

August 22, 2007

Re: Sierra Club Marin Group comments on NCRA's Initial Study for Freight Rail Project, Russian River Division

Mitch Stogner, Executive Director
North Coast Railroad Authority
419 Talmage Road, Suite M
Ukiah, CA 95482

Dear Mr. Stogner and Board,

The Executive Committee of the Sierra Club Marin Group, which has nearly 7000 members, wishes to comment on the July 2007 Initial Study, prepared pursuant to CEQA guidelines, for NCRA's proposed Russian River Division Freight Rail Project.

Firstly, we echo the concerns expressed by many in Marin and Sonoma that the scope of the proposed EIR may not adequately address the full extent of what may reasonably be expected to come with the project. We understand that there may be valid reasons for dealing at this point with only the Russian River segment of the historical North Coast Rail line, yet documents show that the NCRA clearly has further ambitions for usage of the line north of Willits and for other uses such as excursions, etc, all of which would certainly add to the impacts and which are not here represented. They are an integral and perhaps necessary part of an ultimately successful rail freight operation, and they must be contemplated during the present process. We believe that an EIR which deals only with a segment of a larger project will likely yield misleading results.

This reality, when added to the understated freight usage figures presented to the public during the 2006 SMART election campaign, has created a credibility gap with members of the public which the NCRA should deal with directly. It has created problems for SMART, and may prove damaging to prospects for freight operations as well.

Cumulative impact is the important variable here. What will be the cumulative impacts of an expanding freight operation as the business grows, as northern segments are added to the line and additional commodities are shipped, as other operators are brought in, as SMART service is introduced and upgraded with expanding population?

For example, Section 2.4.1 of the Initial Study describes one proposed level of usage, but does not mention foreseeable pressure for more intense track usage in the future. A much

better approach would be an expansion of the chart in Figure 2-2 which would show number and length of trains needed for each type of track usage as freight business grows, as northern sections of track come on line, and also at various possible levels of use by SMART for transit. A more realistic picture could be developed of frequency of trains and also of some of the limits which scheduling will impose on use of the single track. Competition is foreseeable on a single track between freight and transit uses.

The Sierra Club Marin Group believes that it is fair and reasonable to ask these questions, in particular questions concerning foreseeable cumulative impact. Future uses are the heart of public concern. The NCRA is looking to the future, and is clearly looking as far as Humboldt Bay. The NCRA owes the public and other agencies which will be impacted a clear picture so that realistic planning can take place.

What follows is a more detailed list of questions focused on the scope we believe should be included in the proposed EIR.

1. ENVIRONMENTAL IMPACT STUDY: Will the NCRA be receiving federal funds as well as State financing? If so, will the NCRA be required to prepare a Federal Environmental Impact Study in addition to the EIR? Would an EIS require different information, particularly financial analysis, than what is required by the EIR? Can the NCRA and freight service operate without federal funds?

2. FINANCES: What is the financial feasibility of NCRA having a viable operation if only Phase One is implemented and Phases Two and Three as described in NCRA's business plan are not implemented? The January 2003 Feasibility Study by Parsons Brinkerhoff indicates that operation of just the segment below Willits would not be financially feasible. How much financing, and from what sources, would be needed if phases two and three are not implemented, or until they are implemented? How will NCRA and SMART share costs of upgrading, maintenance, liability, etc. on the single track line?

3. OPERATING AGREEMENT: How can the NCRA EIR be adequate and include accurate and complete information if SMART and NCRA have not reached agreement and signed off on their Operating Agreement and Coordination Agreements? If the EIR is written prior to completion of the Operating Agreement and Coordination Agreements, how will the EIR consultants be able to accurately determine the scheduling of freight and passenger operations, the time of day for operations, the number of trips, use of the maintenance and railroad yards, dispatch regulations between SMART and NCRA, etc? How will SMART coordinate its operations with NCRA or NWPRC? Will SMART be able to operate passenger service north of Cloverdale? Who will determine the hours of operation of freight and passenger service? Will SMART control the freight dispatch for all or part of NCRA's freight and excursion service? If so, what are the impacts to freight operations? If SMART controls the NCRA's dispatch, will SMART force the NCRA freight to operate at night when NCRA might prefer to run its freight trains during the day or at other hours? Will SMART's control of dispatch be detrimental to the freight operations and schedules for their business operations such as waste facilities, etc? Freight might run even if SMART does not begin operations. If SMART does not operate, who will control the dispatch of NCRA? The freight and passenger service are

