DOT is concerned that a federal agency would advocate that the DM&E work with affected communities to identify safety measures that will eliminate the need to sound train whistles. There is strong evidence that sounding train whistles saves lives at railroad - highway grade crossings. The Federal Railroad Administration (FRA) is conducting a rulemaking process that will develop a process for local communities to obtain a waiver from whistle blowing, however the rules have not yet been finalized. Federal law states that flashing lights and gates will not be adequate to obtain a waiver. Center medians, four quadrant gates, one-way streets, closures, or other measures may be required.

If this process is put in place, local agencies will be able to choose whether to pursue quiet zones. FRA's proposed rules provide a process for communities wishing a "quiet zone" and determining what compensating safety improvements need to be made. FRA's proposed rules clearly do not advocate quiet zones. Instead, they provide a systematic process as an appropriate response to a community's wishes. *Mn/DOT thinks it is inappropriate for a federal agency to become an advocate for whistle bans. Mn/DOT strongly encourages the STB to remove mitigation measure #9 from Section 7.8.1.2.*

Rail Service — Mn/DOT requests the STB require the DM&E to ensure Minnesota shippers receive access to rail service at levels at or above those currently available and guaranteed service at rates that are fair and reasonable.

DM&E System Structure — The DM&E should be required, by the STB, to fully honor the system structure as stated in the construction application. The expanded DM&E system must continue to adequately interchange with other railroads operating in Minnesota and to not put an undue burden on other railroads or their customers.

Sidings and Crossings — The DM&E corridor is approximately 272 miles in Minnesota. This suggests that a number of new sidings will cross public and private roadways. To comply with state law and ensure access across the rail line for public/emergency safety reasons, these crossings cannot be blocked for a period of time in excess of ten minutes. The DM&E has stated an active grade crossing consolidation and closure program will need to be pursued as part of the passing siding development. *It is imperative that the DM&E work with Mn/DOT and local governments to minimize the impact of the additional passing sidings and to determine which crossings should be closed.*

DM&E Debt — Due to a lack of adequate financial information provided to Mn/DOT related to the project, Mn/DOT is concerned with the DM&E's ability to service new debt. The railroad has stated current DM&E debt will be restructured as part of this project. Mn/DOT has provided loans to the DM&E through the Minnesota Rail Service Improvement Program for line rehabilitation. It is imperative that the DM&E repay outstanding debt to Mn/DOT as part of the debt restructuring. The DM&E is vital to Minnesota's economy as the only border-to-border, east/west railroad to operate in the agricultural heartland of the state. The economic viability of the DM&E is crucial in maintaining rail service to our state's agricultural community.

XIV. Conclusion

The DM&E Railroad is vital to the agricultural economy of the state of Minnesota. The PRB project provides an opportunity to improve rail service, expand access to markets, and increase competition among rail carriers, all of which provide an economic benefit to Minnesota. *It is Mn/DOT's position, if this project receives approval from the STB, the Board should place the conditions identified in this document on the DM&E.* This is necessary to adequately address safety concerns at new and existing crossings, coordinate the PRB project with state and roadway projects and maintain service to current and future shippers in Minnesota. The conditions that Mn/DOT requests will allow the affected communities, state and federal agencies to adequately address the potential impacts of the PRB project with full knowledge, prior to receiving approval from the STB.

Mn/DOT recognizes and respects the complexity of the STB's charge. Mn/DOT hopes that the STB, in turn, appreciates the need for an objective and fair review of this application as provided for under the authority given the STB in matters of this nature.

The STB's responsibility in this emotionally charged and regionally significant project is to ensure that this critical matter of interstate commerce is decided based on objective analysis conducted by qualified experts.

Thank you for the opportunity to review the draft Environmental Impact Statement. We look forward to a final EIS that fully addresses our comments and incorporates our recommendations.

Respectfully Submitted,



Allan J. Vogel, Director
Office of Freight, Railroads & Waterways