

FREQUENTLY ASKED QUESTIONS

What is the railroad, R.J. Corman, proposing to do?

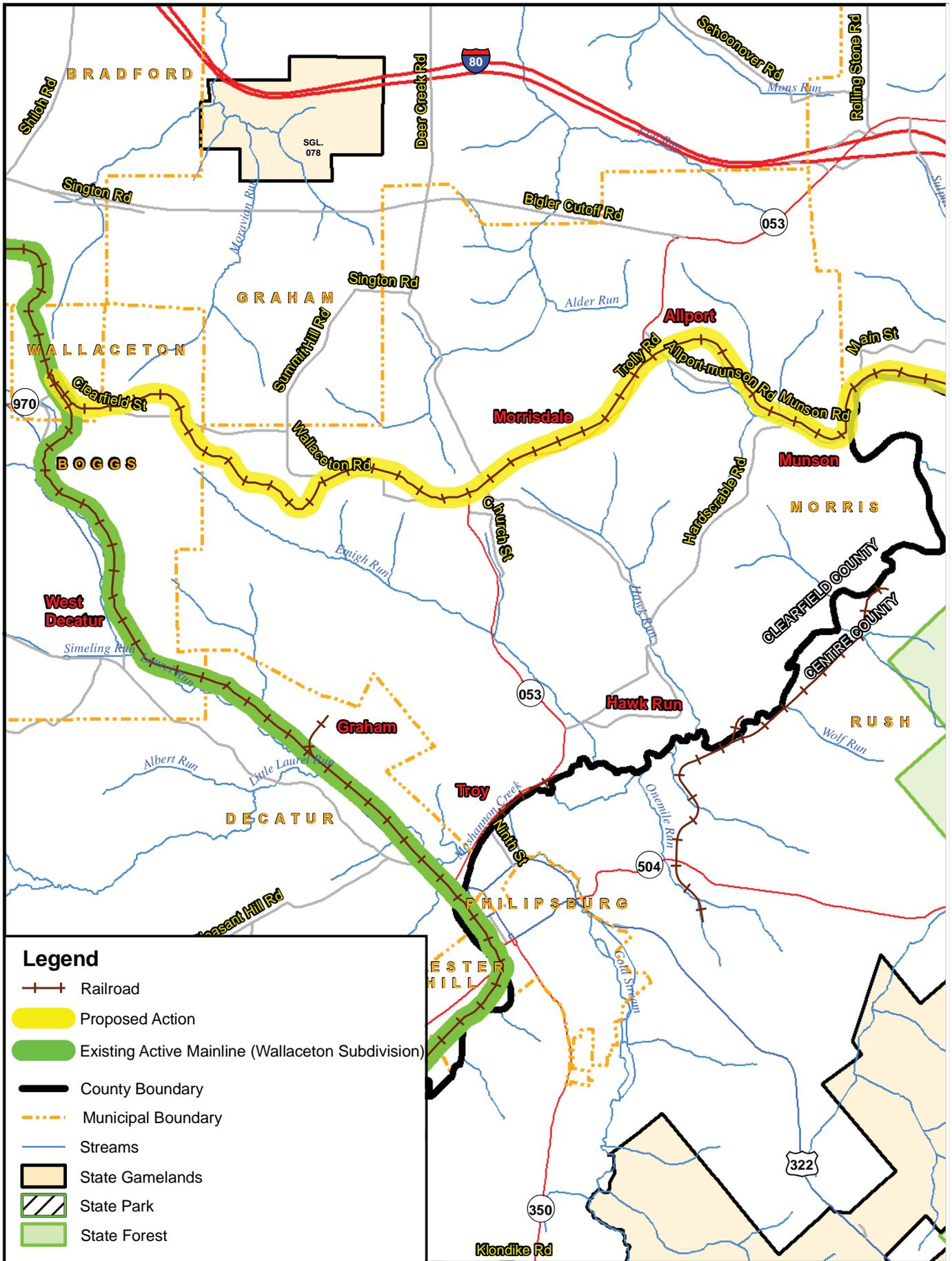
R.J. Corman Railroad Company/Pennsylvania Lines Inc. (RJCP)¹ is a railroad company that would like to build and operate approximately 20 miles of rail line between Wallaceton and Gorton, in Clearfield and Centre Counties, Pennsylvania. RJCP's plan includes two parts. The first part of RJCP's plan is to construct and operate a new rail line over a 10.8-mile length of abandoned rail right-of-way between Wallaceton and Winburne in Clearfield County, Pennsylvania (the Western Segment). The second part of RJCP's plan is to reactivate a connecting 9.3-mile portion of currently rail banked² line between Winburne and Gorton in Clearfield and Centre Counties, Pennsylvania (the Eastern Segment). Together, the Western and Eastern Segments comprise the Proposed Action. Figure ES-1 shows the location of both the Western and Eastern Segments of the Proposed Action.

