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Congress of the United States
House of Representatives

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Committees:
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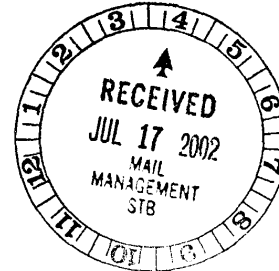
July 17, 2002

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K St NW Ste 711
Washington, D.C. 20006-1105

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Dear Mr. Williams:

As a Party of Record to the STB Finance Docket 33388, I am writing to comment on the progress reports filed by Norfolk Southern and CSX on June 3, 2002. In general, I am pleased with the progress we are making in the communities of Ohio's 10th Congressional District. The following comments summarize the status of the merger with respect to communities in my district. Enclosed is this original and 25 copies of this letter. Please also be advised that this letter is being sent by regular mail to the service list for Subnumber 91.

Bay Village, Rocky River, Lakewood

Norfolk Southern and the State of Ohio acted quickly to ensure that every grade crossing on the Nickel Plate Line in Lakewood and Cleveland would be equipped with gates and lights per the agreement signed by Norfolk Southern and the mayors of Lakewood, Rocky River, and Bay Village, Ohio. Most of the work as negotiated among the parties is complete and I am receiving monthly update reports from Norfolk Southern apprising me of the progress.

Olmsted Falls, Olmsted Township

Similarly, I am pleased with the efforts made by both Norfolk Southern and CSX to ensure that safety is not compromised with the increases in freight traffic through Olmsted Falls and Olmsted Township. Norfolk Southern, in particular, was quick to respond to inquiries from this office and from the Olmsted Falls School District when trains were parked too close to the grade crossings, causing problems with visibility to school bus drivers.

Norfolk Southern and the Federal Railroad Administration were also quick to identify and resolve a problem with the crossing gates at Fitch and Stearns Roads in Olmsted Township that were closing when no trains were on the track. Norfolk Southern made a commitment of \$80,000 to upgrade the outmoded island circuitry with the more up-to-date predictor circuits.

As part of a planned Quiet Zone for Olmsted Township, Olmsted Falls, and the communities to the east, i.e., Berea, Brook Park, and Brooklyn, the grade crossings at Fitch Road and Stearns Road are being considered for grade separations. Funding has been raised for the Fitch Road separation in conjunction with the railroads in a letter agreement incorporated into the approval of the Conrail acquisition, as well as

from the State of Ohio, and a direct federal appropriation. Negotiations are currently underway with the State of Ohio for a separation at Stearns Road.

Berea

The City of Berea continues to work cooperatively with my office as well as the Ohio Rail Development Commission (ORDC), the Ohio Department of Transportation (ODOT), Norfolk Southern and CSX to proceed with two major underpass projects. Berea continues work toward commencement of Phase I for Bagley Road and completion of design work for Front Street.

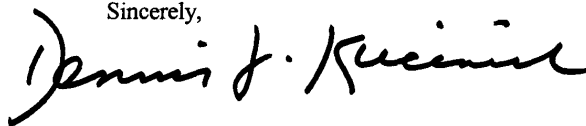
Brooklyn

To address noise considerations, the STB's Section on Environmental Analysis (SEA) conducted site-specific noise and mitigation analyses on rail line segments it predicted would exceed analysis criteria. SEA considered mitigation for noise sensitive receptors meeting the mitigation criteria of 70 dBA L_{dn} and a 5 dBA increase after the proposed Conrail Acquisition. Sites that do not meet these criteria are not eligible for noise mitigation under the conditions recommended in the FEIS and as agreed to under the terms of the STB's approval of the acquisition.

The rail segment (C-069) that runs parallel to Brookpark Road behind the homes on Idlewood Drive in Brooklyn, Ohio, was not predicted to meet these criteria, according to the FEIS, because the change in dBA was 4.3, .7 dBA short of the 5 dBA requirement. Appendix J-2 of the FEIS shows this rail segments freight traffic to increase from 16.4 trains per day based on 1995 data to 43.8 trains per day post acquisition.

Notwithstanding the predictions published in the FEIS, this office has received complaints from the residents and elected officials in Brooklyn alerting us to the possibility that more than 43.8 trains per day may be traversing this track. If this is true, then the change in dBA may be in excess of 5. If the actual change in dBA is higher than the predicted change, then we need to find out if Brooklyn is eligible for noise mitigation along this segment of CSX track. Therefore, I ask that the STB and CSX work with my office and the City of Brooklyn to attain an accurate train count and to determine the noise levels along the C-069 rail segment near the homes on Idlewood Drive so that we can work toward attaining any mitigation for which Brooklyn may be eligible.

Sincerely,

A handwritten signature in black ink, reading "Dennis J. Kucinich". The signature is fluid and cursive, with the first name "Dennis" being the most prominent part.

Dennis J. Kucinich
Member of Congress

DJK:mg