

Agenda Items



FROM THE DESK OF...

Tina Volek
City Administrator

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MEMORANDUM

To: Mayor & City Council
Date: Thursday, July 09, 2015
Subject: Tongue River Railroad Letter
CC: Billie Guenther; Bruce McCandless; Brent Brooks

At the July 6, 2015, work session, Council Member Ken Crouch indicated his intent to create an initiative on July 13 to send a letter to the Surface Transportation Board's Office of Environmental Analysis opposing construction of the proposed Tongue River Railroad. The public comment period on this issue runs through Aug. 24.

Council Member Crouch brought in letters and resolutions regarding the Tongue River Railroad Project from the following groups, and asked that they be forwarded to the Council:

- City of Livingston, MT;
- City of Missoula, MT;
- City of Sandpoint, ID;
- City of Seattle, WA; and
- Lewis and Clark County, MT, Board of Health.

As always, if there are questions, please let me know.

Daniel R. Elliott, Chairman
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Subject: Request to include Livingston in the review of the proposed Tongue River Railroad

Dear Chairman Elliott,

The City of Livingston, Montana, population 7,500, is bisected by the southern main line of the Montana Rail Link/Burlington Northern Santa Fe railroad companies. It has come to our attention that the development of the Tongue River Railroad, which would connect the existing rail line to the proposed Otter Creek coal mine, would have an impact upon the City of Livingston by increasing rail traffic significantly. The City requests that the Surface Transportation Board fully analyze the impacts that construction and operation of the Tongue River Railroad would have on the City of Livingston, and that the Board consult with the City as the review process moves forward.

Increasing the number of trains through Livingston will exacerbate three issues currently facing the City, including reduced access, potential health concerns from diesel exhaust and coal dust, and additional noise.

1. **Access.** Because the city is bisected by the rail line, three railroad crossings – two at-grade and one underpass – serve as access points from one side of the city to the other. These crossings are currently stressed with re-routing and congestion issues. Increased traffic will increase access issues and bottlenecks for emergency response vehicles, citizens and businesses.
2. **Potential Health Hazards.** Potential health hazards, including exhaust from increase idle time from waiting motor vehicles, increased diesel exhaust from the trains themselves, and coal dust from moving trains are a concern for Livingston.
3. **Noise.** Many citizens are currently impacted by train and whistle noise due to the central location of the rail line. Residents of Livingston have expressed considerable distress over potential increases in train noise from increased rail traffic.

Finally, the City of Livingston lacks adequate funding for infrastructure upgrades to mitigate impacts caused by increased rail traffic (e.g. overpasses, underpasses, quiet zones). We believe it is the responsibility of the Surface Transportation Board – as the regulatory agency for the rail system – to ensure that communities and their taxpayers are not forced to bear these costs, including costs to public health and welfare. Costs associated with mitigating impacts of increased train traffic should be divided fairly between the railroad and taxpayers.

Please consider this request to address the impact of the Tongue River Railroad and associated increased rail traffic on the City of Livingston.

Sincerely,

Cc: Deb Miller, STB Vice Chair
Ann D. Begeman, Board Member
Victoria Rutson, Director, STB Office of Environmental Analysis

RESOLUTION NUMBER Draft Date 05/28/2014

A resolution of the Missoula City Council to request that the Surface Transportation Board and Montana Department of Environmental Quality and Natural Resources and Conservation hold public hearings in Missoula, during the review of process for the proposed Tongue River Railroad and Otter Creek Mine in Southeast Montana.

