# Dear La Crosse City Council Members,

In the past year members of CARS, Citizens Acting for Rail Safety, have studied issues related to BNSF expansion in La Crosse and sought citizen input. With negotiation with BNSF quickly proceeding, we suggest the following ten items be considered.

# REQUESTS REGARDING NEGOTIATIONS WITH BNSF: SAFETY AND LIVABLE NEIGHBORHOODS

These priorities are listed in no particular order. They are all important to the future of La Crosse and the region.

# Background Statement:

The viability of the City of La Crosse and the region depends on safe and livable neighborhoods. Neighborhoods near high-volume railroads tend to become blighted. We are on that path. One La Crosse father of three young children said, "I might as well not have a backyard any more. We can't use it." He plans to move to Onalaska. Some people say, "I have always lived along the rail, I'm used to it." But the next generation of potential buyers facing 100-plus longer, heavier trains per day, many of which are unsafe, are unlikely to feel the same.

BNSF expansion will result in hardship for property owners, property values, the city tax base, and ALL City of La Crosse taxpayers. Expansion here will have similar effect in other towns along the rail in our region.

Long, narrow, environmentally-sensitive La Crosse, bound by the Mississippi River and its bluffs, is not geographically suited to serve as a high volume corridor for BNSF. BNSF needs to hear expansion in La Crosse is irresponsible. BNSF has single tracks in other places in Wisconsin and elsewhere.

Safety is the highest priority for CARS and the City. The question we pose is this: How can the City sign an agreement that would increase the amount of hazardous materials in unsafe tankers running though the region? With this in mind, we ask for the following should the project proceed:

**Binding agreement to a maximum 25 mph train speed.** Reduces risks and greatly decreases vibration and noise for residents.

Binding agreement to eliminate stopping and starting of trains in city limits. Rapid-fire banging of couplers from stopping and starting of trains in neighborhoods disrupts sleep and quality of life. Some citizens hope a second rail would eliminate or dramatically reduce stopping and starting of trains in neighborhoods. Since a second rail would allow an increase in trains, and since Canadian Pacific controls the

intersection of BNSF and CP on the north side of La Crosse, a significant improvement seems unlikely. BNSF must enter into a voluntary binding agreement as in other communities.

**Binding agreement regarding at-grade crossings:** Crossings shall not be blocked for more than 10 minutes and then shall remain open for at least five minutes for all blocked traffic to safely cross. Meaningful penalties must be established and enforced.

Modern track construction methods and maintenance techniques to improve safety and reduce noise and vibration. See reference articles provided to the Board of Public Works on June 30.

**Wetland mitigation in the La Crosse River Marsh.** The Mississippi River had reached the 12-foot flood stage in La Crosse 15 times since 1965. In five of those years there has been major

flooding (<a href="http://water.weather.gov/ahps2/crests.php?wfo=arx&gage=lacw3">http://water.weather.gov/ahps2/crests.php?wfo=arx&gage=lacw3</a>). Benchmarks to determine flooding should be revised to better assess potential damage using 500-year benchmarks plus actual flood occurrence. And mitigation for floodplain displaced by BNSF in the La Crosse River Marsh must also be done in the La Crosse River Marsh (not elsewhere) to enhance existing wetlands and improve its ability to reduce flood potential for La Crosse and surrounding areas.

**Study vibration, noise, and pollution:** City to hire qualified contractors at BNSF's expense to examine the impact of vibration, noise and pollution on private and public properties. Establishing a baseline is important in seeking compensation for future damages. See FTA Transit Noise and Vibration Impact Assessment and other articles provided to the Board of Public Works on June 30.

**Neighborhood-specific mitigation:** BNSF to fund means to address noise, vibration, and pollution, such as berms, sound walls, and landscaping as determined by the Council in conjunction with individual neighborhoods.

**Compensation fund for property owners:** BNSF to contribute an adequate sum of money to maintain a trust fund to be managed by the City to compensate property owners for purchases to mitigate for noise, vibration, pollution, etc.

**Provide first responders with training, equipment, and supplies on an on-going basis**. Trains carry high-hazard flammable materials and a variety of other hazardous materials through La Crosse daily. First responders need on-going training, equipment, supplies, and on-going replacement for expired foam, other supplies and equipment. BNSF should fund foam trailers capable of extinguishing a HHFT fire of *up to 13 tank cars* (number based on federal accident data), as well as enough boom housed in La Crosse to stop the spread of a hazmat spill if it were to occur on land or water, including difficult wetlands.

