

SECTION 10

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A P P E N D I X

A

APPENDIX A

PROJECT HISTORY

- Jan., 1895 New Orleans and Western Railroad Company incorporates to operate in the parishes of Orleans, Jefferson, and St. Bernard.
- April, 1901 New Orleans and Western Railroad Company name changes to New Orleans Belt and Terminal Company.
- Dec., 1902 New Orleans Belt and Terminal Company name changes to New Orleans and San Francisco Railroad Company, and railroad properties are leased to the St. Louis and San Francisco Railroad and the Southern Railway until July 1, 2002.
- June, 1903 New Orleans and San Francisco Railroad Company name changes to its current nomenclature, the New Orleans Terminal Company.
- May, 1909 Trackage rights over the NOT for the LN, ICG, and SP are entered into on May 17, 1909 (The names and entities of the ICG and SP were different at that time.)
- 1913 St. Louis and San Francisco Railroad defaults on its rental payment, and its interest in the NOT is transferred under forfeiture to the Southern Railway Company.
- 1942 NOT approaches the Jefferson Parish Police Jury for permission to construct additional trackage to facilitate handling of war material. Such trackage is to extend from LaBarre Road to Ridgewood Drive. This segment of track is very close to a description of Long Siding. Indications are that the "railroad people did not stick to their promise" and built the track to Metairie Road.
- Dec., 1942 Ordinance Number 812 (dated December 6, 1942). Jefferson Parish grants permission to NOT to cross LaBarre Road with one additional track, Shrewsbury Road with four additional tracks, and Airline Highway with one additional track. Such permission is granted in order that the railroad might "move National Defense materials and its other freight and business expeditiously.
- WW II Major portion of 3.0 miles of NOT in Metairie is double-tracked.

- 1947 Union Passenger Terminal Agreement is signed which consolidated railroad right-of-way and provided for several grade separations.
- July, 1953 Trackage rights over the NOT for the LN, ICG, and SP terminated.
- Sept., 1953 New agreement for trackage rights over the NOT for the LN, ICG, and SP is signed which, in essence, continues the original agreement of 1909 for a period of 10 years, and after such period is to remain in effect on a year-to-year basis. This operating agreement of 1953 assigns control of all trains of the participating carriers to the NOT when those trains are on NOT tracks. The ICG withdraws from the agreement insofar as operations over the NOT are concerned. The ICG elects to interchange traffic with SOU at Shrewsbury and transfer cars to the LN over the NOT on a tariff charge basis.
- 1955 The Police Jury of the Parish of Jefferson passed an ordinance (No. 2744 dated April 23, 1955) ordering the New Orleans Terminal Company to take immediate steps to relocate and reroute the NOT tracks in the Metairie area to the main line of the Illinois Central Railroad near Shrewsbury. On May 4, 1955, the Police Jury filed suit against the State Department of Highways in order to stop construction of the Carrollton-Airline interchange because the implementation of the construction plans by the Department of Highways would obstruct the passage of railroad trains under the existing New Basin Canal Bridge which is where the Police Jury proposed NOT reroute its operations. The judgment in this suit was made in favor of the State Department of Highways, based on the fact that the Police Jury had known for over two years that the overpass was being planned, that a construction contract had been let, and construction begun and had filed their suit too late. Throughout the documents connected with the suit, mention is made of a 1947 agreement termed the Union Passenger Terminal Agreement. A pertinent clause in this agreement is the prohibition of freight trains operating on UPT tracks. It is the UPT tracks that the Police Jury had apparently planned to use in rerouting rail traffic from the NOT tracks in Metairie.
- 1961 Jefferson Parish residents approve a bond issue to provide funds to alleviate traffic problems at Metairie Road and the Southern Railway tracks. The

Louisiana Department of Highways prepares two plans. One plan calls for raising the tracks 5.3 feet and building an underpass beneath them 28 feet wide and 15 feet high. The other plan does not involve raising the track, but calls for beginning the downgrade of Metairie Road further down the road.

Feb., 1962 Jefferson Parish chooses to build the underpass because it will cost \$200,000 less in land purchases and construction. According to the plan, the underpass will be three lanes wide and include a pedestrian walkway. It requires blocking off of Central Avenue at Metairie Road. The railroad plans to add a second track to the crossing and pay for the cost of foundations necessitated by the additional track.

Jan., 1963 Metairie residents reject the underpass. It is the plan to build a second track that ultimately makes the project objectionable to residents. They fear the laying of a second track will transform the railroad into a permanent neighborhood fixture. These residents are represented by a group called the Citizens Committee to Relocate the Track from Metairie. Their primary concern is the hazard presented by the railroads; they demand the removal of all the tracks. Another neighborhood group, the Metairie Subdivision Improvement Association is concerned that the underpass will leave residents with only one evacuation route. According to the Association's General Chairman, Anthony Musmeci, the underpass will put the neighborhood's 37,000 residents in "constant jeopardy." Specifically, residents believe that the underpass will limit their ability to evacuate in case of flooding or hurricane. According to Musmeci, "This will leave us with one exit to Metairie Road and that is Focis Street, which is already a traffic problem...this area will hold water indefinitely." The neighborhood was declared a disaster area in 1947, when a hurricane sent the waters of the 17th Street Canal overflowing into the streets of Old Metairie.

The Jefferson Parish Council decides to abandon the underpass plan in the face of so much neighborhood opposition.

1966 Jefferson Parish brings suit to compel the railroad to remove the tracks which had originally been constructed as a war time measure. The U.S. Court of Appeals for the Fifth Circuit rules that because

the NOT was engaged in the movement of both interstate and intrastate freight and because such tracks under contest were not spur, interchanges, team, switching or side tracks, abandonment of such tracks could not be obtained without certificate of abandonment from the Interstate Commerce Commission. Therefore, the Parish could not compel abandonment, but must make application to the Interstate Commerce Commission for an abandonment order. Subsequently, the NOT takes the necessary action to obtain a permanent injunction from the District Court to preclude the Parish from making application to ICC for such order on the grounds that the Parish did not petition the ICC within the time allotted by the court decision. The U.S. Supreme Court refuses to review the case, upholding the Appellate Court decision.

- 1972 NOT challenges several ordinances passed by Jefferson Parish designed to minimize delays to vehicular traffic caused by railroad crossing blockage. These ordinances limit train blockage to a grade crossing to five minutes and restricted train length to fifty cars or less.
- 1972 U.S. District Court upholds the five minute law, but the provision limiting train length is found to be unconstitutional and is dismissed. The railroad petitions the Supreme Court to reverse the District Court decision concerning the five minute grade crossing blockage law, but the Supreme Court declines to hear the case, thus the five minute blockage law is declared constitutional by virtue of the District Court decision
- Mid 1972 A task force, composed of Jefferson residents and public officials, travels to Washington, D.C. in an effort to bring the rail problem to the attention of the State's Congressional Delegation.
- June, 1972 Members of the Congressional Delegation, including U.S. Rep. Hale Boggs and U.S. Senators Allen Ellender and Russell Long, State and Parish officials, representatives of the Federal Railroad Administration, Federal Highways Administration and Interstate Commerce Commission, and the Presidents of the three railroads involved make an on-site inspection of the problem.
- Sept., 1972 FRA questions the financial and engineering feasibility and the impact on Orleans Parish of

relocation suggestions put forward by Metairie residents. FRA suggests examining other alternatives and recommended some near term "in-place" improvements that could be made in a relatively short period of time at substantially less cost. The railroad companies are agreeable to implementing some or all of the possible short-term improvements and are particularly interested in adding another track over the 17th Street Canal to improve the efficiency of their operations and relieve highway congestion caused by trains. However, Metairie citizen groups hold to their objective of complete relocation and rejected FRA's recommendation of interim improvements, particularly double-tracking the Canal.

1973 U.S. Court of Appeals for the Fifth Circuit also rules on Jefferson Parish's attempt to regulate safety standards on the NOT. Such action results in the decision that safety standards came within the scope of the Federal Railroad Safety Act of 1970 and such safety standards are to be set and enforced through the Department of Transportation and not Jefferson Parish.

June, 1974 CONSAD and Kaiser Engineering are awarded contract to conduct feasibility study.

May, 1975 A report entitled "Analysis of Alternatives in Alleviating Railroad-Community Conflicts in Jefferson Parish, Louisiana" (referred to as the "CONSAD Study") proposes several alternative solutions to Metairie's railroad problems, based on analysis of costs and benefits, railroad operating and engineering impacts, and environmental and quality-of-life impacts affecting the community.

The consultant's recommendations include both long and short range options. For the long term, the study finds that the Carrollton Curve alternative for removing the NOT trackage is feasible, although the radical eleven degree curve is unacceptable to the railroad companies, and the estimated 1975 construction cost of \$65 million is considered to be excessive. The consultants are not aware of the consent judgment that precludes the use of UPT tracks for freight. The Carrollton Curve alternative would have re-routed the western rail carriers and Southern Railroad traffic south along the UPI right-of-way paralleling I-10 to the ICG corridor, all within Orleans Parish.

Prior to the FRA study, the residents of Metairie argue strongly for the complete removal of the NOT tracks. They prefer to consider only the complete relocation alternatives rather than in-place solutions. The position of the Metairie residents is reinforced by the findings of the CONSAD study, in that the study does not eliminate or reject the complete relocation alternatives.

- April, 1976 The three railroads respond to the CONSAD Report agreeing to implement the report's recommendations concerning the relocation of the Long Siding and construction of new interchange on ICG right-of-way.
- May 1976 By parish ordinance dated May 13, 1976, the Jefferson Parish Railroad Project Steering Committee is formed to help resolve the railroad-community conflicts in Metairie. This committee consists of seven citizens from Jefferson Parish appointed by the Parish Council, seven citizens from Orleans Parish appointed by the Major, a representative from the Louisiana Department of Transportation and Development, the planning directors from Jefferson and Orleans Parishes, a representative from each of the three railroad companies involved and a representative from the railroad labor union. The committee provides citizen input into the project and also keeps the citizens of the Metairie area informed as to the progress of the project.
- May, 1976 Section 140 of the Federal-Aid Highway Act of 1976 amends Section 163 of the Federal-Aid Highway Act of 1973 by authorizing four additional railroad-highway crossing demonstration projects in addition to the 14 demonstration projects previously established under Section 163 of the 1973 Act. One of these projects is for Metairie, Louisiana. The Act states "The Secretary of Transportation shall carry out a demonstration project in Metairie, Jefferson Parish, Louisiana, for the relocation or grade separation of rail lines, whichever he deems most feasible, in order to eliminate certain grade level railroad highway crossings. The Metairie Project is to be funded 70/30.
- June 2, 1976 Officials from the Federal Highway Administration, Louisiana State Highway Department, Orleans and Jefferson Parish Governments and a representative from Congressman David Treen's office meet in Baton Rouge to define which aspects of the CONSAD Study would be eligible for the Metairie Railroad

Demonstration Project. The project is divided into two phases:

The first phase involves the elimination of Kansas City Southern (L&A) Railroad tracks between Williams and Central Avenue parallel to Airline Highway (US 61). The removal of the tracks will eliminate 17 grade crossings, including the grade crossings at the major arteries of Williams Boulevard, Little Farms Avenue, Hickory Avenue, Clearview Parkway, and Central Avenue. KCS traffic would be rerouted onto new trackage to be installed on the Illinois Central Gulf right-of-way between Shrewsbury Road and Central Avenue. Included in Phase I of the demonstration project is the relocation of the New Orleans Terminal "Longsiding," the set of tracks that extend from Magnolia Drive to Labarre Road and are used to interchange with other railroad companies.

Phase II is defined to be the complete removal of the remaining main line tracks through Old Metairie, and possible relocation of tracks under the Carrollton interchange in Orleans Parish.

Officials express concern that including both phases in the Environmental Impact Statement may delay the entire project. They agree Phase I could be accomplished as a separate project. They reason that, since the first portion is independent in utility and function and must be completed before any relocation or grade separation of the main line tracks in Old Metairie, the two portions should be handled separately.

June 30, 1976 Jefferson Parish authorities meeting with Federal Railroad Administration officials. They agree Phase I could proceed with a negative declaration without having to wait on an environmental impact statement for the overall project which would "delay implementation of Phase II some three years" according to a Jefferson Parish Planning Department interoffice memorandum from Principal Planner Donald R. Terranova to Planning Director Hugh Ford.

July 17, 1976 The first meeting of the Jefferson Parish Railroad Project Steering Committee is held. The Committee approves the conceptual plan for the Metairie Railroad Demonstration Project, which divides the project into two phases.

Aug. 12, 1976 The Louisiana Department of Transportation and Development's Office of Highways solicits views from public agencies, organizations and individuals.

Based on the response to these solicitations and the environmental assessment prepared by DOTD, it is determined that the project should be declared a major action requiring a negative declaration.

Aug. 31, 1977 The negative declaration is approved by the Federal Highway Administration.

Oct. 3, 1977 An Agreement of Understanding is executed between the railroads, parish and state which outlines the project and the responsibilities of the involved parties. The scope of the agreement includes both phases of the demonstration project.

Nov. 7, 1977 A public hearing is held at which a number of people testify to the possibly adverse impact the project might have, especially in the area of Turnbull Drive and Central Avenue.

Over 200 area residents from Seventh Ward subdivisions, including Gilmore, Belleview, Azalea Gardens, Jefferson Park, Camellia Gardens, and Orleans Parkway, object to the plan to relieve congestion in Metairie by moving the interchange into their neighborhoods. They complain about being blocked in their neighborhoods by trains, worry about proximity to tank cars carrying hazardous materials and believe train congestion will be increased with the addition of a siding in their area.

Nov. 16, 1977 As a result of the testimony, the Jefferson Parish Council created a Railroad Relocation Review Committee, composed of six members from the affected area and instructed to present alternates to the proposed action.

Feb., 1978 The Railroad Relocation Review Committee suggests changing the limits of the project to involve extending the removal of the KCS (L&A) track along Airline Highway to the eastern side of Turnbull Avenue. The extension, which has the approval of the railroads, involves the removal of an additional 2,350' of track. The committee also recommended moving the new interchange planned for the ICG right-of-way farther east.

The recommendation to remove the tracks to Turnbull Drive is accepted; the suggestion to relocate the new interchange is not. The moving of the tracks up to Turnbull eliminates the objections of Gilmore and Belleview Subdivision residents.

It is also determined, as a result of the Committee's recommendations, that a full Environmental Impact Statement should be prepared. Not all Committee members agree with the recommendations. The hold-out is environmentalist Sidney Rosenthal, Jr., a resident of Jefferson Park subdivision. He says that he and nine of his neighbors are preparing a class action suit against the parish and the railroads. Rosenthal says the entire plan "is stupid. They want to eliminate a problem for citizens in one area by shoving it down the throats of people in another area." Rosenthal wants the railroads to relocate the interchange east of Labarre Road instead of putting it west of Labarre: "There is plenty of open land already owned by the railroads east of Labarre where an interchange and storage tracks can be built in an industrial area that won't affect residential areas, but the railroads apparently don't want to tie up potentially valuable industrial land with trackage."

- Oct., 1978 The Draft Environmental Impact Statement is submitted to the FHWA.
- Nov., 1978 The DEIS is released for comment. A number of public agencies and officials endorse the project, but many individuals and neighborhood groups remain opposed.
- Mar., 1979 A meeting is held between representatives of LADOTD, FHWA and Jefferson Parish to discuss comments that were received on the DEIS. At this meeting, the FHWA is asked to investigate the possibility of constructing an overpass or underpass at Central Avenue as part of the Demonstration Project.
- April, 1979 FHWA authorizes LADOTD to conduct a feasibility study of possible ways to mitigate railroad conflicts on Central Avenue
- June 7, 1979 A public meeting is held. Considerable opposition is expressed to the location of the new interchange yard on the ICG property.

Following the meeting, Jefferson Parish suggests to the involved railroads a westward shift in the location of the interchange, but the railroads reject the idea on economic grounds.

- 1980 Federal funding formula for the demonstration project is changed from 70/30 to 95% being paid by the federal government, and the state paying Jefferson Parish's 5% local match.
- April, 1980 The EIS is approved.
- Aug., 1980 The Jefferson Parish Council votes against relocating the long siding to the ICG right-of-way between Central Avenue and Shrewsbury Road. Resolution sponsor, Councilman James Lawson, says the railroads have disregarded the wishes of residents in his district by proposing to move the tracks from one residential district to another. The resolution asks the railroads to find another site, calls for the Parish Planning and Civil Defense Departments to suggest another location for the interchange, and orders the parish attorney to draft an ordinance prohibiting train cars carrying hazardous materials from being parked within 500 feet of residential districts for more than 30 minutes.
- Sept., 1980 The Council reverses itself and accepts relocating the interchange on the ICG right-of-way. The Railroad Project Steering Committee Chairman, C. J. Eagan, Jr. says the Council's demand for another relocation site could cost the parish \$7 million in federal matching funds.
- March, 1982 Jefferson Parish receives \$950,000 from the U. S. Department of Transportation to have engineering plans drawn up for the Demonstration Project.
- Aug., 1982 Final engineering plans for the Metairie Demonstration Project are presented. The plans include construction of a new railroad interchange yard just to the north of the ICG main in Shrewsbury.

Engineers from the railroads involved complete plans for the elimination of the KCS (L&A) tracks along Airline Highway. These plans would permit the construction of two connections that would permit the L&A Railroad to use ICG tracks between Kenner and Shrewsbury.

Sept., 1982 FHWA sponsored study on Central Avenue Grade Separation is released. The study makes four recommendations, including the construction of a two-lane or four-lane overpass and a two-lane or four lane underpass. Jefferson Planning officials favor construction of the four-lane overpass that would completely eliminate grade crossings at Central Avenue for approximately \$12.7 million. But State officials choose not to recommend any of the suggested options, explaining that all of the options result in a negative cost/benefit analysis.

Dec., 1982 The U. S. Department of Transportation is authorized to complete the Metairie Railroad Demonstration project. The project is extended through an amendment attached to the gasoline tax bill.

Aug., 1983 Governor David Treen promises to end traffic jams caused by rail crossings along Airline Highway within ten months. The Federal Highway Administration has given Louisiana \$2.2 million to remove the tracks between Williams Boulevard and Turnbull Drive.

The formal contract for construction of the ICG/L&A connections at Orleans Junction in Kenner and Shrewsbury is executed. The portion of the project that included the construction of a new interchange in Shrewsbury was shelved with the understanding that the railroads would not use the longsidings interchange but would interchange from yard to yard. All parties agree to pursue the construction of the L&A-ICG connections that would allow the removal of the L&A tracks from Williams to Turnbull Avenue. The final negotiated settlement resulted in NOT relinquishing interchange track 1-9 to the L&A for upgrading such track into a mainline connector between the ICG and L&A mains at Shrewsbury. A new interchange track would be built for the NOT by extending NOT track 1-1 south then west just north of the ICG northbound main.

Sept.29, 1983 A work order is issued for the ICG, LTA and Southern Railroad companies to begin construction of Portion 1. The original plans are modified at the request of the railroads to move the ICG/L&A connection farther west from Orleans Junction to the vicinity of Alliance Street in Kenner.

- July, 1984 The Jefferson Parish Council creates the Old Metairie Railroad Project Steering Committee. It replaces the original Steering Committee charged with overseeing the relocation of tracks along Airline Highway and the long siding in Old Metairie. Parish Planning Director Hugh Ford notes that the parish has an agreement to have the tracks along Airline Highway removed, even though work has not begun.
- Dec., 1984 The Old Metairie Railroad Steering Committee announces the FHWA will fund a study of the problems created by the railroad tracks in Old Metairie. According to Ford, the study is to focus on the development of alternatives to existing rail and road conditions along 2.5 miles of track owned by the New Orleans Terminal Railroad. The tracks are between the 17th Street Canal and Causeway Boulevard. Ford says the study "will be looking at possible grade separations - overpasses or underpasses - at Metairie Road and six other crossings."
- The study is also to include an environmental impact statement.
- Mar. 21, 1985 Work begins on the physical removal of the five miles of KCS track from Williams Boulevard to Turnbull Drive. Officials say that removal of the track will eliminate 23 grade crossings and free the right-of-way for expansion of Airline Highway.
- Nov., 1985 The Metairie Railroad-Highway Traffic Flow and Access Study begins.

A P P E N D I X

B

APPENDIX B

OUTLINE OF CONSAD REPORT

ALTERNATIVES FOR ALLEVIATING RAILROAD-COMMUNITY CONFLICTS IN JEFFERSON PARISH, LOUISIANA (PREPARED MAY, 1985)

TWO CATEGORIES OF ALTERNATIVES

- I. In-Place Packages
- II. Relocation

I. In-Place Packages

A. Level I - Complete Conflict Alleviation Plan

Aimed at eliminating or greatly alleviating conflicts (horn noise, switching noise, vibration, delays, safety, etc.) through the combination of various in-place alternative elements.

1. Package includes:

- a. Grade separation at Metairie Road, Labarre Road, and Carrollton Avenue;
- b. Five crossings of the NOT in would be closed;
- c. Two pedestrian overpasses or underpasses;
- d. Fencing to keep pedestrians away from tracks;
- e. Interchange relocation;
- f. Double track;
- g. Centralized train control.

2. Impacts:

- a. Alleviates as many problems as possible without moving the railroad;
- b. Noise is reduced by elimination of horns, foliage added, and interchange being removed;
- c. Highway delays would be reduced because:
 - (1) Railroad-highway interface in would be eliminated by grade separations and closed crossings;
 - (2) Highway hazards would be reduced because of the elimination of the above, accident costs would be reduced.
 - (3) Pedestrian hazards caused by crossing the tracks, or children playing near the tracks would be eliminated.
- d. Vibrations will be reduced by the removal of the interchange;
- e. General rail hazards would be reduced because of these improvements;
- f. Impact of railroad presence in the neighborhood would be substantially reduced.

B. Level II - Practical Alternatives

This is similar to Level I, but eliminates two grade separations.

1. Package includes:

- a. Grade separation at Road (underpass);
- b. Interchange relocation;
- c. Centralized train control;
- d. Trees and bushes;
- e. Double track.

2. Impacts:

- a. Noise reduction;
- b. Reduction in highway hazards and delays;
- c. Reduction of pedestrian hazards;
- d. Reduction in railroad vibrations;
- e. Railroad would remain, but impacts of its presence would be reduced.

C. Level III - Short-Term, Low-Cost Alternatives

Designed to provide immediate relief without the expenditure of major construction dollars. (Could be viewed as an interim solution while negotiations continue for a major package.)

1. Package includes:

- a. Crossing gates at all eight crossings;
- b. Railroad interchange relocation;
- c. Centralized train control.

2. Impacts:

- a. Elimination of noise;
- b. Gates provide protection for motorist and for railroad;
- c. Relocation of interchange would reduce delays;
- d. Reduced interchange noise in Labarre area;
- e. Benefits are minimal, but so are costs and time.

D. Alternatives Not Considered Feasible

These alternatives were considered, but then rejected because of various reasons.

1. Elevation of tracks through Metairie

This would provide grade separation of existing railroad crossings in residential between 17th Street Canal and Atherton Drive by elevating the NOT tracks on an aerial structure suggested by bents.

2. Depression of tracks through Metairie

This would be the alternative to the above.

3. Noise Barrier
This would help alleviate some of the nuisance created by the operation of freight trains through the residential areas of Metairie by the provision of a solid noise barrier along NOT tracks and by planting trees and shrubs along the railroad berm at a distance of 12 feet from the track centerline.
4. Rescheduling trains
Trains would be scheduled to pass only at certain times during the day and night.
5. UPT Partial Reverse Move
Trains would be able to move through the Metairie area without stopping.

II. Relocation Alternatives

Consideration was given to three types of corridors:

- existing;
- duplicate use of transportation corridors;
- new railroad corridors.

A. Carrollton Curve-relocation from Metairie to Orleans Parish

Provides a double track railroad connection between the western rail carriers and the SOV utilizing the UPT right-of-way along Airline Highway and Interstate 10. The critical feature is the Carrollton Curve which would be provided at Carrollton Interchange to connect the east- and westbound leads of the UPT through an angle of 60 degrees.

1. Impacts:

- a. Increase route mileage 1.2 miles;
- b. Eliminates eight grade crossings in Metairie;
- c. Eliminates all problems for Metairie, but brings them on the residents in Orleans Parish;
- d. I-10 would have to be raised to allow clearance for the movement of trains through the curve;
- e. The Palmetto overpass west of the Carrollton Curve would have to be raised;
- f. Construction would be delayed until these highway modifications are complete;
- g. During construction approximately 80,000 vehicles per day must be rerouted;
- h. Curve would increase potential of railroad mishaps which could obstruct rail traffic flows and adversely impact the Carrollton area.

B. Carrollton Reverse Movement

This utilizes the same tracks as described above. In place of rail curve underneath I-10 and Airline Highway overpasses, the train would continue across the Carrollton Avenue railroad bridge toward New Orleans. Once the train has cleared this bridge, the engine would be

run around the train, air for brakes would be built back up, a brake test made, and then the train would move back across the Carrollton Avenue bridge over the UPT tracks parallel to Airline Highway toward Shrewsbury and the Huey P. Long Bridge. (This alternative depends upon the relocation of the Metairie Interchange.)

1. Impacts:

- a. Jefferson Davis Parkway overpass must be raised as well as the I-10 and Palmetto overpasses.
- b. May have to wait for construction of overpasses before beginning project.
- c. Train length would be limited to 110 cars.
- d. Due to increased route mileage and time required for trains to utilize this move, railroad costs would increase.
- e. Orleans Parish residents would be adversely affected by noise and vibrations.
- f. Eight grade crossings would be eliminated in Metairie.
- g. Community impacts to Metairie and Orleans Parish are not substantially reduced.

C. River Front Route

Uses railroad right-of-way and track facilities which exist from the east side of New Orleans, around the riverfront to the west side of the city, an make connection with the lead to the Huey P. Long Bridge.