Whereas, the City of Missoula, Montana, population 67,000, is bisected by the southern main rail line used by the Montana Rail Link (MRL) and Burlington Northern Santa Fe (BNSF) railroad companies; and

Whereas, this rail line represents the easiest way to transport coal from Southeast Montana to the West Coast; and

Whereas, Arch Coal's proposed Otter Creek Mine in Southeast Montana is designed to supply coal to West Coast coal export terminals; and

Whereas, the proposed Tongue River Railroad, which is jointly owned by Arch Coal, BNSF, and Forrest Mars, Jr. would be the main conduit for transporting coal from Otter Creek to the existing MRL/BNSF line; and

Whereas, building the Otter Creek Mine and Tongue River Railroad would therefore lead to increased coal train traffic through Missoula, contributing to higher levels of air and noise pollution and more frequent traffic delays at the Madison Street at-grade crossing; and

Whereas, these impacts will affect the health and quality of life of Missoula residents; and

Whereas, activities in the Missoula rail yard, where trains refuel, idle, couple, and recouple, exacerbate the effects of air and noise pollution from rail traffic; and

Whereas, the Surface Transportation Board has committed to consider down-line impacts in the Environmental Impact Statement (EIS) for the Tongue River Railroad; and

Whereas, the Otter Creek Tracts contain an estimated 1.3 billion tons of coal, which if burned would result in adding approximately 2.5 billion tons of carbon dioxide to the atmosphere; and

Whereas, the effects of climate change from the burning of fossil fuels are felt in Missoula as well as in other Montana communities;

Now therefore be it resolved by the Missoula City Council that building the Tongue River Railroad and Otter Creek Mine would affect the health and well-being of Missoula residents, and that Missoula stands to be impacted even more severely than many other rail towns, because of the existence of the Missoula rail yard;

Be it further resolved that the Missoula City Council expects the Surface Transportation Board to actively seek input from the Council and Missoula residents for inclusion in the draft EIS for the Tongue River Railroad;

Be it further resolved that the Missoula City Council requests that the federal Surface Transportation Board and state Department of Environmental Quality and Natural Resources and Conservation hold public hearings in Missoula, during the public comment periods on the draft Environmental Impact Statements for the Tongue River Railroad and Otter Creek Mine, respectively.

PASSED AND ADOPTED this ____ day of _____, 2014

ATTEST:

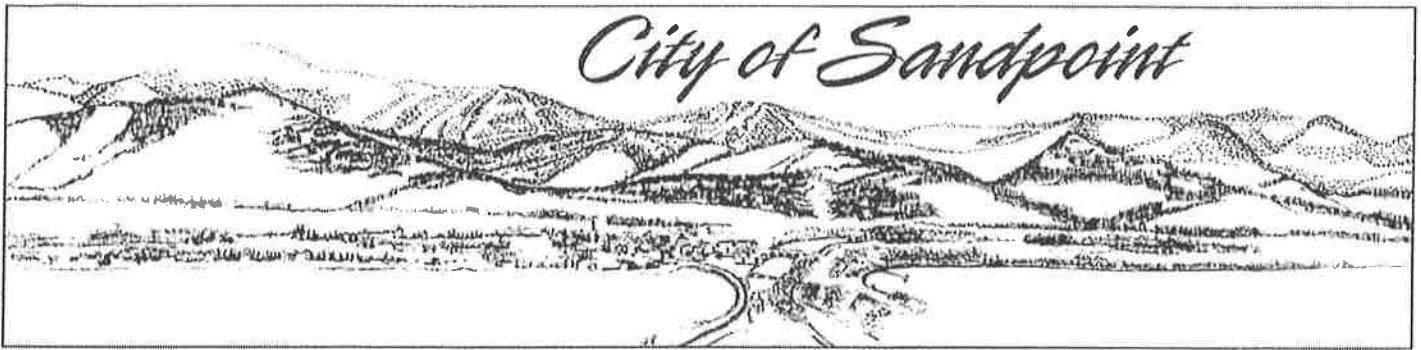
APPROVED:

Martha L. Rehbein, CMC
City Clerk

John Engen
Mayor

(SEAL)





September 18, 2014

Daniel R. Elliott, Chairman
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Subject: Request to include the City of Sandpoint in the review of the proposed Tongue River Railroad

Chairman Elliott and Members of the Surface Transportation Board,

It has come to our attention that the rail lines that traverse the City of Sandpoint could experience a substantial increase in train traffic from exporting coal from the Powder River Basin to proposed West Coast ports. We understand that the construction of the Tongue River Railroad would contribute significantly to this additional traffic, as it would connect the proposed Otter Creek coal mine to the existing rail lines.