#### **ABOVE ALL:**

· . . .

Safe transport of all hazardous materials by rail: Based on PHMSA (U.S. DOT Pipeline and Hazardous Material Safety Administration) findings and the increase in rail traffic that would result from installing a second rail, NO double-track expansion should take place and this project should be reconsidered when newer, safer tank cars are used to carry volatile crude oil and other hazardous materials through La Crosse.

Proposed tanker standards are currently under discussion by the DOT. The present time frame for phasing out the hauling of hazardous materials in unsafe tankers is between 2017 and 2018.

PHMSA states the following in a recent document (Docket No. PHMSA-2012-0082 (HM-251)): "[Based on] the projected continued growth of domestic crude oil production, and the growing number of train accidents involving crude oil, PHMSA concludes that the potential for future severe train accidents involving crude oil in HHFTs (High-Hazard Flammable Train) has increased substantially. Such an increase raises the likelihood of higher-consequence train accidents."

More trains increase the likelihood of a train accident. This occurs just by shear volume. Plus trains carrying explosive Bakken oil is a game changer. The Association of American Railroads states that the vast majority of all rail cars make it to their destination safely. But as the number of cars shipped increases so does the number of accidents, even if the percentage remains constant. Side Note: As of August, PHMSA reports over 300 hazmat spills in the US by rail since January 1, 2014.

We recognize BNSF is placing the City of La Crosse in an difficult position. On the one hand, the City could reject an offer that threatens safety, livable neighborhoods, and economic viability. In doing so, BNSF could walk away from the table with millions of dollars in expenses at risk for the City and taxpayers. On the other hand, the City of La Crosse could sign an agreement that brings more hazardous materials through La Crosse in unsafe tankers and increase the chance of a rail disaster and neighborhood deterioration in the City and region.

We are very aware that Citizens AND Elected Leaders all want what is best for our City and the Coulee Region. If there is any way that we can provide support, please let us know.

Sincerely,

CARS, Citizens Acting for Rail Safety

#### RESOLUTION

WHEREAS, Larry Kirch, Director of Planning and Development has announced his retirement effective September 2, 2014, and

WHEREAS, the recruitment for this position has been deferred pending consideration of the organizational assessment recommending department restructuring, and

WHEREAS, Amy Peterson, Planning and Economic Development Administrator has been assigned to lead the Planning and Development Department on an interim basis.

NOW THEREFORE BE IT RESOLVED by the Common Council that the appointment of Amy Peterson as interim Director of Planning and Development is hereby approved at pay grade 18, step 1 (\$3,374.41 bi-weekly).

BE IT FURTHER RESOLVED that the effective date of the interim assignment shall be September 3, 2014.

BE IT FURTHER RESOLVED that as of October 15, 2014, pay will increase to step 5, pay grade 18 due to the potential extended duration and responsibility of the position.

BE IT FURTHER RESOLVED that the City Executive vacation accrual based on current years of continuous service is approved for this interim appointment.

BE IT FURTHER RESOLVED that the Director of Human Resources and the Director of Finance are hereby authorized to take all necessary steps to implement the resolution. that Funds are to come from the Planning and Development Department's 2014 operating budget.