to work in harmony and as required by AB 2224, #105103, to “achieve safe, efficient and compatible service operations” for both passenger and freight service along the line in Marin and Sonoma. What will be the difference in cumulative impacts on SMART operations if NCRA only operates a phase one project versus a phase 2 and/or phase 3 project? What are the impacts on freight service if SMART expands its hours, days and frequency of operation? If SMART does not obtain financing for its operations, how will this impact the freight operations i.e.: track and infrastructure improvements, maintenance, scheduling, expansion of freight service, liability, financing, etc. What would be the impacts of operating freight service at times which do not conflict with SMART’s operations? How will the cost of maintenance and repairs of new and existing track be determined between SMART and NCRA? How will these costs be shared? Etc.

4. HOURS OF OPERATION: Will freight operate at night as well as daytime? How will night time freight service, if implemented, affect the businesses the freight operations will serve? Will NWP freight customers accept pickup and delivery of freight cars during the time allowed by SMART? Are businesses and providers of materials such as garbage or gravel able to operate in the night time? If so, what are the noise, vibration, light and other impacts created by operating freight at a business location in the night time? How will evening operations affect residential, commercial and wildlife habitat areas?

5. QUIET ZONES: Will NCRA assist in applying for or help pay cities and county communities to apply for quiet zone designations? If so, how? Will NCRA pay for a portion of the crossing modifications needed for Quiet Zones? Who will be liable for accidents at railroad crossings; the freight provider, cities or/and counties? What are the various types of standards required to reach quiet zone status by the FRA? How do quiet zone designations differ in requirements per location, configuration and type of equipment at each crossing? All analysis should be performed with and without Quiet Zones.

6. CROSSING AND SIGNAL EQUIPMENT: Will all crossings require the same type of crossing control equipment and signalization? Are crossing and signal equipment requirements different between SMART and NCRA because of the different speeds, length and stopping distances of both types of trains? What are the various types of crossing equipment the NCRA will use in various locations? Who will be responsible for installation of new equipment and the ongoing maintenance of the equipment? SMART? NCRA? NWPRA? Communities? Will NCRA use new types of technology, such as solar powered crossing signals, to be more sustainable and conserve energy?

7. PASSENGER STATIONS: How will freight operations impact the passenger stations of SMART along the line? Safety, noise, air pollution, toxic materials, liability, traffic congestions in station areas, etc. as 20, 40 or 65 car long freight trains pass through a station are typical factors to consider.

8. HORN NOISE: Will the freight trains be required to sound their horns at all crossings? How long prior to a crossing and while in a crossing are horns required to be sounded? What are the various degrees of noise impacts from horns in relation to distance to the source of noise? Does the sounding of the horn requirement vary dependent on the

length of a freight train? Will a train with 65 cars require a longer or louder sounding of a train horn than a 20 car train?

9. WHEEL, ENGINE & CAR NOISE AS WELL AS VIBRATIONS: What are the noise levels at different speeds, over different surfaces for engines and various types of freight cars, train length and wheel squeal, as well as the amount of vibration created at different speeds of travel and weight of the rail cars? Describe how the age and maintenance of rail car wheels determines the magnitude of wheel squeal. Do longer freight trains create more noise and vibration than shorter freight trains? Relate this to residential, commercial as well as open space impacts at various distances from the track. What is the ambient noise from freight trains at different speeds, with different length cars, etc? What are the cumulative impacts of ambient noise when both freight and passenger (SMART) share the same single track? Explain this in various scenarios; daily, night time, day time, weekly, etc. What are the impacts from noise and vibrations on habitat in open space and wetland areas? How will various scenarios affect various types of endangered or threatened species?