Since these additional coal trains would impact the residents and visitors of Sandpoint by degrading air and water quality, increasing the frequency of traffic delays at crossings, delaying emergency response services, and threatening our local economy, we hereby request that the Surface Transportation Board (STB) consider the City of Sandpoint in your Environmental Impact Statement (EIS) for the Tongue River Railroad and consult with us as the review process moves forward.

We have specific concerns related to increased rail traffic and believe that it is the responsibility of the STB – as the regulatory agency for the rail system – to step in and ensure that communities are not forced to bear the costs of expensive infrastructure upgrades to mitigate impacts (e.g. overpasses, underpasses, quiet zones). The City of Sandpoint lacks adequate funding for these projects, and we strongly believe these costs must be divided fairly between the railroad and taxpayers.

Please consider, and formally include, the City of Sandpoint as you move forward in the review process for the Tongue River Railroad.

Thank you for your consideration. We look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script that reads "Carrie Logan".

Carrie Logan
Mayor

c: Deb Miller, STB Vice Chair
Ann D. Begeman, Board Member
Victoria Rutson, Director, STB Office of Environmental Analysis
U.S. Senators Mike Crapo and Jim Risch

No: 14-48
Date: September 17, 2014

RESOLUTION
OF THE CITY COUNCIL
CITY OF SANDPOINT

TITLE: A REQUEST TO THE SURFACE TRANSPORTATION BOARD THAT IT INCLUDE THE CITY OF SANDPOINT IN THE TONGUE RIVER RAILROAD ENVIRONMENTAL REVIEW PROCESS AND REQUIRE THE RAILROAD(S) TO SHARE THE COSTS OF NECESSARY INFRASTRUCTURE PROJECTS

WHEREAS: The City of Sandpoint, with a population of approximately 7,500, funnels all rail traffic from Burlington Northern Santa Fe (BNSF), Union Pacific and Montana Rail Link (MRL) railroads;

WHEREAS: The route through the City of Sandpoint represents the easiest way to transport coal from Southeast Montana to the West Coast;

WHEREAS: Arch Coal's proposed Otter Creek Mine in Southeast Montana, the largest proposed new coal strip mine in the contiguous United States, is designed to supply coal to West Coast coal export terminals;

WHEREAS: The proposed Tongue River Railroad (TRR), which is jointly owned by Arch Coal, BNSF, and Forrest Mars, Jr., would be the conduit for transporting coal from Otter Creek to the existing MRL/BNSF line;

WHEREAS: Building the Otter Creek Mine and Tongue River Railroad would therefore lead to increased coal train traffic through the City of Sandpoint, contributing to more frequent traffic delays and increased emergency response times at the at-grade crossings, higher levels of air and noise pollution and degradation of water quality from lost coal and coal dust;

WHEREAS: These impacts will affect the health, public safety, and quality of life of our residents and require infrastructure upgrades to mitigate impacts, such as overpasses, underpasses, and quiet zones;

WHEREAS: The City of Sandpoint lacks the funding to pay for necessary infrastructure projects and will be required to seek public funding for private benefit;


WHEREAS: The Surface Transportation Board (STB) is the sole agency responsible for regulating railroads and has committed to consider the TRR's impacts to down-line communities and the entire rail system in the Environmental Impact Statement (EIS) for the Tongue River Railroad; and

WHEREAS: The STB has the established authority to require railroad companies to help mitigate the cost of infrastructure improvements necessitated by new rail construction.