# LA CROSSE TRUCK CENTER REAL ESTATE DESCRIPTIONS AND VALUES

DATE OF	PURCHASED FROM	LAND ONLY COST	DESCRIPTION AND LOCATION	SQUARE FEET	ACRES		ESSED E LAND	VAL	SSED _UE EMENTS
PURCHASE	<del></del>	<u>0031</u>	EGGATION	<u>. L.L. 1</u>	AOREO	TALU	L LAND	MIN INCOM	LINLIN I O
10/26/67	Hoeschler Properties	\$ 86,725	205 Causeway Boulevard Bemel's Industrial Addition W 12ft of S 258ft Lot 6 & 258 ft Lots 7,8, &9 Block 2	41,774 sq. ft.	.959 acres	\$	87,400	\$	435,300
???	Hoeschler Properties?	??	207 Causeway Boulevard	37,679	.865 acres∧	\$	78,800	\$	<u>-</u>
•••	, reporting		Bemel's Industrial Addition Lots 5 & 6 Block 2				·		
9/26/77	Frank-Len		200 Causeway Boulevard Bemel's Industrial Addition Lot 7 Block 6	15,377	.353 acres	\$	46,200	\$	5,200
5/15/07	Park Bank Doug Farmer (Jack Ebner)	\$ 270,611	206 Causeway Boulevard Bemel's Industrial Addition Lots 8 & 9 Block 6	30,797	.707 acres	\$	92,500	\$	12,800
12/13/01	Fowler & Hammer	\$ 60,000	143 Kraft Street Bemel's Industrial Addition North 108 ft of Lots 1, 2, 3 & 4	21,780	.500 acres	\$	48,000	\$	-
12/10/90	Betty Wolff	\$ 33,750	84 Kraft St., La Crosse, WI Bemel's Industrial Addition N 150 ft Lots 7, 8, & 9 Block 2	22,477 sq. ft.	.516 acres	\$	47,000	\$	57,500

R.E. Jacobs August 18, 2014 1 of 2 September 9, 2014

Dear La Crosse City Council Member,

My name is Alan Stankevitz. I am a wildlife photographer/videographer by trade and I spend a lot of time along the Mississippi River and adjacent wetlands such as the La Crosse River Marsh.

Please note: I am not normally an activist. This is the first time I have ever engaged with politicians and local governments over an issue. What I'm about to tell you is from my heart and I would not be writing this letter to you unless I felt there was a real reason to do so.

In 2013 as I was paddling on the Mississippi River I became quite aware that something had changed with rail traffic through the area. There was a huge increase in the number of trains carrying tank cars. Thus I started my investigation as to what these trains were hauling. The more I learned, the more I became aware of the dangers facing our community and environment.

What I'm about to tell you I think you will find not only informative but startling as well.

On February 24, 1978 there was a major tank car explosion in Waverly, TN. ONE tank car exploded in what is called a BLEVE (Boiling Liquid Expanding Vapor Explosion)(Pronounced *BLEV-ee*). BLEVE's occur when the contents of a tank car reaches critical temperature and the shell of the tank car bursts, causing the entire contents of the tank car to ignite all at once. The explosion was so powerful that one piece of the tank car was launched over 330 feet, landing in front of a house.

A total of 16 people died that day including the town's police and fire chief.

This deadly explosion was not the first to occur with this style of tank car. There were many before it that caused extensive damage, injuries and loss of life. What the Waverly explosion did however was to get Washington to act on fixing this style of tank car. At the time of the accident, LPG (Liquid Petroleum Gas) was hauled in pressurized tank cars that had no meaningful protection in case of a derailment. These tank cars would easily be punctured and rupture. There were no insulative jackets surrounding the tanks to prevent the contents from reaching critical temperature, creating a BLEVE.

All that changed during the 1980's. These tank cars were either retrofitted or replaced with new tank cars that had safety features to prevent breaches and BLEVEs. <u>The incident rate dropped by 96 percent</u>.

These tank cars that carry pressurized materials such as LPG are commonly referred to by the industry as DOT-105, DOT-112 and DOT-114 tank cars.

Fast-Forward to 2014. We are experiencing rail accidents with tank cars once again. This time they are occurring with DOT-111 tank cars. These are non-pressurized tank cars that carry all sorts of commodities through our backyards.

As of April of this year, there are over 272,000 DOT-111's in service. Out of the 272,000, about 171,000 carry hazmat. Out of the 171,000 carrying hazmat, about 92,000 are carrying extremely flammable materials such as crude oil and ethanol. Each of these tank cars holds approximately 30,000 gallons. The unit trains that pass through La Crosse have over 100 cars and typically carry over 3 million gallons of highly flammable oil. Multiply that by the number of BNSF trains that pass through the La Crosse area on a weekly basis and you have a staggering number of 126 million gallons. Add another ~21 million gallons of oil transported through La Crosse on the Canadian Pacific line per week.

And these numbers continue to grow.

