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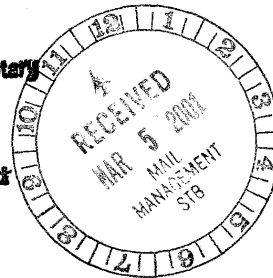
HC56 Box 43
Oral, SD 57766
February 15, 2001

Office of the Secretary
Case Control Unit
Finance Docket #33407
Surface Transportation Board
1925 K. Street NW
Washington, DC 20423-0001

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Office of the Secretary

MAR 05 2001

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Public Record



Dear Ms. Rutson:

Enclosed are the original and 10 copies of comments on Volume VII-A, Appendices D-G of the DEIS for DM&E's proposal to construct into the Powder River Basin.

This DEIS contains much inaccurate information, outdated information, and repetitious information designed to overwhelm the reader with voluminous material and no substance. There are serious violations of NEPA law in the preparation of this DEIS. Section 1502.1 of NEPA code states that "Agencies shall not commit resources prejudicing selection of alternatives before making a final decision." The entire DEIS is biased in favor of the PRB expansion with every consideration given to what DM&E wants. The SEA has already decided the Alternative C is the preferred alternative and refuting information pointing to other alternatives is downplayed as unimportant. The conclusions in many cases do not follow the information presented. NEPA (Section 1502.1) states that "Environmental Impact Statements shall serve as a means of assessing the environmental impact of the proposed agency actions, rather than justifying decisions already made." This DEIS is one long litany of justifying Alternative C.

I urge you to withdraw this incomplete DEIS, do the proper, unbiased studies, and reissue the DEIS. My preference is the No-Build and I am sure with pertinent and correct information, this will also be your preference.

Sincerely,

A handwritten signature in cursive script that reads "Paulene Staben".

Paulene Staben

Comments on Volume VII-A Appendices D-G

Appendix D

Page D-1 Identify and assess appropriate mitigation measures for those environmental justice communities determined to have the potential to experience disproportionately high and adverse impacts.

Mitigation could start with withdrawing the requirement to send the original and 10 copies of comments on the DEIS to the STB if comments are more than 5 pages long. This requirement is very discriminatory to a low-income population. Because of the length of the DEIS and inaccurate, incomplete information in the DEIS, it is impossible to limit comments to five pages on any Volume, not to mention all 13 volumes. It will cost me \$250 just to make copies (10 cents per copy- approximately 200 pages- additional copies to cooperating agencies), \$130 for postage, \$50 for computer paper for the original. Many low-income people do not have a computer or easy access to a copy machine. Add to this the cost per mile to drive to the library to read the DEIS. Your requirement for the 10 copies have made it extremely difficult for those not in the low-income category. You have made it impossible for low-income people. It appears that you actually do not want comments on the DEIS and your impossible requirements reflect this. It is discriminatory to all people, not just low-income and minority groups.

Page D-5 SEA found that the noise contour for the 65dBA Ldn noise level resulting from horn soundings...would be approximately 2,230ft from each side of the rail line, a total distance of 4,460 feet.

This distance should have been mentioned in Volumes III-A and III-B where you present the Tables for the numbers of Noise Sensitive Receptors along the re-build portion and the new construction portion. If it had been clear that a 4,460ft corridor would be considered an "unacceptable" noise level by the FAA (Page F-17, this Volume), the inaccurate number of noise sensitive receptors listed in those previous Volumes would have been a red flag to those of us that live in those communities. Instead, we have been left to guess at what distance the 65dBA might be. I refer you back to Volume III-B, Table 4.4-26 and Volume III-A, Table 4.3-15. The number of residences, churches, schools, hospitals, nursing homes within that distance are far greater than listed in the Tables. Reassess this information and reissue the DEIS with correct information.

Page D-10 SEA conducted detailed analysis of the proposed project's impacts on grade crossing safety. SEA evaluated grade crossings predicted to have a significant increase in accident frequency to determine if reductions in grade crossing safety...would result in disproportionate impacts to environmental justice communities.

Shannon County in South Dakota is an unorganized county. Residents of Shannon County must travel to Hot Springs in Fall River County to do county business. There are numerous roads they use to travel to Hot Springs and, since any Alternative except A lies between Shannon County and Hot Springs, those residents must cross rail line. Since you have failed to consider the Heartland Express (Hwy 18) and the increase in traffic that will result when it is completed and since a minority community is adversely impacted by any of these road crossings, please re-evaluate and re-issue this DEIS. Table D-8 also fails to include Shannon County as an adversely affected minority community.

Page D-13 SEA has identified the following communities as containing environmental justice populations where disproportionately high and adverse impacts would occur as a result of the Powder River Basin Expansion Project.