1. Impacts:

- a. Route mileage is approximately 10 miles longer than the current route through Metairie.
- b. The riverfront route involves train movements over approximately 26 grade crossings.
- c. Rail operating speed is considerably lower than in Metairie.
- d. Would affect access to downtown wharf facilities.
- e. Some two-track facilities would be needed and not all areas along the route are conducive to this.
- f. Increase in rail traffic will severely impact new area of riverfront development and also the historic area between the French Quarter and the Mississippi River.
- g. Danger of accidents is moved from Metairie to the City of New Orleans.
- h. Highway and pedestrian safety in Metairie would be improved and certain measures would be taken to insure this safety along the riverfront.
- i. There would be no alternate route for trains if the riverfront route was flooded after the Metairie tracks were removed.
- j. Railroad costs would increase because of increased mileage and reduced speeds.

D. West Bank Route

This would involve a bypass of the City of New Orleans on the west bank of the Mississippi River.

1. Impacts:

- a. A new rail bridge would be located on the east side of New Orleans.
- b. The railroad bypass would be required to clear the Harvey Canal on elevated structure to allow continuous flow of waterborne traffic.
- c. There would be environmental opposition because of tracks going through wetlands.
- d. West Bank communities would inherit problems.
- e. This alternative would provide a bypass of the City of New Orleans without disrupting rail yard facilities and use of the Huey P. Long Bridge.

E. Other Alternatives Considered

These other bypasses were considered, but rejected because they were not feasible.

1. North of Lake Pontchartrian Route

This would provide an east-west rail bypass of the New Orleans areas by construction of a new railroad between Opelousas and Slidell.

2. Interstate 10-Causeway

This would be the combined use of the I-10/Causeway Boulevard corridor.

3. Midtown Corridor

This would involve connecting the UPT trackage with the river front trackage by building a connecting link of approximately 1.25 miles.

4. Railroad Traffic Rerouting

This would involve rerouting rail traffic from the New Orleans gateway to relieve impacts upon the Metairie Community.

A P P E N D I X

C

APPENDIX C

EXISTING JEFFERSON PARISH RAIL ORDINANCES

Sec. 28-1. Blocking public way, time limit.

- (a) Main Lines. On any main line, extension of main line or other similar type railroad track, it shall be unlawful for any railroad corporation, or receiver or assignee thereof, or it or his servant, agent or employee, to willfully or negligently obstruct or unnecessarily or unreasonably use or occupy a public way, or in any case obstruct, use or occupy it with cars or engines passing or standing over it for more than five (5) minutes at one time and if a public way has been thus used or occupied with cars or engines, the railroad corporation, or receiver or assignee thereof, shall not again use or occupy it with the cars or engines of a freight train, until a sufficient time, not less than three (3) minutes, has been allowed for the passage across the railroad of such travelers as were ready and waiting to cross when the former occupation ceased.
- (b) Spurs. On any spur, industrial, team, switching, side, or similar type track, it shall be unlawful for any railroad corporation, or receiver or assignee thereof, or it or his servant, agent or employee, to willfully or negligently obstruct or unnecessarily or unreasonably use or occupy a public way, or in any case obstruct, use or occupy it with cars or engines passing or standing over it for more than five (5) minutes at one time; and if a public way has been thus used or occupied with cars or engines, the railroad corporation, or receiver or assignee thereof, shall not again use or occupy it with the cars or engines of a freight train, until a sufficient time, not less than three (3) minutes, has been allowed for the passage across the railroad of such travelers as were ready and waiting to cross when the former occupation ceased. (Code 1961, § 14-2)

Sec. 28-5. Parking of railroad cars currently or immediately previously containing explosives, gasoline, gases or other dangerous materials prohibited in certain areas.

It shall be unlawful for any railroad company or agent, officer or employee thereof, to park railroad cars containing explosives, gasoline or other flammable liquids, flammable or nonflammable gases, or other dangerous materials or articles on any main track, spur track or side track within three hundred (300) feet of any building in any area zoned as residential classifications R-1, R-2, or R-3 under the zoning laws and regulations of the parish within the limits of the parish, and the parking of railroad cars containing the above mentioned substances is hereby prohibited, and the parking of empty railroad cars which might have immediately previously contained the substances mentioned in this section is also hereby prohibited. (Code 1961, § 14-6)

Sec. 28-6. Running of motors in parked railroad cars prohibited in certain areas from 8:00 P.M. to 7:00 A.M.

It shall be unlawful for any railroad company to allow motors to run during the hours of 8:00 P.M., to 7:00 A.M. in any railroad car parked on a main line track, spur track or side track within three hundred (300) feet of any building in any residential area zoned as R01, R02 or R-3 within the limits of the parish in such a manner as to create a nuisance or annoyance to the surrounding area; provided that this section shall not apply to locomotives. (Code 1961, § 14-7)

Sec. 28-9. Blowing of whistles, horns, etc., regulated in vicinity of Carrollton Avenue to Airline Highway.

The railroads operating in the vicinity of Carrollton Avenue to Airline Highway, in the parish, shall cease and desist from blowing whistles, horns, etc., during the hours of 11:00 P.M. until 6:00 A.M. Such railroads shall employ someone to precede the trains at the above locations to forewarn traffic proceeding across the intersections. (Code 1961, § 14-12)

Source: Jefferson Parish Code.

A P P E N D I X

D

APPENDIX D

NOISE ANALYSIS

Noise Descriptors

Noise can be described as any unwanted sound. The component of noise that is measured in determining loudness is the sound pressure. However, the range of sound pressures that the human ear experiences in a typical urban environment is quite large. The sound pressure of very loud noises is 1,000,000 times higher than the sound pressure of the softest perceptible sound. Therefore, a logarithmic scale is used so that the range of noise levels can be expressed on a more manageable scale. The unit of measurement on this logarithmic scale is the decibel (dB). Figure D-1 shows the noise levels of some typical indoor and outdoor sounds.

The decibel scale is weighted to reflect the fact that the human ear is more sensitive to sounds in the 500-1000 Hz range than to higher or lower frequency ranges. This is referred to as the A-weighted decibel scale (dBA); B, C, and D-weighted scales also exist. Table D-1 shows the loudness of typical noises expressed as both sound pressure and A-weighted decibels. Although the sound pressure level increases tenfold with each increase of ten decibels, an increase or decrease of ten decibels is perceived by the human ear as a doubling or halving of the loudness of a noise (see Table D-1). A difference of at least three decibels is necessary before the human ear can detect any change in loudness.

A variety of statistics are used to represent and compare noise levels over a period of time. The L_{10} is the noise level that is exceeded 10 percent of the time. Similarly, the L_{01} and L_{90} are noise levels exceeded one percent and 90 percent of the time, respectively. The L_{max} and L_{min} are the highest and lowest noise levels measured during a given time period.

The L_{eq} is the energy-averaged noise level during the measurement period. It is the level which, if held constant during the measurement period, would yield the same amount of energy as the actual fluctuating amount of noise. That is, the fluctuating noise levels are translated into an equivalent constant noise level, in terms of human response. Similar to the L_{eq} is the day-night equivalent noise level, or L_{dn} , which differs in that it weights late night noises between 10:00 P.M. and 7:00 A.M. by 10 decibels.

A drawback to the above mentioned descriptors of noise is that they do not account for the duration of unwanted noise. The Single Event Noise Exposure Level (SENEL or SEL) is a measure of

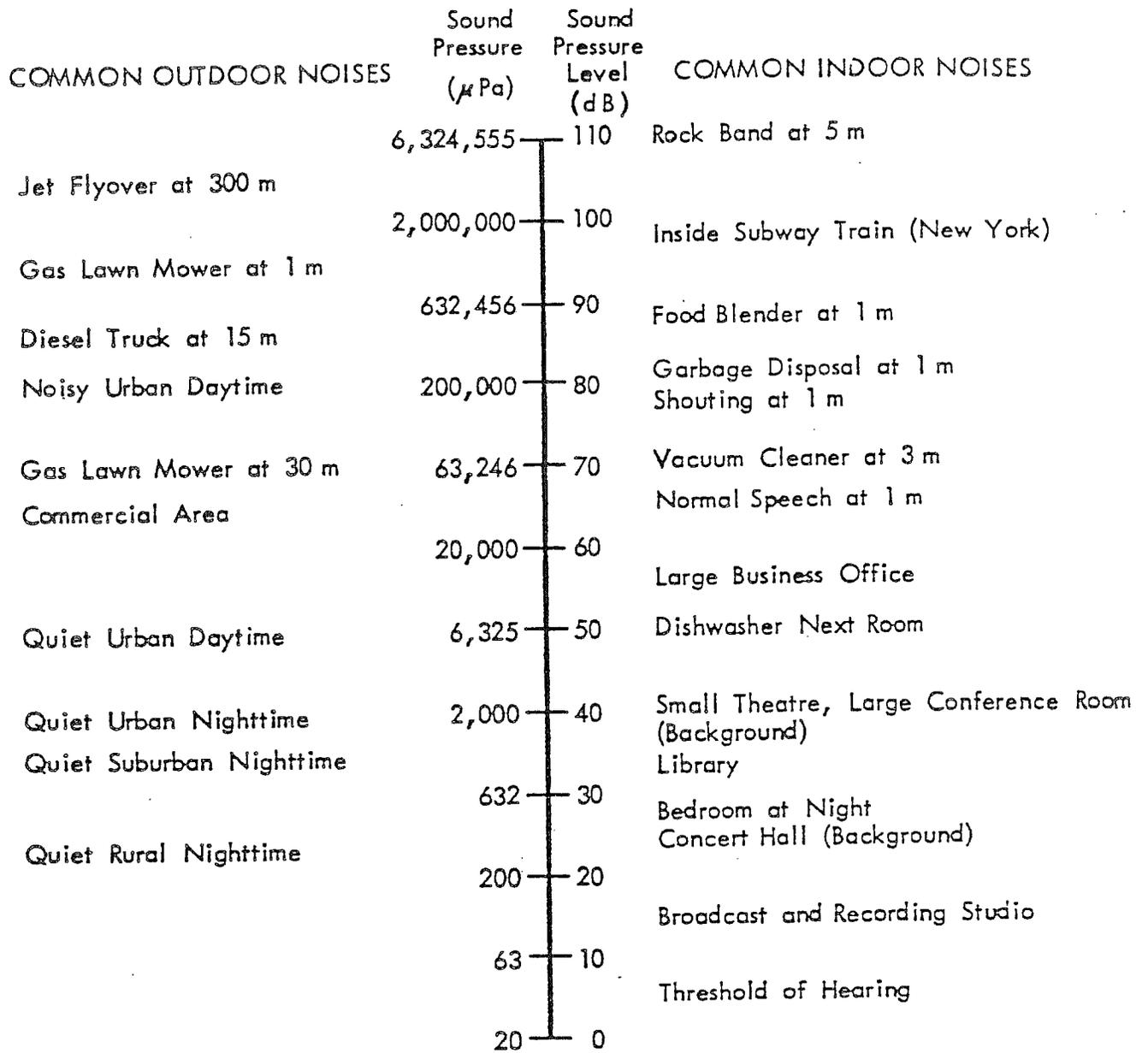


Figure D-1
COMMON INDOOR AND OUTDOOR NOISES.

Table D-1

PERCEIVED DIFFERENCE IN NOISE LEVELS

<u>Relative Change In Sound Level (dBA)</u>	<u>Relative Change In Acoustic Energy</u>	<u>Relative Loudness Change</u>
40	999,900%	Sixteen times as loud
30	99,900%	Eight times as loud
20	9,000%	Four times as loud
10	900%	Twice as loud
3	100%	Perceptible change
0	0%	Reference
- 3	- 50%	Perceptible change
-10	- 90%	Half as loud
-20	- 99%	1/4th as loud
-30	- 99.0%	1/8th as loud
-40	-99.99%	1/16th as loud

Source: Highway Noise Fundamentals, U.S. Department of Transportation, Federal Highway Administration, September, 1980; and Sound Procedures for Measuring Highway Noises, U.S. Department of Transportation, Federal Highway Administration, August, 1981.

noise that accounts for both loudness and duration. The Community Noise Equivalent Level (CNEL) accounts not only for the loudness and duration of an event, but also the number of events.

The noise descriptors used in evaluating rail operations in the study area are the L_{eq} , L_{dn} , SEL, and the CNEL. The L_{eq} is used for comparing different periods of the day and for comparing periods with and without railroad operations. The SEL is used to describe the severity in loudness of switching operations and of a typical passby. The L_{dn} and CNEL are descriptors that characterize the nature of noise levels over a 24-hour period, and are typically used in analyzing railroad noises.

Description of Problem

Approximately 1.5 miles of rail track, with seven at-grade crossings, are abutted by sensitive uses in Metairie. Due to the proximity of the grade crossings to each other, the warning horn is sounded almost continuously when a train moves through the project area. Train movements occur throughout the 24-hour day, and do not follow a specific schedule. Federal regulations require the warning horn to be at least 96 dBA; it is the loudest and most intrusive of the rail-generated noises.

During switching activities, the locomotive and rail cars must move back and forth across the at-grade crossing at Labarre Road, each time activating the warning bells and necessitating the use of the warning horn. Because this movement of cars also blocks motor vehicle traffic at the Labarre Road crossing, the switching is very likely to take place during times of low traffic volume, including 4:30 A.M., when nearby residents are in bed.

Trains pass by approximately 20-22 times per day, on the average, and have an average length of 67 cars. The speed of the train, which must be below 20 mph, and the fullness or emptiness of the cars are not significant sources of variation in noise from one event to another. The number of trains travelling east and west is approximately equal.

Modeling Techniques

The technique used to determine noise due to railroad activities is in Assessment of Noise Environments Around Railroad Operations, a nomographic method prepared by the Wyle Laboratories in 1973. The method was prepared for use by the Southern Pacific Transportation Company; Union Pacific Railroad; the Atchison, Topeka & Santa Fe Railway Company; and the Association of American Railroads; and was developed to provide substantial background data to aid in federal rule-making efforts on railroad noise. The model incorporates A-weighted noise measurements of both line and yard operations and weights their duration in terms of total

integrated sound energy for each event or combined series of events. Weighting factors for the time of day of the noise event and the numbers of events during defined time periods are also included.

Analysis of yard operations involves identifying noise centers for activities such as hump engine operations, concentrated switcher locomotive operations at the main leads of the arrival, classification and departure yards; master, group and individual track (or tangent-point) car retarders; inert retarders; idling road and switcher locomotives located in engine pooling areas, shop facilities, engine service tracks or departure tracks; mechanical refrigerator cars; and diesel locomotive load test facilities. A concise technique is presented for definition and location of the applicable dominant noise centers in the yard layout.

Analysis of line operations focuses principally on operation of freight trains over main line tracks. Only operations involving diesel-electric locomotives are treated. The two major contributions to noise are the locomotives and rail-car passby noise. However, adjustments for noise emitted by safety warning devices are also included. Calculations for operations at-grade, below grade, and above grade are incorporated into the model.

Model outputs include A-weighted noise levels for the L_{dn} , SENEL, and CNEL noise descriptors at user-specified distances from the track. The information enables the user to establish noise level contours for land uses in the vicinity of the railroad tracks and line operations.

Equipment and Techniques

Two types of equipment were used in the field measurements. A Bruel & Kjaer Model 4426 Noise Analyzer with a Model 4165 freefield microphone mounted five feet above the ground was used to make L_{eq} measurements. Measurements were taken every tenth of a second, with the RMS Detector settings on Fast and Impulse. The 4426 provides several other statistics, including an L_{10} , L_{50} , L_{90} , L_{01} , and the number of observations taken at each noise level.

The 4426 must be set to monitor a specific range of noise levels. The choice of settings includes 26 to 90 dBA, 36 to 100 dBA, 46 to 110 dBA, 56 to 120 dBA, and 66 to 130 dBA. Unfortunately, these settings are insufficient to monitor the full range of noise fluctuations during periods that include train passbys. The lower settings will miss the peak noise levels of more than 100 dBA and the higher settings will miss the quieter noise levels of less than 46 dBA. Due to the logarithmic nature of noise measurements in decibels, however, the higher noise levels are far more

influential in establishing the L_{eq} than the lower noise levels. Therefore, for monitoring periods selected to measure railroad noise, the 46 to 110 dBA setting was used as the most appropriate setting.

The 4426 Noise Analyzer was also used to determine the pattern of noise level increase during passbys. For this type of analysis, the measurements were taken every five seconds, with the RMS Detector settings at Slow and Maximum, as recommended by Wyle Laboratories in Assessment of Noise Environments Around Railroad Operations (1973). The five-second measurements were recorded manually in order to show the rise and fall of noise levels during the event. Prior noise measurements had established the ambient noise levels, so manual recording of train noise began as soon as the noise was 10 decibels higher than the ambient noise. Recording continued until the train passed and noise levels again returned to a point 10 decibels above ambient noise levels. This 10-decibel threshold is used because an increase of 10 dBA is perceived by the human ear as a doubling in noise level.

Another type of sound level meter, a Bruel and Kjaer Model 2230, was used to record the single event noise level (SEL) during train passbys. This analyzer is a small, hand-held model which uses a 4155 freefield microphone. Additional statistics calculated by the model are the L_{eq} , the Minimum and the Maximum. The RMS and Fast settings were used. As with the 4426, the settings available to the user are inadequate to record the full range of noise levels during the event, and the setting that would ensure recording of peak noise levels was selected.

Monitoring Locations

With the exception of the at-grade crossing at Metairie Road, the railroad tracks in the study area are bordered by sensitive land uses such as homes, schools, and parks. Measurements were made during dry weather at a variety of selected points in order to characterize noise levels at sensitive receptors along the railroad tracks. The monitors were set up at a distance of approximately 50 feet from the tracks at sites that offered a clear angle of at least 135 degrees. When attenuation rates were being monitored, however, a second monitor was placed 100 feet from the tracks. One indoor location on Dorrington Boulevard was also monitored. The location of the monitored sites are identified on Figure D-2.

Monitoring Periods

All monitoring occurred during January 28th through January 31st, 1986. Monitoring periods were designed to obtain measurements both with and without train passbys in order to determine both ambient (background) noise levels and railroad noise impacts. The

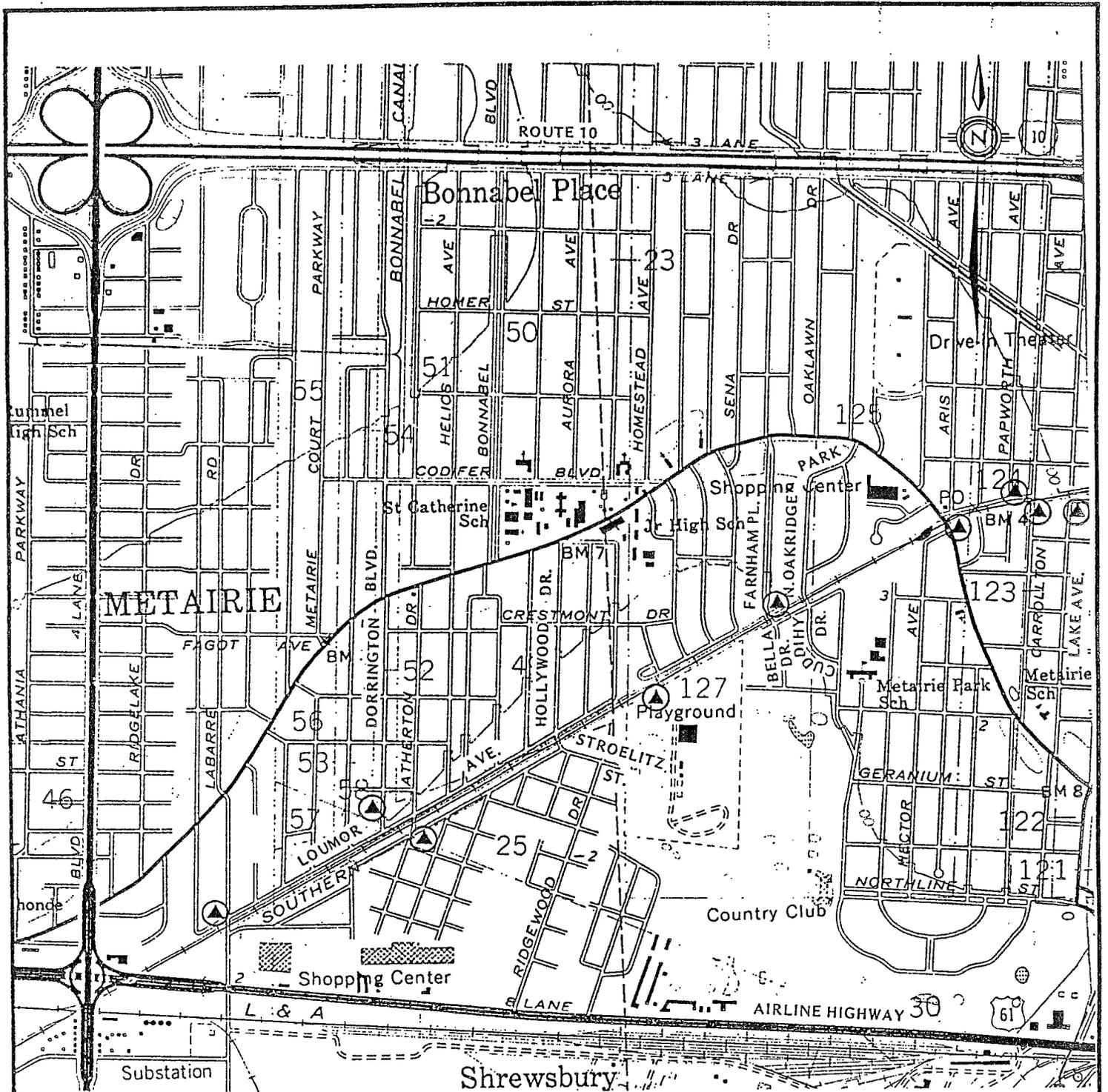


Figure D-2
LOCATIONS OF MONITORED SITES
 Metairie, La.

▲ Location of Monitored Site

irregularity of the train movements, however, had a significant effect upon attempts to schedule each type of monitoring operation and on the resulting distribution of monitored events. On some occasions, the time expended in capturing a passby event at a particular location might span an entire morning or afternoon. More frequently, however, ambient noise monitoring had to be curtailed when field personnel deduced the imminent approach of a train, and the equipment set-up was quickly modified to monitor the passby event.

To minimize the contamination of measurements of ambient noise with sudden, unexpected railroad noise, some short-term monitoring periods of fifteen or thirty minutes were used. The noise levels experienced during these short-term periods were considered to be typical of noise levels experienced during site selection and the setting up and removal of monitoring equipment. They are also in conformance with ambient noise levels typically observed at such sites, based on the experience of the field personnel and published materials on noise levels for similar types of sites. Therefore, no significant difference in the statistical values would be anticipated if these ambient monitoring periods had spanned an hour instead of the shorter intervals.

Rate of Attenuation

The noise analyzers were set up simultaneously, with one at a reference distance of fifty feet from the tracks and one at a distance of 100 feet from the tracks. This method indicated that attenuation of noise from the wheels, cars and engine were within the range of 3.0 to 4.5 decibels per distance doubling which is typical of a moving source. Noise from the warning horn, however, displayed an attenuation rate of approximately 6.0 decibels per distance doubling, which is consistent with noise from a point source and is in conformance with the information provided in Assessment of Noise Environments Around Railroad Operations.

Monitored Noise Levels

Ambient noise is the noise that exists in the absence of the noise source that is under analysis. Sources of ambient noise in the vicinity of the railroad tracks include motor vehicle traffic, aircraft flyovers, dogs barking, children playing, early morning garbage trucks, honking of automobile horns, and low levels of noise from trains on the other side of Airline Highway. Table D-2 shows the monitored ambient noise levels at at-grade crossings and other locations adjacent to the railroad right-of-way. The sites in the table are ordered from east to west, except for the indoor site on Dorrington Boulevard, which is listed last. Noise measurements taken at the same site on different days or at different times of the year will naturally be a little higher or lower than the monitored levels. Nevertheless, the observed

Table D-2

MONITORED AMBIENT NOISE LEVELS METAIRIE, LA

<u>Location</u>	<u>Time of Day</u>	<u>Noise Levels (dBA)</u>		
		<u>L_{eq}</u>	<u>Minimum</u>	<u>Maximum</u>
Labarre Road	4:00- 4:14 A	49	41	62
Labarre Road	4:15- 4:30 P	61	52	81
Atherton Drive	3:05- 3:20 P	58	48	75
Metairie Playground	9:45-10:15 A	55	48	71
Metairie Playground	11:25-11:55 A	54	46	73
Between Farnham Place and W. Oakridge Park Rd.	10:55-11:10 A	52	46	65
Between Carrollton Ave. and Papworth Ave.	6:15- 7:15 A	58	46	86
Between Carrollton Ave. and Papworth Ave.	1:10- 1:25 P	56	44	75
Lake Ave.	11:50-12:20 P	53	48	71
Dorrington Boulevard (Indoors)	6:15- 6:30 A	33	28	38

values are good reference points for comparing the noise levels at different types of locations in the study area and for developing statistics to examine the impacts of noise due to railroad operations.

Vehicular traffic in the project area is the primary source of variations in ambient noise levels at different sites. Roadways fell into three distinct categories, based on traffic mix and volume: 1) continuous commercial/residential traffic with 500-1000 vehicles per hour; 2) light residential traffic with 100-200 vehicles per hour; and 3) very light residential traffic with 0-15 vehicles per hour.

Labarre Road and Metairie Road are the two busiest and noisiest at-grade crossings. Both are abutted by commercial/industrial uses and have a more or less continuous stream of daytime traffic that includes noise from heavy trucks. Heavy trucks were observed at the Metairie Road crossings, where approximately 1000 vehicles per hour were observed. At the Labarre Road crossing, where approximately 600 vehicles per hour were observed, no heavy trucks were counted, but noise from trucks climbing the ramps for Causeway Boulevard was evident. A residential property at the Labarre Road crossing was selected as a site for both the Labarre Road and Metairie Road crossings. The monitored L_{eq} was 61 dBA.

