

August 16, 2009

Mr. Joshua Marx
Regulatory Project Manager
U.S. Army Corps of Engineers
Kansas City Regulatory Office
402 Federal Building, 601 East 12th Street
Kansas City, Missouri, 64106-2896

Re: Draft EA for the BNSF Intermodal Facility Proposed by BNSF Railway
Company Near Gardner, in Johnson County, Kansas (July 2009)

Dear Mr. Marx:

I urge the United States Army Corps of Engineers (“Corps”) to prepare an Environmental Impact Statement (“EIS”) and a Health Risk Assessment for the BNSF Intermodal Facility near Gardner in Johnson County, Kansas (“Proposed Project” or “Project”), and make the following additional comments.

1. The Intermodal Facility and the Logistics Park are in reality one project, and should be evaluated by the USACE as one project.

BNSF and Allen Group themselves have repeatedly referred to this as a single 1000 (or sometimes 1300) acre project, with Allen Group as the BNSF-selected developer of the warehouse portion of the project.

- a. This is illustrated by four quotes from the September 27, 2007 presentation to the Johnson County Board of County Commissioners (JoCo BOCC). This is documented in attached MP3 audio files from that meeting.
 - Skip Kalb, Director of Strategic Development of the BNSF Railway Company, said “The Logistics park has the intermodal facility as its centerpiece, so we become an inland port”,
 - According to Bill Crandall, President of Allen Development of Kansas of the Allen Group, “The Logistics Park in KC is 1000 acres total of which we are about 600 acres”;
 - Bill Crandall also said “our project is 600 acres of the 1000 acres”.
 - Bill Crandall, while discussing tax issues said “what we are trying to do is ...look at the infrastructure that is required to put into production a thousand acres of development...”
- b. Allen Group presentations repeatedly refer to a 1000 acre project composed of two components For an example, see the attached, Allen Group presentation to the MARC Air Quality Forum (Allen Group to MARC Economic adv of onsite warehousing.ppt)

- c. While meeting with the Gardner Review Committee, BNSF spokesman repeatedly made the point that the intermodal railyard would not be developed without the logistics park warehousing.
- d. In many written publications, including “Logistics Park Kansas City will become crucial U.S. hub” (attached), the Allen Group refers to the Logistics Park as one 1000 acre facility which includes rail facilities and warehouses.

DESCRIPTION: Logistics Park Kansas City will be home to several large distribution and warehouse facilities surrounding BNSF Railway's rail-truck intermodal facility near 191st Street and U.S. Highway 56 in Gardner.

ACRES: The Park covers 1,000 acres. It is long enough to handle mile-and-a-half-long trains carrying 250 to 280 double-stacked containers, which are loaded and unloaded by crane at the intermodal facility.

- e. In the December 2006 Kansas City Star article, “A Transportation Hub – Intermodal Centers”, which is as of this date posted on the Allen Group web site, Skip Kalb “planning is well under way for the 1,300-acre intermodal facility his railroad is developing southwest of Gardner. The intermodal operation where goods will be off-loaded from trains to trucks is anticipated to occupy about 300 acres. The remainder of the property is expected to be developed with 12 million square feet of warehouses and distribution buildings.”

2. The authors of this EA fail to recognize the fundamental business model of the BNSF and the purpose of the Intermodal Railyard. Because of this, the EA grossly underestimates the local and regional impact of the project on traffic congestion, air pollution, and health.

BNSF is changing their business model from one in which they carry ocean containers by rail directly to destination cities. Instead, they are converting their business to a hub-and-spoke model in which they carry the freight to the hub by rail, from which it is transferred to truck for transportation to cities with 500 miles that were previously directly served by rail.

As Skip Kalb said at the 092707JoCo BOCC meeting: “BNSF railroad are (sic) in effect the ship that brings these cargos across to these (intermodal) facilities; they are transferred from rail to truck, where they are taken to warehouse distribution facilities.... It is not a traditional switching yard “.

In a Kansas City Star article in December 2006, Skip Kalb said of the planned 1300 acre facility that “it will be one of the largest in the world.” (Attached)

3. Approximately 300 of the 1300 acres originally slated for this project have not yet been acquired by the BNSF or the Allen Group. Since this land is contiguous to the facility, is likely to be acquired in the future, the USACE analysis should consider this land as part of the project for the purposes of its environmental analysis.

4. The EA fails to acknowledge the modal shift from rail to truck that is one of the primary purposes of the proposed intermodal railyard, or to determine the heavy diesel truck trip generation that would result.