10. LIGHT: What are the short and long term impacts of light from freight trains when they travel along the line or wait at sidings in the darkness of early evening or night time in various locations along the entire track? Does the locomotive or led car have to have a rotating headlamp? If so, what is the annoyance factor of such headlamps? How will the light from engines and passenger and freight cars affect residents living close to the tracks as well as habitat in the open space and wetland areas? Will the increase in frequency of freight plus the cumulative impacts with SMART create a greater light impact than described by SMART's EIR?

11. NEW TRACK UPGRADES: SMART passenger service is planning to upgrade their portion of the track to FRA Level 4 standard to allow passenger train travel up to 80 mph. If freight only operates or improves its track, bridges, culverts and other infrastructure to potentially a Level 2 or 3, how will freight cooperate and work with SMART to increase the level of track to SMART's proposed Level 4? Will there be double financial expenditure of NCRA improving track to Level 2 or 3 and then in a few months or years reworking the same track, ties, base, gravel and other infrastructure of the track trestles, bridges and culverts to Level 4? Who will pay for the revision for further upgrades of the track and infrastructure dependent on who owns which portion of the track? How will these costs be shared with SMART? How will freight cooperate with SMART in maintaining the track at a Level 4 for passenger service when freight only requires a Level 2 or 3? Will NCRA pay SMART for the use and maintenance of the track? This is a new and not existing condition that must be considered in the EIR. What percentage, for what duration and over what area of track? What are the current conditions of track, trestles, truss bridges, bridges and other infrastructure in areas of phase 1, 2 and 3 of the NCRA and shared SMART track? Will they all be at Level 3 for NCRA freight or will some sections be at varying Levels 2, 3 or 4? Please indicate the locations for the various levels of track. How will this affect operations and dispatch? What are the plans of the freight operators for making improvements to bring their entire line from Humboldt Bay/Eureka to Lombard up to FRA freight standards for operation and maintaining the line in FRA compliant condition? What are the means to assure adequate funding to

continue a safe, efficient and reliable freight service? How would this be compatible with SMART operations?

12. SIDINGS: Describe and show the location of all sidings. Will existing sidings be adequate to accommodate freight trains which are 65 cars in length? Will new sidings be required? Where will the new or expanded sidings be located? Show and diagram locations of sidings, existing and new. Will additional sidings be required for freight to “pull out of the way” of SMART’s passenger service? What are the impacts to wetlands, woodlands, and habitat and flood plain areas by the location and/or extensions in length of new and existing sidings? What are the impacts to wetlands, habitat and surroundings by the diesel fumes, hazardous materials, toxics, light, noise, vibration and potential materials carried in the freight cars as they sit or idle at new or expanded sidings?

13. OPERATIONS: Where will the engines and cars turn around for the freight trains along the various sections of the track; Lombard, business locations, Willits, Cloverdale, Eel River, Humboldt, etc? SMART is using a “push-pull” type of vehicle. SMART does not require a turn table or area to turn their trains or engines around to travel in the reverse direction. NCRA’s freight trains will not operate as SMART’s DMU’s. Thus, how and where will the freight trains and/or engines reverse direction in various critical locations? Space and trackage is required for this maneuver. Or, will the train pull two engines, one facing backwards to accommodate the reverse direction? Identify the arrangement used for connecting the locomotive(s) to the freight cars. Will the locomotive always be at the head of the train? If not, what is the relative safety record of having the locomotive at the rear versus the front of the train. Describe the expected activity of any switching locomotives and associated impacts.