Since 2006, there have been 14 major accidents in the U.S. involving DOT-111 cars carrying crude oil and ethanol:

Location	Date	Tank Cars Derailed	Cars Penetrated	Speed of Derailment (MPH)	Material & Type of Train	Product Loss (Gal)	Fire Yes/ No	
LaSalle, CO	05/14	5	1	9	Crude Oil (unit)	5,000	No	
Lynchburg, VA	04/14	17	2	23	Crude Oil (unit)	30,000	Yes	
Vandergrift, PA	02/14	21	4	31	Crude Oil	10,000	No 	
New Augusta, MS	01/14	26	25	45	Crude Oil	90,000	No	
Casselton, ND	12/13	20	18	42	Crude Oil (unit)	476,436	Yes	
Aliceville, AL	11/13	26	25	39	Crude Oil (unit)	630,000	Yes	
Plevna, MT	08/12	17	12	25	Ethanol	245,336	Yes	
Columbus, OH	07/12	3	3	23	Ethanol	53,347	Yes	
Tiskilwa, IL	10/11	10	10	34	Ethanol	143,534	Yes	
Arcadia, OH	02/11	31	31	46	Ethanol (unit)	834,840	Yes	
Rockford, IL	06/09	19	13	19	Ethanol (unit)	232,963	Yes	
Painsville, OH	10/07	7	5	48	Ethanol	76,153	Yes	
New Brighton, PA	10/06	23	20	37	Ethanol	485,278	Yes	

Please note: The above table does not include major rail accidents in Canada. The Lac Megantic accident in which 47 people lost their lives was an oil unit train hauling DOT-111 tank cars that originated in the Bakken oil field and traveled via the Canadian Pacific rail line through Minneapolis, through Winona and crossed into La Crosse from La Crescent.

The Lac Megantic fire included a series of BLEVEs that incinerated the downtown area. The temperature of the fire reached 3,000°C. Some of the remains of the victims were never found.

Let's also not forget the Castleton, ND BNSF accident that occurred in December of 2013. The accident was due to a collision between an already derailed grain train colliding with an oil train on adjacent track. This accident never would have occurred on a single track. As with many other oil train accidents

using DOT-111 tank cars, the result was a massive fire and BLEVE. If this train would have derailed in the town of Castleton, ND there would have been an enormous loss of life. And these same trains are passing through the backyards of La Crosse on the BNSF line.

If you do not believe the threat is real even after reviewing the accidents highlighted in the chart, I would like to share with you the statement made by PHMSA in July of this year:

"The projected continued growth of domestic crude oil production, and the growing number of train accidents involving crude oil, PHMSA concludes that the potential for future severe train accidents involving crude oil in HHFTs has increased substantially. Such an increase raises the likelihood of higher-consequence train accidents."

(HHFT's is defined as High-Hazard Flammable Train. 20 carloads or more of flammable liquid in a train.)

Currently PHMSA and the DOT are working out the details to mandate fixing the DOT-111's. Unfortunately, this is a slow process and the earliest we may see this issue resolved is October of 2017. That is the proposed date that crude oil can no longer be hauled in current-technology DOT-111's.

As a side note, BNSF may claim that they are sending the majority of oil through the area on newer tank cars, designated CPC-1232. The CPC-1232 standard cars do have some added safety features such as crush-protection plates and better steel shells, but we now know that these tank cars are also unsafe. The accident in Lynchburg, VA of this year in which there was a derailment, spill and fire were newer CPC-1232 style DOT-111's. The train was traveling at only 23 mph. At this point, there are NO SAFE DOT-111's. Until newer tank cars are developed, very little has changed to make these tank cars safer.

You may ask at this point, why should we care? What does this have to do with current negotiations with BNSF for a second track through La Crosse? Either way, BNSF will haul hazardous materials through the city. The hauling of hazmat using DOT-111's is a federal issue and there's nothing we can do about it at the city level.

The bottom line is that it is the moral obligation of the city of La Crosse to raise safety issues with BNSF over these oil trains.

BNSF will tell you that their rail lines are safe. If they are so safe, why is BNSF asking for a federal law similar to the Price-Anderson Indemnity Act? If you recall, the Price-Anderson Indemnity Act partially indemnifies the nuclear industry in case of a nuclear accident. BNSF has asked for the same protection for their railroad in case of a major rail disaster. They are asking for this because they cannot buy enough insurance to cover them in case of a "Lac Megantic" disaster on their rail line.

