

**Follow-up Report on Noise, Fumes, Idling Issues, and Unused Rail Car Storage  
from the Islington Creek Neighborhood, Portsmouth, NH**

*STB Docket No. FD 36472, CSX Corporation and CSX Transportation, Inc., et al.—  
Control and Merger—Pan Am Systems, Inc., Pan Am Railways, Inc., Boston and  
Maine Corporation, Maine Central Railroad Company, Northern Railroad, Pan Am  
Southern LLC, Portland Terminal Company, Springfield Terminal Railway Company,  
Stony Brook Railroad Company, and Vermont & Massachusetts Railroad Company*

October 29, 2023

Dear Members of the Surface Transportation Board,

Since the public hearing and final order issued by this Board in January 2022, issues of noise, fumes, excessive diesel engine idling, and unused rail storage issues by CSX continue to persist, creating major disturbances for the residents of Islington Creek, Portsmouth, NH. With many interactions between neighborhood representatives and CSX officials, our major complaints continue to be unresolved in spite of 1) assurances early on in the public hearing process that we would be able to reach a “mutually acceptable solution” among us and 2) many interactions with CSX officials with no meaningful changes. (See note 1.)

**Background**

In January 2022, four residents of Islington Creek (IC) filed two comment letters to the Surface Transportation Board (STB) and one resident, Tom Hiney, made comments at the public hearing for Docket Number FD 36472. Moreover, during the same public hearing, the President and CEO of CSX, Mr. James M. Foote, assured us on January 13, 2022, that we would soon be meeting with CSX representatives to help us resolve our issues (see *video 2:08 minutes: [https://www.vibby.com/share?vib=X1Z2O\\_vhJe](https://www.vibby.com/share?vib=X1Z2O_vhJe)*).

Our neighborhood was mentioned in the Final Order in that docket (see Page 43 and 44) in which Chairperson Martin J. Oberman and the ST Board wrote that they were confident that both CSX and the residents of Islington Creek would reach a mutually acceptable solution to the neighborhood’s issues. (See excerpts in Attachment 1.)

**Islington Creek Neighborhood Issues**

The residents have been dealing with Pan Am and now, CSX issues for years. (See note 2.) We are asking for ways to reduce the community impact of noise and diesel fumes – pollution –

adjacent to our densely populated residential neighborhood. Specifically, the residents would like to see a reduction in:

1. **Late night/early morning train operations.** They would arrive at Portsmouth Yard, sometimes idling for *hours*, before moving to their customers.
2. **Long hours of idling.** In a recent example, the diesels hauling propane cars would return to Portsmouth Yard from the Sea 3 terminal in Newington late in the afternoon, then idle for hours before moving down tracks to Rockingham Junction and beyond. Daytime idling often brings fumes into the nearby playground.
3. **Long term storage of SubCom's (Newington, NH) railway cars.** Some have been there for many months. Often, local youngsters have been frequently seen climbing on the cars as well as marking them with graffiti. See photo in Attachment 5.

These issues have been previously cited in the January 2022 portion of this docket. In fairness to CSX, they have made some improvements that Pan Am did not, by removing the most derelict and rusted railway cars and reducing weekend diesel idling.

Our original intention was and still is to work with CSX on finding ways to mitigate these issues for the benefit of our community and not in any way to undermine rail operations.

### **Since the Final Order**

That mutual solution did not happen. While CSX met with residents of IC and city officials on numerous occasions, very few of our issues were resolved. In fact, we met with CSX officials on 4 separate occasions and exchanged many emails and phone calls, all without any effect. Our only contacts have been Maurice O'Connell, CSX Regional Vice President and Robert Rohaur, CSX Regional Manager - Northeast.

Here is a summary of the more significant interactions:

- In January 2022, Messrs. O'Connell and Rohaur attended a meeting at City Hall with the city manager and planning department. They were shown a viewgraph depicting 17 major mixed commercial/residential developments either planned or recently completed along a 3+ mile stretch of the CSX rail corridor near the Portsmouth yard (see Attachment 2). Since then, more development projects have been added. It is clear that Portsmouth Yard is no longer located in an industrial zone, as it was 50-100 years ago. Rail practices that were applicable then are no longer acceptable and need to be updated, if they haven't been already.
- In October 2022, Mr. O'Connell, wrote in a response to several of our emailed questions that:

- “Currently, there are no plans to change the operations at Portsmouth Yard.” This implies that our complaints are not likely to be resolved, nor is there any intention to do so in the near future.
- “The operating department works hard to move cars as expeditiously as possible to better serve our yard safety.” This is not the case at Portsmouth Yard. These cars have not moved in months.
- In July 2023, Messrs. O’Connell, and Rohaur, met again at City Hall with city officials and neighborhood residents. Mr. O’Connell reviewed the improvements to Portsmouth Yard and characterized idling as having been substantially reduced. Mr. Rohaur went further to state that policy/practice is 15-30 minutes at a maximum. Residents vehemently disagreed with that assessment and emphasized that fumes, noise and idling issues are still very prevalent. They wanted something done about it. See the meeting minutes in Attachment 3.

Shortly after this meeting, the incidents continued as before.

### **Frequency of Incidents**

Residents in our neighborhood experience hours of extreme low frequency noise and diesel fumes, two or more times a week especially in the early mornings and early evenings, usually during dinner time. When the weather is cooler, they hear trains idling in the overnight hours as well. All the while, the air is polluted with diesel fumes, depending on the prevailing winds. Noise carried for hundreds of yards in the surrounding neighborhoods.

We wish to stress that these incidents are not occasional. Attachment 4 provides some examples from April this year to the present. Given the technological prowess of CSX, we feel there are better ways for them to operate in our community.

### **Concluding Remarks**

Our community has endured these issues for years. Even with assurances during the public hearings in this docket and the numerous contacts with CSX, nothing much has changed. In essence, the words of CSX officials appear hollow.

We believe that there are simple fixes that could mitigate some of the problems including some low-hanging fruit solutions that CSX referred to during the July 2023 meeting. To address the excessive idle time, CSX admitted that they could enforce operational guidelines and handbooks as well as operator training around the 15-min idling “direction.” Other longer-term solutions include newer engines replacing those built decades before the turn of the century (see Attachment 5 for examples) and parking the rail cars much closer to the yard or moving them to a nearby location.

We are still seeking a mutually agreed-upon solution. For this, we need your help.

Respectfully submitted,

/s/

Lawrence Cataldo – 133 Islington Street, Portsmouth, NH

Thomas Hiney – 101 Langton Street, Portsmouth, NH

Geri Gaeta – 82 Langdon St, Portsmouth, NH

Robin Husslage – 27 Rock Street Apt B, Portsmouth, NH

Abby Kirschner – 7 McDonough Street, Portsmouth, NH

Nicole LaPierre – 44 Rock Street, Portsmouth, NH

Cc: Parties of record

Notes:

1. The Board's Rail Customer and Public Assistance organization was consulted prior to this letter being written.
2. Portsmouth Herald article of September 30, 2019:

<https://www.seacoastonline.com/story/news/local/portsmouth-herald/2019/09/30/pan-am-vows-action-on/2645253007/>

Atts. 5

## Attachment 1

Docket No. FD 36472 et al. Pages 43 and 44

*“Islington Creek Residents.* Several residents of Islington Creek raised concerns over noise and diesel fumes that come from idling trains at Pan Am’s existing yard near Maplewood Avenue. (Islington Creek Comment 1, Sept. 1, 2021.) According to the residents, a representative of PAR previously pledged to find the best location to park its trains and to work with the community to address other concerns. The residents claimed, however, that no progress had been made and that the situation had worsened. (Id. at 2.) At the Board’s January 2022 public hearing, a representative for the neighborhood stated that Islington Creek is seeking a condition that would ensure that the residents have an avenue to discuss their concerns with the operator (regardless of whether or not it is CSX). (Hr’g Tr. 662-63, Jan. 14, 2022.) The representative for the neighborhood further indicated that CSX had already reached out to the Islington Creek residents. (Hr’g Tr. 657:5-10, Jan. 14, 2022.) **Given the circumstances, no condition is necessary. CSX has already engaged in discussions with the concerned Islington Creek residents, and the Board encourages CSX to continue these discussions in order to reach a mutually agreeable solution.** Moreover, as the representative for the residents noted at the hearing, the Board’s Rail Customer and Public Assistance (RCPA) program is available to facilitate further discussions, if necessary.”

