

September 8, 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

Subject: Intermodal EA lift figures and therefore trip and air pollution emissions numbers are incorrect, according to the information provided by BNSF

Dear Mr. Marx:

The draft Environmental Assessment (EA) makes the following claim regarding the capacity of the proposed Intermodal Railyard, attributing it to a Verified Statement of Brian Decker, Director of Facility Expansion for BNSF, dated 2008).

“During its first opening year³, the Gardner IMF would have the capacity to handle the approximately 375,000 to 415,000 lifts per year projected based on reasonably foreseeable demand (Decker Verified Statement, 2008). The facility would be designed to handle approximately 1,000,000 lifts per year at full operating capacity to accommodate future intermodal freight volume.” (Pg. 1-4)

However, on at least six occasions in 2007, 2008, and 2009, Skip Kalb, Director of Strategic Development of the BNSF, made presentations stating that the proposed Intermodal facility will actually have “an initial capacity of 650,000 lifts; scalable to 1.5 million lifts.” These presentations are documented below.

These presentations demonstrate that the initial and maximum lift figures BNSF claims when marketing the proposed Intermodal Facility to local units of government (including Johnson County) and other organizations are at least fifty percent (50%) higher than the number they used in draft EA.

The BNSF has consistently promoted these higher lift numbers in marketing presentations, both before and after the date of the “Verified Statement” attributed to Mr. Brian Decker.

Even more amazingly, the maximum lift number is reduced even more in calculations buried in the technical reports of the EA, and are used to further reduce the traffic and emissions generation projections of the proposed Intermodal railyard.

The January 2009 Traffic Technical Report uses an even lower maximum capacity lift number of 870,000, which the Air Quality Technical Report verifies was used to calculate emissions.

“Given the above trip rate calculations, the number of trips generated by the IMF was calculated for each analysis year. These calculations were based on the lift count and employee data provided for each of those years. In 2010, the proposed IMF is expected to employ 143 employees with approximately 415,000 annual lifts. This is projected to generate 2,897 total daily trips on an average weekday with 273 and 185 trips expected during the a.m. and p.m. peak hours, respectively. In 2015, 495,000 annual lifts and 179 employees are forecasted for the facility leading to a commensurate increase in trip generation. In 2030, the Gardner IMF will have 288 employees with 870,000 lifts per year. This is projected to generate 6,045 daily trips on an average weekday with 563 trips during the a.m. peak hour and 388 trips during the p.m. peak hour.” (Pg. 9)

Thus, the actual maximum lift number as repeatedly advertised and promoted by the BNSF is Sixty Three Percent (63%) more than the amount used in the EA – as would be the trip generation and air pollution emission projections.

Therefore, the calculated number of truck trips and ozone, NOx, Particulate Matter, and other air pollution emissions are significantly understated in the EA.

On August 16, in my comments on the subject draft EA during the public comment period, I requested:

“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.”

I request that this calculation be implemented based on BNSF’s own numbers for initial lifts and maximum lifts, as repeated at least six times in 2007, 2008, and 2009, as recently as April of this year:

- April 15, 2009, Mississippi Valley Freight Coalition meeting, Kansas City
<http://www.mississippivalleyfreight.org/files/2009Meeting/Kalb.pdf>
- March 25, 2008, DeSoto Economic Development Corporation, Desoto KS
<http://www.desotoks.org/BNSF%20Presentation%20032509.pdf>
- November 6, 2007, 2007 National Highway-Rail Grade Crossing Safety Training Conference. Texas Transportation Institute. <http://tti.tamu.edu/conferences/rail07/program/presentations/session7/kalb.pdf>
- September 27, 2007, Johnson County Board of County Commissioners, Olathe KS
http://bocc.jocogov.org/Agendas_07/092707COWAGENDA.pdf
- September 21, 2007, International Right of Way Association Meeting, Kansas City KS
http://www.irwachapter5.org/adobe_acrobat/irwa_optimized9.21.07.pdf
- July 10, 2007, Johnson County Environmental Task Force Meeting, Olathe KS
http://bocc.jocogov.org/dist1/documents/EnvTaskForceMinutes_071007.pdf

I also request that USACE conduct due diligence to independently verify the statement(s) attributed in the draft EA to Mr. Brian Decker, Director of Facility Expansion for BNSF, and if errors are found, independently verify other statements on which the draft EA findings and conclusions are based.

Based on the trip generation recalculations, and the outcome of due diligence, I request that air pollution emissions projections and other NEPA analyses be revised as appropriate.

Regards,

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Copies to:
Joe Cothorn, EPA
Johnson County Board of County Commissioners
KDHE Managers

Others