The Johnson County intermodal railyard will lead to discontinuation of rail shipment of ocean containers and a modal shift to truck shipments from Johnson County to all destinations within 500 miles, unless they are served by large Intermodal railyards such as Dallas and Chicago that are closer.

Skip Kalb said in the 092707 JoCo BOCC meeting that trucks will travel up to 500 miles from the Intermodal Railyard and that they had already closed one intermodal railyard because of that fact, "We closed our Oklahoma City intermodal two years ago because Oklahoma City is within 500 mile radius of Kansas City or Dallas(Intermodal Railyards), so we can serve from either city (by truck)" (recording attached).

5. The EA did not take calculate NOx,PM,CO2,or other pollution emission increases that will be generated by this modal shift, and failed to consider other relevant factors.

In numerous places in the EA, including the discussion of the effect of the intermodal railyard on CO2 emissions, the authors incorrectly assumed that the intermodal railyard would lead to a modal shift from trucking to rail.

This is not true. This intermodal business model, because it replaces train transport from the hub to cities up to 500 miles away with truck transportation, will not reduce the amount of PM, NOx, or CO2 emitted per container; rather, it will generate an increase in heavy diesel truck miles per ocean container, and increase emissions per container, and therefore total emissions.

The authors of the EA did not determine the destinations for which the BNSF would discontinue rail service of ocean containers and other rail shipments, did not calculate how many containers would be diverted from rail to truck at the Johnson County intermodal, and did not calculate the emission increases that would result if this facility is built.

6. The EA failed to calculate congestion impacts in the Kansas City area caused by the shift from rail to diesel truck of ocean containers bound for destinations within 500 miles.
7. The EA failed to consider the cost to the public of the increased emissions.

The health and financial cost of increased diesel exhaust emissions should be calculated.

8. The EA failed to consider the cost to the public the modal shift from rail to diesel truck transportation would entail. The EA should calculate the shortfall between the revenues received from fuel taxes and costs of increased wear on the highway infrastructure, and requirements for increased highway capacity, police protection, and other products and services associated with increased diesel truck traffic. Examples of relevant analyses:
 - "Monetary Cost of a Modal Shift", Minnesota Department of Transportation, 1997 which calculates the pollution costs of different modes, including truck and rail. (attached),
 - "Rail to truck modal shift- impact of increased freight traffic on pavement maintenance costs" (attached), in which the authors showed that diversion of rail to truck traffic would cause reduced pavement life and increase costs. (attached),

9. The EA failed to acknowledge that the purpose of this intermodal railyard is to resolve congestion problems on the BNSF rail system and to increase the throughput of ocean containers from China, that construction of the facility will thereby cause additional increases in both railroad and highway miles, and increase pollution emission from locomotives and trucks at every point in the transportation network, including Johnson County, the region, and the U.S.

In his 2007 presentation to the JoCo BOCC (Audio files attached), Skip Kalb discussed congestion problems in the BNSF system, and noted the entire BNSF system would be double tracked by 2008,

He said that trade through the LA/Long Beach ports will triple by the year 2025, causing rail shipments to triple within 20 or 25 years (by 2029-2034).

The Allen Group) acknowledges that resolving congestion Chicago by trucking from Kansas City is one of main purposes of this Project: (Attached "The Allen Group - _OnTrack", by Rob Roberts

"Bill Crandall, Kansas City president of The Allen Group, says, "It takes three days to get to Chicago" by rail from the West Coast ports "and three days to get through Chicago." KansasCity offers transcontinental shippers a less congested route.

Kansas City, which lies in the Mexico-to-Canada corridor served by Kansas City Southern and on BNSF Railway's southern transcontinental main line between Los Angeles/Long Beach and Chicago, offered shippers an opportunity to avoid such costly congestion, said Chris Gutierrez, president of Kansas City SmartPort.

In Gardner, for instance, BNSF found a piece of affordable real estate long enough - at least 8,000 feet - to accommodate the intermodal trains, double stacked with 250 to 280 containers, that will pull off its transcontinental line to be loaded from trucks or unloaded onto trucks."

10. The EA failed to adequately taken into account that warehouse portion of this Project is intended to draw large distribution warehousing from other cities in the region (as was the case with Coleman warehousing from Wichita), which will drive even more emission increases in Johnson County and the Kansas City metropolitan area.
11. The EA seems to implicitly and incorrectly assume that the Argentine Yard will be closed, or that its pollution emissions will decrease.