Atherton Drive, Hollywood Drive, and Carrollton Avenue are important links for residential neighborhoods on each side of the railroad tracks. They are also intersected by roads that parallel the tracks, and this is an additional source of occasional traffic noise at these sites. Estimated traffic volumes were 100 to 200 vehicles per hour. A site at the Atherton Drive crossing was selected as being representative of conditions at all three sites. An L_{eq} of 58 dBA was observed.

A site at Metairie Playground was selected as being representative of noise levels at both the park and the grounds around Metairie Country Day School. Both the school and park have open, grassy fields that are used as playgrounds. The open nature of these land uses permits noise from adjacent land uses to travel cross the fields with little or no obstruction. In order to fully access the impact of train passbys on the park, monitoring periods were selected to represent the quietest daytime noise levels.

Two monitoring periods at Metairie Playground produced similar results. The observed L_{eq} s were 55 dBA and 54 dBA. Although both readings were taken in the morning, they were carried out on two different days. These observed noise levels are lower than the levels that would be expected during the summer or on afternoons when the park is in active use by local residents. The lowest noise levels were observed at points in residential areas between the at-grade crossings. Two monitored sites represent these types

of locations. One site was between Farnham Place and Oakridge Park Road, where an L_{eq} of 52 dBA was observed during the daytime. Noise levels at this site also reflect a very low level of traffic on the two at-grade crossings, Farnham Place/Bella Drive and Oakridge Park/Cuddihy Drive, that are nearby. A monitor set up at the end of Lake Avenue showed a similarly low L_{eq} of 53 dBA. Maximum observed traffic was approximately 15 vehicles per hour at these sites.

Land uses on Frisco Avenue between the Metairie Road and Carrollton Avenue crossings constitute a special case because the mixed commercial and residential uses generate more traffic than would be expected for a between-crossing site. A noise monitor set up on Frisco Avenue, between Carrollton and Papworth Avenues and within approximately 100 feet of the Carrollton Avenue crossing, showed an L_{eq} of 56 dBA. A second reading taken between 6:15 and 7:15 in the morning registered an L_{eq} of 58 dBA, but this higher reading was due to noise from a garbage truck making its early morning rounds. Without the garbage truck, the time-averaged noise level would have been somewhat lower, since peak noise levels are weighted more heavily in establishing the L_{eq} than low noise levels.

Most of the noise monitoring periods were selected to document the low ambient levels of noise experienced by residents outdoors during the daytime. Two additional monitoring periods were selected in order to establish late night (10:00 P.M. to 7:00 A.M.) and indoor noise levels. The Labarre Road site, which had the highest monitored daytime L_{eq} , was also monitored at four o'clock in the morning. Traffic on Labarre Road was minimal, but noise from traffic on Airline Drive was still evident. The L_{eq} was 49 dBA.

The observed nighttime noise level of 49 dBA will be used in determining additional statistics. Nighttime noise levels at other sites in the project area can be based on the differences for daytime noise levels between the Labarre Road and other sites. That is, where observed daytime noise levels varied from 52 dBA at the quietest type of site to 61 dBA at Labarre Road, the nighttime noise levels can be estimated to range from 40 dBA at the quietest site to the observed 49 dBA at Labarre Road. A monitoring period selected to measure nighttime noise levels on Frisco Avenue could not be used, due to noise from the garbage truck mentioned previously.

The owner of a residence on Dorrington Boulevard permitted the use of his dining room as an indoor monitoring site. The noise monitor was set up at 6:15 A.M., and an L_{eq} of 33 dBA, which is typical of nighttime noise levels inside a residence, was observed. An interior L_{eq} representative of daytime levels, based on information published by the U.S. Environmental Protection Agency, would be 45 dBA.

Day/Night (L_{dn}) Noise Levels

The L_{dn} is the day/night noise level and is a single number that can be used to characterize the noise levels for a typical 24-hour period. This descriptor is used for presenting ambient noise levels and for calculating the impacts of railroad operations. In calculating the L_{dn}, a 10-decibel penalty is added to all nighttime noise levels, then the noise levels for both day and night are translated into relative total sound energy, averaged, and translated back into an equivalent decibel value. Figure D-3 shows some typical day/night levels for a variety of land uses.

Table D-3 shows the L_{dn} values that would exist for typical sites in the project area if there were no railroad operations on the Southern Railroad Tracks. The calculated L_{dn} values range from 51 dBA at the quietest sites to 60 dBA at the noisiest sites. These noise levels are specific to the project area in Metairie, and represent noise at a distance of 50 feet from the source.

Based on the daytime and nighttime noise levels, and on the attenuation rates for noise from mobile sources, ambient L_{dn} values can be estimated for additional points in the project area. Figure D-4 illustrates the overall L_{dn} noise contours for 55 dBA and 60 dBA. In developing these contours, the traffic-generated noise near an at-grade crossing was presumed to typify noise along an entire roadway. No residential neighborhoods in the study area have ambient L_{dn}s of 65 dBA or higher.

Railroad Noise Impacts

Railroad operations along the tracks in the study area create substantial increases in noise compared to the noise that exists in the absence of such activities. The purposes of determining the impacts of the railroad are to compare the noise levels with established standards for residential areas and to provide a basis for comparing the effectiveness of noise abatement strategies. First, monitored noise levels will be presented for different types of noise measurements. Next, average values for typical railroad operations through the project area will be used to calculate the overall impacts of the railroad activities.

Monitored Noise Levels

Monitoring of noise levels during freight train passbys provided information on several aspects of the events. Operating the B&K 4426 noise monitor for 30 to 60 minute periods that included one or more passbys provided L_{eq} values that could be directly compared to the monitored ambient L_{eq} values. L_{eq} values derived from shorter periods of time will be higher because the high noise levels have a heavier weighting in the calculations and will

QUALITATIVE DESCRIPTIONS

L_{dn}
DAY-NIGHT
SOUND LEVEL
dBA

OUTDOOR LOCATIONS

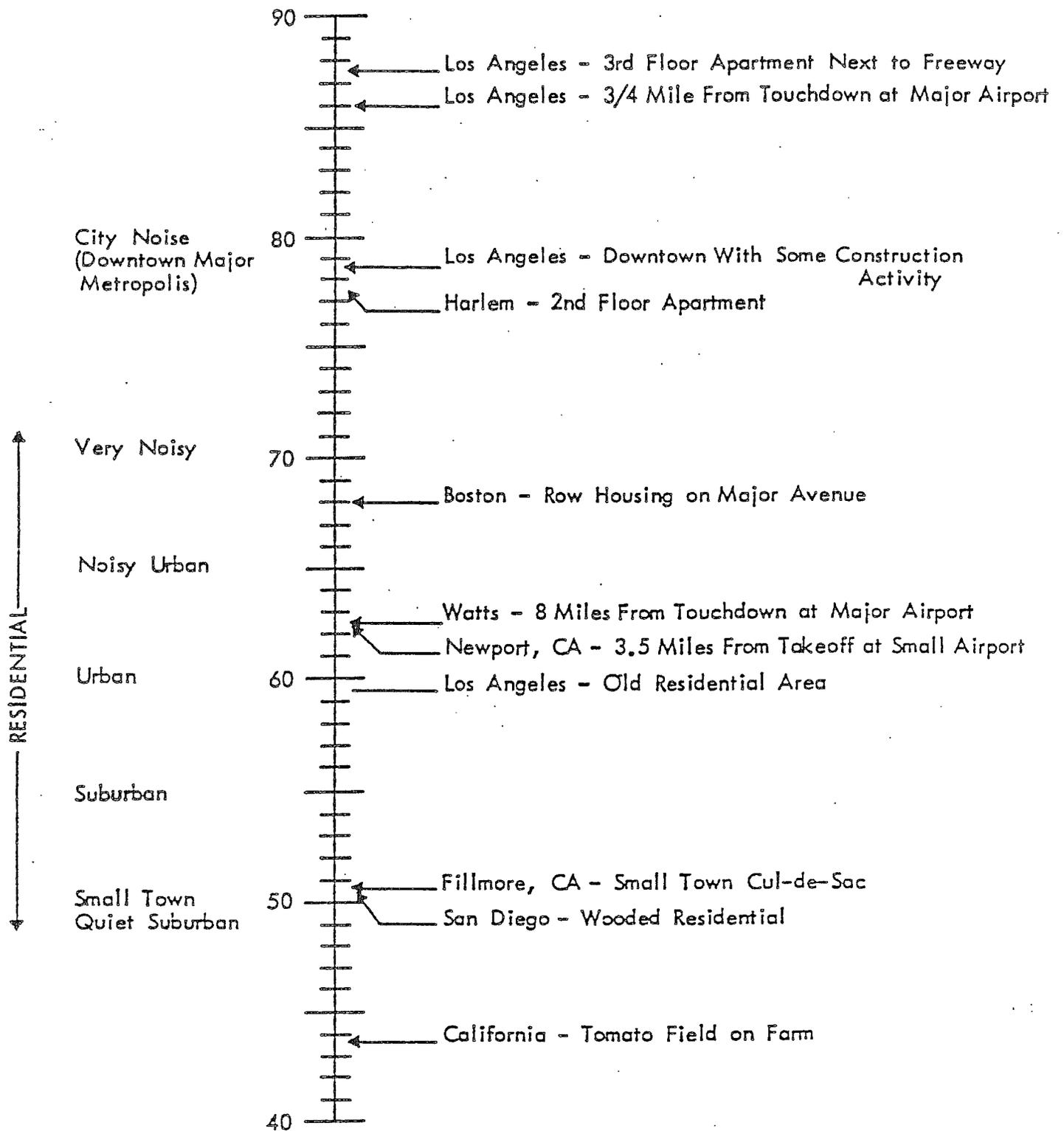


Figure D-3
COMMON DAY/NIGHT SOUND LEVELS

Table D-3

AMBIENT DAY/NIGHT SOUND LEVELS METAIRIE, LA

<u>Type of Site</u>	<u>Ambient L_{dn}</u>
At-grade crossing continuous commercial/ residential traffic	60 dBA
At-grade crossing, light residential traffic	57 dBA
Between grade crossings, very light commercial/ residential traffic	55 dBA
Park or school grounds	53 dBA
At-grade crossing, very light residential traffic	51 dBA
Between grade crossings, very light residential traffic	51 dBA

constitute a higher proportion of the total observations. Table D-4 shows the L_{eqs} for four sites that experienced railroad passbys during their monitoring periods.

Operating the B&K 2230 noise monitor only during the passby event provided information on the Single Event Noise Exposure Level (SENEL or SEL) experienced by residents. The calculations for the SEL take into consideration the maximum noise levels and the duration of the event in determining the perceived annoyance of the event. Table D-4 also shows the SEL calculations for some of the freight train passbys, and compares them with the average noise levels that residents typically experience before a train passes by.

1. Maximum Noise Levels

Table D-4 shows that the maximum outdoor noise levels ranged from 84 dBA to 109 dBA. The source of these high maximum levels is the warning whistle that is blown by the engineer upon approaching an at-grade intersection. Accordingly, this noise is loudest for sites at the at-grade crossings, and almost always exceeds 100 dBA in the vicinity of these points.

During the daytime, the maximum noise levels recorded during the blowing of the warning whistle at the at-grade intersections ranged from 104 to 109 decibels. In comparison to estimated maximum noise levels experienced prior to the train passby, the levels are 20 to 30 decibels higher and will therefore sound four to eight times as loud.

A lower level of noise from the warning whistle was observed at Labarre Road during the period from 4:30 A.M. to 5:50 A.M. Maximum noise levels during this nighttime operation ranged from 96 dBA to 99 dBA, a difference of 10 decibels in comparison to daytime maximum noise levels. This 10 dBA difference means that the noise will sound only half as loud. Since nighttime noise levels are typically given a 10-decibel weighting factor to account for their greater annoyance factor, however, the effect on residents of the lower noise level is the same for both the daytime and nighttime noise levels.

Maximum daytime noise levels for sites between the grade crossings were somewhat lower, and ranged from 84 dBA to 91 dBA. These levels are also caused by the warning whistle, but the attenuation of noise over the distance to the grade crossing affects the maximum noise level. In comparison to estimated maximum noise levels prior to the freight train, the peak levels attributable to the warning whistle will sound two to four times as loud at sites between the at-grade crossings. However, sites closer to the crossing points will obviously

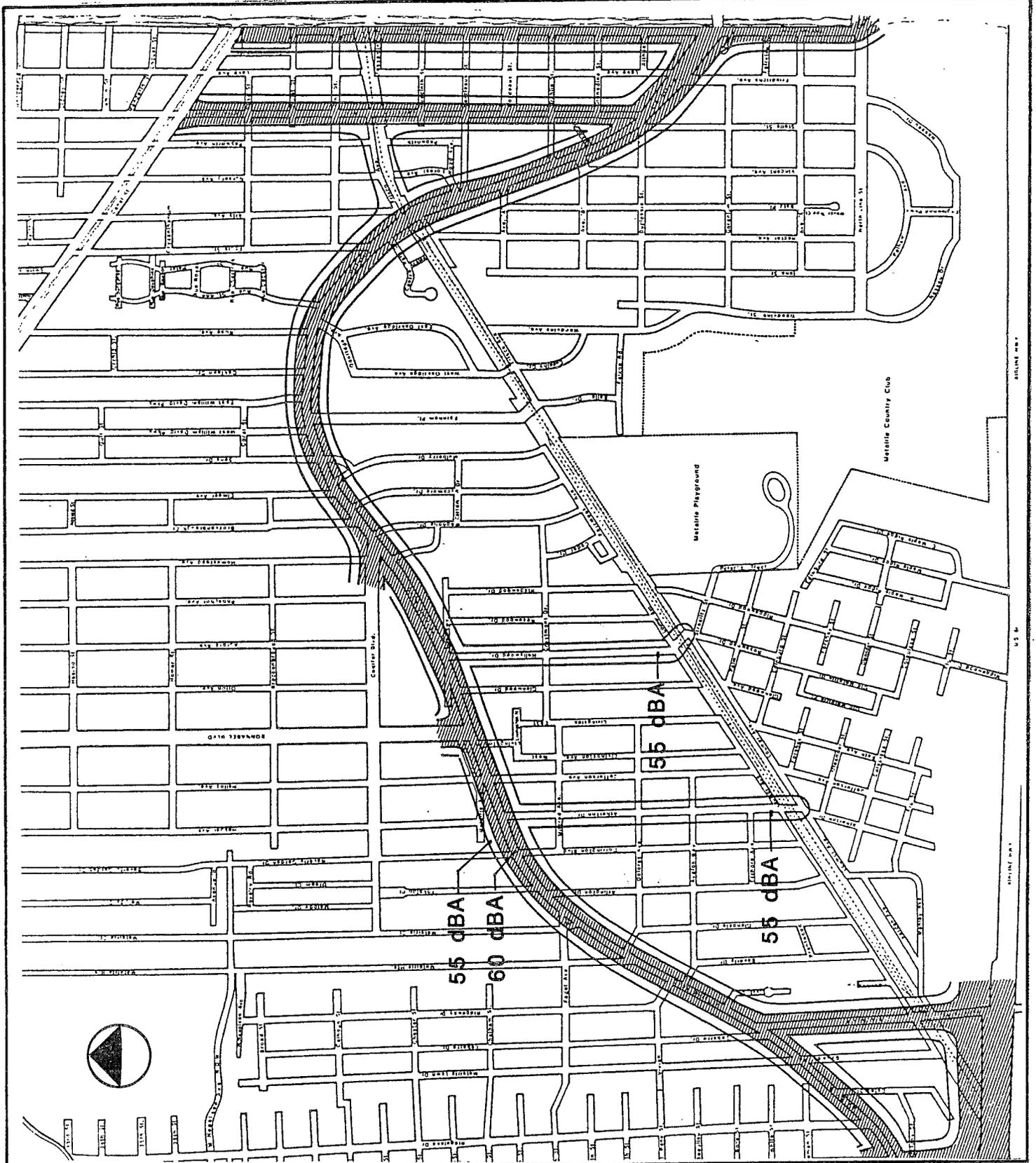


Figure D-4
 AMBIENT Ldn NOISE LEVEL CONTOURS

Table D-4

MONITORED RAIL PASSBYS, METAIRIE, LA

<u>Location</u>	<u>Time of Day</u>	<u>Estimated Ambient Noise</u>		<u># Events</u>	<u>Noise With Passby</u>	
		<u>L_{eq}</u>	<u>Maximum</u>		<u>L_{eq}</u>	<u>Maximum</u>
Labarre Road	4:30- 5:30 A	49	61	1	76	99
Metairie Playground	3:05- 3:35 P	54	73	2	70	91
Metairie Road	9:30-10:30 A	61	81	1	76	107
Dorrington Blvd. (Indoors)	6:30- 7:30 A	33	38	1	46	75

<u>Location</u>	<u>Time of Day</u>	<u>Estimated Ambient Noise</u>		<u>Noise With Passby</u>	
		<u>L_{eq}</u>	<u>Maximum</u>	<u>SEL</u>	<u>Maximum</u>
Labarre Road	5:00- 5:10 A	49	61	105	98
	5:25- 5:35 A	49	61	107	96
	5:45- 5:48 A	49	61	103	97
Labarre Road	4:05- 4:10 P	61	81	113	109
Lamour Avenue	10:10-10:13 A	54	73	100	92
Atherton Drive	3:26- 3:30 P	58	75	111	104
Metairie Playground	3:15- 3:21 P	54	73	93	84
Metairie Playground	3:30- 3:37 P	54	73	101	91
Carrollton Ave.	2:15- 2:19 P	58	75	113	106
Lake Avenue	11:50-12:20 A	53	71	92	86
Dorrington Blvd. (Indoors)	6:43- 6:48	33	38	76	65

experience higher maximum levels, depending on the distance over which the noise attenuates. Two passby events monitored at different times at the same site in Metairie park indicate that peak noise levels due to the warning whistle are quite variable.

Estimated peak indoor noise levels during the nighttime, when residents are sleeping, are 38 dBA. A train passby monitored before 7:00 A.M. registered a maximum level of 65 dBA, which is nearly six times as loud as the peak ambient noise levels. Since this monitoring site was on Dorrington Avenue, which is not one of the at-grade crossings, peak indoor noise levels at homes on Labarre Road, Atherton Drive, and similar streets are undoubtedly higher. A peak level of 75 dBA at this site occurred after 7:00 A.M. when residents were eating breakfast.

2. Time-Averaged L_{eq} Noise Levels

The L_{eq} is the constant noise level that has the same amount of energy as the average of the fluctuating noise levels during a given period of time. Table D-4 shows the L_{eq} s for four periods of 30 to 60 minutes that included at least one freight train passby. Outdoor L_{eq} s were taken at Labarre Road, Metairie Playground and Metairie Road. An indoor L_{eq} was taken at a residence on Dorrington Boulevard.

The L_{eq} observed during a nighttime period at Labarre Road includes railroad operations more complex than the simple passby of a freight train. This period was a half hour that marked the beginning of car classification operations that lasted for approximately one hour. During that time, the locomotive and cars moved back and forth across the Labarre Road crossing, activating both the warning bells and the warning whistle each time. The observed L_{eq} of 76 dBA is 27 decibels higher than the estimated ambient L_{eq} of 49 dBA for nighttime noise levels at this location. A resident of Labarre Road stated that railroad operations occur regularly around 4:30 A.M.

At Metairie Playground, which is between the at-grade crossings, an L_{eq} of 70 dBA was observed for a half-hour period that included two freight train passbys. This is approximately 16 decibels higher than the ambient noise level of 54 dBA estimated for the daytime at this type of location. Sites closer to the crossings would, of course, experience higher L_{eq} values.

A noise monitor set up for one hour during the daytime at Metairie Road captured one passby event and also produced an L_{eq} of 76 dBA. This is 15 decibels higher than the ambient

daytime noise levels estimated for the site, and is representative of the noise levels that would be anticipated for the other at-grade crossings during the daytime. However, frequency and duration of the events during a given averaging period would effect some variation in the L_{eq} s observed. Since the land uses at this particular location are primarily commercial, the relative change in noise levels will be perceived as less intrusive than in a residential setting where residents spend a larger portion of their time and expect a more quiet environment.

At the indoor location on Dorrington Boulevard, a one-hour L_{eq} of 46 dBA was observed for the 6:30-7:30 A.M. period, which includes one train passby and a half-hour period during which the family was preparing and eating breakfast in the kitchen and family room. The ambient noise level that would have been experienced in the absence of railroad activities during this period can be estimated by averaging together the sound energy for 33 dBA, representing 6:30-7:00 A.M., and the sound energy for 45 dBA, representing the 7:00-7:30 A.M. period. This yields an ambient L_{eq} of 42 dBA. Thus, the freight train passby increased the energy-averaged noise levels by four decibels at this indoor site. The increase would be greater for homes closer to the railroad tracks and for homes closer to an at-grade crossing.

3. Single Event Noise Exposure Levels

The SEL values always exceed the maximum values because they account for the duration of the passby events, as well as the peak noise levels, in determining the annoyance value. Table D-4 shows the monitored SEL values for several sites in the Metairie project area. At the Labarre Road site, three SEL noise measurements were made at three separate times during the continuous railroad operations that occurred during early morning hours.

The highest single event noise exposure levels were recorded in the vicinity of the at-grade crossings, and ranged from 103 dBA to 113 dBA. The lower values in this range occurred during the nighttime operations at Labarre Road, when the maximum values were observed to be lower than during daytime operations. These SEL values ranged from 103 dBA to 107 dBA. During the daytime, the SEL values at the at-grade crossings ranged from 111 dBA to 113 dBA.

The SEL values were somewhat lower at sites between the grade crossings. At Metairie Playground and Lake Avenue, the monitored SELs ranged from 92 dBA to 101 dBA. Monitoring of two separate passby events at the park showed SEL values of 93 dBA and 101 dBA, indicating that variations can occur even for

events of the same approximate duration in time. Sites that are closer to the at-grade crossings can be expected to have higher SEL values.

At the Dorrington Boulevard site, the SEL value for the five-minute period of a freight train passby was 76 dBA. An SEL of this magnitude during the nighttime period represents a substantial interference. The annoyance to residents who sleep with open windows or who live closer to the at-grade crossings will be even greater.

Figures D-5 through D-8 provide a graphic representation of the fluctuations in noise that occur during a passby event. Peak levels attributable to the warning whistle show up as sharp peaks against the relatively lower background of locomotive and freight car noise.

At the Labarre Road site, the first two minutes of elevated noise levels are a period when an eastbound train alternated between idling and moving slowly toward the at-grade crossing. The final approach to Labarre Road is marked by the loudness of the warning whistle, followed by the passage of the freight cars and the decrease of noise after the train cleared the intersection. The warning whistle at the Atherton Drive crossing will not show a significant peak at the Labarre Road noise monitor if the freight cars are still crossing Labarre Road.

The figure showing the passby event at the Atherton Drive crossing also shows the approach of an eastbound train, the warning whistle, and the passage of the freight cars. At the Carrollton Avenue crossing, the pattern shows the approach of a westbound train. Peak noise levels for the warning whistle at Carrollton Avenue are closely followed by smaller peaks for the warning whistle sounded at the Metairie Road crossing.

The figure for the Metairie Playground passby shows a lower overall level of noise during the passage of the freight cars, which may reflect a difference in the speed of the train or the weight of the cars. The first peaks reflect the warning whistle at the nearest crossings, followed by the passing of the eastbound train, which lasted eight minutes.