RJCP would like to use this new rail line to serve a new waste-to-ethanol facility, quarry, and industrial park, as well as several other shippers located along the line that are interested in the availability of rail service. These facilities—the waste-to-ethanol plant, quarry, and industrial park—are currently being developed by Resource Recovery, LLC (RRLC)³ near Gorton, Pennsylvania.

¹ Operating out of Clearfield, Pennsylvania, RJCP is one of a family of short line railroad operators controlled directly by R.J. Corman Railroad Group, LLC, based in Nicholasville, Kentucky. R.J. Corman Railroad Group, LLC, is majority-owned and controlled by Richard J. Corman. RJCP is a Class III railroad, and the acquisition of its current lines in the vicinity of Clearfield, Pennsylvania was authorized pursuant to R.J. Corman R.R. Co./Pa. Lines, Inc. – Acquis. and Operation Exemption – Lines of Consolidated Rail Corp., FD 32838 (STB served Jan. 26, 1996). RJCP operates over a former Consolidated Rail Corporation (Conrail) light density line that extends from an interchange with the Norfolk Southern Railway Company (NS) at Keating, through Clearfield and Wallaceton, to Osceola Mills, Pennsylvania.

² In 1983, concerned by the rapid contraction of America's rail network, Congress amended the National Trails System Act to create the rail banking program. Rail banking is a method by which rail lines authorized for abandonment can be preserved for future rail use through interim use as a trail. A rail banked line is not treated as abandoned. See 16 U.S.C. § 1247(d). Instead, the right-of-way is "rail banked," which means that the railroad is relieved of the current obligation to provide service over the line but that the railroad (or any other approved rail service provider) may reassert control to restore service on the line at any point in the future. If and when the railroad wishes to restore rail service on all or part of the property, it has the right to do so, and the trail user must step aside. See Birt v. STB, 90 F.3d 580, 583 (D.C. Cir. 1996); Iowa Power–Constr. Exempt.–Council Bluffs, IA, 8 I.C.C.2d 858, 866-67 (1990); 49 C.F.R. § 1152.29(c)(2), (d)(2); Ga. Great S. Div.—Abandon. & Discontinuance of Serv., 6 S.T.B. 902, 906 (2003); R.J. Corman R.R. Co./Pa. Lines, Inc.—Constr. and Operation Exemption—In Clearfield Cnty., Pa., FD 35116 (STB served July 27, 2009).

³ RRLC is a privately owned company located in Mountville, Pennsylvania, that was created to undertake an economic development project located near Gorton in Rush Township, Centre County, Pennsylvania. In accordance with RJCP's petition, RRLC's proposed development project would include a landfill, sand and gravel quarry, and industrial park. None of the R.J. Corman companies, including RJCP or its non-rail carrier affiliates, has any affiliation with RRLC through stock ownership, control or otherwise.



Legend

- Railroad
- Proposed Action
- Existing Active Mainline (Wallaceton Subdivision)
- County Boundary
- Municipal Boundary
- Streams
- State Gamelands
- State Park
- State Forest