At most, 43 of the 780 acres of the Argentine Railyard very busy railyard may be dedicated to new purposes. Since the Argentine yard is one of only three terminal points on the Santa Fe Railroad that is equipped for the major servicing of diesel locomotives, it seems likely that its repair business will be greatly increased when the Johnson County intermodal facility opens. Furthermore, its load testing function may be expanded, leading to *increased* rather than decreased emissions.

As Skip Kalb said at the 092709 JoCo BOCC meeting:

The Argentine yard is the second largest rail yard in the world. Everything in blue is staying. None of this is to be moved anyplace. What you see in red, these two little tracks, this one little track, that's our intermodal facility. On 43 acres, we cannot expand. The Argentine yard is staying, it is not moving! (Audio file attached)

12. Given the projected tripling of rail traffic in as soon as 20 years, and the intention of the BNSF to increase throughput throughout the system, including by shifting containers from rail to heavy diesel truck in Johnson County for transportation to cities as far as 500 miles, the EA should calculate the maximum throughput from this project, assuming use of the most advanced logistics techniques, and upgrades or additions of tracks, cranes, and other equipment. All impact calculations should be based on this 'worst case' projection.
13. The EA did not take into account relevant local research and analyses that have been completed or are underway.

It does not appear that intermodal air quality modeling conducted by the [Mid-America Regional Council \(MARC\)](#) has been taken into account in the EA.

Additionally, the State of Kansas has funded relevant research that could be taken into account in the EA. One such study, for example, is, "Evaluation of the Impact of the Gardner, Kansas Intermodal Freight Facility" funded by the Kansas Department of Transportation, is currently measuring heavy diesel truck and other traffic and PM emissions near the site of the proposed intermodal railyard. This study will provide data on actual traffic generation and ambient PM levels that could be taken into account when calculating the impact of the proposed BNSF railyard and associated warehousing.

The EA should not be finalized until the MARC intermodal air quality study and other analyses conducted or funded by the State or MARC have been completed, and new information has been taken into account.

14. It does not appear the authors of the EA have taken into account the factors outlined in the U.S. Department of Transportation, Federal Highway Administration guidebook "Quick Response Freight Manual II", including Chapter 13.0, Intermodal Considerations in Freight Modeling and Forecasting. For example:
 - a. "Drayage movements in intermodal transportation are particularly relevant from a freight modeling perspective, since they are additional truck trips, which need to be accounted for in order to accurately estimate total truck trips on the highway network."
 - b. "Drayage truck trips also are a major source of emissions around intermodal terminals, which are modeled as a function of the Gross Vehicle Weight (GVW)-based truck classification. These requirements affect the truck classification schemes used in truck models that use the three truck classes based on GVW ratings (heavy heavy-duty trucks, medium heavy-duty trucks, and light heavy-duty trucks). Typically, heavy heavy-duty trucks (HHDT) are used for intermodal drayage, which have different engine emission characteristics compared to light and medium heavy-duty trucks."

- C. "It also is important to understand and model time-of-day distributions of drayage trips and how they interact with auto traffic, based on the operations of intermodal terminals. Drayage truck trips also are a major source of emissions around intermodal terminals, which are modeled as a function of the Gross Vehicle Weight (GVW)-based truck classification. These requirements affect the truck classification schemes used in truck models that use the three truck classes based on GVW ratings (heavy heavy-duty trucks, medium heavy-duty trucks, and light heavy-duty trucks). Typically, heavy heavy-duty trucks (HHDT) are used for intermodal drayage, which have different engine emission characteristics compared to light and medium heavy-duty trucks."

15. The EA should take into account the negative effects increased rail and truck traffic will have on property values in areas contiguous to the intermodal railyard, warehouses, rail line and major diesel truck transportation routes.

One source of information for conducting such calculations for rail is "The Effect of Freight Railroad Tracks and Train Activity on Residential Property Values", Robert A. Simons, Abedellazis Jaouhari, The Appraisal Journal, September 2004 (Attached)

16. The EA should evaluate indirect and other environmental impacts especially relevant to freight projects.

As recommended by ICF Consulting in "Assessing the Effects of Freight Movement on Air Quality", other relevant factors include sprawl when freight facilities are located away from city centers, socioeconomic impacts community livability.

17. The Section 106 Review should have but did not include Mildale Farm and Big Bull Regional Park in the "area of potential effect", and should have but did not include consultation with tribes.