Figure D-5
FREIGHT TRAIN PASSBY

LABARRE ROAD AT-GRADE CROSSING

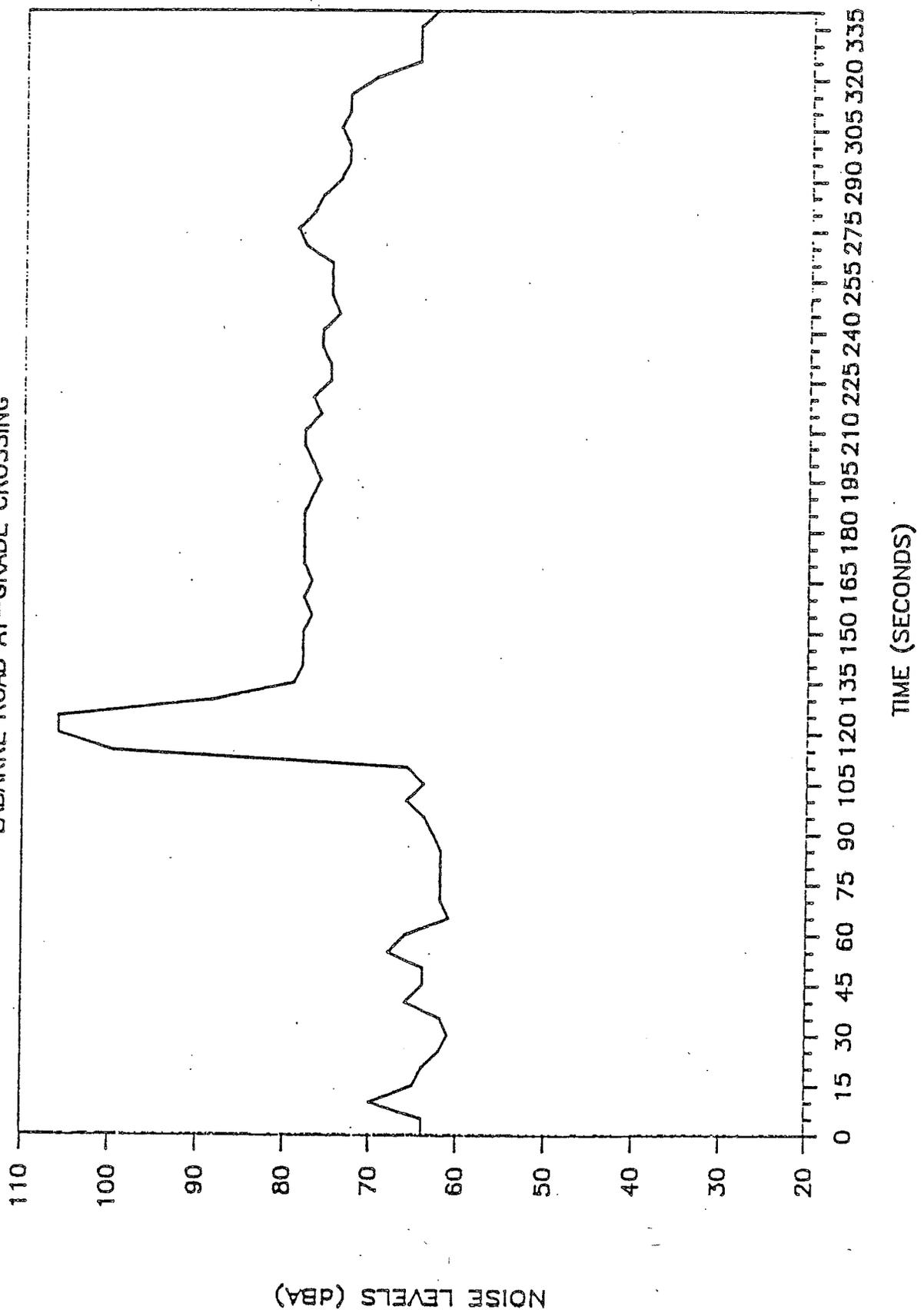


Figure D-6
FREIGHT TRAIN PASSBY
ATHERTON DRIVE AT-GRADE CROSSING

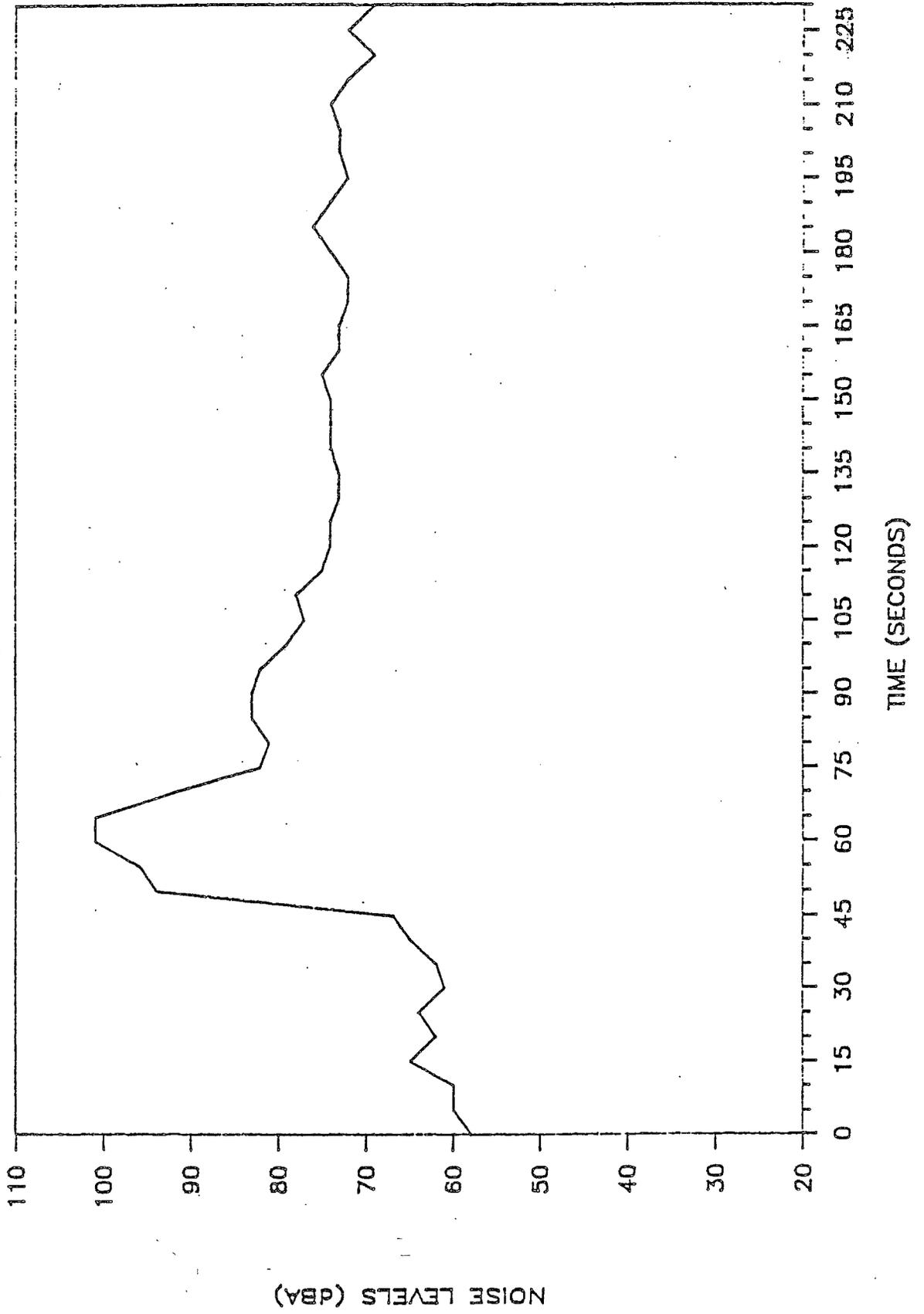


Figure D-7
FREIGHT TRAIN PASSBY
CARROLLTON AVENUE AT-GRADE CROSSING

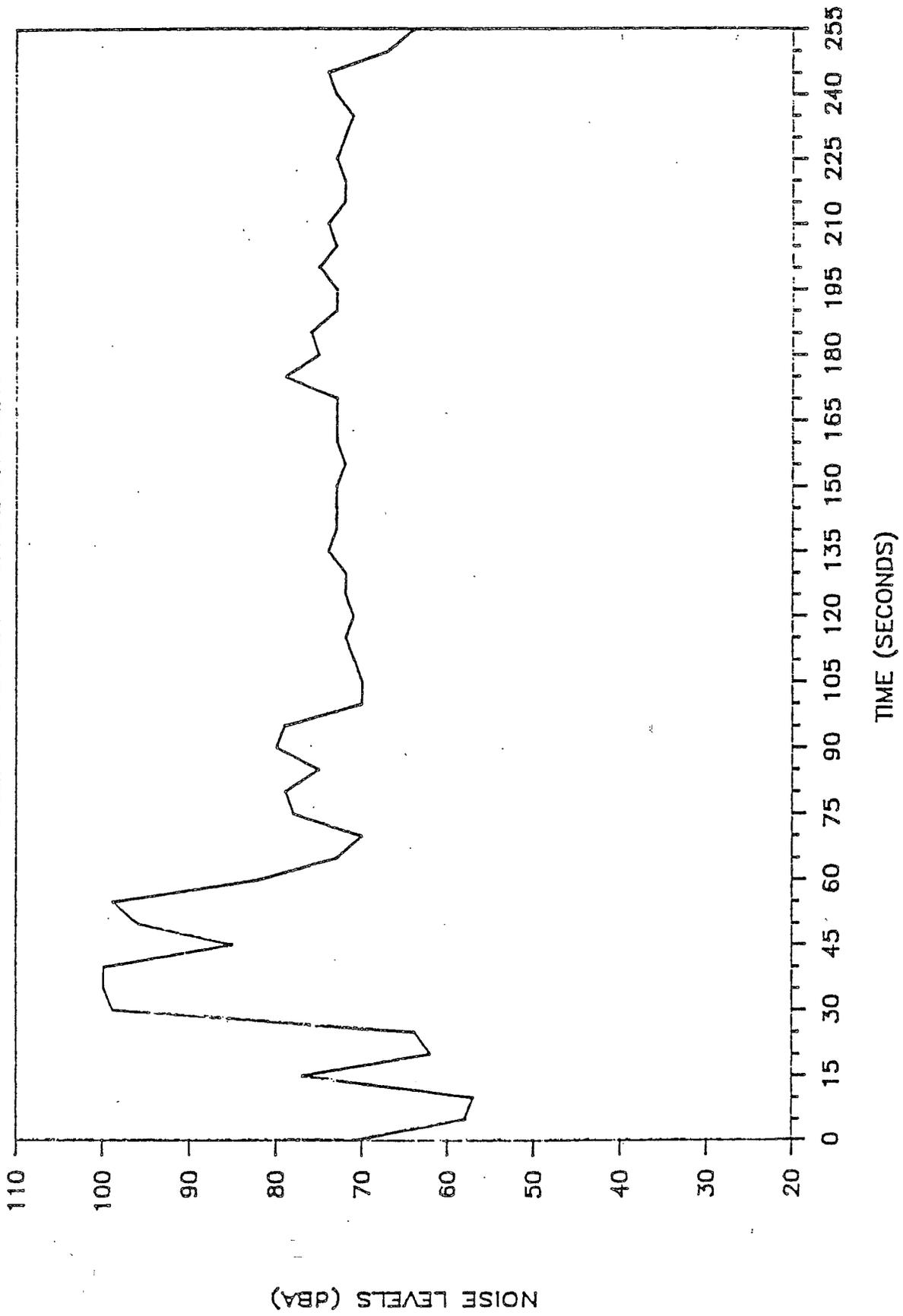
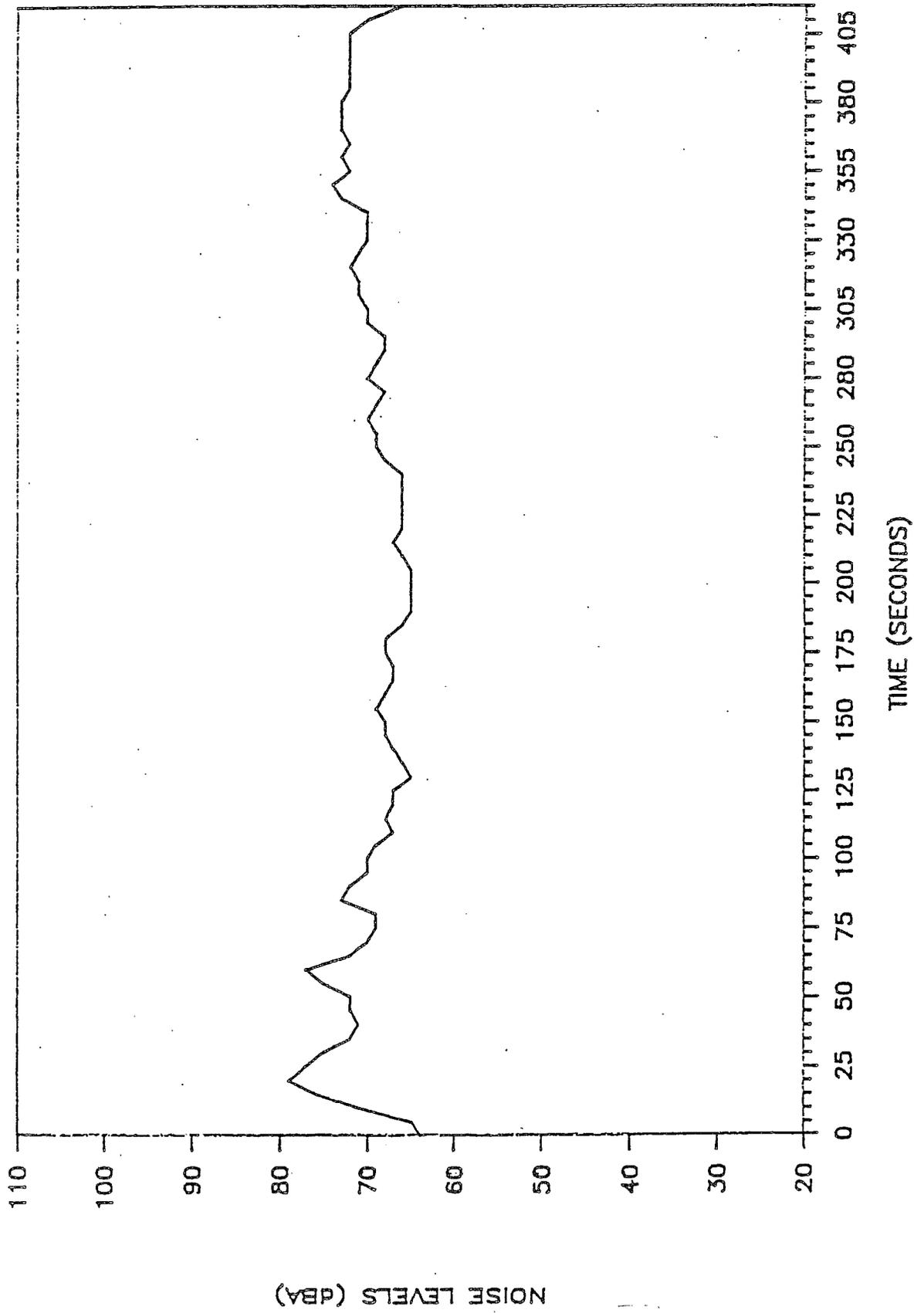


Figure D-8
FREIGHT TRAIN PASSBY
METAIRIE PLAYGROUND



A P P E N D I X

E

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WILLIAM C. SHOCKEY
JOHN DAVID ZIOBER

August 4, 1987

Mr. Glen Graham
Urban Systems, Inc.
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Baton Rouge, LA 70806

Re: Old Metairie Railroad Project Study

Dear Glen:

Pursuant to our recent discussions, I have prepared the following report for you. This report incorporates my prior reports of June 4, 1987 and July 15, 1987. It also includes material you have never previously reviewed relative to some prior federal court litigation and the Union Passenger Terminal Agreement. If you will note, the report is responsive to the outline that has been furnished to me relative to the inquiries which the study group has.

1. Research past legal actions in area to remove or restrict rail operations.
 - a) Is there an injunction which precludes legal action ever being taken to remove or relocate train traffic out of Metairie?

A search of the records of the United States District Court for the Eastern District of Louisiana situated in New Orleans, United States Fifth Circuit Court of Appeals situated in New Orleans, 24th Judicial District Court situated in the Parish of Jefferson and the First Parish Court of Jefferson reveals no injunctions which preclude legal action ever being taken to remove or relocate train traffic in Metairie.

- b) Are the existing Jefferson Parish ordinances which regulate train operations enforceable?

A review of the parish ordinances for the Parish of Jefferson indicates the existence of Chapter 28 thereof relative to the subject of railroads. With respect to issues such as the blocking of the public way, the

length of trains, hours for railroad operation, warning devices and the like, the ordinance does make provision.

Section 28-1 of the ordinances prohibits the blocking by the railroad of any street or highway crossing for a period of more than five minutes at one time. Further, there must be at least three minutes between blockages. This latter prohibition to not use the railroad or track again until at least three minutes have passed applies only to freight trains.

This particular ordinance, Section 28-1, was the subject of intense litigation in the early 1970's. In 1971, 134 citations were issued to the various railroads and railroad employees for blocking crossings for more than the prescribed time limit. These individuals and companies were prosecuted in certain criminal proceedings before the First Parish Court in Jefferson Parish. For your future information, these prosecutions began in March 1972 and bear the following docket numbers on the docket of the First Parish Court: 153-975 through 153-978, 156-756 through 156-761, 157-109 through 157-124, 157-304 through 157-342, 157-503 through 157-524, 158-137 through 158-165, 158-544 through 158-549, 158-550 through 158-553, 158-554 through 158-563.

We reviewed the record in the case entitled New Orleans Terminal Company v. Parish of Jefferson, No. 72-994, Division G, on the docket of the United States District Court for the Eastern District of Louisiana. This action was filed in federal court after the District Attorney for Jefferson Parish had lodged the multiple criminal prosecution against the railroads detailed above. At issue in this particular case were the ordinances which purported the limit to five minutes the time a moving train could block a grade crossing or thoroughfare and which limited the number of boxcars to 50 in any one train. The federal court, while noting that a private citizen (for which a railroad qualifies) may challenge the constitutionality of a state or local law in federal court, decided that the railroad simply waited too long in this particular case. Since the prosecutions were already pending in parish court, the federal court reasoned that there was an appropriate forum in which the constitutional challenge to the two ordinances could be levied. In other words, this court did not go about determining whether or not the five minute ordinance or the 50 car ordinance was constitutional. Rather, all the federal court determined was that such claims had to be heard within

the context of the prosecutions which were at that time already pending. This decision was rendered on May 22, 1972. An appeal was taken to the United States Court of Appeals for the Fifth Circuit under docket number 72-2436 of that court. The decision was issued in that proceeding on January 3, 1973 affirming the decision of the district court.

The railroads resisted the prosecution in the First Parish Court claiming that the ordinance was unconstitutional as being an unreasonable restraint upon interstate commerce. The railroads argued that under the Commerce Clause of the United States Constitution (Art. 1, Section 8, Clause 3), Congress alone had authority to legislate with respect to matters which affected interstate commerce. Since much of the traffic going through Jefferson Parish was interstate traffic, the railroads contended that the local governmental authority was without power to legislate in this area.

The First Parish Court, on October 13, 1972, found the railroads guilty of violating the blocking provision and assessed fines of \$100.00 apiece on each count. An appeal was perfected from this decision to the 24th Judicial District Court in Gretna. The case was retried in the 24th Judicial District Court. On April 2, 1973, a decision was rendered upholding the decision of the First Parish Court. Subsequently, on May 29, 1973, the Louisiana Supreme Court refused to hear the matter commenting that there existed "no error of law". State of Louisiana v. New Orleans Terminal Company, 277 So.2d 678-9 (La. 1973). Thereafter, on November 5, 1973, the United States Supreme Court dismissed appeals lodged on behalf of the railroads "for want of a substantial federal question". State of Louisiana v. New Orleans Terminal Company, 414 U.S. 230, 94 S. Ct. 343-4 38 L. Ed.2d 230 (1973).

From these proceedings, it is quite clear that the enforceability of Section 28-1 has already been determined.

Section 28-2 of the Jefferson Parish Code makes it unlawful for a train having over 50 cars to operate in the parish. This ordinance was also in focus at the time of the 1972 prosecution as a number of the railroad employees and railroads were charged with violation with this particular ordinance as well. The First Parish Court, relying on prior United States Supreme Court precedent, determined that such an ordinance was unconstitutional as constituting an

unreasonable restraint upon interstate trade. No appeal was taken by the Parish of Jefferson with respect to this finding of unconstitutionality. Accordingly, there is a final judgment that Section 28-2 of the Parish Code is unconstitutional. Therefore, it is not enforceable and should basically be regarded as not even being in print anymore.

The decision of the First Parish Court was largely predicated upon the prior decision of the United States Supreme and Southern Pacific Company v. Arizona, 325 U.S. 761, 65 S. Ct. 1515, 89 L. Ed. 1915 (1945). In the Arizona case, the State of Arizona had enacted a statute that required a train coming within its borders to be composed of no more than 70 freight cars. This basically caused trains to be dismantled and reassembled beyond the state's boundaries in order to comply with the law. The U.S. Supreme Court determined that this statute seriously interfered with the operation of interstate commerce beyond the state's borders due to the fact that trains coming from outside of the state had to conform with the strict car limitation. Additionally, the proof in that case suggested that the statute bore no reasonable relationship to the health, safety and well-being of the people of the state. This is an area of critical inquiry in cases of this type. Although the Commerce Clause has conferred upon the federal government the power to regulate commerce, this does not exclude all local power of regulation. It has long been recognized in the absence of conflicting regulation by Congress, there is reserved to the states and to local governmental units within a state, the power to make laws governing matters of local concern (such as traffic flow) which nevertheless in some measure affect interstate commerce or even to some extent, regulate it, provided those laws do not materially restrict the free flow of commerce across state lines.

With the judgment in the prior First Parish Court proceeding and the clear United States Supreme Court precedent in this case, the inability to enforce Section 28-2 is evident.

I have devoted considerable attention to the provisions of Sections 28-5 and 28-6 of the Code of Ordinances of the Parish of Jefferson. These ordinances, in their present form, provide as follows:

"Sec. 28-5. Parking of railroad cars currently or immediately previously containing explosives, gasoline, gases or other dangerous materials prohibited in certain areas.

It shall be unlawful for any railroad company or agent, officer or employee thereof, to park railroad cars containing explosives, gasoline or other flammable liquids, flammable or nonflammable gases, or other dangerous materials or articles on any main track, spur track or side track within three hundred (300) feet of any building in any area zoned as residential classifications R-1, R-2 or R-3 under the zoning laws and regulations of the parish within the limits of the parish, and the parking of railroad cars containing the above mentioned substances is hereby prohibited, and the parking of empty railroad cars which might have immediately previously contained the substances mentioned in this section is also hereby prohibited.

Sec. 28-6. Running of motors in parked railroad cars prohibited in certain areas from 8:00 p.m. to 7:00 a.m.

It shall be unlawful for any railroad company to allow motors to run during the hours of 8:00 p.m. and 7:00 a.m. in any railroad car parked on a main line track, spur track or side track within three hundred (300) feet of any building in any residential area zoned as R-1, R-2 or R-3 within the limits of the parish in such a manner as to create a nuisance or annoyance to the surrounding area; provided that this section shall not apply to locomotives."

Section 28-5 purports to prohibit the parking of railroad cars containing dangerous substances within various residential classifications. I do not exactly know into which residential classification the study area falls, but I deem such an inquiry irrelevant in light of my conclusions with regard to the enforceability of the ordinance. Section 28-6 generally prohibits allowing motors to run on any sort of railroad car other than a locomotive between certain specified hours within a designated residential zone.

The U.S. Supreme Court has repeatedly held that where statutes prohibit activity on the part of citizens and subject the citizens to potential criminal liability as a result of the violation of the statute, the statutes must be precise and unambiguous in defining the prohibited activity in order that any reasonable person can appreciate what conduct is lawful and what conduct is unlawful in order to conduct themselves accordingly. Statutes which are vague and are subject to a variety of interpretations will not pass constitutional muster. U.S.C.A. Const. Amendment 14, Section 1; Article 1, Section 13, Louisiana Constitution of 1974; State v. Tucker, 354 So.2d 1327, 1329 (La. 1978); State v. Gisclair, 363 So.2d 696, 698 (La. 1978).

It is my opinion that both Sections 28-5 and 28-6 of the Code of Ordinances of the Parish of Jefferson are unconstitutionally vague. For example, Section 28-5 prohibits the parking of railroad cars containing explosives, gasoline and other substances, including

"dangerous materials or articles". What about a load of lumber which would crush a car or number of people if the chains holding it came loose? What about a car carrying a substance which, when mixed with a substance in an adjacent car, would create some sort of chemical reaction dangerous to health?

Section 28-6 is similarly, if not more, constitutionally deficient. The running of motors sufficient to create a "nuisance or annoyance to the surrounding area" is prohibited. What does that mean? What may be a nuisance to one person or an annoyance to another may not be a nuisance or annoyance to you or me. In order to be precise, ordinances such as this should state that it is unlawful to run any motors between certain hours which emit sound over a given decibel level. The question of a "nuisance" or an "annoyance" is simply too vague to survive a constitutional challenge.

My conclusion is that while these ordinances may well have laudable purposes, they are not so artfully drafted that they will survive a constitutional challenge. Prior to any enforcement action, it is recommended that the Jefferson Parish Council rewrite these ordinances in order to accomplish the purpose which motivated their passage in the first place.

Section 28-9 of the Jefferson Parish Code provides that railroads operating in the vicinity of Carrollton Avenue to Airline Highway cease and desist from blowing all whistles and horns during hours of 11:00 p.m. until 6:00 a.m. Railroads in such instances are required to employ someone to precede the trains at these locations in order to forewarn traffic proceeding across the intersection.

As will be detailed further in this report, this ordinance conflicts with the provisions of LSA-R.S. 32:168, a statute enacted by our state legislature, relative to under what circumstances a train must sound its horn or whistle and ring its bells. In such circumstances, the law of the superior governmental unit (the state) takes precedent over those of the inferior governmental unit (the parish). Therefore, this ordinance is not enforceable.

- c) If the ordinances are enforceable, whose responsibility is it to enforce them (the exact legal chain of enforcement)?

As with any prohibitory laws, such as those which prohibit traffic offenses and crimes, responsibility for receiving complaints and for gathering evidence relative to those complaints rest with local law enforcement agencies such as the Jefferson Parish Sheriff's office. Thereafter, the matter falls under the authority of the District Attorney of Jefferson Parish in order to lodge a formal charge, which is typically done through the filing of a bill of information, and the subsequent prosecution of the offense.* Under our system in Louisiana, a District

* See Urban Systems comment on Page C-20.

Attorney, except in certain specified instances, has absolute authority over whether to prosecute a given offense or not. With respect to criminal prosecutions, the First Parish of Court of Jefferson Parish and the 24th Judicial District Court (the state court responsible for Jefferson Parish) have concurrent authority. Therefore, the District Attorney can elect to prosecute in the First Parish Court or in the 24th Judicial District Court.

- d) Which of these ordinances did the Supreme Court act on and what was their decision?

This matter is fully discussed in Section 1(b) above.

- e) How legally binding is the UPT agreement? Does it still apply to today's situation with considerably fewer passenger trains? Is there any chance of it being revoked? If so, how would this be accomplished and what parties would have to agree?