NOW, THEREFORE, BE IT RESOLVED THAT: The City of Sandpoint believes that building the Tongue River Railroad would affect the health and well-being of Sandpoint residents and require expensive infrastructure projects for which the City lacks adequate funding.

BE IT FURTHER RESOLVED THAT: The City of Sandpoint formally requests that the Surface Transportation Board consult with the Mayor of Sandpoint to properly assess coal train traffic impacts during the Tongue River Railroad EIS process.

BE IT FURTHER RESOLVED THAT: The City of Sandpoint requests the Surface Transportation Board utilize the Tongue River Railroad proceeding to ensure that the costs of increased train traffic are shared fairly by railroad companies and not borne principally by community taxpayers.



Shelby Rognstad, City Council President
on behalf of Mayor Carrie Logan

ATTEST:



Maree Peck, City Clerk

City Council Members:

	YES	NO	ABSTAIN	ABSENT
1. Eddy	X			
2. Rognstad	X			
3. Aitken				X
4. Williamson Second	X			
5. Camp	X			
6. Fragoso Motion	X			



Seattle City Council

November 14, 2014

Daniel R. Elliott, Chairman
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Subject: Request to include Seattle in the review of the proposed Tongue River Railroad

Chairman Elliott and Members of the Surface Transportation Board,

It has come to our attention that the rail lines that traverse Seattle could experience a substantial increase in train traffic from exporting coal from the Powder River Basin to proposed West Coast ports. We understand that the construction of the Tongue River Railroad would contribute significantly to this additional traffic, as it would connect the proposed Otter Creek coal mine to the existing rail line. Communities in and along rail lines, including Seattle, Shoreline, Tukwila, Renton, Kent and Auburn could see 20 or more coal trains rolling through town every day. This would add more than 3,000 noisy, mile-long loaded coal trains traveling through King County rail system every year.

This increased traffic in our area will have significant adverse impacts on our local environment and economy. A single slow-moving coal train can obstruct a rail crossing by six minutes or more. Adding 20 trains to the local area's rail system would mean blocking some crossings by two hours per day. Increased traffic delays at busy rail crossings would clog commuter traffic and could slow response times for emergency responders. Added coal train traffic along the King County rail line would also limit access to neighborhoods, schools, business corridors and ferry terminals close to the train tracks. This could drive away investors for new residential, retail and commercial developments in waterfront and rail-adjacent communities in King County.

Moreover, the wide ranging health dangers of coal dust include exposure to toxic heavy metals like mercury and increased rates of asthma, especially in children. Coal dust would pollute our clean air and water. Burlington Northern Santa Fe (BNSF) railroad studies estimate up to 500 pounds of coal can be lost in the form of dust from each rail car en route. These trains will also emit diesel exhaust, which is associated with asthma, cardiopulmonary disease and increase incidences of cancer.

The City of Seattle has specific concerns related to increased rail traffic, and we contend that it is the responsibility of the STB—as the regulatory agency for the rail system—to step in and ensure that local communities are not forced to bear the costs of expensive infrastructure upgrades to mitigate impacts (e.g. overpasses, underpasses, quiet zones). The City of Seattle lacks adequate funding for these projects, and we strongly believe these costs must be shared by the railroads.

City Hall, 600 Fourth Avenue, Floor 2, PO Box 34025, Seattle, Washington 98124-4025
(206) 684-8888 Fax: (206) 684-8587 TTY: (206) 233-0025
<http://www.seattle.gov/council>

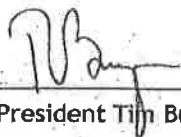
An EEO employer. Accommodations for people with disabilities provided upon request.

In addition to impacts from the transport itself, the increasing use of coal that these trains facilitate will cause significant adverse impacts on the environment. Mercury and other pollutants from coal-burning power plants travel from Asia to the West Coast of North America where they have been shown to poison our air, water, fish and food supply. Exporting coal promotes deeper global fossil fuel dependence. It delays the urgently needed transition to cleaner alternatives. It makes climate disruption inevitable, including extreme flooding and ocean acidification, impacting our shorelines and Puget Sound.