Under Section 106 of the National Historic Preservation Act of 1966, as amended, federal agencies must identify and evaluate cultural resources and consider the impact of undertakings they fund, license, permit, or assist on historic properties eligible for inclusion in the National Register of Historic Places.

The proposed Intermodal Railyard and associated "Logistics Park" (warehousing) will cause noise pollution, light pollution, air pollution, water pollution, and visual impacts on two Johnson County parks, Mildale Farm and Big Bull Creek Regional Park.

Because the land on which these parks are situated was formerly American Indian tribal land, and was settled by Europeans approximately 150 years ago, the parks are eligible for inclusion on the National Register of Historic Places.

Because of this, the Section 106 Area of Potential Effect should have included these parks.

Attachments:

Two numbered audio files (MP3 format) from the September 27, 2007 Johnson County Board of County Commissioners meeting. (BOCC 092707 number 1.mp3 and BOCC 092707 number 2.mp3)

“A Transportation Hub – Intermodal Centers”, Kansas City Star, Kevin Collison, December 7, 2006. ([A transportation hub - intermodal centers.pdf](#))

“Assessing the Effects of Freight Movement on Air Quality, Talking Freight Seminar, ICF Consulting, April 2005 ([Assessing the Effects of Freight Movement on Air Quality.ppt](#))

Presentation by the Allen Group to the MARC Air Quality Forum Economic (adv of onsite warehousing.ppt)

“The Effect of Freight Railroad Tracks and Train Activity on Residential Property Values”, Robert A. Simons, Abedellazis Jaouhari, The Appraisal Journal, September 2004 ([Freight and property values Simons RA appraisal journal 2004.pdf](#))

“Rail to truck modal shift- impact of increased freight traffic on pavement maintenance costs”, Midwest Regional University Transportation Center, January 2008 ([Rail to truck modal shift- impact of increased freight traffic on pavement maintenance costs.pdf](#))

The Allen Group, “OnTrack”, Rob Roberts, (The Allen Group - _OnTrack_ by Rob Roberts.pdf)

Monetary Cost of a Modal Shift, MN DOT, March 1997 ([Monetary Cost of a Modal Shift.pdf](#))

Environmental Impacts of a Modal Shift, MN DOT, January 1991 ([Environmental Impacts of a Modal Shift.pdf](#))

What we know about air pollution and its health impacts, Dr. Jennifer Peel, Colorado State University, Presentation at the “Health and Community Impacts of Intermodal Railyards and Distribution Centers” forum held on August 6, 2009 in Olathe Kansas, ,August 2009 ([What-we-know-about-air-pollution-and-its-health-impact.pdf](#))

Railyards, distribution centers, truck congested highways and your health, Andrea Hricko, Keck School of Medicine, Presentation at the “Health and Community Impacts of Intermodal Railyards and Distribution Centers” forum held on August 6, 2009 in Olathe Kansas, ,August 2009 ([Railroads, Distribution Centers, Truck Congested Highways and your Health.pdf](#))

East Yard Communities – Fighting for Life, Angelo Logan, Presentation at the “Health and Community Impacts of Intermodal Railyards and Distribution Centers” forum held on August 6, 2009 in Olathe Kansas, August 2009 ([East Yard Communities - Angelo Logan... Fighting for Life 080609.pdf](#))

Traffic Impacts, Comparison of Emissions with California Experience, Recreational Impacts, Visual Impacts, Andrea Hricko, Keck School of Medicine, Presentation at the “Health and Community Impacts of Intermodal Railyards and Distribution Centers” forum held on August 6, 2009 in Olathe Kansas, ,August 2009 ([Traffic Impacts, Comparison of Emissions with California Experience, Recreational Impacts, Visual Impacts.pdf](#))

Hillsdale Environmental Loss Prevention Intermodal Water Issues Presentation, Mark Dugan, Presentation at the “Health and Community Impacts of Intermodal Railyards and Distribution Centers” forum held on August 6, 2009 in Olathe Kansas, ,August 2009 ([18263349-Hillsdale-Environmental-Loss-Prevention-Inter-Modal-Water-Issues-Presentation.pdf](#))

NEPA Process Chart, Melissa Linn Perrella, NRDC, Presentation at the “Health and Community Impacts of Intermodal Railyards and Distribution Centers” forum held on August 6, 2009 in Olathe Kansas, ,August 2009 ([-NEPA-Process-Chart.pdf](#))

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