14. MAINTENANCE OF NEW AND EXISTING FACILITY(S) and STORAGE AREAS AND TRACK: : It has been mentioned, that the purpose of the EIR is not to look at the maintenance of the existing NCRA track, but there are segments of the track that are not owned by NCRA or are used in combination with SMART. These sections of track must be discussed and evaluated in the EIR since they fall outside of the realm of exiting operations of NCRA tracks in current use. The tracks between Highway 37 and Lombard are owned by SMART, but NCRA will have use of these tracks. How will the operating agreement conclude who is in charge of the repairs and maintenance of this portion of the track if it is not owned by NCRA, but SMART? The tracks between Healdsburg and Cloverdale are owned by NCRA, but will be used by SMART. How will the operating agreement determine who is responsible for this portion of the maintenance and use of this track? Which party will be responsible for the repairs and maintenance? SMART is considering its maintenance yard to be in Cloverdale. The NCRA is also considering doing some minor maintenance in Cloverdale. Will SMART and NCRA share the same maintenance facility in Cloverdale? If so, how will SMART and NCRA share the costs and activities of the yard? Where would NCRA freight operations locate all their various (some new) maintenance facility/facilities? Would there be more than one facility for different phases or sections of the line between Humboldt Bay/Eureka and Lombard? Where would all the various types of cars and engines be stored when not in service? Please name all the various locations. If some train cars are stored at waste/garbage sites, will these sites require new sidings to accommodate the storage of these cars? If so, where will these siding be located and how long will they be? What are

the impacts to the lands and surrounding areas from these new siding locations? Are any of these in areas such as wetlands or existing habitat areas? What are the various environmental impacts of these potentially new tracks, storage locations and new or extension of existing sidings? What are the environmental impacts associated with new maintenance facilities and how would these impacts be mitigated? If some of the NCRA cars and engines are repaired at another location than the NCRA existing maintenance yards, where will these new alternative maintenance locations be? How will the engines and cars be transported to “off sight” locations? What are the impacts of off site repairs and maintenance?

15. GEOLOGY: What are the current geological conditions, required and necessary geological repairs and long term maintenance of the freight line from Humboldt Bay/Eureka to Lombard (phase 1, 2 and 3) in regard to soil erosion, landslides, slope movement, canyon wall digging, tunnel collapse and other geological situations. What are the environmental conditions and impacts to the Eel River Canyon area which the freight trains will pass through? Describe how past soil disturbances impacted Eel River water flows and water quality. What are the environmental conditions and impacts from transporting gravel and other materials from mining operations at the Island Mountain Quarry?

16. EQUIPMENT and AIR POLLUTION: Identify the age and type of equipment NCRA plans to use for its engines, cars, and operational equipment? If older equipment is to be used, what are the environmental impacts from uses of older equipment? Provide a description of the various degrees of air pollution for each type and amount of equipment used. What will be the frequency of failure of old freight equipment and its affect on SMART’s passenger service and operations, which plans to use new equipment? Will NCRA’s engines meet the current and/or future EPA requirements for Clean Diesel Engines? What are the NOx and PM reductions that will be achieved by NCRA? What will be the Oxone, Fine Particulate Matter, Carbon Dioxide, Toxic Air Contaminant levels for NCRA equipment? What are the impacts resulting from idle operation of the locomotives and from switching rail cars? What will be the cumulative impacts of air pollution between the NCRA plus SMART train service at various locations along their shared track? What are the impacts to communities and businesses which are new or revitalized along the track from hazardous materials, noise, pollution, etc. since the previous fully functional operation of freight service along the track?

17. SPEED: How fast will the freight trains travel throughout the various segments of its route; through city, residential, canyon, steep hillside, wetland and long stretches of open space, etc.? How will these speeds vary? Will the length of a freight train affect the speed of a train? What are the various impacts of noise, light, vibration, etc dependent on the speed and length of freight trains? How will a slower NCRA train work harmoniously and compatibly with a faster SMART passenger train? What amount of time and space separation will be needed to meet FRA standards and avoid accidents between freight and SMART passenger trains?

18. ACCIDENT RATE: What are the accident rates for freight trains verses passenger trains? What are the accident rates when freight and passenger trains share the same single track? How is safety mitigated to protect the public, habitat and lands? Does the

accident rate change dependent on frequency, speed, scheduling, type and length of train all sharing the same single track?