Since these additional coal trains would impact Seattle, we hereby request that the Surface Transportation Board (STB) consider the City of Seattle in your Environmental Impact Statement (EIS) for the Tongue River Railroad. Please formally include the City of Seattle as you move forward in the review process for the Tongue River Railroad.

Thank you for your consideration. We look forward to hearing from you.

Sincerely,



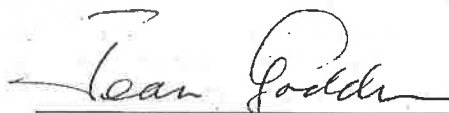
Council President Tim Burgess



Councilmember Sally Bagshaw



Councilmember Sally Clark



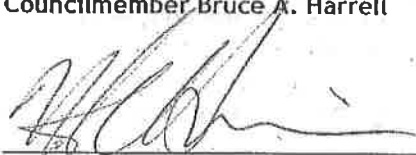
Councilmember Jean Godden



Councilmember Bruce A. Harrell



Councilmember Nick Licata



Councilmember Mike O'Brien



Councilmember Tom Rasmussen



Councilmember Kshama Sawant

Cc: Deb Miller, STB Vice Chair
Ann D. Begeman, Board Member
Victoria Rutson, Director, STB Office of Environmental Analysis
U.S. Senator Maria Cantwell
U.S. Senator Patty Murray

Ken Blodgett
Office of Environmental Analysis
Surface Transportation Board
395 E. Street, SW
Washington, DC 20423

Dear Mr. Blodgett:

I am writing on behalf of the Lewis and Clark City-County Board of Health to request that you add us to a list of interested persons with respect to the construction of the Tongue River Railroad. We would like to be kept informed of progress on this project, to review data, and submit comments as appropriate.

Our interest in this project stems from the potential impacts to human health as a consequence of increased rail traffic through Southern Lewis and Clark County, and the towns of East Helena and Helena. Our specific concerns include:

- Air Quality
 - The Helena Valley is vulnerable to air inversions, trapping particulate air pollutants that include wood smoke, diesel and auto exhaust, and dust. We often exceed the US EPA ambient air standards for 24-hour particulate matter pollution (PM 2.5) during inversions. In June of this year, we became part of the US EPA PM Advance program in an effort to identify and reduce particulate pollution sources. Increased diesel exhaust and the potential for coal dust pollution may exacerbate the problem and we would like to more thoroughly understand what steps can be taken to address the potential for pollution from increased train traffic.
 - In addition to increased train traffic, longer and/or more frequent train traffic will block at-grade railroad crossings in Helena, resulting in increasing vehicular idling and increased automobile exhaust pollution. Local governments do not have funding to upgrade these crossings or to construction underpasses or overpasses, so it is likely that increased train traffic will directly affect air quality in our county.
- Noise
 - Noise pollution is a proven health hazard, particularly for persons living close to train tracks. Increased noise exposure can cause cardiovascular disease, cognitive impairment of children, sleep disruption and increased fatigue. Any increase in rail traffic should be analyzed for noise impacts as well as air quality and auto traffic disruption.

As stakeholders, we would like to thank you for agreeing to consider “down-line” impacts in the scope of the Tongue River Railroad EIS. Given how little information is available on air quality impacts from train traffic, we believe we must proactively address community health and safety effects from any proposed increase in train traffic.

Please send correspondence and additional information to Melanie Reynolds, MPH, Health Officer, Lewis and Clark City-County Health Department, 1930 Ninth Avenue, Helena, MT 59601.

Thank you for your consideration. We look forward to hearing from you.

Sincerely,

Anne Weber, Chair

Board of Health, Lewis and Clark County

Cc: Lewis and Clark City-County Board of Health

Kathy Moore, Administrator, Environmental Services,

Derail the Tongue River Railroad

A railroad from a mine *that doesn't exist*
to a port *that doesn't exist*
to send Montana coal to *Asia*?

