

Those Freight Train Blues

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IT'S time for New Jersey to face up to the rail freight challenge.

As the state's highways become more congested (and adding road capacity makes less economic and environmental sense), shipping goods (and debris and waste) by rail freight becomes a more attractive option, complementing industry interest in growth and the public interest in environmental quality, economic growth and sustainability.

Even though public and private interests converge, neither government nor private industry is positioned to seize the opportunity that convergence presents. And expansion plans are meeting community resistance. Public agencies traditionally have given little attention to rail freight, and rail carriers have had little contact with the public, state or local agencies, or communities. A change in approach is needed.

Is this a significant problem in New Jersey? Consider the following:

¶Upgrading rail freight terminals to attract new business and reduce truck traffic in Sussex County has been delayed by legislation to postpone new state-financed freight rail work because of fears in Union and Middlesex Counties over potential safety and other problems for neighborhoods there.

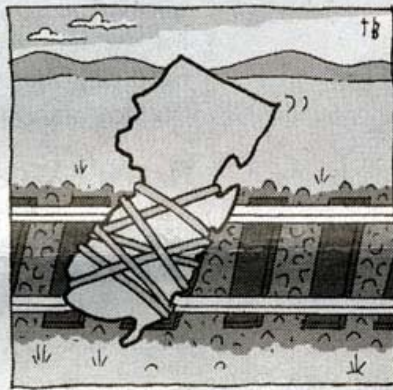
¶Building more track and updating a freight unloading station in Morris County — proposed by the Morristown and Erie Railroad — is being resisted by residents in Hanover Township. The same company has proposed plans to build a construction- and demolition-debris rail depot in Roxbury, but has temporarily suspended those plans after a persistent legal battle with the county.

¶Construction of a transfer station in a former junkyard site in Elwood,

a hamlet in Mullica Township in Atlantic County — a proposal by the Southern Railroad of New Jersey — is being resisted by local residents for health and safety reasons. It is also being challenged by the New Jersey Pinelands Commission to respect the environmental requirements and protections accorded the Pinelands reserve under federal and state legislation.

¶Planning is under way to add more capacity to the four rail freight transfer stations that operate currently in the Meadowlands in Bergen County. That is expected to generate concerns as well.

There are legitimate interests in conflict here as well as pressing



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needs that are unlikely to go away. So far, though, political figures have offered up reactions that are not likely to produce solutions. Our state's two senators, Jon S. Corzine and Frank R. Lautenberg, joined by Acting Governor Richard J. Codey, for example, are pressing for changes in federal law, an unlikely prospect given the compelling (and well-established) protection of the free flow of commerce. And then there is the state legislation to postpone any state-financed freight rail work, cited above, which may provide breathing room but hardly generates options.

Rail officials aren't exactly taking the high ground. As opposition mounts, they take refuge in federal regulation, asserting that state permits are not required and local ordinances don't apply — implying that the public's safety and health, and

protection of the environment, are not their concerns. This is no way to run a railroad.

While federal pre-emption of state and local rule doesn't give railroads a complete pass, the railroads and local and state authorities generally disagree as to what the limits are.

So, how are we to manage rail freight and related policy and planning issues? Consider how other states have dealt with similar challenges. In Florida, Oregon and Minnesota, efforts have been taken to develop and support reliable, efficient and environmentally responsible freight transportation systems.

Minnesota created forums to exchange ideas and issues between its transportation agency and private rail sector to work toward that end; Oregon has a Freight Advisory Committee, created by statute, to advise the State Transportation Commission on issues, policies and programs that affect freight mobility and to identify priority freight projects for considerations in transportation improvement programs, and to recommend the strategic use of public funds.

And Florida mandates conflict resolution processes to handle disputes with environmental and growth management agencies and with citizens; governmental entities as a whole are encouraged by the Legislature to put such processes in place, and they have.

New Jersey should follow that lead. The New Jersey Department of Transportation, in concert with the Surface Transportation Board, the federal agency responsible for rail regulation, should start discussions designed to enhance cooperation among state agencies and local officials and citizens and rail carriers regarding freight issues. Mechanisms should be put in place that are designed to assist the parties at interest to reach acceptable solutions locally — notably, mediation, a process used successfully to resolve disputes over highway location, port development, urban renewal and finding sites for power plants. Collaborations assisted by facilitators or mediators can produce solutions that work.

It's time to get started.

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