19. **AT-GRADE CROSSING and TIMING of TRAFFIC:** How many at grade crossing are in phase 1, phase 2 and phase 3 in relation to NCRA's long term business plan? Where are all the at-grade crossing located? What are the condition of the various crossings, signals and barriers? Do they meet FRA standards? Which ones need repair, upgrading or replacement? How long will it take a 20 car freight train as well as 40 or 65 car freight train to pass through an at-grade crossing in a city or in the countryside at different speeds and conditions? What will be the traffic, queuing and Level of Service impacts at the various crossings in cities and countryside? How will a 20 car, 40 car or 65 car train impact the Level of Service and queuing of traffic in a city such as Novato? What will be the wait time for traffic and queuing related to at grade crossings? What crossings will be blocked because of switching activity near a crossing? What will be the cumulative impact to traffic on a daily, weekly, AM and PM peak and city daytime peak scenarios to at-grade crossings in city and/or countryside from both SMART as well as freight service?

20. **HAZARDOUS MATERIALS:** How will existing and potentially new impacts from freight service be mitigated in regard to asbestos, lead paint, lead in soil, old gas leaks, phenolx, and other contaminating materials? Will NCRA be responsible for clean up, maintenance, etc of these materials as they upgrade and continue to operate service or will SMART be responsible for the hazardous material impacts as well? How will this responsibility be shared with SMART? NCRA plans to fuel their diesel engines by driving fuel trucks to the engines along various sections of the track or to business locations verses always at NCRA's maintenance facilities. How much fuel is required to fuel a train engine? How many truck loads of fuel are required to refuel an engine? What are the chances of fuel spills at business locations and the potential environmental impacts? Even though NCRA says they will follow FRA regulations for refueling their trains by truck, what are the chances of fuel spills? Please site previous records of other train operations for such operations. What are the safety and air quality impacts of requiring fuel trucks to drive on highways to the engines at customer locations? What are the environmental impacts of transferring fuel by truck verses by train or at a maintenance facility?

21. **ASETHETICS:** What are the visual and aesthetic impacts to revitalized communities and residential areas along the track from a 20, 40 or 65 car freight train traveling through its community? To what degree is the visual and aesthetic impact greater with the cumulative increase in freight and SMART or NCRA passenger train service which would have more increased service hours of use, day and night service and longer length trains?

22. **NATUARL DISASTER:** If the tracks flood during heavy rains or high tides, how will this affect the operations of the trains? What are the impacts to the tracks and railroad "base" due to continuous flooding? How would this be mitigated? What are the impacts to the tracks due to global warming and sea level rise? Areas of the track from Highway 37 to Lombard and in the Marin Sonoma Narrows are in wetlands and flood plain areas. What will be the environmental and operational impacts from flooding due

to sea level rise? If there is an earthquake, significant flooding or other catastrophic event, what are the protocols that NCRA will use? If a train, car or engine carrying garbage or other materials derails or overturns how will the NCRA handle such an event? What are the environmental impacts from such an occurrence and what are the clean up protocols? How long will it take the track to be inspected, repaired and operations resume after a natural disaster? How will a freight derailment or accident affect the operations of SMART? How will SMART coordinate with NCRA if a natural disaster occurs?

23. SECURITY: There is a heightened threat to transportation infrastructure since 9/11 by the Department of Homeland Security. Freight will be carrying a variety of materials. What type of security measures will be required to protect the trains, track and other infrastructure and its implementation to keep the freight service as well as the materials it transports safe?