The Union Passenger Terminal Agreement is dated October 22, 1947 and was executed by the City of New Orleans and the Public Belt Railroad Commission (a unit of the New Orleans city government) on the one hand and a group of eleven railroads (some of which are still in business and some of which are not) on the other. The agreement was entered into for purposes of fostering the construction, maintenance and use of the Union Passenger Terminal and certain trackage and other facilities to be constructed in New Orleans. The contract, executed pursuant to specific authority granted through an amendment to what was then the Constitution of the State of Louisiana, provided a mechanism for the issuance of bonds totalling \$15,000,000.00, funds derived from which would be used for construction of the Union Passenger Terminal facility and the necessary trackage. The railroad companies entering into the agreement all agreed to utilize the Union Passenger Terminal facility and to pay certain fees for that use. The fees so generated would be used to retire the bonds. The contract provides in Section 78 thereof that it shall exist for a term of 50 years from the date of the completion of the facility. I do not know when the facility was completed, but at a minimum, the contract runs through 1997.

As applicable to contracts generally, a contract in writing can be revoked or modified by the written concurrence of all of the original parties to the contract or their successors in interest. As the Union

Passenger Terminal Agreement continues without revocation, it is still in force and effect even though circumstances today are considerably different than at the time that the contract was signed.

While in a general sense contracts may be revoked by the written concurrence of all of the original parties in interest or their successors, such revocation may not be simple in the present case. In order to construct the Union Passenger Terminal facilities, several series of bonds were issued. These bonds were basically a debt instrument of the City of New Orleans, the proceeds of which were used for pertinent purposes of construction and, to a lesser extent, maintenance. These bonds are believed to be dated January 1, 1948 and to provide for the payment of interest semi-annually. These bonds are paid by the City of New Orleans through the revenue derived from the railroads under the Union Passenger Terminal Agreement. These bonds began maturing January 1, 1953 and a different series of bonds has continued to mature each year through the present. Under the terms of the contract, the bonds will continue to mature through January 1, 1989 with one special series of bonds not maturing until January 1, 1998. To the extent that any purported revocation would affect the revenue available to retire these bonds, such would constitute a breach of the covenants contained in each of the bonds (a bond being a contract between the City of New Orleans and the bond holder) thereby subjecting the City of New Orleans to claims of default. Therefore, revocation cannot be accomplished without the consent of the bond holders whose interests must be protected.

- f) Is it legally possible to close down the Carrollton overpass and the I-10 overpass to install railroad tracks underneath to connect the Airline Route with the UPT tracks?

State law provides that the Assistant Secretary of the Office of Highways may close any section of highway to all or any class or part of traffic or restrict the use of the road to the extent he thinks expedient for any length of time that, in his judgment, is appropriate: (1) to permit construction or maintenance operations to proceed without interruption; (2) to protect the property of the state or the persons and property of the traveling public; (3) whenever, in his opinion, there is an emergency requiring the closing or restriction; or (4) whenever, in his opinion, the closing or restriction is in the best interest of the state or the state highway system. (LSA-R.S. 48:346). No certain procedure or form of notice is required by

the party exercising the authority given and this exercise of authority can even be accomplished by virtue of a provision in a construction contract permitting the contractor to maintain or exclude traffic.

The question comes to mind, however, as to whether or not the Assistant Secretary of the Department of Highways has the authority to close I-10 since it is a United States highway. The term "highway" is defined in our law as including any public way for vehicular, mounted or pedestrian traffic. Certainly, I-10 falls within this definition and state law would certainly appear to apply to the subject. Furthermore, another statute, LSA-R.S. 48:212, authorizes an agreement to be entered into between the Department of Transportation and Development and the federal government for purposes of improving highways. Potentially such an agreement may exist between the federal government and Louisiana Department of Transportation and Development with respect to I-10 and this agreement may well contain some provisions which may be material to the inquiry. It would appear that in the normal course of human events, authority would be extended in such contracts to the State of Louisiana to take necessary action to detour traffic since the State of Louisiana is required under such contracts to maintain the interstate highways.

Although without explanation of these contracts, a definitive response cannot be provided, it would appear that it would be legally possible to close down the Carrollton overpass and the I-10 overpass for the purposes described.

2. Identify existing legal avenues to initiate either private or public action to remove or restrict rail operations.
 - a) If Jefferson Parish decided to take legal action to remove the railroad and relocate the traffic, how would they go about it?

Under the provisions of LSA-R.S. 33:4621, parishes are given power to expropriate just as the State of Louisiana itself enjoys that power. In order to expropriate, there must be a sufficient showing of a public purpose. A public body, such as a parish, is generally free to expropriate whatever property it may desire provided just and fair compensation is paid to the party whose property is taken or impaired as a result of governmental action.

The answer is not, however, quite so simple. Under the provisions of LSA-R.S. 19:2, railroads also enjoy a power of expropriation. Therefore, we are placed in a situation where there are competing rights of eminent domain. In such circumstances, our courts have declared that where the power of expropriation has been delegated to one of its political subdivisions, the rule is that one may not expropriate property already devoted to public use unless the legislature has authorized it to acquire public property either expressly or by necessary implementation. State Department of Highways v. Ouachita Parish School Board, 242 La. 682, 138 So.2d 109 (La. 1961); Louisiana Power and Light Co. v. City of Houma, 229 So.2d 202 (La.App. 1st Cir. 1969). Property already being put to public use is usually possessed by some sort of corporation, either municipal or private, which has the power of condemnation or expropriation. The courts have reasoned that to subject such lands to taking by one corporation from another pursuant to expropriatory powers would open the doors to recriminatory condemnation litigation without end in as much as, if under such authority the first taking would be justified, its retaking would be equally within the power of the adverse party. In other words, if we are to permit, absent some special legislative authorization, the Parish of Jefferson to expropriate the property upon which the railroad track sits, it would be just as fair for the railroads, also enjoying the power of expropriation, to grab the property back the next week. Therefore, the rule is that property once devoted to a public use cannot be diverted therefrom without express authority of the legislature.

Our research indicates no express legislative authorization permitting the Parish of Jefferson to expropriate the property on which the railroads are situated. If this is considered a desirable alternative, a special legislative act would have to be obtained authorizing such action.

Even if such a legislative authorization was obtained, the property could not be removed from the control of the railroads without just compensation. Article 1, Section 4 of the Louisiana constitution provides that the owner of expropriated property be awarded the fair market value thereof. While I am not privy to statistics relative to the transportation of railway traffic through the corridor at issue, I understand that the volume of traffic is quite substantial. I would feel certain a railroad would make out a good case that deprivation of this corridor would

necessitate increased expenses on their part and potentially even the expropriation of additional property for the building of a new railway for which they would certainly be looking to Jefferson Parish for compensation.

- b) If a group of private citizens in the community wished to take legal action to remove the railroad, how would they go about it?

Our law generally provides that while each person owning or using land may basically do thereon what he pleases, still he may not engage in such an action as would deprive his neighbor of the liberty of enjoying his own nor may he do anything on his property which causes damage of any sort to his neighbor. This is typically and popularly referred to as our "nuisance law". Long ago our courts ruled that the ordinary use of a railroad yard for purpose of parking cars cannot be interfered with by asserting that it is a nuisance. State v. Marshall, 24 So. 186 (La. 1898). There are a number of additional cases wherein private citizens have sued railroad companies complaining that the activities being carried upon by the railroad were a nuisance. In some of these, the adjacent property owners have been successful and have been able to get the courts to abate certain conduct being engaged in by the railroads. However, in each of these cases, something more than what we would commonly regard as being typical rail operations were involved. In most of these, there was some sort of railroad facility adjacent to property where noxious smoke and fumes were being released, where there was incessant noise and the like. Other than the one case mentioned, no suits have been brought pursuant to this law seeking to restrain ordinary railroad operations.

- c) Can the railroad be legally required to restrict their movements during peak vehicular traffic periods?

Equally applicable with respect to prospective legislation are the comments contained in this report relative to present ordinances. The regulation of railroad crossings within a city is the matter of local concern beyond the practical effective reach of congressional action and which can be adequately dealt with by state authorities. The question to be determined is whether a municipal ordinance regulating rail traffic unreasonably obstructs the free flow of commerce across state lines in contravention of the Commerce Clause of the United States Constitution. To support such an ordinance, in litigation, Jefferson

Parish must be prepared to show that there is a reasonable basis for the enactment of the ordinance such as the protection of the health, safety and welfare of its citizens. The Parish of Jefferson must also be prepared to show, should such a proposed ordinance be enacted and proceed to litigation, that the purposes sought to be accomplished by the legislation are actually being accomplished.

- d) Can the railroads be legally forced to restrict the movement of hazardous materials in the project area?

In 1975, Congress enacted the Hazardous Materials Transportation Act, 49 USC 1801 et seq. This group of statutes deals with the transportation of hazardous materials whether by rail carrier or not. Pursuant to the authority extended in this statute, certain regulations have been prescribed, 49 CFR Part 174, relative to the transportation of hazardous materials by rail. These regulations deal almost exclusively with documentation and with the requirements for packing and containing of these hazardous materials. Nothing contained in these regulations describes any sort of geographical limitation upon the areas through which these materials may be transported.

The State of Louisiana has also acted in this area. In 1979, the State of Louisiana passed the Hazardous Materials Transportation and Motor Carrier Safety Act, or LSA-R.S. 32:1501 et seq. This law generally provides for certain required permits, insurance, prohibits the discharge of hazardous materials and prescribes penalties for violations. It likewise does not speak with respect to limiting, in the geographical sense, where hazardous materials may be transported.

It is a commonly accepted legal principle, that when a superior legislative body, such as Congress, legislates, then inferior legislative bodies such as the State or a local governmental unit, may legislate only to the extent that the local legislation would assist in implementing the policies advanced by the superior legislation and that the local governmental unit may not enact any laws directly on the same subject which are in conflict. For example, should the State of Louisiana legislate that the speed limit on a given state highway which runs through the middle of a town is 60 mph, the local governmental bodies then are powerless to fix a different speed limit. However, if the State of Louisiana does not legislate with respect to the speed limit on that portion of the state highway

which runs through town, then the local government may legislate in that area.

What this all means is that yes, to some extent, the railroads may be forced to restrict the movement of hazardous materials in the project area. What limitations may be proposed or considered may have to be carefully examined in light of present federal law, federal regulation and state law. To the extent that any such proposals may conflict with already existing law, they would have to be discarded.

It is important to note that under the provisions of 49 USC 1811, a state or parish may make application to the Secretary of the United States Department of Transportation relative to a desire to legislate with respect to the movement of hazardous materials. If the Secretary determines that a proposed regulation on the local level affords an equal or greater level of protection to the public than is offered by federal law and that such proposed local legislation would not unreasonably burden commerce, the state or local governmental unit may be permitted to legislate with respect to the transportation of hazardous materials. With respect to whether or not something unreasonably burdens interstate commerce, all of the previous discussion relative to past and present Jefferson Parish ordinances should be considered.

- e) Can the railroads be legally forced to reduce the number of trains using the tracks?

All of the preceding discussion relative to the past and present Jefferson Parish ordinances is equally applicable to prospective legislation. The questions will be whether or not any such legislation will unreasonably burden interstate commerce.

3. Determine likelihood of success in pursuing legal avenues to remove or restrict rail operations.
- a) If Jefferson Parish initiates legal action to remove/relocate the tracks, how likely are they to succeed?

As a result of the decision in New Orleans Terminal Company v. Spencer, 366 F.2d 160, (5th Cir. 1966), it is clear that removal of the tracks could only be accomplished after approval of the Interstate Commerce Commission.

Further, based upon the court decisions in this state through the Dept. of Highways v. Davis and Louisiana

Power & Light Co. v. City of Houma, supra, discussed above, the Parish of Jefferson could not appropriately expropriate the property under current legislation. A special legislative act must be sought from the state legislature directly authorizing Jefferson Parish, or parishes in general, to expropriate property which has already been placed in public use by railroads. Even if such authority could be obtained from the state legislature, under the provisions of the Louisiana Constitution, property may not be expropriated without payment of just compensation. Therefore, while with a special legislative authorization Jefferson Parish may be able to expropriate the property upon which the railroad track sits, it would in all likelihood not be able to do so without paying a substantial price therefor. Careful consideration must be given to what is the potential cost of such expropriation before this course of action can be further considered.

- b) If a group of private citizens in the project area take legal action to remove/relocate train traffic from the project area, how likely are they to succeed?

The only avenue open to private citizens is the general nuisance law which has been described in the foregoing section. The Louisiana Supreme Court has previously ruled that the ordinary operations of a railroad do not constitute a nuisance under this particular law. That decision was, of course, in 1898, at a time when the societal mood regarding railroads was somewhat different than now. However, the case is clear precedent and suggests that private citizens would not be successful. Furthermore, given that the railroad has been at its present location for approximately 40 years, it probably pre-dates most of the private citizens who voluntarily decided to live in that area. The railroad track was already there, and they cannot now, having located next to what they term to be a nuisance, be heard to complain about it. This is a classic estoppel argument for which much support can be found. Therefore, the likelihood of success of private citizens is minimal.

4. Research possibility of holding Southern Railway liable for all violations occurring on the NOT tracks.
- a) Can the Southern Railway, as owners of the tracks, be held liable for violations of the Parish ordinances concerning restriction of train operations made by any of the railroads operating in the study area? For example, if the Union-Pacific Railroad blocks a crossing with a passing train for 12 minutes, can the Southern Railway be cited because they

own the tracks and gave the Union-Pacific permission to operate on that line? This should be examined regarding each of the applicable ordinances.

While the request is noted that this matter be addressed on an ordinance-by-ordinance basis, such is not necessary. Historically, our criminal justice system has sought to punish only those who have participation in the necessary acts or omissions in order to constitute a crime. The suggestion that Southern Railway, as owners of the tracks, be held liable for violations of the ordinances by anyone using the tracks, is a suggestion that Southern Railway be subjected to criminal sanctions irrespective of any fault or ill will on its part. Such a concept is foreign to the criminal law of our country. Under our American system of justice, we impose penal treatment upon those who injure or menace social interest, partly in order to reform, partly to prevent the continuation of the anti-social behavior and partly to deter others. If the prevailing societal mood is that if a citizen (whether corporate or personal) has lived up to the social standards of the criminal law and has not menaced or injured anyone, why impose penal treatment? Under the well established precepts of our criminal law, there must be a mens rea — an evil, sinister intent - or such recklessness as to constitute intent by inference. The courts have fairly uniformly held that in situations where the party is charged with an offense merely because he was the owner of a thing, but who had no control over the person who was the actual user of the thing, laws imposing criminal liability upon the owner are unconstitutional. In one significant case decided in 1960, Commonwealth v. Koszwar, 155 A.2d 825 (Pa. 1959), a case dealing with an employer being held liable for the actions of an employee of which he was unaware, stated:

"It would be unthinkable to impose vicarious criminal responsibility in cases involving true crimes. Although to hold a principal (the employer) criminally liable might be an effective means of enforcing law and order, it would do violence to our more sophisticated modern-day concepts of justice...."

In conclusion, I believe there is substantial legal impediment to the enforceability of any sort of ordinance which would hold Southern Railway liable for all violations occurring on the NOT tracks.

5. Research past claims of railroad promise to remove the second track and identify possible legal avenues for removing the second track and determining the likelihood of success of such actions.
- a) Is there any legal document stating that the railroad promised to remove the second track which was reportedly installed to facilitate wartime movement of goods?

A review of records maintained by the Jefferson Parish Council and by the various courts in the New Orleans area reveals no documentation of any such promise. In 1942 the Jefferson Parish Police Jury enacted Ordinance number 812 through which it gave the New Orleans Terminal Company permission for the construction of one additional rail crossing over Labarre Road and for additional crossings over Shrewsbury Road. This ordinance cited the fact that the New Orleans Terminal company was a common carrier and desired the permit "in order to move the National Defense materials and its other freight and business expeditiously." In December, 1958, the Jefferson Parish Council enacted ordinance number 3911 purporting to repeal ordinance number 812. In New Orleans Terminal Company v. Spencer, 366 F.2d 160 (5th Cir. 1966), the United States Fifth Circuit Court of Appeals determined that the Jefferson Parish Council was powerless to repeal the ordinance as a result of the enactment by congress of certain statutes giving jurisdiction to the Interstate Commerce Commission.

- b) Nathan Greenburg, a Westbank attorney, represented Jefferson Parish in efforts to remove the second track some 10 to 15 years ago. What was the procedure he followed? What was the result? Has the situation changed enough in recent years to warrant another legal effort to have the second track removed?

A review of the court records fails to reveal the existence of prior litigation in which Nathan Greenburg represented Jefferson Parish and in which the issue in focus was removal of the second track.

- c) If another legal effort to remove the second track is lost, what legal avenues are available to accomplish this (be it Jefferson Parish or private citizens)? What is the possibility of success, should an attempt be made?

Once one understands what is necessary in order to accomplish removal of the tracks completely, then one understands that the same process is necessary for the removal of half of the problem (one of the tracks). As

reviewed in Sections 2(a) and 2(b) of this report, if Jefferson Parish desired to force the removal of the second track, it would have to do so pursuant to expropriation, which would necessitate the payment of just compensation to the railroads. Further, should private citizens seek the removal of the second track, it could only be done if it could be demonstrated that the second track constitutes a nuisance. The Parish of Jefferson could certainly be successful in this endeavor provided it first obtained the necessary legislative authorization to expropriate property already within the public domain, as detailed in Section 2(a) of this report, and was prepared to pay the railroads just compensation. ICC approval is also necessary. The likelihood of success of the citizens in having the second track declared a nuisance appears quite slim.

6. Research legal and liability questions concerning the restriction of noise horns in the NOT corridor.
- a) What laws currently require the railroads to blow their horns at grade crossings (state and/or federal)?

The State of Louisiana, in L.S.A.-R.S. 32:168, requires that everyone operating a railroad in this state equip each locomotive engine with a bell and a whistle horn which can be heard for a distance of 300 yards. Upon approaching at grade any street or highway crossing, regardless of whether or not the crossing is otherwise protected, the party operating the train shall cause either the bell to be sounded continuously or blasts of the whistle or horn to be sounded in a manner prescribed by certain uniform railroad operating rules. In the event that the distance between two crossings is less than 300 yards, then the train is required to sound its horn or whistle, or ring its bell, from one crossing to the next.

- b) How can these laws be changed to prohibit trains from blowing their horns through the project area?

It has been mentioned elsewhere, when a superior governmental entity, such as the State of Louisiana, specifically legislates on a subject, an inferior governmental unit (such as Jefferson Parish) may not provide any conflicting law. Railroads operating through the NOT corridor are required to adhere to the provisions of state law relative to the sounding of the horn or whistle, or the ringing of a bell. In order to provide some alternate warning system, while at the same time decreasing the noise level in the corridor, an amendment of this particular law would be necessary. The statute relative to the sounding of

warning has as its purpose the warning of motorists and the prevention of accidents at grade crossings. This applies regardless of what other warning devices may be present at the crossings. Consideration may be given to the installation of gates at all crossings (if, in fact, these are not presently in place) and the shortening of the distance prior to the crossing in which the train must blow its horn or whistle or ring its bells. Regardless, action in the State Legislature will be necessary before Jefferson Parish can effectively legislate in this area. Otherwise, the railroads will be required to continue to adhere to state law. These comments are made after due consideration of the provisions of Section 9 of Chapter 28 of the Code of Ordinances of the Parish of Jefferson. This section requires that all railroads operating in the vicinity of Carrollton Avenue to Airline Highway cease and desist from blowing whistles or horns during the hours of 11:00 p.m. to 6:00 a.m. Under the ordinance, the railroads are required to employ someone to proceed the trains at the above location to forewarn traffic proceeding across the intersections.

While this ordinance has not been tested in court, it is my opinion that since the Louisiana Legislature, in L.S.A.-R.S. 32:168 has specifically addressed the question of the blowing of horns and the ringing of bells, that violations of Section 9 could not be successfully prosecuted. This observation is supported by an opinion written by the Attorney General in 1950. At that time, the Attorney General was called upon to opine whether or not the Town of Westlake could prohibit trains from blowing whistles as required by state statute. For the reasons expressed, it was the Attorney General's opinion that the Town of Westlake could not. Please be mindful that opinions of the Attorney General, though somewhat persuasive in judicial proceedings, are not afforded the same weight as statutes or prior jurisprudence. Their function is merely that of persuasion and they are not regarded as being authoritative.

- c) How has this been accomplished in other areas of the state or country?

In other jurisdictions, the state legislature has enacted a statute in essence delegating to local governmental units exclusive power to prescribe signaling requirements within its borders. This has been done in Kentucky. Under a statute such as this, each local governmental unit, being more familiar with its peculiar problems than the state legislature could ever be, can then legislate as necessary to further the local public objectives. It is necessary that any signaling regulations which may be adopted by a local governmental unit be reasonable and calculated to

further the health, safety and welfare of the citizens of that locale.

- d) Who assumes liability should an accident occur? Can an agreement be made with the State or Parish for liability to be assumed by some entity other than the railroads?

The jurisprudence of this state makes it quite clear that if a motorist is injured through the failure of the railroad to provide an adequate warning, it is the railroad who must stand responsible for the accident. Recent jurisprudence suggests that with respect to a state highway, where there is an inadequacy in the type of warning system utilized, the State of Louisiana may be responsible as well.

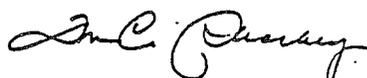
The liability of a railroad in cases of an inadequate warning are grounded in the basic principle that every act of man which causes damage to another obliges him by whose fault it happened to repair it. In other words, if it is your fault that something broke, you have to fix it. Liability is not imposed without some finding of fault, even in the so-called "strict liability" area such as products liability. Should some sort of signaling ordinance be enacted which provides a lesser warning than that presently prescribed by L.S.A.-R.S. 32:168, and an accident results, under current law that liability will fall principally upon the railroad companies. There are no laws which prohibit the railroads from placing warning bells at every crossing, from placing gates at every crossing, or even from having someone stationed at every crossing to warn motorists that a train is coming. It all boils down to a question of convenience and expense. If the railroads operating in the corridor should be lawfully prohibited from blowing their whistles except under certain conditions, other avenues of warning are available. With respect to liability, I know of no entity other than the state or parish who could conceivably desire to assume liability which now rests principally upon the shoulders of the railroads. The State of Louisiana could, to some extent, relieve railroads of that burden through the enactment of special legislation defining precisely under what circumstances a motorist injured in an automobile-train collision could recover damages. For example, the legislature could decree that the failure on the part of the railroad to blow its horn announcing the approach of the train is insufficient to support a suit against it if there were other warning devices at the crossing. A hundred different possibilities could be determined.

- e) Would warning devices (i.e., gates and flashing lights) have to be installed as an alternative to the train horn?

To some extent, I have already commented upon this point. From a technical legal standpoint, the answer is no, provided that some sort of special legislation is enacted which to some extent curbs the grounds upon which an individual injured in an automobile-train collision could sue both the state, the parish and the railroad involved. Absent special legislation, if no train horn or whistle was employed as a warning device, the utmost care would have to be taken by the railroad and the governmental authorities to provide sufficient warning to motorists of an approaching train. All of the railroad warning systems with which I am familiar employ the whistle and horn on the train as an integral part of the system. It would not be surprising if a railroad engineer would opine that the warning horn and bells are one of the most important parts of the warning system presently used by our railroads today.

I certainly hope that I have both completely and succinctly responded to your inquiries.

Sincerely,



William C. Shockey

ktc

* With respect to railroad complaints in Metairie, this chain of enforcement has been altered. The District Attorney's Office has taken over the duties of accepting these complaints and has devised a form expressly for this purpose. This form is available from the District Attorney's Office.

A P P E N D I X

F

APPENDIX F



Robert G. Graves
Secretary

Department of Transportation and Development

P. O. BOX 94245
BATON ROUGE, LA. 70804-9245



Edwin W. Edwards
Governor

SOLICITATION OF VIEWS FROM AGENCIES AND OTHER GROUPS

FOR

STATE PROJECT NO. 736-10-48
F.A.P. NO. RR-022R(007)
METAIRIE RAILROAD - HIGHWAY TRAFFIC
FLOW AND ACCESS STUDY
RAILROAD DEMONSTRATION STUDY
JEFFERSON PARISH

MAILED OUT: 8-21-86



Robert G. Graves
Secretary

Department of Transportation and Development

P. O. BOX 94245
BATON ROUGE, LA. 70804-9245



Edwin W. Edwards
Governor

(504) 342-7542
August 20, 1986

SOLICITATION OF VIEWS

STATE PROJECT NO. 736-10-48
F.A.P. NO. RR-022R(007)
METAIRIE RAILROAD - HIGHWAY TRAFFIC
FLOW AND ACCESS STUDY
RAILROAD DEMONSTRATION STUDY
JEFFERSON PARISH

Early in the consideration of the development or improvement of a traffic corridor in a particular area, the Department solicits the views and comments of those Federal, State and local public advisory, resource, recreation, and planning agencies and those Federal, State, and local officials, groups, organizations, and individuals, which by special expertise or interest would be concerned or affected by the highway location, design, or the social, economic, environmental, and other impacts of the proposal. Your views and comments in regard to this solicitation will hopefully assist the Department in the early identification of possible adverse economic, social or environmental effects that should be given consideration in the development of the captioned project.

Due to this early request for your views, there exists very limited data concerning this proposed improvements; however, we are attaching a sketch map showing the general location of the project, along with a statement containing a very preliminary description of the proposed project.

It is requested that you review the proposed location and limits of this project and furnish us with your views and comments, together with any supportive documentation warranted, relative to this proposal by September 22, 1986.

Solicitation replies should be addressed to Louisiana Department of Transportation and Development; Public Hearings and Environmental Impact Engineer; P. O. Box 94245; Baton Rouge, Louisiana 70804-9245.