No...No



TONGUE RIVER RAILROAD

The Tongue River Railroad is a proposed coal-hauling railroad that speculators have tried to build through the agricultural Tongue River Valley in southeastern Montana for more than 30 years. First, the Tongue River Railroad Company wanted to build the TRR so it could send Wyoming coal to the upper Midwest. Today, they want to build the TRR to send Montana coal to Asia.

The federal Surface Transportation Board (STB) recently published a draft environmental impact statement (EIS) analyzing the environmental, social, and economic impacts of the TRR. **We know the TRR would:**

- tear up the land,
- condemn unwilling landowners and take their land against their will,
- destroy water quality,
- ruin wildlife habitat,
- excavate Native American cultural sites,
- devastate the agriculturally productive economy of southeast Montana,
- send at least 8 new coal trains per day through towns along the rail line to Washington,
- spew coal dust along 1,300 miles of railroad, and
- add 2.5 billion tons of new greenhouse gas emissions into the atmosphere.



Rosebud Creek rancher Clint McRae with his horses.



Lush fall foliage in the Tongue River Valley.

All this so a nearly-bankrupt company can mine coal to sell to Asia. Unfortunately, the government's **draft EIS does not fully acknowledge any of these impacts.** The document is full of factual errors and flawed logic. The following are among the most egregious:

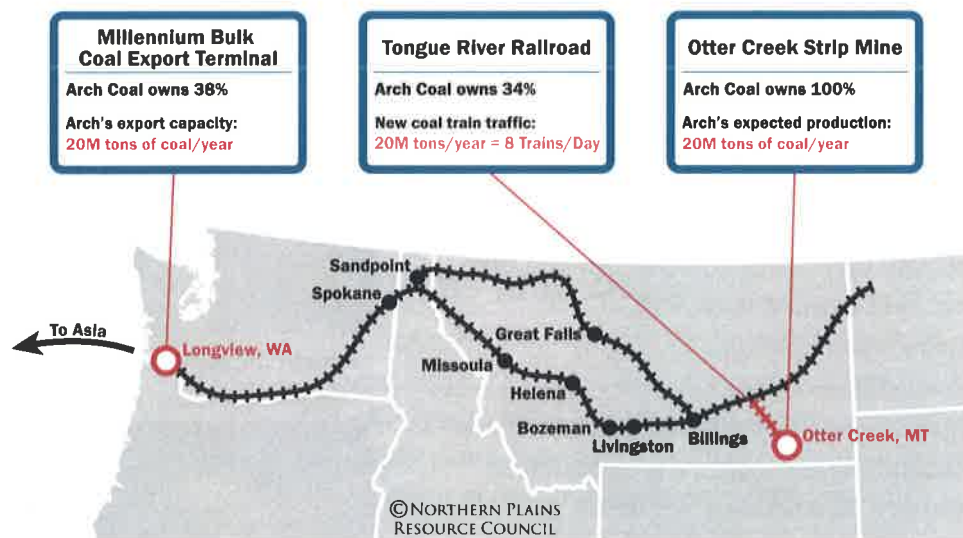
IGNORES THE DEMISE OF COAL

The draft EIS ignores the truth and claims that the Tongue River Railroad does not intend to haul coal for sale in the Asian market. Instead, it claims that Otter Creek coal will be sold in the U.S. to Midwest power plants that already have a steady supply of coal, ignoring that:

- **Our U.S. coal market is rapidly shrinking.** Coal has gone from **one half** to **one third** of our domestic electricity generation in just under 5 years, and more coal plant closures and conversions are coming in the next 5 years.
- As of 2009, only ten power plants in the nation could take high-sodium Otter Creek coal. Today, three of those are converting to natural gas and one is closing. The remaining six already have steady coal suppliers.