As explained above, you left out Shannon County, which will be impacted by those resident's inability to travel safely to do county business. Alternatives B and C pass very close to Red Shirt Village, which is not listed here. The mitigation you have suggested here is inadequate. On Page D-15 in the section, you say rail noise cannot be mitigated. You leave mitigation of safety to DM&E, the FRA, and the State DOT. The STB must mandate specific mitigation measures, such as under- and over-passes, arms, noise barriers. DM&E will not provide or pay for these measures unless you require it and leaving the cost up to the counties and communities will be a huge environmental injustice! If you approve Alternative C without all specific mitigation measures in all areas, we will be left to the mercy of the railroad and they have not shown themselves to be merciful.

Appendix E

Page 1.1 ...and personnel from PIC Technologies, a contractor from DM&E.

Please explain why a contractor from DM&E was included in a meeting to discuss the approach for estimating the air quality impacts of the project. This is another example of using biased sources where they should not be used. Provide credentials of PIC Technologies, including their expertise in the field of air quality. I also question whether using "the same procedures and build off of the work performed for the Wyodak/Horse Creek modeling" is appropriate to use for the DM&E proposal, given the diversity and length of the DM&E proposal as compared to the Wyodak/Horse Creek proposal.

Page 3.2 The emissions estimates for each of the Alternatives were based on fuel usage provided by DM&E...

Again, DM&E is an unreliable source. Please have an unbiased expert provide you with correct information. If Alternative D includes a parallel of the Southeast Connector (as was presented to you in scoping but completely ignored) the accurate figures would be only approximately 30 miles further for this section of Alternative D. In the re-issue of the DEIS, please include a study of emissions comparison using the shorter mileage figure for Alternative D.

Page 7.1 In this section we analyze visibility impacts due to: new permitted and reasonable foreseeable developed sources since 1996..

You have failed to consider construction (and increased traffic following construction) of the Heartland Express, connecting I-80 and I-90, and construction (and increased traffic following construction) of the Southeast Connector (the bypass of Rapid City to connect I-90 to the Heartland Express).

Appendix F

Page F-15 Table F-5 and F-6 Number of Trains of Each Alternative

Where is the information for Alternatives B, C, and D? Why is the area of new construction left out. Where is the information on new construction?

Page F-16 Table F-6 Distances to 65 and 70 dBA Ldn Contours

This information should have been listed in sections in Volume III-A and Volume III-B where you specifically give the number of noise sensitive receptors in each community. It is meaningless here without the actual communities in which compare the distances for accuracy.

Page F-19 Communities will have the opportunity to qualify for quiet zones once the final FRA Regulations are in place.

And since no one has any idea when those regulations will be in place, you must provide mitigation NOW based on what is in place NOW. If you suggest quiet zones as mitigation, please specify that DM&E must pay for the "safe, effective means" that the FRA may require. These "means" could be very expensive and must be figured into the negative socioeconomic impacts of this project.

Table FA-2 through FA-7 Projected Future Noise Levels

Why do you not include the new construction portion of the DM&E proposal in any of these tables? Where can we find that information?

Page 1 DM&E Railroad Vibration The report is limited to a general evaluation of the potential impacts, rather than a site specific analysis, because of a lack of detailed information concerning soils, propagation characteristics, and structure type. No sites were visited as part of this vibration study.

It is inconceivable that you can do a study but lack detailed information concerning soils over which the railroad proposes to operate and the types of structures that will be affected. I commend Wilson, Ihrig, and Associates for their candor and for the understandability of this section. Their entire report attests to the fact that vibration will be a significant problem and there are many, many unknowns, either because they have not been provided the information from Burns & McDonnell or because there is "substantial uncertainty" in this area itself. All impacts relating to vibration in previous Volumes MUST be classified as significant, long-term, adverse in light of the information presented here. I will continue on with comments on this section because I consider the information presented by Wilson, Ihrig, and Associates to be the most straightforward and unbiased I have read so far in this DEIS!

Page 7-DM&E Railroad Vibration If a research facility is located within 1000 feet of the track, the facility should be inspected, vibration measurements conducted to ascertain existing vibration with and without trains, and equipment specifications should be reviewed, before determining the impact of train vibration. For certain types of equipment...the impact range might be extended to 5000 ft, depending on geology.

Have these facilities within one mile of the track been inspected as this expert suggests? If so, what are the findings and where in the DEIS are they found? If not, please inspect and evaluate as required. Do the SD School of Mines and Technology and South Dakota State University lie within this distance? Have the vibration impact on sensitive equipment there been evaluated?

Page 8- DM&E Railroad Vibration There is also a significant probability that existing vibration magnitudes due to trains and internal building sources are in excess of these limits. Therefore, a survey of existing vibration should be conducted at potentially impacted receivers to determine existing vibration levels both with and without existing trains, and equipment specifications should be reviewed before determining impact on a specific site.