By agreeing to BNSF's latest proposal, you will be giving them the ability to install a second track carte blanche. The city needs to protect its citizens, its infrastructure, its wetlands, and its tax base.

The second track should not be built until the problem with DOT-111's is resolved. Building the second track will increase the amount of rail traffic through La Crosse, including more oil trains. Allowing more oil trains through the city increases the risk of a major accident.

I realize that attempting to block BNSF from building a second line until their trains are safe is controversial and it would be a monumental task for the city. But what will the outcome be if the city lets BNSF have their way?

The city of La Crosse very well may experience rail traffic that is much higher than what already is being experienced. Enbridge, a Canadian pipeline company who has many terminals here in the U.S. has just announced that they will be shipping large amounts of Alberta tar sand oil via rail to a terminal in Illinois. That plus the continuing growth in Bakken crude oil by rail does not paint a rosy picture for La Crosse. Who will want to live near a double set of tracks that has trains going by every few minutes? It's a distinct possibility in the near future.

I will leave you with one final comment. As the author of the DOT-111 Reader website, I scour the newspapers on a daily basis for articles related to DOT-111's, oil-by-rail and rail accidents. There are derailments in the U.S. almost on a daily basis. Not only that, but already this year there have been over 300 incidents involving oil and ethanol spills with DOT-111 tank cars.

In closing, I hope this letter has at least been educational. There's a lot that goes on behind the scenes away from public scrutiny. The fact that the railroads and oil industries have been allowing dangerous materials to pass through our neighborhoods on tank cars that were never meant to carry such volatile product is despicable.

Please take the time to educate yourself on the issues before making a final decision. There is a lot at risk.

Very Truly Yours,

Alan Stankevitz
website: dot111.info
email: editor@dot111.info

Ph: 507-894-4140

# PUBLIC RAILROAD MEETING SURVEY, APRIL 22: SUMMARY

# **205 Surveys Completed**

Citizens were asked how strongly they feel about each of the following on a scale of 1 to 7 with 1- Strongly Disagree," to 4- "Neutral," to 7- "Strongly Agree".

6's and 7's are considered Strong Opinions in Agreement 1's and 2's are considered Strong Opinions in Disagreement

#### **Strong Agreement:**

- 93% Prevent unsafe trains from traveling through our region
- 93% Railroads to fund on-going emergency training, equipment, supplies
- 92% Protect the Marsh floodplain, wildlife refuge and recreational area
- 90% Protect property values
- 89% Railroad to compensate for loss of property value, health issues, etc.
- 89% Protect tax base of my city, village or town
- 85% Preserve pedestrian access to Hixon Forest
- 85% Have control over what happens to my community
- 83% Decrease train speeds from present levels
- 82% Address delays at crossings for motorists and emergency vehicles
- 82% La Crosse is landlocked and mostly confined to a 3-1/2 miles wide strip, too narrow to serve as a high-volume crossroads for three major railroads
- 79% Decrease train vibration from present levels
- 78% Study and address air quality and pollution
- 74% Eliminate the starting and stopping of trains in neighborhoods
- 73% No addition of a second rail
- 73% Decrease train noise from present levels
- 72% Decrease the number of trains per day from present level
- 68% Study and address impact on sleep and health
- 66% Preserve the golf course and pedestrian access to the golf course
- 58% Concerned about fencing along the tracks
- 16% Expanding rail locally is warranted to decrease dependence on foreign oil
- 11% Expanding rail locally is warranted to increase jobs for railroad workers

#### **Strong Disagreement:**

- 45% Expanding rail locally is warranted to decrease dependence on foreign oil
- 49% Expanding rail locally is warranted to increase jobs for railroad workers

### CARS REPORT ON STATISTIC FOR PROPERTIES AFFECTED BY BNSF IN THE CITY OF LA CROSSE

La Crosse is fighting to improve blighted neighborhoods in the city's core. Now BNSF expansion threatens to decrease property values in what have been stable neighborhoods. Loss of property value creates a hardship for affected homeowners. This could create a hardship for **ALL La Crosse taxpayers and the City** due to the need to decrease services or increase the mill rate to cover the loss of tax base.