Sincerely,

VINCENT PIZZOLATO
PUBLIC HEARINGS AND
ENVIRONMENTAL IMPACT ENGINEER

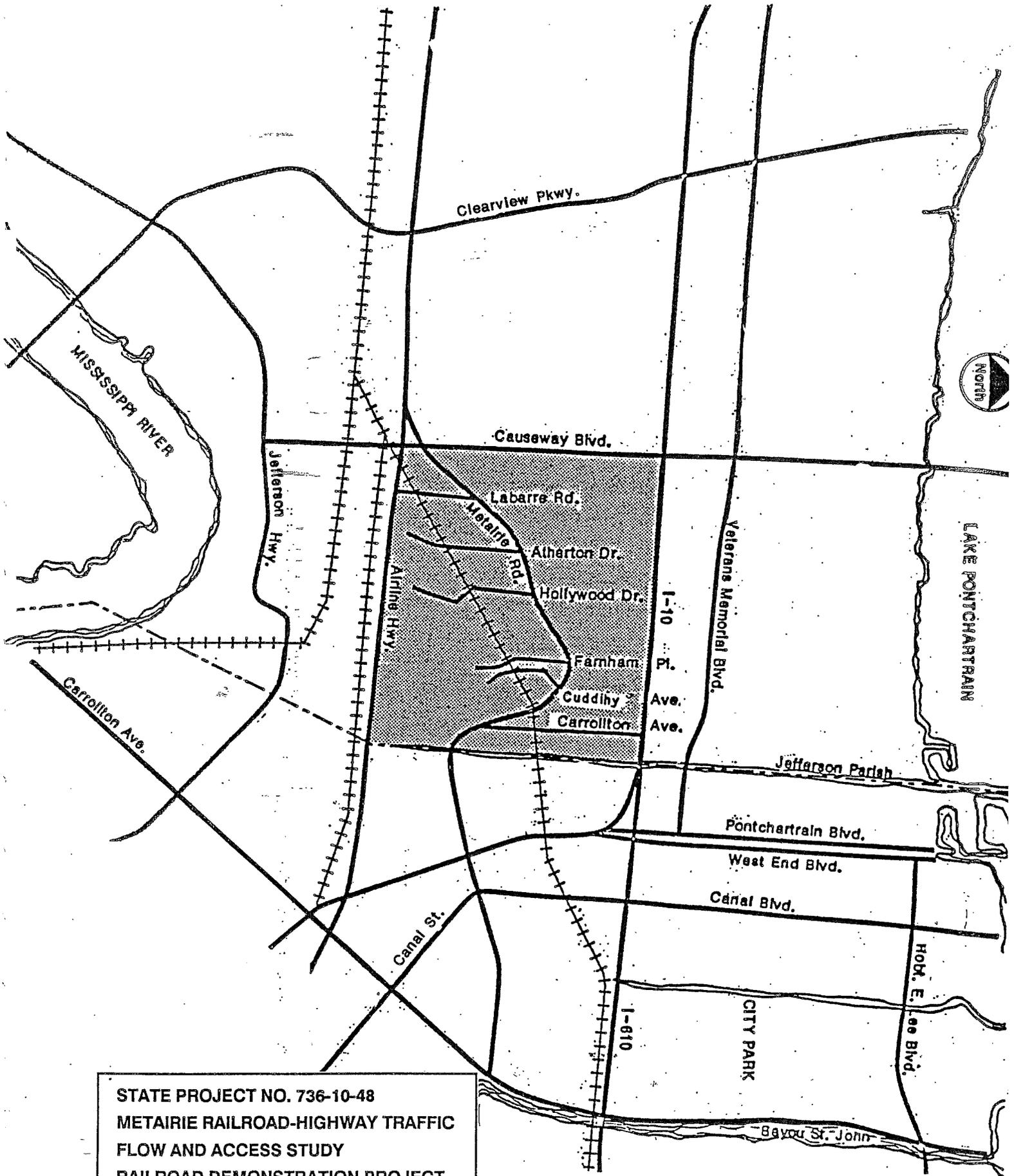
VP/MMD/mw
Attachments

PRELIMINARY PROJECT DATA
STATE PROJECT NO. 736-10-48
FEDERAL AID NO. RR-022R(007)
METAIRIE RAILROAD - HIGHWAY TRAFFIC FLOW AND ACCESS STUDY
RAILROAD DEMONSTRATION PROJECT
JEFFERSON PARISH

The proposed project calls for the development of a comprehensive plan for easing the railroad-highway traffic flow conflicts and other problems associated with the presence of the railroad in the Old Metairie area. The public has been involved in one public meeting for purposes of developing a list of alternatives.

The project area consists of a primarily residential community with commercial and light industrial activities limited to locations on Metairie Road and Airline Highway. Very little vacant land exists with the exception of Metairie Playground, Metairie Country Club, and scattered school playgrounds. The New Orleans Terminal (N.O.T.) Railroad tracks bisect the project area diagonally. These facilities consist of: a single set of tracks between the 17th Street Canal and Metairie Road; a double set of tracks from Metairie Road to Causeway. Seven railroad crossings occur in the study area: Labarre Road, Atherton Drive, Hollywood Drive, Farnham Place, Cuddihy Drive, Metairie Road, and Carrollton Avenue.

Alternatives under consideration include: (1) No action; (2) physical construction measures; and (3) operational measures. A public hearing will be held in conjunction with the EIS.



STATE PROJECT NO. 736-10-48
 METAIRIE RAILROAD-HIGHWAY TRAFFIC
 FLOW AND ACCESS STUDY
 RAILROAD DEMONSTRATION PROJECT
 JEFFERSON PARISH, LA

Senator Samuel B. Nunez, Jr.
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Chalmette, LA 70043

Senator John J. Hainkel
704 Carondelet St.
New Orleans, LA 70130

Senator Fritz Windhorst
P. O. Box 409
Gretna, LA 70054

Senator Elwyn J. Nicholson
7300 Westbank Expressway
Marrero, LA 70072

Senator Ken Hollis
P. O. Box 6522
Metairie, LA 70009

Senator Francis "Hank" Lauricella
900 Commerce Rd., East Suite 100
Harahan, LA 70123

Representative Jessie Guidry
P. O. Box 1407
LaRose, LA 70373

Representative Eddie Doucet
8917 Jefferson Highway
River Ridge, LA 70123

Representative Kernan Hand
5516 Toby Lane
Kenner, LA 70062

Representative Charles Lancaster
2201 Veterans Blvd., Suite 200
Metairie, LA 70002

Representative Charles Cusimano
3636 N. Causeway, Suite 106
Metairie, LA 70002

Representative Quentin Dastugue
P. O. Box 10716
Jefferson, LA 70181

Representative John Alario, Jr.
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Westwego, LA 70094

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Representative N. J. Damico
740 Lydia Ct.
Marrero, LA 70072

Representative James Donelon
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Metairie, LA 70009

Representative Edward D'Geroloune
916 Williams Blvd.
Kenner, LA 70062

Jefferson Parish Council
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Gretna, LA 70053

Jefferson Parish School Board
519 Huey P. Long Ave.
Gretna, LA 70053

Jefferson Parish Civil Defense
Director
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Marrero, LA 70073

Jefferson Parish Sheriff
Gretna, LA 70053

Harahan Planning & Zoning Comm.
Chairman
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Kenner Planning Dept.
Director
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Westwego City Planning Commission
Chairman
Westwego City Hall
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Louisiana State Police
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LA Cooperative Extension Serv.
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Extension Assistant (Marine
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Louisiana Coastal Management Section
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Executive Director
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New Orleans, LA 70190

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222 Cannon
Washington, D.C. 20515

Congresswoman Lindy Boggs
2253 Rayburn Building
Washington, D.C. 20515

Senator John Breaux
Senate Office Building
Washington, D.C. 20510

Senator J. Bennett Johnston
136 Hart Building
Washington, D.C. 20510

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LA Archaeological Society
Delta Chapter
P. O. Drawer B
Reserve, LA 70084

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Dept. of the Army
New Orleans District, Corps of
Engineers
P. O. Box 60267
New Orleans, LA 70160

Commander (obr)
85th Coast Guard District
500 Camp Street
New Orleans, LA 70130

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Chairman
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Grand Isle, LA 70358

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New Orleans, LA 70112

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Executive Director
Regional Planning Commission
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New Orleans, LA 70130

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Metairie, LA 70001

Farnham Place Civic Assoc.
c/o Mr. Richard Hammel
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Metairie, LA 70005

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Executive Director
Regional Transit Authority
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Old Metairie Drainage Assn.
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Jefferson Parish Sheriff's Office
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Metairie, LA 70001

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Policy Planning Division
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Linda Guillott
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Crescent Soil and Water
Conservation District of Louisiana
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Metairie, LA 70002

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Kenner, LA 70062

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New Orleans, LA 70152

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L & A Railroad Co.
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Metairie, LA 70005

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Jefferson Parish Public Library
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Metairie, LA 70005

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Terminal Superintendent
Union Pacific System
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Avondale, LA 70094

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Two Illinois Center
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Norfolk Southern Corp.
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Mr. Weidert
Jefferson Parish Fire Dept.
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Metairie, LA 70011

Mr. Challen Caskie
Southern Railway System
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Beverly Knoll Civic Assn.
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Public Belt Railroad Comm.
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New Orleans, LA 70130

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President
Metairie Women's Club
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Metairie, LA 70055

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President
Crestmont Park Civic Assn.
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Metairie, LA 70005

Mr. Steve Conroy, President
Oakridge Park Civic Assn.
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Metairie, LA 70005

Jefferson Parish Department
of Drainage
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Metairie, LA 70005



JEFFERSON PARISH LOUISIANA

DEPARTMENT OF
PUBLIC WORKS ENGINEERING
TRAFFIC ENGINEERING DIVISION

2100 DICKORY AVENUE
HARAHAN, LOUISIANA 70123
TELEPHONE: (504) 733-3200

September 5, 1986

Mr. Vincent Pizzolato
Public Hearings and
Environmental Impact Engineer
LA Dept. of Transportation & Development
P. O. Box 94245
Baton Rouge, LA 70804-9245

Re: State Project No. 736-10-48
F.A.P. No. RR-022R(007)
Metairie Railroad - Highway Traffic
Flow and Access Study
Railroad Demonstration Study
Jefferson Parish

Dear Mr. Pizzolato,

Reference is made to your request of August 20, 1986 for solicitation of views and comments on subject study.

The following is a list of general comments regarding this study which are herewith offered for consideration and attention:

- 1) The existence of this railroad corridor has reduced orderly inter-parish traffic flow. Metairie Road (LA 611-9) is interdicted by railroad operations. This action creates greater demands on the alternate inter-parish crossings which are strained to capacity.
- 2) Intra-parish vehicular and pedestrian travel is restricted. The rail route bisects long-standing school districts and contiguous neighborhoods.
- 3) When the Metairie Road crossing is blocked by rail operations vehicular traffic uses local residential streets to complete trips. This action increases hazard to adjacent area residents and motorists. It also increases damage to these roadways some of which are not designed to meet these increased loads. This increases maintenance costs to the public.

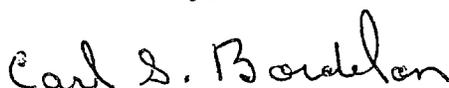
- 4) Rail operation disrupts an established transit route. The disruption is severe enough to make a significant negative economic impact to bus revenues. This is caused both by decreased ridership and increased costs associated with trying to provide acceptable headways during the disrupted schedules.
- 5) There is an increased accident potential created by the minimal sight distance (vehicle-train and vehicle-vehicle) because of horizontal and vertical curves.
- 6) Rail operation affects capacity by disrupting normal traffic flow. At signalized intersections along Metairie Road long periods of no vehicles followed by periods of high volumes arriving at signals simultaneously creates capacity deficiencies at the signals which cannot be overcome by the equipment or design.
- 7) The obvious increased costs to the public in wasted fuel and time delays should, of course, be addressed in this study.
- 8) There are obvious negative environmental, aesthetic and social affects to the continued operation of the existing conditions.

In view of the importance of this study this office offers its support in any efforts to obtain information relative to existing traffic data which we could supply.

I trust you will keep us advised of the progress of this study and offer further opportunity to comment as it becomes apparent.

I trust this is the information you desire. Should you require additional information do not hesitate to call.

Sincerely,



Carl S. Bordelon
Traffic Engineer Supervisor

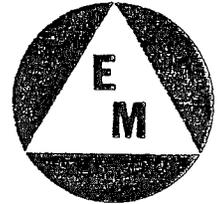
CSB/LD/al

cc: Joseph Yenni
Warren Lavelle
Jose' Gonzalez
Phillip Biondillo



JOSEPH S. YENNI
PARISH PRESIDENT

**JEFFERSON PARISH
LOUISIANA**
Department of Emergency Management



PAUL D. CONNICK
DIRECTOR

September 2, 1986

Mr. Vincent Pizzolato
Public Hearings and
Environmental Impact Engineer
Dept. of Transportation and Development
P.O. Box 94245
Baton Rouge, LA 70804-92445

Dear Mr. Pizzolato:

Jefferson has maintained a fire station (Station No. 14) at 1714 Edinburgh Street. This location is in the proposed study area and is between the New Orleans Terminal Railroad (N.O.T.RR) track and Airline Highway. Experience in the past has shown that the heavy amount of traffic on the N.O.T.RR and the relative slow speed of the trains has effectively blocked traffic quite frequently. This in turn delays the response of emergency vehicles. Thus, in order to ensure a reasonable response time for fire apparatus in the area surrounded by the N.O.T.RR, Airline Highway and the Jefferson-Orleans Parish line, it was necessary to construct and maintain a fire station in said area. Fire apparatus from Jefferson Highway is also effectively cut off by railroad tracks south of Airline Highway.

Presently, the efficiency of Station No. 14 is quite poor because it is necessary to restrict the area serviced from this station. We find it difficult to expand the area served by Station No. 14 to extend beyond the N.O.T.RR for fear that a train will block the crossing should a call for fire department service be received from the area south of the N.O.T.RR. However, Jefferson Parish does not have sufficient funds to maintain a fire station specifically for the small area in question. Thus, with tongue in cheek, crossed fingers and every other good luck omen we can call upon, we find it necessary to extend the services by Station No. 14 to areas beyond the N.O.T.RR. We hope and pray that when the equipment and personnel from Station No. 14 must respond north of the N.O.T.RR that no other calls come in south of the tracks especially when a train may be blocking a street.

One other effect that the grade level train traffic creates is the delay of assistance from other fire stations should a street crossing be blocked. Delays of this nature have occurred in the past. Fortunately, Station No. 14 was able to respond unimpeded to the emergency.

The parking of trains loaded with hazardous chemicals was always a matter of concern. With the development of more and more hazardous products, the problem of spills and accidents become more critical. We believe the problem of parking railroad cars in the proposed study area has improved somewhat during the past several years, the problem has not been entirely resolved.

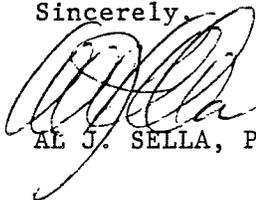
The operations of the railroad itself creates problems from the standpoint of blocking street crossing for as much as 8, 10, 12 or more minutes. On the other hand, trains travelling at greater speeds tend to increase the probability of a derailment with subsequent spillage of product. These incidents have occurred in the past, some of which had great potential for a major catastrophe. It goes without saying maintenance of tracks and equipment has a major impact on the probability of major incidents.

The solution can be simple or very detailed and costly to implement. The simplest solution is to cease running rail traffic over these sections of track. Other solutions vary from elevating the tracks so that streets pass under the elevated structure or depress crossing streets under the tracks. These two solutions may be quite feasible but the cost would probably be prohibitive. Another solution might be the monitoring of grade crossing streets with information transmitted to the Communication Center in Jefferson Parish to indicate the streets that are blocked, the speed of the train, the anticipated time the street will be blocked, when a street is open and other such pertinent information. Certainly the technology is available to develop such a signaling system. Although the cost and maintenance of such a system might be significant, it no doubt will be much more reasonable than overpasses and other types of grade separations.

In summary, the railroad traffic in the proposed study area creates serious problems for the fire department from a response standpoint. Additionally, the potential problem of spills and other accidents can create serious if not devastating life safety problem. This is a major concern because the tracks in the proposed study area bisects mainly residential areas. The caution which we must observe in delinating the service area for Station No. 14 is translated into additional costs because other facilities must be provided and so located to protect areas that would normally be assigned to Station No. 14. Solutions short of ceasing rail traffic will vary in cost and feasibility. The bottom line we feel is that something positive should be done to relieve some of the problems facing the fire service.

We appreciate the opportunity to speak up on this matter and request we be kept informed of the future progress of this project.

Sincerely,



AL J. SELLA, P.E.

AJS:sdd

cc: Paul Connick
Lisa Laman



DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P.O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF:

September 11, 1986

Operations Division
Flood Control

Louisiana Department of
Transportation and Development
Public Hearings and
Environmental Impact Engineer
Section 28
Post Office Box 94245
Baton Rouge, Louisiana 70804-9245

Dear Sir:

This letter is in response to your "Solicitation of Views" (SOV) for the proposed development of a comprehensive plan for easing railroad-highway traffic flow conflicts and other problems relevant to a railroad in Old Metairie of East Jefferson Parish, dated August 20, 1986, S.P. No. 736-10-48.

The solicitation has been reviewed for potential Department of the Army (DOA) regulatory permit requirements and impacts on DOA projects.

There are no anticipated adverse impacts on any DOA project.

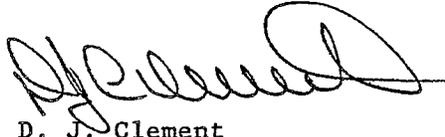
Information provided in your SOV and in-house information indicate that the entire area involved is classifiable as urbanized and not subject to DOA regulatory authority under current rules. Jefferson Parish is included in EPA's consolidated list of "Special Cases" for determination of the extent of EPA and/or DOA regulatory jurisdiction. Inasmuch as the affected area is urbanized, we would not anticipate that work in the area, resulting from this proposal, could constitute a "Special Case".

Necessarily off-site locations of activities relevant to any work such as borrow, disposal, and work mobilization site development may, however, mandate individual DOA permit action, have an impact on a DOA project, or necessitate redetermination of the extent of EPA and/or DOA regulatory jurisdiction under "Special Case" considerations.

Should you have any questions concerning DOA regulatory permit program requirements, you may contact Dr. T. C. Davidson or Mr. R. L. Poitevent at (504) 862-2270 or 862-2273, respectively.

Should you have any questions concerning wetland determinations relevant to the proposed project, you may contact Dr. L. F. Baehr at (504) 862-2259.

Sincerely,



D. J. Clement
Chief, Project Operations Branch

Copies Furnished:

Mr. Clinton B. Spotts
Environmental Protection Agency
Mail Code 6E-F
First International Building
1201 Elm Street
Dallas, Texas 75270

Louisiana Department of
Urban and Community Affairs
Office of State Clearinghouse
Post Office Box 44455
Capitol Station
Baton Rouge, Louisiana 70804



JEFFERSON PARISH

PLANNING DEPARTMENT

September 12, 1986

JOSEPH S. YENNI
PARISH PRESIDENT

PHILIP BIONDILLO
DIRECTOR

Mr. Vincent Pizzolato
Public Hearings and Environmental
Impact Engineer
Louisiana Department of Transportation
and Development
Post Office Box 94245
Baton Rouge, Louisiana 70804-9245

Dear Mr. Pizzolato:

This is in reference to the "Solicitation of Views" for State Project No. 736-10-48, Metairie Railroad-Highway Traffic Flow and Access Study, Railroad Demonstration, Jefferson Parish".

This project calls for the development of a comprehensive plan for easing the railroad-highway traffic flow conflicts and other problems associated with the presence of trains in the Old Metairie area.

The citizens of Metairie have registered complaints to local, state and federal officials for over 30 years with regard to railroad tracks running through the heart of their neighborhood. Local ordinances, court cases, and continued bargaining have been used by both the citizens and local officials in an attempt to physically remove the railroad tracks from their neighborhood. Most of these efforts have been unsuccessful, with the exception of a five-minute grade crossing law prohibiting the railroads from blocking any grade crossing for longer than five minutes. Even this ordinance has been unsuccessfully enforced.

The Jefferson Parish railroad problem originally was brought to the attention of the Federal Railroad Administration in mid-1972 by the combined offices of the Louisiana Congressional delegation. The Federal Railroad Administration completed a field report in September 1972, which suggested examining different alternatives such as "in-place" improvements that could be made in a relatively short period of time at substantially less cost than a complete relocation project. In June 1974, the consulting team of CONSAD Research Corporation and Kaiser Engineers were awarded an \$89,000 contract to conduct a feasibility study to assist all of the

Mr. Vincent Pizzolato
Louisiana Department of Transportation & Development
September 12, 1986

parties concerned to gain a better understanding of the financial, engineering, environmental and rail operational aspects of the problem. With the report completed the local congressional delegation was successful in including Metairie as one of the Railroad/Highway Demonstration Projects, funded by the Federal-Aid Highway Act of 1976.

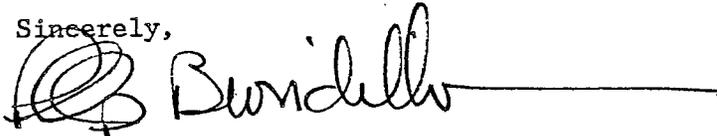
The first phase of the Metairie Railroad Highway Demonstration Project was implemented in June of 1985. This included the relocation and consolidation of the L&A train traffic into the ICG corridor. Grade crossings were eliminated at 19 intersections, providing free flow of traffic for 122,000 motorists daily.

This new Highway Traffic Flow and Access Study will address the Old Metairie problems. It is obvious that most alternatives will be a positive benefit to the residents of Jefferson Parish by eliminating traffic back-ups, will decrease air pollution from exhaust fumes created by concentrations of automobiles idling and waiting for trains, and will help speed-up access to the area for emergency equipment.

In summary, I feel that this study and the resultant recommendations will be one of the most positive projects to improve the environmental standards of our residents.

Thank for the opportunity to comment on this project in the early planning stages.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip Biondillo", with a horizontal line extending to the right from the end of the signature.

PHILIP BIONDILLO
DIRECTOR

xc: Hon. Joseph S. Yenni, President, Jefferson Parish
Hon. Robert B. Evans, Jr., Chairman, Jefferson Parish Council
Hon. Robert L. DeViney, Jr., Councilman, District 4

PB:rm



CITY OF NEW ORLEANS

DEPARTMENT OF STREETS
ROOM 6W02 CITY HALL
NEW ORLEANS, LOUISIANA 70112

EDNEY J. BARTHELEMY
MAYOR

September 16, 1986

BETTY JO EVERET
DIRECTOR

Mr. Vincent Pizzolato
Public Hearings & Environmental
Impact Engineer
Department of Transportation &
Development
P. O. Box 94245
Baton Rouge, LA 70804-9245

RE: Solicitation of Views
S.P. #736-10-48
F.A.P. #RR-022R (007)
Metairie Railroad - Highway
Traffic Flow & Access Study
Railroad Demonstration Study
Jefferson Parish

Dear Mr. Pizzolato:

The referenced Railroad Demonstration Study in Jefferson Parish sounds similar to the "Analysis Of Alternatives In Alleviating Railroad - Community Conflicts In Jefferson Parish, Louisiana", prepared by Consad Research Corporation for the Federal Railroad Administration in May, 1975. The description included in your solicitation of views apparently are alternatives which would have no direct impact in Orleans Parish.

However, the Consad Report did propose two relocation alternatives which would have serious negative impacts within Orleans Parish. One alternative (Carrollton Curve Route), would require modifications to the I-10 at Airline Highway ramps and the Palmetto Overpass. Estimated costs for this alternate varied from \$20,961,000 to \$31,743,000 in 1975 depending upon the variations to the plan.

The other relocation alternate would involve rerouting the New Orleans Terminal (NOT) traffic along the New Orleans Public Belt tracks which follow the Mississippi River. This alternate is referred to as the Riverfront Route and was estimated to cost \$19,130,000 in 1975.

The Department would object to any alternates like the Carrollton Curve Route and the Riverfront Route which would cause serious conflicts with vehicular, transit and pedestrian travel in the City of New Orleans.

Page 2
Mr. Vincent Pizzolato
September 16, 1986

The Department would support in-place alternatives, i. e., grade separations, etc. to reduce or eliminate vehicular and train conflicts in Jefferson Parish as has occurred in Orleans Parish.

Thank you for the opportunity to comment at this preliminary stage. I am requesting that the Department of Streets be kept informed as to the progress of this effort.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Betty Jo Everett".

Betty Jo Everett
D I R E C T O R

BJE:CH:kb

cc: Robert W. Becker

September 19, 1986

Mr. Vincent Pizzolato
Public Hearings and Environmental Impact Engineer
Louisiana Department of Transportation and Development
Baton Rouge, La. 70804-9245

Dear Mr. Pizzolato:

Thank you for your letter of August 20, 1986 affording me the opportunity to express my views which, I have good reason to believe, parallel the views of many other residents of the Metairie area impacted by problems associated with the railroads which traverse Metairie.

Some 35 years ago when I moved to Metairie there were only a couple of trains per day using these tracks. As a little-used "shuttle" people were not much bothered. In the intervening years the volume of rail traffic and the length of the freight trains has grown alarmingly. Now the seemingly continuous procession of noisome diesel locomotives and freight cars is both a repetitive nuisance and ever-present danger.

Starting about 25 years ago, as Metairie residents became increasingly agitated by the expanding operations of the railroads in Metairie, a series of mass public meetings were held in an attempt to get the tracks relocated out of Metairie. As part of these actions, Mr. Oliver Clarke (now deceased) procured a comprehensive and detailed engineering plan to reroute these freight trains onto the existing UPT tracks on Pontchartrain Blvd., thence under the Carrollton Interchange and onto the tracks on Airline Highway. As you might expect, the railroads would have no part of this claiming that it would add 1.4 miles to the distance they would have to travel and that the project curve under the interchange was too sharp (not true, as was documented).

And so the battle has dragged on through the years with the railroads evidencing apparent complete contempt for the welfare, safety and interests of the residents and merchants of Metairie. Ironically enough, if my understanding is correct, the bulk of the rail freight traffic passing through Metairie is essentially an east-west interchange not even destined for the New Orleans area but simply being routed through this corridor.