# Attachment 2

**Recent Development Projects along the Pan Am Rail Corridor  
Portsmouth, NH**

- 17 - Route 1 Bypass Brewery
- 1 - 145 Maplewood Ave.
- 2 - AC / Hotel
- 3 - 53 Green Street Project
- 4 - Market Street Roundabout
- 5 - 299 Vaughan Street
- 6 - Russell Street Project
- 7 - 165 Deer Street
- 8 - 161 Deer Street
- 9 - 159 Deer Street
- 10 - 151 Hill Street
- 11 - Foundry Place Garage
- 12 - Brewster Street Project
- 13 - Langdon Street Project
- 14 - 105 Bartlett Street Project
- 15 - Cate Street Project
- 16 - West End Yards Project

Source: Portsmouth Planning Department, January 2022

## Attachment 3

### CSX/City of Portsmouth/Islington Creek Neighborhood Meeting July 17<sup>th</sup> 4:00pm Meeting at City Hall Conference Room A

#### Meeting Notes

##### **Purpose of the meeting:**

Review goals for Islington Creek Neighborhood (ICN) and to give CSX an opportunity to update the city and the neighborhood on mitigating efforts to date.

##### **Attendance:**

The meeting began on schedule. Attending were: Maurice O'Connell, CSX Regional Vice President, Robert Rohaur, CSX Regional Manager - Northeast, Karen Conard, City Manager, Jane Farrine, Assistant City Attorney, Peter Britz, Planning Director – Conservation, Beth Moreau, City Council and resident of ICN, John Tabor, City Council, and ICN residents, Tom Hiney, the neighborhood CSX issue coordinator, Nicole Lapierre, Abby Kirschner Schnaars, Geri Gaeta, Karina Quintans, ICN Association coordinator and Liz Bratter (non-resident property owner).

##### **Status Review:**

Tom Hiney reviewed the status of activity in the rail yard and discussed opportunities to mitigate impact on neighborhood. He suggested the ICN, the City and CSX create mutually agreed action items list and set timelines and exceptions. He further stated that ICN's objective is not to negatively impact any CSX operation servicing its customer base in Portsmouth/Newington. It is, instead, to seek ways to reduce the negative impacts of CSX's current operational practices on the neighborhood.

He began by mentioning late night/early morning train operations. They would arrive to Portsmouth Yard, sometimes idling for hours, before moving to their customers. Then, discussing the idling problem. In a recent example, the diesels hauling propane cars would return to yard from the Sea 3 terminal in Newington late in the afternoon, then idle for hours before moving down tracks to Rockingham Junction and beyond. Next, he cited the long-term storage of SubCom railway cars, some of which have been there for months. Often, local youngsters have been frequently seen climbing on the cars as well as marking them with graffiti.

VP Maurice O'Connell responded with a review of improvements CSX has made in the Portsmouth Yard since the merger. The company removed rusted-out construction cars and reduced idling as much as possible. He stated that train crews are aware of the concerns from the community and remain committed to minimize idling time whenever possible. He characterized idling as substantially reduced.

Bob Rohaur went further to state that policy/practice is 15 (goal)-30 minutes at a maximum. Residents were surprised. Tom actually asked him to explain further, which he did.



Councilor Tabor, here at the mayor's request, asked clarifying questions around this practice and other issues.

Liz Bratter then spoke about the noise and fumes which have been plagued the neighborhood for years. Nicole LaPierre seriously questioned O'Connell's evaluation that the situation is substantially improved. She spoke about the recent idling which has been going on for months. Other neighborhood residents also spoke about the noise and fumes including Abby Kirschner Schnaars.

At some point in the meeting, there was general agreement among the participants that idling, noise and fumes were still a very active issue.

**A new issue raised:**

Residents observed that CSX has been using an aggressive defoliant on the tracks to remove brush and grass in portions of the Yard. Maurice O'Connell expressed surprise by this and said that it was a safety measure to keep the tracks clear. He promised to look into this and provide information on the Material Safety Data Sheet (MSDS) and Product Information Sheet (PIS) on the defoliant(s) used near the North Mill Pond. The group pointed out the restoration of North Mill Pond has been the effort of community and UNH for over the last decade. The defoliant application was within 50' of pond where shore vegetation regrowth effort has been underway for years.

**Closing:** Tom Hiney wrapped up the meeting by stating the goals of this neighborhood action to have CSX:

1. Eliminate late night/early morning arrival of trains into the Portsmouth yard,
2. Reduce the long-term idling of trains in Portsmouth yard, and
3. Eliminate long-term storage of rail cars in the yard.