Arch Coal owns the Otter Creek mine, 34.68% of the Tongue River Railroad, and a 38% interest in the proposed Longview, Wash., coal export terminal. **They propose to mine 20 million tons annually out of Otter Creek and export 20 million tons.**

Arch Coal Gets the Profit, Asia Gets Our Energy, and Americans Pay the Cost



DISMISSES DOWNRAIL IMPACTS

The draft EIS ignores coal train traffic impacts to rail communities between Montana and Washington's west coast, **claiming that sending 8 additional coal trains through these towns will have absolutely no impact** on traffic delays, air quality, and noise pollution. It also dismisses coal dust out-of-hand, stating that minimal coal dust leaves the rail cars and that it has a negligible impact on human health anyway.



Waiting for a coal train, traffic backs up in Billings' main downtown corridor.

Unfortunately, the reality is that down-rail communities will experience significant impacts if the TRR is built. Impacts include:

- Traffic delays: Increases in train traffic will lead to more frequent and longer traffic delays at rail crossings— disrupting the business and commerce of communities as well as creating greater potential that emergency responders will be delayed in event of medical emergencies, fires or the need for police.
- Diesel fumes: Any increase in train traffic means more diesel fumes, which contain particulate matter and benzene residues, a known carcinogen. Particulate matter 10 microns in diameter or smaller are directly linked to health concerns; diesel fumes contain particles that are 2.5 microns in diameter. While those with chronic disease, the elderly, young children, and pregnant women are most at risk if airborne pollutants increase, the health effects to anyone from exposure may occur years later.



Coal dust from the coal pile at Corette power plant blows across the interstate outside Billings.



Reno, NV lowered the rail line that runs through the city in order to reduce traffic delays.

- Coal dust: Coal dust is a known health hazard, and coal dust blows off trains. Dust suppressants, which are to be applied during loading are supposed to reduce fugitive coal dust by 85%, but many who live near rail tracks in down-rail communities have first-hand knowledge of the black dust on their property.
- Noise: Any increase in train traffic means more noise. There are many health issues linked to noise beyond exposure to hearing loss, including increased blood pressure and sleep disruptions.
- Derailments: Any increase in train traffic will increase chances for derailments. Recent derailments have occurred in the middle of communities and also into rivers, streams, and lakes. Increased coal train traffic also increases the likelihood of an explosive Bakken oil derailment, since coal dust buildup in track ballast has been shown to cause derailments.

- Cost of upgrading infrastructure: If a city or county chooses to reduce impacts by upgrading a rail crossing, under existing law the railroads do not have to address these concerns, or pay for 'quiet' zones. Who pays for the upgrades? **Citizens do, with their public tax money. We must ask the STB to make those who profit— the railroads— pay for these infrastructure upgrades.**

NEW COAL MINES *REDUCE* CARBON POLLUTION?

The Otter Creek mine is the only reason for the Tongue River Railroad to exist. The mine has 1.3 billion tons of coal, which will amount to approximately 2.5 billion tons of CO₂ emissions when burnt, contributing significantly to rapidly-increasing global climate change.

But get this: the draft EIS claims that building the Tongue River Railroad and opening the Otter Creek coal mine *will be better for the climate than leaving the coal in the ground!*

A BANKRUPT COMPANY CAN BUILD A RAILROAD & MINE?

The Tongue River Railroad is pure speculation, since it has no product to haul. The draft EIS pretends that the Otter Creek mine is a viable project, and in fact brings up two other "phantom" coal mines that have no mine, no lease, and no proposal to extract coal in any way.

The Otter Creek mine has been leased, but Arch has spent four years repeatedly failing to earn a permit from Montana's Department of Environmental Quality. **Meanwhile, the company is on the verge of bankruptcy.**



We need YOU to get involved and tell the STB to choose the No-Action Alternative. We must join together to finally and forever end the speculators' pipedream of building the TRR. Join us and learn more at <https://www.northernplains.org/issues/tongue-river-railroad/>