24. BICYCLE/PEDESTRIAN PATH: SMART will have a bicycle/pedestrian path paralleling their passenger track along SMART's entire track except through the Marin Sonoma Narrows and a few other select locations to avoid wetlands. How will freight trains air quality, noise, vibration, toxics, and other materials carried by the freight service, affect bicyclists and pedestrians along SMART's portion of the track? What mitigations will be required for the safety of the bicyclists and pedestrians by freight service? Will freight train operations require changes to the bicycle path planned by SMART along the railroad right-of-way? How will NCRA freight operations handle liability to bicyclists and pedestrians who use the pathway financed by SMART parallel to the tracks? Will freight trains require the same setbacks and fencing for safety to bicyclists and pedestrians as SMART passenger service? What changes need to be made to the bicycle path proposed in SMART's plan to keep the riders safe from materials such as garbage, gravel, toxic materials and other materials proposed for transit by the NCRA?

25. ISLAND MOUNTAIN QUARRY: How does NCRA plan to coordinate its operations with the Island Mountain Quarry and its freight services? What are the projected operation plans with the quarry in regard to schedule of how many trips per day, length of trains, amount of gravel it will haul on a daily, monthly and annual basis, types of trains it will use to haul gravel, etc? What are the impacts the quarry operations will have on SMART service farther down the line? This is a single track line, and all operation impacts will be connected, and must be evaluated in the EIR. How will long trains hauling gravel accelerate settling of the track roadbed to the extent that it interferes with the comfort and safety of high speed passenger trains? Will SMART have to completely replace the roadbed?

26. GARBAGE and RECYCLED MATERIALS: What are the plans for hauling garbage, waste and recycled materials by NCRA? Where are the sources and disposal sites for garbage? Will any of the garbage include toxic materials? Will it include sewerage sludge? If so, when and how will the transport of these materials be safely handled? Will garbage be hauled during the day or night? Will garbage be held in freight cars, containers or semi's at siding locations? How will the smell and other negative impacts from transporting garbage be mitigated as to not affect the public and habitat? What types of cars or containers will be used to haul the garbage? Will they be

covered and if so how, to prevent debris from littering and polluting the adjacent areas to the track? How will the transfer of waste materials be handled at Lombard between the NCRA and national freight carriers? What are the environmental impacts for the transfer of these materials in Lombard?

27. PORT SONOMA: Will the NCRA use Port Sonoma as a location to transfer any of its materials or passengers it will carry on its line to a ferry? What are the track and facility upgrades required at Port Sonoma to facilitate freight/ferry or passenger/ferry usage? What are the associated environmental impacts? Will NCRA need to coordinate the timing of its freight service at Port Sonoma with SMART passenger service?

28. HUMBOLDT BAY/EUREKA: What types of materials will be transferred from cargo ships and hauled by NCRA from Eureka? How will the materials be transported from cargo ships to the freight cars? How many cars and trains will be used to haul freight? How many times a day, week or/and month will trains travel from Humboldt Bay/Eureka? Where would the destination be of the trains from Humboldt Bay/Eureka? Who will be in charge of dispatch for these trains? How will this be coordinated with SMART's dispatch? What are the environmental impacts from freight operations from Eureka to Lombard and other areas along the NCRA/SMART track?

29. PASSENGER EXCURSION SERVICE: NCRA has the option for an easement for passenger excursion service. Will NCRA operate a tourist type of excursion service such as a "wine train"? How would excursion operations coordinate with freight service? How would excursion operations coordinate with SMART? What would be the cumulative impacts of freight, SMART, as well as passenger excursion service on the same single track line? What would be the service area for the excursion trains? Would the trains begin at Port Sonoma or the North Novato station and end in Cloverdale? If the North Novato station is used, is there adequate parking space available for excursion train riders? Where might the excursion trains operate along the line? How frequently would they operate and coordinate with freight and SMART's service on the same single track?

30. CONNECTION TO VARIOUS MODES OF TRANSPORT: How and where will cargo be delivered to and from freight trains in Humboldt Bay/Eureka, transferred to the rail at Island Mountain, moved to and from garbage dumps and waste disposal sites, business locations, transferred to and from ferry boats as well as trucks and other facilities and means of transportation? What are the impacts and mitigations in regards to the connection of other modes of transit to and from freight trains?

We thank you for your consideration and await your answers.

Yours truly,

Doug Wilson, Sierra Club Marin Group Executive Committee Chair