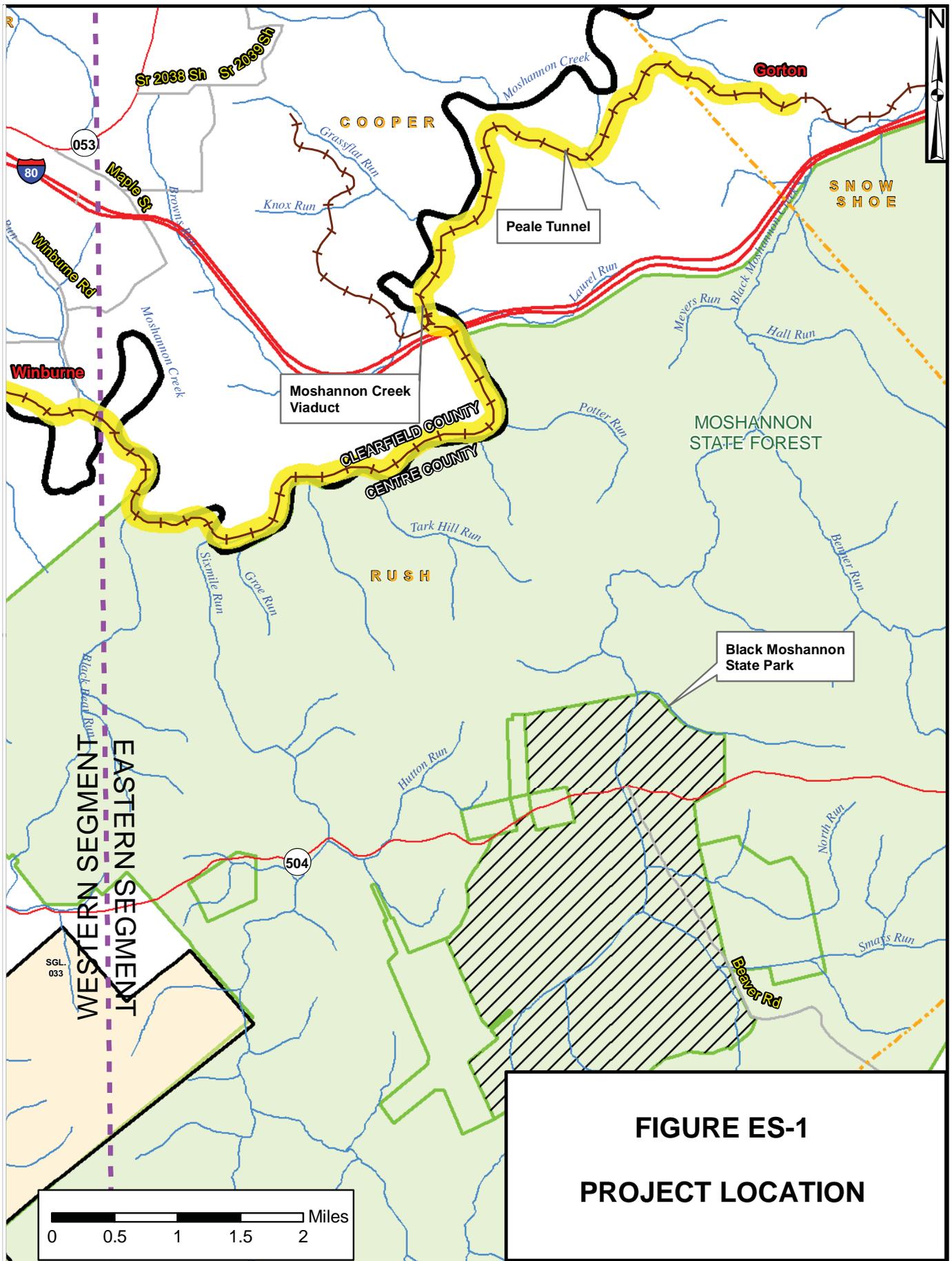


FIGURE ES-1
PROJECT LOCATION

What is the Surface Transportation Board's role here?

Before RJCP may build and operate a new rail line, it must get permission from the Surface Transportation Board (Board),⁴ an independent agency created by Congress to ensure a sound national freight rail transportation system through economic regulation of railroads. One of the Board's responsibilities is to license the construction and operation of new rail lines. Before a railroad may build a new rail line that would give it access to new shippers, it must first get approval for the new rail line from the Board.