My most recent effort in attempting to find solutions for problems created by these railroads involved personal discussion and correspondence with U.S. Congressman Robert L. Livingston. The attached letter well sums up my views on this railroad matter.

In the process of your State study of the Metairie Railroad Problem I would very much appreciate being kept advised from time to time of any and all conclusions you reach and progress you make.

Sincerely,


Emmett H. Fremaux

Address: 305 Cuddihy Dr.
Metairie, La. 70005

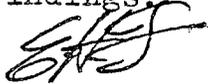
Memorandum from
EMMETT FREMAUX

SUBJECT: Metairie Railroad Problems

Following a person-to-person discussion, I have been in correspondence with U.S. Representative Robert L. Livingston concerning problems caused by the railroads which traverse and bisect Old Metairie.

Since you, too, are concerned with these problems I thought you might be interested in my attached response to Mr. Livingston's most recent letter in which he stated that he had asked Mr. John. H. Riley, Administrator, Federal Railroad Administration, to look into noise and traffic problems caused by these railroads.

In his letter Mr. Riley advised Mr. Livingston that he would provide a report on his findings.



August 11, 1986

Hon. Robert L. Livingston
Congress of the United States
House of Representatives
Washington, D.C. 20515

Dear Congressman Livingston:

Thank you very much for your help and cooperation in looking into the serious railroad problem in Metairie. As Mr. John H. Riley stated in his letter of June 16, 1986 to you, he did assign a field staff member--Mr. Maurice Thomson--to investigate the problems. Mr. Thomson came to my home in old Metairie on two occasions. I explained in detail the problems of noise, frequent lengthy blockage of crossings, excessive amount of rail traffic, heavy carbon deposits by diesel locomotives, etc., etc.

Following our initial conversation Mr. Thomson later reported that his check of decibel levels at 100 feet distance reached 100 (maximum allowable limit) and from passage of the cars, 45. Apparently neither federal nor state laws place a time limit on the duration of the whistle blasts which are usually quite prolonged, whereas two or three short blasts would suffice as a warning.

It would seem to me that federal law should dictate a distinction between allowable decibel levels in urban as contrasted with rural areas. Perhaps it is necessary for the whistle of a fast-moving freight train to be heard a country mile in the woods but certainly that doesn't hold true for a slow-moving train in a densely populated area. After all, motor vehicles are not permitted to operate air horns on city streets; why should a locomotive be allowed to rent the air at 4:00 a.m. on a Sunday morning (or any other time for that matter) with ear-splitting shrieks that cause dogs within 300 and more feet from the tracks to yowl with ear pain, babies to awaken crying and others disturbed by noise which makes conversation as well as tv or radio listening impossible while the blasting lasts. Not least have been the frequent blockage of automotive traffic at crossings (sometimes bringing horn blowing by exasperated motorists) and the negative impact on property values as the volume of rail freight traffic has increased.

Incidentally, Mr. Thomson reported that 25 freight trains per day rumble through Metairie. I am confident the count is frequently higher, and many of these are drawn by two, three, and four locomotives per train of 100-plus cars. Needless to say, a high percentage of these cars carry hazardous materials, adding to the concern of Metairie residents.

When I moved to Metairie with my family 35 years ago there were only a couple of trains a day using these tracks. New Orleans, with its UPT program; World Fair and French Quarter riverfront problems apparently caused more and more freight rail traffic to be diverted to these Metairie tracks.

I understand that during WWII, as a temporary emergency measure, the railroad was permitted to lay extra tracks through Metairie. These have never been removed, exacerbating our problem. Yet it is also my understanding that when the public good exceeds the rights of the railroads, under federal law, the rights of the public shall prevail. If this is true it has never been applied. Railroad people, in a abundance of arrogance, love to say "we were here first" as if that is the only deciding issue.

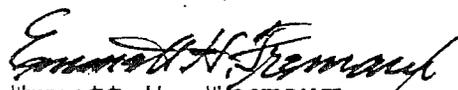
We've tried repeatedly, with some Parish help, to have these tracks removed and the traffic switched over to the riverfront and parallel to Airline Highway--all without success. Currently, .. another study is ongoing--as you probably know--on the railroad problem. Hopefully, it may suggest some solutions but past studies have ended in failure because not only have the railroads failed to remove the existing "temporary" trackage but in fact want to double track between Metairie Road and Orleans Parish (now a single track), put an overpass at Metairie Road and possibly Labarre Road, closing all crossings in between, raise the track elevation and (this they don't talk about but it was confided to me years ago by Mr. Pennvbaker, a local railroad official) permit further increases in the amount and speed of rail traffic through Metairie (Mr. Pennvbaker stated up to 72 trains in 24 hours!).

As has been demonstrated at every public meeting on this railroad matter residents and merchants alike are dead set against the overpass idea, double tracking, closed crossings, increased traffic and higher speeds (with accompanying increased likelihood of life-threatening derailments).

Perhaps, where others have failed, you may be able to help the residents and merchants of Old Metairie, Mr. Livingston. If I may suggest it, as a short-term relief measure, would it be feasible for you to sponsor a bill in the Congress to lower the intensity and lessen the duration of whistle sounding by locomotives operating in urban, as contrasted with rural areas? This in itself would make for less stressful living conditions in the urban community here as elsewhere. Like with other forms of pollution, Americans must depend on federal laws for protection against increasingly disturbing noise pollution.

Thank you once again for the interest you have shown and the attention you have given this problem. I sincerely hope you will continue your efforts to bring us relief from this long-existing dilemma caused by excessive infringement on the public's rights and welfare by the railroads.

Sincerely yours,


Emmett H. Fremaux

address: 305 Daffiny Dr.
Metairie, La 70005



P.O. Box 9371
Metairie, LA 70055
September 21, 1986

Louisiana Dept. of Trans. & Dev.
Pub. Hearings & Environmental Impact Engr.
P. O. Box 94245
Baton Rouge, Louisiana 70804-9245

Gentlemen, Solicitation of Views
 State Project #736-10-48
 F.A.P. NO. RR-022R(oo7)
 Metairie Railroad - Jeff. Parish

The Board of Directors of Crestmont Park Civic Association suggests the following:

1. Remove the siding
2. Re-open the pedestrian underpass allowing safe access to the Metairie Playground.

We want to keep the railroad right-ofway intact for flood protection, as it can serve as a safe bit of high ground in case the levee on the lake is breached. Also, it can stop water from the river in case of a levee disaster there.

In addition, the presence of the thru tracks, and their constant use, generally precludes opening of our quiet residential streets to heavy vehicular traffic. Improvement of the seven present crossings would only aggravate the already heavy traffic flow on the streets which have the crossings.

Respectfully submitted

CRESTMONT PARK CIVIC ASSOCIATION


L. Valentine Lee, Jr.
President.

OFFICERS

ROBERT B. EVANS, JR.
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Councilwoman-at-Large
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RALPH E. THAYER, Ph.D.

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JAMES J. LICCIARDI, JR.
President, Police Jury
ALVIN W. GUILLOT
Police Juror
LOUIS P. MUNSTER
Police Juror
THOMAS R. WARNER
EMILE E. PRATTINI, SR.

ST. TAMMANY PARISH

ELIZABETH TEAGUE
President, Police Jury
HERMAN A. SHARP
Vice-President, Police Jury
ERNEST COOPER
Mayor, City of Covington
RICHARD P. KELLEY
MALCOLM T. STEIN, SR.

**STATE OF LOUISIANA
DEPARTMENT
OF TRANSPORTATION
AND DEVELOPMENT**

ROBERT G. GRAVES
Secretary
JOHN LeBOURGEOIS
Executive Director

September 18, 1986

Mr. Vincent Pizzolato
Public Hearings and Environmental
Impact Engineer
Louisiana Department of Transportation
and Development
P.O. Box 94245
Baton Rouge, Louisiana 70804-9245

Dear Mr. Pizzolato:

Subject: Solicitation of Views:
State Project No. 736-10-48
F.A.P. No. RR-022R (007)
Metairie Railroad - Highway
Traffic Flow and Access Study
Railroad Demonstration Study

The Regional Planning Commission has reviewed the description for the proposed study which is being submitted to the Federal Railroad Administration. It was determined at the Regional Planning Commission meeting of Tuesday, September 16, 1986 that the proposed project does not conflict with the regional comprehensive planning process in progress under the Regional Planning Commission's program. The proposed project has also been reviewed and recommended by the staff and Federal Assistance/Activity Planning and Analysis Network Review Committee (formerly A-95 Review) of the Regional Planning Commission.

You will receive a letter of comment from the State Clearinghouse which will confirm state action on your project. If you have any questions, please contact Barbara Philips at (504) 568-6611.

Sincerely,

REGIONAL PLANNING COMMISSION

Robert B. Evans, Jr.
ROBERT B. EVANS, JR.
CHAIRMAN

RBE/bap





September 15, 1986

Mr. Vincent Pizzolato
Public Hearings and Environmental
Impact Engineer
Department of Transportation and
Development
P.O. Box 94245
Baton Rouge, LA 70804-9245

Dear Mr. Pizzolato:

RE: Metairie Road Railroad-Highway Traffic Flow & Access
Study

I am in receipt of your "Solicitation of Views" pertaining to the Traffic Flow and Access Study for Metairie Road Rail Crossings and wish to respond to the project proposal as follows;

1. The RTA is whole heartily in favor of the proposal for the development of a comprehensive plan for easing the railroad-highway traffic flow conflicts and other problems associated with the presence of the railroad in the Old Metairie area.
2. The RTA hereby requests that as a public agency responsible for the provision of mass transportation in the New Orleans Region; this agency be kept fully informed of the progress of the comprehensive plan and be included in the technical review and comment of the plan preparation.
3. Consideration of other alternatives may have a severe impact on the existing and projected plans of the RTA in its efforts to maintain and/or expand transit service in the Region.

REGIONAL
TRANSIT
AUTHORITY

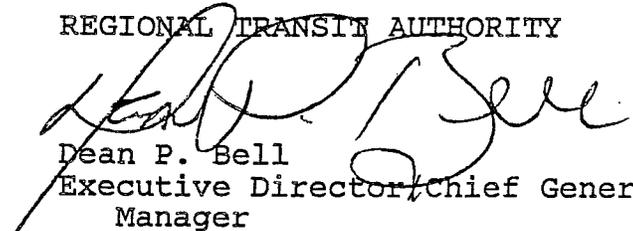
SUITE 1600
TEN-ONE HOWARD BUILDING
NEW ORLEANS, LOUISIANA 70113
504 569-2600
DEAN PERI, EXECUTIVE DIRECTOR

Mr. Pizzolato
Page Two
September 15, 1986

Should you have any questions concerning the enclosed comments please contact Thomas Schnadelbach, Director of Program Development, (504) 569-2645.

Sincerely,

REGIONAL TRANSIT AUTHORITY

A handwritten signature in black ink, appearing to read "Dean P. Bell", is written over the typed name and title.

Dean P. Bell
Executive Director/Chief General
Manager

DPB:dmd



Edwin W. Edwards
Governor

Noelle LeBlanc
Secretary

Robert B. DeBlieux
Assistant Secretary

State of Louisiana ◆ Department of Culture, Recreation and Tourism

◆ Office of Cultural Development

December 23, 1986

Ms. Claudia M. Unhold
Project Coordinator
Urban Systems Incorporated
4822 Prytania Street
New Orleans, LA 70115

Re: Old Metairie Railroad Project
State Project No. 736-10-48
USI Project 85-12
Metairie, Jefferson Parish,
Louisiana

Dear Ms. Unhold:

We have received your December 11th request for our comments on the referenced project. This section of Old Metairie contains a concentration of twentieth century residences which have not yet been inventoried. Immediately outside the project boundaries are two properties which are eligible for the National Register of Historic Places: Longue Vue and the Metairie Cemetery. Therefore, while we have no objection in principle to this project, we request that we be given the opportunity to review the project plans prior to implementation.

Should you have any questions, please do not hesitate to contact Clare Adams in the Division of Historic Preservation.

Sincerely,

Robert B. DeBlieux
State Historic Preservation Officer

RBD:CA:tb

◆ Division of Archaeology
Kathleen M. Byrd, Ph.D., Director
666 N. Foster Dr.
P. O. Box 44247
Baton Rouge, LA 70804
(504) 922-0368

A P P E N D I X

G



JEFFERSON PARISH LOUISIANA

OFFICE OF THE COUNCIL

September 16, 1988

PARISH COUNCIL

ROBERT B. EVANS, JR.
Chairman

EDMOND J. MUNIZ
At-Large, Dist. 3 & 4

LLOYD F. GIARDINA
Vice-Chairman
At-Large, Dist. 1 & 2

THOMAS J. WARD
District 1

JAMES E. LAWSON, JR.
District 2

LARRY HOOPER
District 3

BERT L. DEVINEY, JR.
District 4

WESTBANK
POST OFFICE BOX 9
GRETNA, LOUISIANA 70054
(504) 364-2600

EASTBANK
POST OFFICE BOX 10242
JEFFERSON, LOUISIANA 70181-0242
(504) 736-6600

FERRIE T. RODRIGUE
Parish Clerk
Office of the Clerk
POST OFFICE BOX 9
GRETNA, LOUISIANA 70054

Mr. Neil Wagner, Secretary
Louisiana Department of
Transportation & Development
Post Office Box 94245
Baton Rouge, LA 70804-9245

Dear Mr. Wagner:

Enclosed herewith is a certified copy of Resolution No. 62249 adopted by the Jefferson Parish Council on Wednesday, September 14, 1988, which is self explanatory.

Yours truly,

Terrie T. Rodrigue, Parish Clerk
Jefferson Parish Council

TTR/ehl
encl.

On motion of Mr. DeViney, seconded by Mr. Muniz, the following resolution was offered:

RESOLUTION NO. 62249

A resolution requesting the Louisiana Department of Transportation and Development to implement Alternative No. 25 for the installation of signalized grade crossings, as found in the Old Metairie Railroad Relocation Project Preliminary Engineering Study dated August, 1987, for the United States Department of Transportation, Federal Highway Administration, State Project No. 736-10-48.

BE IT RESOLVED by the Jefferson Parish Council of Jefferson Parish, Louisiana acting as governing authority of said Parish:

SECTION 1. That this Council hereby requests the Louisiana Department of Transportation and Development to implement Alternative No. 25 for the installation of signalized grade crossings, as found in the Old Metairie Railroad Relocation Project Preliminary Engineering Study dated August, 1987, for the United States Department of Transportation, Federal Highway Administration, State Project No. 736-10-48.

SECTION 2. That a copy of this resolution be forwarded to Neil Wagner, Secretary, Louisiana Department of Transportation and Development.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: 7 NAYS: None ABSENT: None

The resolution was declared to be adopted on this the 14th day of September, 1988.

AMG/jlb-9/13/88

THE FOREGOING IS CERTIFIED
TO BE A TRUE & CORRECT COPY

Terrie T. Rodrigue

TERRIE T. RODRIGUE

PARISH CLERK

JEFFERSON PARISH COUNCIL



CITY OF NEW ORLEANS

April 28, 1988

SIDNEY J. BARTHELEMY
Mayor

MEMBERS

- ALBERT J. SAPUTO
Chairman
- ALLISON B. RANDOLPH, III
Vice-Chairman
- RAY C. BAAS
- RICHARD BOSEMAN
- RENNAL GODCHAUX
- WILLIE A. JEFFERSON
- JOSEPH J. LOWENTHAL, JR.
- PAULETTE J. SMITH
- FRITZ W. WAGNER, PhD

Mr. Vincent Pizzolato
 Public Hearing & Environmental Impact Engineer
 Department of Transportation & Development
 P.O. Box 94245
 Baton Rouge, LA 70804-9245

Dear Mr. Pizzolato:

I have received your request for our comments on the Old Metairie Railroad Project Draft Environmental Impact Statement. I would like to comment on several alternatives that will have an impact on Orleans Parish.

Alternative #2 calls for the relocation/removal of the railroad tracks from the study area. This would result in one of two possible scenarios, neither of which the New Orleans City Planning Commission can support.

One scenario calls for the construction of new track, possibly along the Carrollton Curve route, which was studied in the 1975 CONSAD report. The current study states that this scenario is infeasible, and I would like to state that the Commission agrees with this conclusion and would be opposed to any attempts to implement such an alternative. To construct track along this route would result in a large expenditure of money for a facility which would not even be used by the railroad companies due to operational problems.

Instead of using the Carrollton Curve, the railroads would use the New Orleans Public Belt tracks (NOPB). The Commission strongly opposes this alternative as it would result in an increase of rail traffic (including hazardous materials) through the region's most densely developed areas, the CBD and the French Quarter, and along the riverfront, an area currently undergoing redevelopment to more people oriented uses.

Vincent Pizzolato
Page 2

To increase rail traffic in this corridor would mean an increase in vehicular and pedestrian delays caused by increased blockage of at-grade crossings and an increased risk of an accident involving pedestrians and/or hazardous materials. The riverfront is a key element in the City's effort to spur continued growth of the local tourism industry, a major sector in the area's economy. Any actions which would impede that growth are not in the best interests of the region.

Alternatives #5 and #10 call for the restriction of train movements in the study area. Were this to occur, movements in Orleans Parish would increase as a result, and the Commission would object to this increase.

In short, I feel that alternatives #2, 5, and 10 would adversely impact Orleans Parish and would therefore be opposed by the Planning Commission. Any actions that would result in merely shifting the problem from Jefferson Parish to Orleans Parish would also be opposed, including the Carrollton Curve and NOPB options.

Any problems due to rail-vehicular conflict in Jefferson Parish should be addressed through measures occurring in Jefferson Parish, not Orleans Parish. The Commission strongly supports such measures as grade separation at those points where the traffic conflicts occur.

I must also state our dissatisfaction with the format of the draft EIS. The report makes no recommendation as to which alternative would best solve the problem, giving the Commission no primary alternative on which to base our evaluation and comments. Additionally, the table on page 1-5 of the report, entitled COMPARATIVE IMPACTS OF ALTERNATIVES, states that alternative #2 would have only positive impacts. This totally ignores any effects on Orleans Parish, to which the Commission objects most strongly. Any attempts to solve the problem should consider the effects on all parties, not merely those effects on the residents of Old Metairie.

Vincent Pizzolato
Page 3

I appreciate the chance to express the views of the New Orleans City Planning Commission and expect to be kept appraised of any new developments regarding this matter.

Sincerely,



Robert W. Becker
Executive Director

RWB/MT/gy

cc: Mayor Sidney Barthelemy
City Council of New Orleans

5/3/88
J. M. M. M.



General Services Administration, Region 7
819 Taylor Street, D.D.
Fort Worth, TX 76102-1804

APR 27 1988

April 27, 1988

Dear Mr. Pizzolata:

Reference is made to the Draft Environmental Impact Statement for the Old Metairie Railroad Project which was sent to us for review and comments. We appreciate being included in your planning process.

At this time, General Services Administration has no owned or leased space located within the boundaries of the study area; consequently, we have no comments to offer on the project.

Sincerely,

George R. Prochaska, P.E.
Director, Planning Staff

Mr. Vincent Pizzolata
Public Hearings & Environmental Impact Engineer
Department of Transportation and Development
P. O. Box 94245
Baton Rouge, LA 70804-9245

*Hayes
Jama*



U.S. Department of Housing and Urban Development

Fort Worth Regional Office, Region VI

1600 Throckmorton

P.O. Box 2905

Fort Worth, Texas 76113-2905

April 25, 1988

Mr. Vincent Pizzolato
Public Hearings and Environmental
Impact Engineer
U. S. Department of Transportation
and Highways
Federal Highway Administration
P. O. Box 831
Baton Rouge, LA 70821

SUBJECT: Draft Environmental Impact Statement, Metairie
Railway and Heavy Traffic Flow and Access Study,
Jefferson Parish, Louisiana

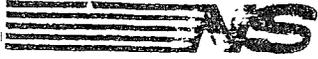
The subject report has been reviewed by this office and it has been determined that the Department has no direct involvement within the area of action.

The Department has no jurisdiction by law nor does it have special expertise in the subject matters covered. In compliance with Section 1503.2 on Environmental Quality Regulations, we submit a "no comment" response.

Sincerely,

I. J. Ramsbottom

I. J. Ramsbottom
Regional Environmental Officer



**NORFOLK
SOUTHERN**

Norfolk Southern Corporation
One Commercial Place
Norfolk, Virginia 23510-2191
804 629-2852

E. B. Burwell
Executive Vice-President
Operations

April 18, 1988

Mr. Vincent Pizzolato
Public Hearings and Environmental Impact Engineer
Department of Transportation and Development
P. O. Box 831
Baton Rouge, Louisiana 70804-9245

Dear Mr. Pizzolato:

Thank you for your letter of February 25th, forwarding the Draft Environmental Impact Statement (DEIS) for the Old Metairie Railroad Project, your State Project No 736-10-48.

We at Norfolk Southern desire to work cooperatively with the Louisiana Department of Transportation and Development to progress proposals that address the areas of concern illustrated on page 7, Section 1, of the DEIS, as follows:

- Vehicular Traffic Delays at Crossings
- Noise Disruptions
- Movement of Hazardous Materials
- Safety Considerations

The DEIS lists 30 alternatives for proposed action of which eight (Nos. 6, 7, 15, 16, 17, 18, 28, and 29) have been eliminated from consideration and one (No. 4 - Removal of Long Siding) has already been accomplished at our own initiative and expense.

I offer the following comments on three of the remaining alternatives:

No. 3 - Construction of Double Track Between Metairie Road and Jefferson/Orleans Line.

The completion of double track for this short distance of approximately 2,000 feet would definitely improve the efficiency and flexibility of train operations in the Metairie Corridor. It would also assist in alleviating the problem caused by standing trains blocking grade crossings in the area.

Nos. 13 and 14 - Construction of an Underpass/Overpass at Metairie Road.

According to the 1983 Citizen Attitude Survey (Tables 2 and 3, Section 2), the Number One area of concern was delays at railroad crossings, with 91.5% of those surveyed having complaints about the Metairie Road crossing. However, the public opinion poll (in Section 9, dated November 25, 1986) indicates that only 22-25% of those responding favor either an underpass or an overpass at Metairie Road. Since the field surveys found that 51% of all vehicular traffic crossing the railroad corridor crosses at Metairie Road, it would seem logical that one of these alternatives would have the greatest impact on alleviating this Number One concern.

Please be assured that Norfolk Southern desires to be a good citizen of the Metairie community, as well as of the greater New Orleans area, and will continue in its efforts to identify and resolve problems of mutual concern. However, I must reiterate that the relocation/removal of railroad tracks, which is the subject of Alternative No. 2, is not viable either operationally or economically. The cost estimate of \$1.3 million for improvements to the New Orleans Public Belt Railroad to accommodate the proposed relocation of the current rail traffic from the Metairie Corridor is grossly understated and that alternative should be dropped from further consideration.

Thanks, again, for your letter and for the opportunity to respond to these issues. I will appreciate your sending me a copy of the Final Environmental Impact Statement when it is available.

With best wishes,

Sincerely,

F. B. Burnell

4/25/88
Dma



United States Department of the Interior

OFFICE OF ENVIRONMENTAL PROJECT REVIEW
POST OFFICE BOX ~~2500~~ 649
ALBUQUERQUE, NEW MEXICO 87103



April 19, 1988

ER 88/136

Mr. James N. McDonald
Division Administrator
Federal Highway Administration
Post Office Box 3929
Baton Rouge, Louisiana 70801

Dear Mr. McDonald:

This responds to your request for the Department of the Interior's (DOI) review of the draft environmental impact statement for Old Metairie Railroad Project, Jefferson Parish, Louisiana. We have reviewed the statement and have the following comments.

PRELIMINARY SECTION 4(f) COMMENTS

These comments are preliminary and do not represent the results of formal consultation by the Department of Transportation (DOT) with the DOI, pursuant to the requirements of Section 4(f).

Several of the alternatives (22, 23, and 26) could or would have impacts on two recreation areas, Metairie Playground and the school recreation area shown on Figure 15 (at Woodvine Avenue). Since the draft statement does not indicate a preferred alternative, the Section 4(f) involvements of these alternatives should be taken into consideration during future planning and selection of a preferred alternative.

If one of these alternatives is selected, the requirements of Section 4(f) must be complied with, either through a Section 4(f) statement or through application of the provisions of the programmatic Section 4(f) statement.

ENVIRONMENTAL STATEMENT COMMENTS

The draft statement adequately addresses the fish and wildlife, mineral, geologic, and public domain concerns of the DOI.

SUMMARY COMMENTS

The Section 4(f) comments in this letter are provided to give you an early indication of our thoughts about Section 4(f) information and involvements. They do not represent the results of formal consultation by the DOT with the DOI. Such requirements would be fulfilled only when the Office of the Secretary of DOI comments separately on any Section 4(f) statement which may be prepared and approved by you for circulation.

As DOI has a continuing interest in this project, we are willing to cooperate and coordinate with you on a technical assistance basis for further project evaluation and assessment. For matters pertaining to recreational resources, please contact the Regional Director, Southwest Region, National Park Service, P.O. Box 728, Santa Fe, New Mexico, 87504-0728, FTS 476-6388 or commercial 505/988-6388.

We appreciate the opportunity to provide these comments.