It seems there are a lot more studies that should have been done before this DEIS was issued. Where is the information on existing vibration at potentially impacted receivers?

Page 11-DM&E Railroad Vibration The data were collected from a variety of sources, and are by no means exhaustive. Further, they are not substitutes for data collected at specific sites that might be affected by the DM&E upgrade and introduction of unit coal trains.

Again, I appreciate Wilson, Ihrig, and Associates' candor. Burns and McDonnell should have provided them with site specific information along the entire length of the DM&E proposal so they could provide meaningful analysis. They are left to study areas such as Kamloops, BC; Reno, Nevada; and Goleta, California. Why?

Page 11-DM&E Railroad Vibration Significant vibration occurred in Kamloops, BC after worn gag-pressed rail was replaced with new roller-straightened continuous welded rail...The vibration due to trains operating on the new track was significantly higher than due to trains operating on older adjacent track.

DM&E touts continuous welded rail to be a great advantage. Apparently not true in Kamloops, BC. Further, the levels of vibration recorded at both 100 and 200 feet from the track was very much in excess of the criteria discussed above for residential use and greatly in excess of criteria for a variety of industrial processes...they would occur at any railroad passing over soft, alluvial soils, such as might be encountered in river bottom land, with undulating rail and unit trains. "Very much in excess" is a significant impact. I refer you back to the soil studies in Volume III-A which list alluvial soils in all counties.

Page 12-DM&E Railroad Vibration A number of claims were made for building damage resulting from ground vibration produced by these trains. No Information has been obtained concerning resolution of these claims.

Mitigation must be provided in the Final EIS for damage to structures, equipment, and land due to vibration. If you do not address this, will the STB be liable for knowing that damage will result and not providing mitigation to prevent it?

Page 12-DM&E Railroad Vibration The principal conclusion to be drawn from these data is that wayside ground vibration is directly related to rail straightness....One may not guarantee that new rail supplies for the upgrade of the DM&E Railroad will not have an undulation due to manufacturing processes. Once laid, there is no evidence the rail will straighten with time.

Not only is there no guarantee of rail straightness; there is no way to predict the degree of vibration that will occur or the damage that will occur. Mitigation by you is necessary or Alternative A is the only option!

Page 21-DM&E Railroad Vibration The stiffer the soil, the lower the vibration. Given the same force, the vibration response of fine-grained sand may be as much as five times greater than that of Loess

The soils along the DM&E route must be correlated with this information. The soil content along the route has been identified but apparently not supplied to these experts. Given the huge difference in vibration depending on the stiffness of the soil, any conclusions you draw concerning impacts and mitigation must be site specific. Prior to the re-issue of the DEIS, please provide these experts with site specific information.

Page 22- DM&E Railroad Vibration Many of the cities and towns through which the DM&E alignment passes are located on the river flood plains, with soils that are expected to be of fine grained sand and gravel. These river bottom areas should be considered prone to vibration impacts...Soil reports containing blow counts...can be reviewed. Once these are identified, more detailed investigations can be conducted.

Your conclusion in previous Volumes of possible structural damage within 100 feet is faulty according to this expert's report. More detailed investigations are needed along each segment depending on a number of factors on that segment before any conclusions can be drawn. This incomplete DEIS must be recalled and complete information provided to the experts to do the necessary studies.

Page 23 DM&E Railroad Vibration An upward adjustment of 6dB should be added to ground vibration data to estimate residential wood frame floor vibration. Has this been done when figuring the impacts to residences? Please provide these calculations.

Page 26 DM&E Railroad Vibration This discussion is particularly relevant to the Mankato Flood Wall.

Explain how this is relevant to the Mankato Flood Wall. What are the impacts of vibration to the Mankato Flood Wall? What is the content of soil in that area? Figures are calculated for a 60 ft long hopper car traveling at 50 mph. What are the calculation for a DM&E coal car traveling at 49 miles per hour and explain the effect this would have on the Mankato Flood Wall.

Page 31 DM&E Railroad Vibration Vibration Impact Mitigation

Again, Wilson, Ihrig, and Associates have attempted to explain specific mitigation measures for vibration. However, each mitigation measure they suggest has significant drawbacks. Rail straightness specification can be accomplished only with European rail, rail grinding depends on wear reduction strategies, wheel truing may not be practiced by the railroad, Selection of Location for Crossovers and Turnouts may not be possible in urban areas, other suggested measures are too expensive. The STB MUST do more complete studies on the actual proposed line before conclusions are drawn as to impact. The STB MUST provide specific mitigation as suggested by experts after appropriate studies are completed.

