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Mr. Joshua Marx
Regulatory Project Manager
US Army Corps of Engineers
Kansas City Regulatory Office
700 Federal Building
601 East 12th Street
Kansas City MO 64106-2896

Subject: Request for thorough Environmental Assessment re Permit No. 2006-1014

This submission is made on behalf of the Johnson County Intermodal Coalition (JCIC), and in response to the Corps of Engineers Public Notice of Permit No. 2006-1014, issued on August 13.

The Johnson County Intermodal Coalition requests and strongly urges the Corps of Engineers to:

1. Conduct a thorough Environmental Assessment that:

- a. Determines, evaluates, and projects the direct, indirect, and cumulative impacts of these facilities, including but not limited to:
 - i. Noise and Vibration. We understand that noise and vibrations from some Intermodal rail yards have extremely deleterious effects on health of human beings and safety of structures as far as 1.5 miles from such facilities.
 - ii. Traffic volumes, traffic congestion and commute times. KDOT, MARC, and Johnson County planners report that they do not know what the impact will be of the projected 10,000 daily diesel truck trips from the Intermodal on congestion in Johnson County, including on I-35. They do not know what other diesel truck traffic may be generated by warehouse developments and other developments that are indirectly caused by Corps of Engineer approvals for the Intermodal facility. The JCIC requests that the Corps of Engineers consider the capacity of current roads and highways, including but not limited to US 56 Highway, US 59 Highway, Old 56 Highway, I-35, I-435, I-70, K-7, K-10, and Johnson County arterial roads; consider the impact on congestion, and consider the cost of upgrading or adding lanes to these roads to meet support the projected traffic.
 - iii. Safety. The mix of diesel truck and car traffic can be very dangerous. The JCIC requests that the Corps of Engineers project and evaluate changes to the vehicular accident and fatality rates.
 - iv. Vehicular Air Pollution. Because the direct, indirect, and cumulative diesel truck traffic volumes are unknown, State and local planners have no way to estimate air pollution impacts, including the impact on criteria pollutants and attainment or non-attainment of EPA air quality standards for these pollutants. The JCIC requests that the Corps of Engineers project these impacts, including the impact on air standard attainment, and the costs of non-attainment.

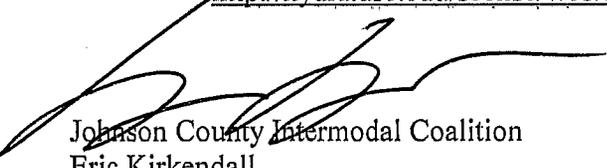
- v. Health. Because air pollution volumes and distribution patterns are unknown, the direct, indirect, and cumulative effects of the air pollution on health are unknown. It is well documented by the California Air Resources Board and other organizations that the health effects of Intermodal facilities are extremely deleterious. The JCIC requests that the Corps of Engineers conduct the most thorough assessment possible.
 - vi. Light pollution.
 - vii. Other impacts experienced at BNSF and other Intermodal Rail Yards including those in California.
 - viii. Direct, indirect, and cumulative costs to the citizens and government due to congestion, public health and safety impacts, need for additional regulatory or inspection agencies, or other costs commonly experienced in jurisdictions with Intermodal facilities of this scope and impact.
- b. Considers, evaluates and makes recommendations on all possible mitigation activities, including:
- i. Non-approval of the requested permits
 - ii. Withholding permit approval until the recommended I-35 interchange is opened.
 - iii. Relocation of the facility to a less densely populated area.
 - iv. Mitigation tools used in the State of California, as detailed by the California Air Resources Board.
 - v. Recommendations of the Gardner Intermodal Review Committee
<http://www.gardnerkansas.gov/html/asset/Administration/IntermodalReviewReport071006.pdf>
2. Thoroughly review all materials provided on CD by Eric Kirkendall on September 26 concerning on health and other impacts of Intermodal Rail Yards, associated facilities, and transportation activities. A zip file of this material may be downloaded at <http://www.sendspace.com/file/xy8or5> . The download link is at the bottom of the web page.
3. Include in the consideration of cumulative and indirect impacts the volume, distribution, and impacts of traffic that can be generated from the Intermodal Facility when it is built out to its full capacity, including the expansion, extension, or addition of rail lines or sidings for freight transfer beyond those that are shown in the BNSF application. An expansion that increased capacity was conducted at the BNSF Memphis Intermodal in 2004, and additional expansions are planned for 2007 or 2008 at multiple BNSF Intermodal Rail Yards. Such expansions can reasonably be assumed for this Intermodal Rail Yard. Information on expansions planned for Memphis and other BNSF Intermodal Facilities is available at <http://www.agotc.org/images/DonnaLemm.pdf> .
4. Involve to the maximum possible degree all other Federal agencies that can assist in the conduct and review of the EA and related analyses, including but not limited to Kansas agencies, the Federal Highway Administration, Surface Transportation Board, Federal Railroad Administration, Environmental Protection Agency, and Department of Health and Human Services.
5. Thoroughly review, evaluate, and consider all other all impact and mitigation information available through:
- a. The California Air Resources Board. Locations of relevant information include:

- i. Goods Movement, Ports, and Rail Portal at <http://www.arb.ca.gov/html/gmpr.htm?PF=Y>
- ii. Mobile Sources Program at <http://www.arb.ca.gov/msprog/msprog.htm>
- iii. Diesel Programs and Activities at <http://www.arb.ca.gov/diesel/diesel.htm>

b. The US Department of Transportation and other Departments and agencies listed above.

c. Information on air and water pollution from Rail Yards made public as a result of lawsuits against BNSF and other Railroads.

d. The Trade, Health, and Environment Project located at the University of Southern California.
<http://hydra.usc.edu/scehsc/web/index.html>



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