Sincerely,


Raymond P. Churan
Regional Environmental Officer

~~cc:~~
Mr. Vincent Pizzolato
Public Hearings and Environmental Impact Engineer
Louisiana Department of Transportation and Development
Post Office Box 94245
Baton Rouge, Louisiana 70804-9245



State of Louisiana

DEPARTMENT OF NATURAL RESOURCES

BUDDY ROEMER
GOVERNOR

RAYMOND W. STEPHENS,
SECRETARY

April 11, 1988

Mr. Colby S. LaPlace
Office of State Clearinghouse
Department of Urban and Community
Affairs
P. O. Box 44455
Baton Rouge, LA 70804

RE: C880145, Coastal Zone Consistency
Dept. of Transportation & Development
Metairie Railroad - Highway Traffic
Flow and Access Study
Jeferson Parish, LA

Dear Mr. LaPlace:

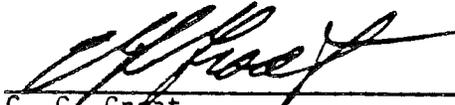
The above referenced project has been reviewed for consistency with the approved Louisiana Coastal Resources Program (LCRP) as required by Section 307 of the Coastal Zone Management Act of 1972, as amended. The project, as proposed in the application, is consistent with the LCRP. Please include this determination in your clearance letter to the applicant.

Please be advised that the consistency determination issued at this preliminary stage of the project in no way supercedes the possible requirement for a Coastal Use Permit for specific activities.

Sincerely,

R. W. STEPHENS, JR.

By:


C. G. Great
Assistant to the Secretary

RWS:CGG/BB/se

cc: Dept. of Transportation and Development
Baton Rouge, LA

COASTAL MANAGEMENT DIVISION P.O. BOX 44487 BATON ROUGE, LOUISIANA 70804-4487

AN EQUAL OPPORTUNITY EMPLOYER

4/20/88
JMM



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VI

ALLIED BANK TOWER AT FOUNTAIN PLACE
1445 ROSS AVENUE
DALLAS, TEXAS 75202

APR 15 1987

REPLY TO: 6E-FT

Mr. Kenneth Perret
Project Development Engineer
Federal Highway Administration
Federal Building
P.O. Box 3929
Baton Rouge, Louisiana 70801

Dear Mr. Perret:

In accordance with responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), the Region VI Office of the Environmental Protection Agency (EPA) has completed the review of your Draft Environmental Impact Statement (EIS) for the proposed Metairie Railroad-Highway Traffic Flow and Access/Railroad Demonstration Study for Jefferson Parish, Louisiana. The purpose of the study was to examine available alternatives to address present conflicts which include congestion, noise and safety problems with the operation on the New Orleans Terminal Company railroad tracks located in Old Metairie, Louisiana. Rail operations in this neighborhood have been a source of conflict between the community and the railroad company since the end of World War II.

The study area boundaries include the Orleans Parish/Jefferson Parish Boundary on the east, Interstate-10 Highway on the North, Causeway Boulevard on west, and Airline Highway on the south. A total of thirty alternative actions were initially identified for analyzing the concerns and for alleviating railroad and community conflicts. Eight of these were dropped from further consideration after they were determined infeasible due to either cost, engineering feasibility, availability of land for construction and other factors.

The following comments are offered for your consideration:

According to the Draft EIS no specific alternative has yet been selected. Based upon our review of the correctional measures presented, it appears that one or a combination of two or more of the remaining alternatives could accomplish the project goals. The alternatives that appear to be the most effective and support the need for further consideration include:

- 1) Removal of Long siding
- 2) Enforcement of existing rail ordinances
- 3) Parking waiting trains on sidings outside of study area
- 4) Construction of noise barriers
- 5) Elimination of all train horns
- 6) Placement of additional safety warning devices at crossings

The removal of Long siding appears to be the single most effective alternative of the demonstration projects stated goals. Only the no action plan would not contribute to alleviation of the problems identified.

Removal of Long siding is a good candidate for selecting as the preferred alternative for several reasons. First of all, this plan would have minimal impact to the New Orleans Terminal Railroad. It would also eliminate automobile traffic delays caused by activities on the siding. Overall safety would be improved because each time coupling and uncoupling or a switch in the main line occurs, there is a greater chance of an accident. There would be no aesthetic impact to the neighborhood. The community would have the benefit of the removal of switching noise and the elimination of automobile traffic delays due to switching. Elimination of the Long siding would benefit residents along La Barre Road who now experience the highest noise levels caused by the warning horns and crossing bells that occur at short and frequent intervals when the freight cars are being switched from one line to another. And finally, removal of Long siding would have no effect on the natural environment since railroad right-of-way would remain.

The other five remaining recommended alternative plans, if included, would complement the Long siding removal plan by providing greater enhancement of the stated project objectives which include noise reduction and improved traffic flow and community safety.

These comments classify your Draft EIS as lack of objection (LO). Specifically, we have no objection to overall objectives of the railroad-highway traffic flow and access study. Federal jurisdiction in correcting this community problem is limited to a consultatory or advisory role. Therefore, we believe the concerns identified can be best resolved with full cooperation at the State and local governmental, community and private level. A comprehensive plan having community acceptance and utilizing the Long siding removal with one or all of the alternatives identified above would have significant positive impact and should effectively correct the community problems identified in the Draft EIS.

Our classification will be published in the Federal Register according to our responsibility to inform the public of our views on the proposed Federal actions, under Section 309 of the Clean Air Act.

We appreciate the opportunity to review the Draft EIS. Please send our office one copy of the Final EIS at the same time it is sent to the Office of Federal Activities, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20640.

Sincerely yours,



Robert E. Layton Jr., P.E.
Regional Administrator

cc: Mr. Vincent Pizzolato
Public Hearing & Environmental Impact Engineer
Louisiana Department of Transportation
and Development
P.O. Box 94245
Baton Rouge, Louisiana 70803-9245

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State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY

BUDDY ROEMER
GOVERNOR

PAUL H. TEMPLET, Ph.D.
SECRETARY

September 16, 1988

Mr. Vincent Pizzolato
Public Hearings & Environmental Impact Engineer
Department of Transportation & Development
P.O. Box 94245
Baton Rouge, LA 70804-9245

Dear Mr. Pizzolato:

RE: Solicitation of Views
State Project No. 736-10-48
F.A.P. NO. RR-022R(007)
Metairie Railroad - Highway Traffic
Flow and Access Study
Railroad Demonstration Study
Jefferson Parish

This office has reviewed your solicitation on the above referenced project. Based on the information furnished we have no recommendations or objections concerning the proposed project.

Thank you for the opportunity to review the proposal.

Very truly yours,

Janet A. Smith
Janet A. Smith
Deputy Undersecretary

JAS/dap

4/20/88
chm



DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P.O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF:

April 13, 1988

Planning Division
Environmental Analysis Branch

Mr. Vincent Pizzolato
Department of Transportation and Development
P. O. Box 831
Baton Rouge, Louisiana 70821

Dear Mr. Pizzolato:

Concerning our review of the Draft Environmental Impact Statement (Old Metairie Railroad Project, Jefferson Parish, Louisiana), we have no comments.

If we can be of any further assistance, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "R.H. Schroeder, Jr.", written in black ink.

R.H. Schroeder, Jr.
Acting Chief, Planning Division



APR 12 1988
10 13 1 01 AM

Buddy Roemer
Governor
Paul J. Hardy
Lieutenant Governor
Henry A. Truxillo
Secretary
Leslie P. Tassin
Assistant Secretary

State of Louisiana / Department of Culture, Recreation and Tourism / Office of Cultural Development

April 12, 1988

Public Hearings &
Environmental Impact Engineer
LA Department of Transportation
& Development
P.O. Box 94245
Baton Rouge, LA 70804-9245

Re: State Project No. 736-10-48
F.A.P. No. RR-022R(007)
Metairie Railroad - Highway
Traffic Flow & Access Study
Railroad Demonstration Study
Jefferson Parish, Louisiana

Dear Sir:

Receipt is acknowledged of a copy of the Draft Environmental Impact Statement (DEIS) prepared for the referenced project. We have completed our review and have the following comments to offer.

Of the 30 alternatives under consideration, it is our opinion that implementation of alternatives number 1-5, 8-12, 19, 21, 24, 25, and 30 would have no effect on significant cultural resources. If any of the remaining alternatives (6, 7, 13-18, 20, 22, 23, 26-29) are chosen, we would appreciate the opportunity to review plans as any of these could conceivably affect cultural resources.

Thank you for the review opportunity. Should you have any questions concerning our comments, do not hesitate to contact my staff in the Divisions of Archaeology and Historic Preservation.

Sincerely,

W. Edwin Martin
Deputy State Historic Preservation Officer

WEM:PGR:s

Division of Archaeology
Kathleen M. Byrd, Ph.d., Director
900 Riverside North
Post Office Box 44247
Baton Rouge, LA 70804
(504) 342-8170



Buddy Roemer
Governor

Paul Hardy
Lieutenant Governor
and Commissioner

State of Louisiana
Department of Culture, Recreation and Tourism
OFFICE OF CULTURAL DEVELOPMENT

Henry A. Truxillo
Secretary

Leslie P. Tassin, Sr.
Assistant Secretary

December 5, 1988

Mr. Glen T. Graham
Urban Systems Inc.
4822 Prytania Street
New Orleans, LA 70115

Re: State Project No. 736-10-48
F.A.P. No. RR-022R(007)
USI Project #85-12
Metairie Railroad-Highway Traffic Flow & Access Study
Metairie, Jefferson Parish, LA

Dear Mr. Graham:

Thank you for your recent correspondence concerning the above referenced undertaking.

After a careful review by my staff and based on your material, it has been determined that Alternative 20 for Metairie Road will have no effect on eligible or potentially eligible properties for the National Register of Historic Places. It is our understanding that no additional right-of-way will be necessary.

If we can be of further assistance, do not hesitate to contact Pauline Barrow, Architectural Historian, in the Division of Historic Preservation.

Sincerely,

Leslie P. Tassin
State Historic Preservation Officer

LPT/PB/bc

Jonathan Fricker, Director
Division of Historic Preservation
P.O. Box 44247 (900 Riverside North)
Baton Rouge, LA 70804
(504) 342-8160

4/7/88
JMM

April 7, 1988



Mr. Vincent Pizzolato
Public Hearings & Environmental
Impact Engineer
Department of Transportation & Development
Post Office Box 94245
Baton Rouge, Louisiana 70804-9245

RE: State Project #736-10-48; DEIS Comment

Dear Mr. Pizzolato:

The Regional Transit Authority has reviewed the Draft Environmental Impact Statement (DEIS) of the subject project and hereby offers the following comment;

1. The RTA is wholeheartily in support of the project objective of improving the movement of traffic through and within the study area, and the reduction/elimination of conflict between the community and the railroad activities.
2. The RTA does not object to any of the proposed alternatives as listed on page 1-3 of the DEIS. There are however, some alternatives that present minor concern and should be given further consideration prior to or as a part of their further pursuit. The alternatives that the RTA would appreciate attention be given to are discussed as follows;

- a. Alternate #2, Relocation/Removal of Railroad Tracks This alternative suggests that rerouting of rail traffic over the New Orleans Public Belt Railroad along the riverfront route is possible. The RTA does not concur in this recommendation in that it impacts the Riverfront Streetcar service now being implemented along the CBD riverfront. The Riverfront Streetcar is a \$ 3.9 million improvement to serve as a transportation link between Esplanade Avenue & the Convention Center. It fills a void in the existing transit system. The Streetcar service will move people through the multi-million dollar riverfront

Regional Transit Authority

TMSEL in service to RTA

1001 Howard Avenue, Suite 1600
New Orleans, Louisiana • 70113-2056 • 504/569-2600

Wayne A. Dupre, Executive Director

Mr. Pizzolato
Page 2 of 3
April 7, 1988

redevelopment investments along the river providing a vital service to the economic development of the City.

Further, the RTA has adopted the concept and is planning for the future development of a light rail rapid transit system from eastern New Orleans to downtown CBD utilizing the riverfront rail corridor as its primary alignment. The proposed rail system will transport between 36,000 to 50,000 passengers per day to and from the CBD. Alternative #2 will severely impede the implementation of the rail rapid transit system.

- b. Alternative #14, Construction of an Overpass at Metairie Road Should an overpass be constructed along Metairie Road, the resultant structure will impose a hardship to the location of bus stops and the loading/unloading of passengers. Any design of the structure should include consideration of the spatial and safety requirements of bus stops.
 - c. Alternative #20, Redesign of Roadway Layout of Metairie & Labarre Roads Any redesign of Metairie Road for improvements to the traffic movements should include improvements to bus stop locations, shelters, benches, pull-in bays, etc.
 - d. Alternative #27, Construction of One or More Pedestrian/Bicycle Overpasses Additional consideration should be given to the location of bus stops and loading/unloading of transit passengers when designing a pedestrian overpass along Metairie Road.
3. The RTA hereby requests that as a public agency responsible for the provision of mass transportation in the New Orleans Region; this agency be kept informed as to the progress of the subject project including the opportunity to provide technical review and input to the design of the proposed improvements.

Mr. Pizzolato
Page 3 of 3
April 7, 1988

Thank you for the opportunity to comment on the DEIS of the subject project. Should you have any questions concerning the enclosed comments, please contact Thomas Schnadelbach, Manager of Planning, (504) 569-2644.

Sincerely,

REGIONAL TRANSIT AUTHORITY

A handwritten signature in cursive script that reads "Wayne A. Dupre".

Wayne A. Dupre
Executive Director

TS/bs

4/14/88
J. Cochran



United States Department of the Interior
BUREAU OF MINES



P. O. BOX 25086
BUILDING 20, DENVER FEDERAL CENTER
DENVER, COLORADO 80225
Intermountain Field Operations Center

March 17, 1988

Vincent Pizzolato, Public Hearings
and Environmental Impact Engineer
Department of Transportation and Development
P.O. Box 94245
Baton Rouge, Louisiana 70804-9245

Dear Sir:

Subject: Review of Draft Environmental Impact Statement (DEIS) for Old
Metairie Railroad Project, Metairie, Jefferson Parish, Louisiana -
S.P. No. 736-10-48 and F.A.P. No. RR-022R(007)

Personnel of the Bureau of Mines reviewed the subject draft environmental
impact statement (DEIS). We will be unable to send a representative to the
Public Hearing on April 7 in Harahan, Louisiana, but would like to provide the
following comments concerning the proposed project.

Our primary area of concern is possible impacts to mineral resources and
mineral-related industries. Owing to the nature of proposed action and the
location of the project in a residential area, we believe it improbable that
the proposed action would significantly impact mineral resources. Although
minerals are not mentioned in the DEIS, we have no objection to the document
as written. Thank you for the opportunity to comment on the proposed project.

Sincerely yours,

Richard S. Williams
For William Cochran, Chief
Intermountain Field Operations Center

OFFICERS

DOROTHY MAE TAYLOR
Chairman
ELIZABETH TEAGUE
Vice-Chairman
EMILE E. PRATTINI, SR.
Secretary
ROBERT B. EVANS, JR.
Treasurer

4/4/88
Simmie



MEMBERSHIP

JEFFERSON PARISH

WILLIE HOF
Parish President
ROBERT B. EVANS, JR.
Council Chairman
RONNIE C. HARRIS
Mayor, City of Gretna
FLOYD A. SINCLAIR
RONALD G. ZIBILICH

March 21, 1988

ORLEANS PARISH

SIDNEY J. BARTHELEMY
Mayor, City of New Orleans
JOSEPH I. GIARRUSSO
Councilman-at-Large
DOROTHY MAE TAYLOR
Councilwoman-at-large
REV. SIMMIE L HARVEY
JOEL MYERS

Mr. Vincent Pizzolato
Public Hearings and Environmental
Impact Engineer
Louisiana Department of Transportation
and Development
Post Office Box 831
Baton Rouge, Louisiana 70821

ST. BERNARD PARISH

LOUIS P. MUNSTER
President, Police Jury
ALVIN W. GUILLOT
Police Juror
JAMES J. LICCIARDI, JR.
Police Juror
THOMAS R. WARNER
EMILE E. PRATTINI, SR.

Dear Mr. Pizzolato:

ST. TAMMANY PARISH

BARRY D. BAGERT
President, Police Jury
ELIZABETH TEAGUE
Police Juror
ERNEST COOPER
Mayor, City of Covington
RICHARD P. KELLEY
SHELBY P. LASALLE, JR.

Subject: State Project No. 736-10-48
F.A.P. No. RR-022R(007)
Metairie Railroad Highway
Traffic Flow and Access Study
Railroad Demonstration Study
Jefferson Parish

**STATE OF LOUISIANA
DEPARTMENT
OF TRANSPORTATION
AND DEVELOPMENT**

ROBERT G. GRAVES
Secretary
JOHN LeBOURGEOIS
Executive Director

The Regional Planning Commission has reviewed the draft EIS statement. It was determined at the Regional Planning Commission meeting of March 15, 1988, that the proposed project does not conflict with the regional comprehensive planning process in progress under the Regional Planning Commission's program. The proposed project has also been reviewed and recommended by the staff and Federal Assistance/Activity Planning and Analysis Network Review Committee (formerly A-95 Review) of the Regional Planning Commission.

You will receive a letter of comment from the State Clearinghouse which will confirm state action on your project. If you have any questions, please contact Barbara Philips at (504) 568-6611.

Sincerely,

REGIONAL PLANNING COMMISSION

Richard P. Kelley
RICHARD P. KELLEY
CHAIRMAN

RPK/BAP/pg

4/4/88
1)mma



RECEIVED
MARCH 22 1988

PAUL H. TEMPLET, Ph.D.
SECRETARY

OFFICE OF SOLID AND HAZARDOUS WASTE

TIMOTHY W. HARDY
ASSISTANT SECRETARY

March 21, 1988

Mr. Vincent Pizzolato
Public Hearings and Environmental
Impact Engineer
Post Office Box 831
Baton Rouge, Louisiana 70821

Dear Mr. Pizzolato:

RE: Solicitation of Views
Draft Environmental Impact Statement
State Project No. 736-10-48
F.A.P. No. RR-022R(007)
Jefferson Parish

My staff has reviewed the subject information and has determined that there are no apparent solid waste impacts resulting from this project.

If I can be of further assistance, please contact this office.

Sincerely,

JOHN KOURY
Administrator

JK:SRA:mhc

4/4/88
JML



United States
Department of
Agriculture

Soil
Conservation
Service

South National Technical Center
P. O. Box 15567
Fort Worth, Texas 76115
March 25, 1988

Mr. Vincent Pizzolato, Engineer
Department of Transportation and Development
P. O. Box 94245
Baton Rouge, LA 70804-9245

Dear Mr. Pizzolato:

This in response to your request for our review and comments of the DEIS for the Old Metairie Railroad Project in Metairie, Jefferson Parish, Louisiana.

Comments, if any, will be provided by:

Mr. Horace J. Austin
State Conservationist
Soil Conservation Service
3737 Government Street
Alexandria, LA 71302

We appreciate the opportunity to review the proposed project.

Sincerely,

PAUL F. LARSON ASSOCIATE
Director

cc:

Horace J. Austin, State Conservationist, SCS, Alexandria, LA



The Soil Conservation Service
is an agency of the
United States Department of Agriculture



3/17/88
J. Odom



Louisiana Department of Agriculture & Forestry

Office of Forestry
Post Office Box 1628
Baton Rouge, Louisiana
70821-1628
(504) 925-4500



CARLTON S. HURST
ACTING STATE FORESTER

BOB ODOM
COMMISSIONER

March 15, 1988

Mr. Vincent Pizzolato
Public Hearings and
Environmental Impact Engineer
Department of Transportation and Development
P. O. Box 94245
Baton Rouge, LA 70804-9245

Dear Mr. Pizzolato:

Reference State Project #736-10-48, Jefferson Parish.

Because this project will have no impact on commercial forestry,
we have no appropriate comments.

Thank you for the opportunity to review the proposed project.

Sincerely,

W. D. MERCER - ASSOCIATE STATE FORESTER

dkb

BILLY W. WEAVER, LFC Chairman
Loranger

J. BURTON ANGELLE, Ex officio, Secretary, LA Department Wildlife & Fisheries
Baton Rouge

JOHN W. SQUIRES, Vice Chairman
Shreveport

MICHAEL S. BAER, SR.
Bogalusa

BOBBY L. GREEN
Marion

DR. THOMAS A. HANSBROUGH
Baton Rouge

BURTON D. WEAVER, JR.
Flora



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

..... Southeast Regional Office
9450 Roger Boulevard
St. Petersburg, FL 33702

March 11, 1988

F/SER114/RR:jk
504/389-0508

3/16/88
1) MMA

Department of Transportation and Development
Attn: Public Hearings and Environmental
Impact Engineer
P.O. Box 94245
Baton Rouge, LA 70804-9245

Dear Sir:

The National Marine Fisheries Service has received the draft environmental impact statement (DEIS) for the Old Metairie Railroad Project, Metairie, Jefferson Parish, Louisiana. Since actions described in the DEIS would not impact resources for which we are responsible, we have no comments to offer.

Sincerely yours,

Andreas Mager, Jr.
Acting Assistant Regional Director
Habitat Conservation Division

cc:
CS/EC - Cottingham



3/10/88
1/2mmx

Federal Emergency Management Agency



Region VI, Federal Center, 800 North Loop 288
Denton, Texas 76201-3698

NTH

March 7, 1988

Mr. Vincent Pizzolato
Public Hearings & Environmental
Impact Engineer
Dept. of Transportation and
Development
P.O. Box 44245-Capitol Station
Baton Rouge, LA 70804

Dear Mr. Pizzolato:

This is in response to your recent solicitation of view for State Project No. 736-10-48. Thank you for the opportunity to review and comment.

Because it is possible that a portion of the project location may be in an identified flood hazard area, we would request, if you have not already done so, that Jefferson Parish floodplain administrator be consulted as to their local NFIP requirements.

As usual, if Federal funding is to be used in these projects, we request that the FHWA Design Standards for Highways in NFIP Mapped Floodplains be followed.

If we can provide any further assistance regarding this or any other floodplain management matter, please contact this office.

Sincerely,

Wayne Fairley
Natural Hazards Program
Specialist
Natural & Technological
Hazards Division

3/10/88
DMA



United States Department of the Interior



GEOLOGICAL SURVEY

Water Resources Division
P.O. Box 66492
Baton Rouge, Louisiana 70896

March 8, 1988

Mr. Vincent Pizzolato
Public Hearings and
Environmental Impact Engineer
Department of Transportation & Development
P.O. Box 94245
Baton Rouge, Louisiana 70804-9245

Dear Mr. Pizzolato:

At your request, we reviewed the Draft Environmental Impact Statement (DEIS) for State Project 736-10-48. Because there are no streamflow crossings involved in this project, we have no comment on its feasibility.

Sincerely,

Darwin Knochenmus
Darwin Knochenmus
District Chief

4/7/88
Jama



Federal Emergency Management Agency

Region VI, Federal Center, 800 North Loop 288
Denton, Texas 76201-3698

NTH

April 4, 1988

Mr. Vincent Pizzolato
Public Hearings & Environmental
Impact Engineer
Dept. of Transportation and
Development
P.O. Box 44245-Capitol Station
Baton Rouge, LA 70804

Dear Mr. Pizzolato:

This is in response to your recent solicitation of view for State Project No. 756-10-48. Thank you for the opportunity to review and comment.

Because it is possible that a portion of the project location may be in an identified flood hazard area, we would request, if you have not already done so, that the Jefferson Parish floodplain administrator be consulted as to their local NFIP requirements.

As usual, if Federal funding is to be used in these projects, we request that the FHWA Design Standards for Highways in NFIP Mapped Floodplains be followed.

If we can provide any further assistance regarding this or any other floodplain management matter, please contact this office.

Sincerely,

Bill Kuno

Mr. Wayne Fairley
Natural Hazards Program
Specialist
Natural & Technological
Hazards Division



Memorandum

U.S. Department of
Transportation
Office of the Secretary
of Transportation

Draft Environmental Impact Statement:
Old Metairie Railroad Project
Jefferson Parish, Louisiana
FHWA-LA-EIS-88-01-D

Subject:

Date: APR 4

From:

Joseph Canny, Director
Office of Transportation
Regulatory Affairs

Reply to
Attn. of:

To:

Eugene W. Cleckley, Chief
Environmental Operations Division, HEV-11

We have reviewed the draft EIS for the Old Metairie Railroad project, which examines alternative options for reducing railroad-highway traffic conflicts and noise problems in the Old Metairie area of Jefferson Parish, Louisiana.

The range of alternatives includes rail operation and construction options, highway construction or TSM actions, construction of noise barriers, elimination of sounding train horns to reduce noise impacts, and several safety actions such as provision of fencing or warning devices. A total of thirty alternatives are discussed, of which eight have been dropped from consideration. Although general information on environmental impacts is presented, the impacts of most alternatives are not discussed in sufficient detail. Information is lacking particularly for alternatives which involve construction of overpasses or underpasses or relocation of the railroad. We recommend that when a preferred alternative/combination of alternatives is selected or the range of alternatives has been further narrowed, the environmental impacts be analyzed more specifically, followed by consideration of the need for a supplemental EIS.

We appreciate the opportunity to review this draft EIS.



U.S. Department
of Transportation
**Federal Aviation
Administration**

Southwest Region
Arkansas, Louisiana,
New Mexico, Oklahoma,
Texas

Fort Worth, Texas 76193-0000

MAY 17 1988

Mr. Vincent Pizzolato
Public Hearings and Environmental
Impact Engineer
Department of Transportation
and Development
P.O. Box 94245
Baton Rouge, LA 70804-9245

Dear Mr. Pizzolato:

We have reviewed the Draft Environmental Impact Statement (DEIS) for the Old Metairie Railroad Project, Metairie, Jefferson Parish, Louisiana, with respect to effects on airport development actions, environmental effects, and navigable airspace.

We anticipate no adverse effects on Federal Aviation Administration airport development projects as a result of the proposed project and we have no objections to the proposed project from an environmental standpoint. We point out that if any part of the project exceeds notification criteria under Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace, notice should be filed at least 30 days prior to the proposed construction date. Questions concerning notification criteria should be directed to the Airspace and Procedures Branch at (817) 624-5534.

Thank you for the opportunity to comment.

Sincerely,

John D. Anderson
Supervisor, Airport Plans and
Environmental Section

Enclosure