## Statistics Regarding City of La Crosse Homes in Neighborhoods Highly Affected by BNSF's Rail

Source: UW-Extension Office and Metropolitan Planning Organization

About 34% of citizens live in the standard ½ mile evacuation zone of the BNSF line

About 18% of G1 Residential Parcels lie in the Combined Impact Area\*

About 46% of G1 Residential Parcels above the median value lie in the Combined Impact Area\*

These homes represent 9% of the City's 2013 total tax base, or \$282,172,200. By way of comparison, the City's existing TIF districts have created \$300,421,400 in total TID increment.

\*Combined Impact Area: a conservatively estimated geographic area in La Crosse containing homes and businesses considered to be most highly affected by one or more of the following impacts of rail traffic: noise, vibration, pollution, delays at crossings, access to recreation, and property values.

Note: La Crosse is virtually landlocked.

#### Value of Properties Abutting BNSF Railroad

Source: City of La Crosse, Assessor

Total 2013 City assessed value (AV): \$3,071,686,900

Total Residential 2014 AV: \$1,600,005,400 (tentative)

Residential 2014 AV abutting RR: \$39,965,900 (tentative)

All properties 2014 AV abutting RR: \$105,367,600

QUESTIONS: What would be the impact to annual tax revenues for the City of La Crosse if the value of properties affected by railroads dropped by 10% to 25%, depending on location. Will BNSF prevent or compensate for this loss to homeowners and the city?

#### Summary of La Crosse Railroad Problem:

The vast majority of La Crosse homes and businesses lie in a 3-1/2 mile-wide strip of land between the bluffs and the Mississippi River. About 70-85 trains per day now run the entire 10-mile length of the city on BNSF's line and create an echo off bluffs. This is up from 21 in 1995 and 43 in 2012. This accompanies a dramatic rise in the length and weight of trains and transport of hazardous materials in tankers deemed unsafe by federal agencies. Citizens are angry and worried about safety, displacement of vital flood plains, noise, vibration, pollution, delays at crossings, property values, environmentally sensitive areas, access to recreation, and impact on city tax revenues. Canadian Pacific, with its corresponding increase in traffic, intersects with BNSF in La Crosse and has priority.

BNSF plans to add a second rail, increase speeds to 45 mph in both directions, and further increase daily traffic with the market. The latest speculation is a 30% increase - over 110 trains per day. The maximum capacity is unknown.

La Crosse is the economic and cultural hub for western Wisconsin. What affects La Crosse affects the region. About 90 concerned citizens attended an impromptu neighborhood meeting in February. About 400 attended a public meeting in April. Over 60 surveys at the first meeting and over 200 surveys at the second meeting demonstrate very strong concerns.

# City of La Crosse Housing Statistics

Combined Impact Area: A conservatively estimated geographic area contasining homes and businesses considerd to be most highly affected by one or more of the following impacts of rail traffic: noise, vibration, pollution, delays at crossings, access to recreation, and potential property values

	50k	50-100k	100-150k	150-200k	200k+	Total
850 Ft buffer area:	38	394	1198	338	166	2134
	2%	18%	56%	16%	8%	
Se condary impact are a:	1	36	78	67	59	241
	0.4%	15%	32%	28%	2 4 9 6	
Combined impact area:	39	430	1277	405	225	2375
	2%	18%	54%	17%	9%	WEST
Total # City of La Crosse homes in 850 foot boundary:	2134					
Total percentage of La Crosse Homes in 850 foot boundary	16.3%					
Total # of City of La Crosse homes in Secondary Impact area:	241					
Total percentage of La Crosse Homes in Secondary Impact area:	1.8%					
Total # of City of La Crosse homes in combined impact area	2375					
Total percentage of La Crosse Homes in combined impact area:	17.7%					
Total Number of residential parcels in La Crosse (2013)	13448					
Total # Homes >\$150,000 in Combined Impact Area	630					

17.7% of all homes in La Crosse lie within the combined area
46% of all La Crosse homes > \$123,100 (City Median Value) are within the combined impact area

26% of all La Crosse homes assessed over \$150,000 lie within the combined area 23% of all La Crosse homes over \$200,000 lie within the combined area

12982

Housing Statistics prepared by:

Total Estimated # of homes in La Crosse

Karl Green, UW Extension and Ron Roth - La Crosse County Zoning, Planning & Land Information Dept.