Page 31-DM&E Railroad Vibration Conclusion.

A relatively modest increase in ground vibration can make an otherwise acceptable vibration environment unacceptable to sensitive receivers, resulting in substantial court action.

Without appropriate mitigation, court action will result.

However, the long term effect of vibration on structures is poorly known.

That statement should make every homeowner and business owner in every city, small town, and rural areas along the entire proposed line very nervous.

Measurements of existing ground vibration produced by DM&E freight trains should be conducted to establish the severity and significance of ground vibration at sensitive receivers.

Please provide this information in the re-issue of the DEIS so the correct conclusions can be drawn.

Appendix G

Page G-4 Delay is usually measured in the field or calculated using complex empirical methods presented in the manual. Because of the lack of empirical procedures for highway/rail at-grade intersections, the analytical formulas previously described in this appendix will be used for the delay analysis.

You address why empirical methods are not used to calculate Level of Service. You state that delay is usually measured "in the field". Why did you not use this method? BNSF and UP run coal trains through areas similar to the DM&E proposal at similar speeds. It would not be difficult to measure delays at representative crossings "in the field" in Wyoming and Nebraska as well as more populated areas. I believe in the real world, you would find many crossings to be in the LOS F category if proper studies had been done. You state on Page G-5 that "LOS criteria presented in the HCM for TWSC intersections may not be completely representative of the conditions at highway-rail intersections." I understand that TWSC (two-way stop controlled intersection) has to do with vehicle, not train, traffic. A train is not likely to stop to yield to any vehicle traffic. Please study this based on "in the field" data using train/vehicle crossings so correct conclusions can be drawn.

Page G-10 SEA developed the total daily blocked crossing time by multiplying the blocked crossing time per train by the number of daily trains.

Since this formula is based on highway intersection data rather than highway/rail intersection data, the conclusions are inaccurate.

Appendix G-Transportation Tables

It is difficult, if not impossible, to identify where crossings in this Table are located. They are identified by Milepost Markers and no milepost marker numbers are given anywhere in this DEIS. In the re-issue of the DEIS, please include Maps with milepost markers. In fact, the entire Book of Maps (Volume V) is totally meaningless without milepost markers. I have lived in South Dakota all my life, I own the land through which Alternative C proposes to pass, and I cannot locate my property in the Book of Maps.

Where is I-90 located in the Transportation Table? DM&E proposes to cross I-90 at grade in their filing to the STB dated June 18, 1999. I-90 should be on Page 5 of Table 4-SD-G8, but it has been left out. Why?

Table 4-SD-G100 Page 1, Highway 18 is listed as 2-lane. Construction is currently underway to widen this to 4-lane. This Highway will be done long before DM&E even hopes to run coal trains and, because this Highway will connect I-90 with I-80, traffic will increase. This is not mentioned at all in the entire DEIS. The figures are inaccurate.

Table 4-SD-G108, the Oral Segment reconstruction of existing line is missing. In order to comment on the Hay Canyon Alternatives as we have been asked to do, we must have the crossings information for all crossings. The Oral Segment involves use of new construction plus existing line. It is vital to have all information necessary to comment. Please provide it in the re-issue of the DEIS.

Table 4-SD-G117 Page 2, The Average Daily Traffic for US Hwy 18(both crossings) and SD Hwy 71 is incorrect. Also the milepost markers listed here are different than the milepost markers for the same Highways in Table 4-SD-G99, Page 1. For example, Hwy 18 in G117 is 502.60 and in G99 is 68740. This is confusing enough without these inaccuracies. I question the accuracy of the entire Transportation Tables and the conclusions drawn based on the information presented in them.

In 1997, the Nebraska Legislature ordered a two-year study of rail crossings because of growing rail traffic and safety concerns across Nebraska. The study recommended closing 457 public and 389 private rail crossings, building 83 overpasses and underpasses, installing 84 sets of flashing lights and gate signals. The study also suggested 32 miles of new frontage and access roads. Total cost was estimated at \$440 million. Senator Curt Bromm, Chairman of the Transportation Committee, said, "It's obvious we have some dangerous crossings out there. This tells us there are some funding challenges out there for improving safety in a timely manner." Are South Dakota, Minnesota, and Wyoming going to be stuck with unsafe crossings in a few years and be expected to pay the price that Nebraska is now faced with? The Nebraska Legislature was faced with this problem in 1999. What has been the outcome? All potential impacts must be included in this DEIS. You have available a perfect model in BNSF and UP hauling coal through a primarily rural state (Nebraska) which would have similarities to Wyoming and South Dakota. The noise studies, air quality studies, safety studies, etc could have been based on Nebraska's experiences. In your assessment of negative economic impacts, include the cost to make crossings safe by evaluating this study done in Nebraska.