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PAINTED POST

Residents weary of night trains

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PAINTED POST | Residents who live near the railroad tracks in Painted Post filled village hall Monday night to complain about noise from trains.

They are upset about train traffic from a water filling station in Painted Post that began operating

in mid-August. The village is selling bulk water for use in gas drilling operations in Pennsylvania.

The nearly 70 residents told the Village Board that trains are coming through in the overnight hours, shaking homes and blowing loud safety horns at railroad crossings. Others said the trains also create traffic tie-ups on village

streets.

"Under the (village) noise ordinance it's supposed to be 55 decibels during the day and 50 decibels at night," said Teresa Flegal, a Charles Street resident. "I have a decibel reader and one night a train going by actually registered 102 decibels. They've been ranging from 62 to 90 decibels a

night. They are constantly over the limit."

But officials said railroad traffic is excused from all municipal codes, such as the village noise ordinance, and is overseen solely by the federal railroad association.

Flegal said her neighbors have told her their windows and houses often shake as the trains go by

from 12:30 to 2:30 a.m., three to five nights a week.

"The biggest thing is the time. If it was earlier, it wouldn't bother me whatsoever," Flegal said. "I realized when I moved to my home the train tracks are here and I didn't have a problem with it. It's the time."

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TRAINS

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"If I went out there and beeped my horn all night I'd be in jail," said Laura Brooks, a West Water Street extension resident. "The people who live close to the tracks are really, really upset."

Brooks said village officials have told her and other residents that a conflict with the train schedule has forced the late night hours.

Mike Fesen, a railroad official at Norfolk Southern Railroad, said Norfolk Southern and officials from the other parties involved will meet to see if the time the trains arrive in the village can be changed to daytime hours.

"I don't know if we can make any changes," Fesen said. "It may be this way for some time, but we will see what we can do."

Village Mayor Roz Crozier said he understands why the large crowd attended Monday's meeting and the

Village Board has the same concerns as expressed by residents and are working to find an answer to the issue.

"We have worked on it and will continue to work on it in the future," Crozier said.

Several residents said they understand that the water station is a profitable enterprise for the village, but they object to the time the trains have been coming through. The village could make up to \$2.6 million annually in water sales, according to village officials.

Trains from the Wellsboro and Corning Railroad with 42 tanker cars fill up at the station, located at the site of the old Ingersoll-Rand foundry property. The trains haul the water to a storage facility in Wellsboro, where trucks can fill up and bring the water to drilling sites. Houston-based SWEPI LP, a Shell subsidiary, is the company that buys the water.

The water station project is being challenged in state Supreme

Court.

A lawsuit was filed in late June against the village, the Wellsboro and Corning Railroad and SWEPI LP by environmental groups The Sierra Club, People for Healthy Environment and The Coalition to Protect New York, along with five local residents.

The lawsuit claims the village's state-required environmental review failed to properly consider the impacts of the project on the Corning aquifer, as well as the noise and air pollution and the traffic tie-ups the trains cause.

A hearing in the case has been rescheduled several times. Two Supreme Court judges in Steuben County, Joseph Latham and Marianne Purfur, have recused themselves and the case has been transferred to a judge in Rochester.

A new court date has not been set. The plaintiffs have asked for a preliminary injunction to halt operations while the case is decided.