*Prepared by:*

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## Attachment 4

### Examples of noise and diesel engine idling at the Portsmouth yard from April to October 2023

Monday, 10/23/23 - Early morning idling for 2+ hours with two engines next to the Rock Street playground. The crew was nowhere to be seen. "Called the CSX Ops line politely about the 2-3 hours of the two engines at the playground idling at that moment. Ops person replied brusquely." "They're very often extremely annoyed, as if we bother them with this when they're working. Yet that is the line we're supposed to call."

Friday, 10/20/23 - 4-5 hours of idling at night, dinner time onwards.

Monday, 10/16/23 - Train arrived at 5:10 AM and has been idling for over 4+hours.

Tuesday, 10/10/23 - Early AM around 7am until noon - idling, waiting for crew.

Friday, 9/1/23 - AM the train was idling for hours, which occurred many times throughout this week.

Tuesday, 8/22/23 - 7:10AM the train sat at the Foundry Garage for nearly two hours idling/bil-  
lowing diesel smoke requiring residents to close windows.

Monday, 8/21/23 – The train returned at 1:49 AM with the switching and horns, then again at 4:40 AM. The train returned at 7:30 AM to idle for 2 hours before it left to service customers.

Sunday, 8/20/23 - 10:45 PM the train sounded horn intermittently for 30 minutes.

Monday, 7/31/23 – From 9:00 AM to 10:32 AM, the diesel engine idled for approximately 2+ hours.

Sunday, 7/30/23 – From 7:45 PM to 9:30pm (dinnertime on a summer night) engine started and idled.

Monday, 7/24/23 – Early AM several hours of engine idled and also in the early evening (dinnertime). (Note: Spoke to CSX VP about continued idling.)

Friday, 6/9/23 – early AM engine idled for 5+ hours. "I called the CSX ops line again. They said probably will move in the afternoon sometime and stay running like this until then."

Wednesday, 6/7/23 - 2:24 PM Two engines idled for over 2 hours. Entire area reeked of diesel fumes, with the extreme low frequency noise." I called CSX Ops about the two engines idling now for the past hour or two. They said the crew is working, probably at lunch."

Friday, 4/21/23 – 4:45 PM Youngsters spotted climbing all over parked rail cars for hours. No train personnel were in sight to address this issue.

Thursday, 4/20/23 – 10:45 AM Heard continued idling overnight.

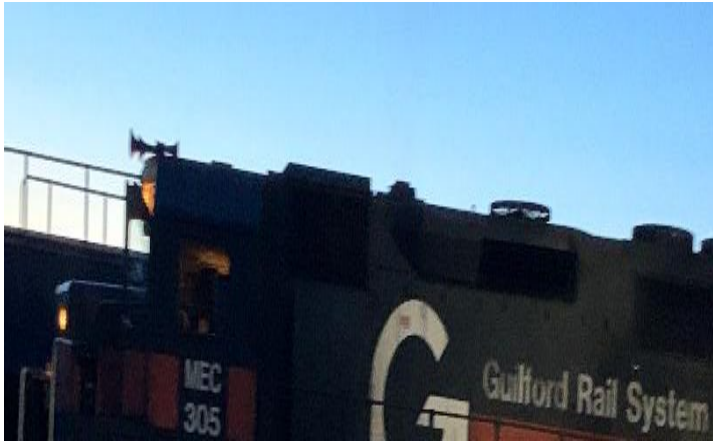
Wednesday, 4/19/23 – 5 PM Crew parked the train with dozens of propane cars attached and left it running.

Tuesday, 4/18/23 - 8:39 AM Engines continued idling for hours.

Monday, 4/17/23 – Late afternoon. The engine pulled into Portsmouth Yard; the crew parked train and departed the premises, leaving the engine running overnight

Thursday, 4/13/23 – 10:30 AM Train idled most of the morning. Finally, the crew returned and commenced operations.

## Attachment 5



Taken on July 30, 2023, at the Portsmouth Yard - very old engine



Taken on October 23, 2023, at the Portsmouth Yard – very old engine



Taken on April 29, 2023, at the Portsmouth Yard. Kids playing on trains.

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I certify that I have this day served copies of this document upon all parties of record in this proceeding, [by method of service consistent with 49 C.F.R. § 1104.12(a)].

/s/

Lawrence Cataldo 133 Islington Street Portsmouth, New Hampshire 03801

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