In this case, RJCP filed a petition with the Board on May 20, 2008, asking the Board to authorize its proposal. Prior to deciding whether to authorize a proposed new line, the Board must conduct an environmental review under the National Environmental Policy Act (NEPA),⁵ which requires that the agency consider the potential harms and benefits that could happen to the environment as a result of its decision. The Board's Office of Environmental Analysis (OEA)⁶ helps the Board to meet its responsibilities under NEPA. In this case, because the Board must decide whether to authorize (or deny) RJCP's proposal, the Board is the "lead agency" for the NEPA review. OEA is preparing a full Environmental Impact Statement (EIS) to meet its NEPA obligations in this case and has issued this Supplemental Draft Environmental Impact Statement (SDEIS) as part of its environmental review of RJCP's proposal.

What other agencies are involved in this environmental review?

Both the U.S. Army Corps of Engineers (USACE)—Baltimore District and the Federal Highway Administration (FHWA)—Pennsylvania Division participated as "cooperating agencies"⁷ in the preparation of the Draft Environmental Impact Statement (DEIS), which was issued on July 23, 2010. However, based on the information presented in the DEIS, USACE has informed OEA that it would conduct its own independent environmental review in the future and withdrew from participation as a cooperating agency for this project. Therefore, only FHWA remains as a cooperating agency in the preparation of the SDEIS.

What opportunities have there been for public involvement in the environmental review process to date?

As part of the environmental review process to date, OEA has conducted broad public outreach to inform the public, appropriate agencies, and government entities about this project and to facilitate public participation. During the first stage of the EIS process called "scoping" (an open process for determining the scope of environmental issues to be addressed in the EIS), OEA consulted

⁴ The Board is a bipartisan, decisionally-independent adjudicatory body, organizationally housed within the U.S. Department of Transportation (USDOT). The Board was established by the ICC Termination Act of 1995 (49 U.S.C. § 10101 *et seq.*; P.L. 104-88, December 29, 1995) to assume certain regulatory functions administered the Interstate Commerce Commission (ICC) had administered. The Board has jurisdiction over rail constructions, rail abandonments, rail rates, and railroad acquisitions and consolidations. Other functions of the ICC were either eliminated or transferred to different agencies within USDOT.

⁵ 42 U.S.C. § 4321 *et seq.*

⁶ OEA was formerly known as the Board's Section of Environmental Analysis (SEA). The name change from SEA to OEA became effective on September 1, 2010.

⁷ Pursuant to 40 C.F.R. § 1501.5 and 40 C.F.R. § 1501.6, agencies that have jurisdiction under other laws or that have "special expertise" may participate as cooperating agencies in the Board's environmental review process.

with appropriate federal, state, and local agencies; affected municipalities; and interested parties to gather and disseminate information about the project. OEA issued a Draft Scope of Study, outlining the environmental impact areas that would be analyzed in the DEIS. The public was invited to comment on the Draft Scope of Study in writing and at a public scoping meeting which was held in Philipsburg, Pennsylvania, on February 10, 2009. Following the public scoping meeting, OEA considered all comments received on the Draft Scope of Study and issued the Final Scope of Study for the DEIS.

OEA then prepared the DEIS, which evaluated the potential environmental impacts associated with the Proposed Action and its alternatives. The DEIS was issued on July 23, 2010. The public was invited to comment on the DEIS in writing and at a public meeting which was held in Philipsburg, Pennsylvania, on September 14, 2010. After carefully reviewing all comments received, as well as additional information about the project proposal, OEA has decided to prepare this SDEIS, and to provide 45 days for public comment on it. OEA will then consider all comments received on the DEIS and this SDEIS in issuing a Final Environmental Impact Statement (FEIS), the last step in the NEPA review process.

What is a Supplemental Draft Environmental Impact Statement and why did OEA prepare one?

Normally, the EIS process consists of preparation of a DEIS analyzing the potential environmental impacts of a proposed action and an FEIS addressing comments received on the DEIS. However, an SDEIS can be prepared for public review and comment after issuance of a DEIS to address substantial changes to the proposed project or new information about environmental concerns. OEA is issuing this SDEIS to address changes in the project that have developed since the preparation of the DEIS. Specifically, the SDEIS addresses the following issues: 1) the potential environmental impacts associated with RJCP's proposed transport of ethanol over the rail line, 2) the change in the preliminary plan approval status of the No-Build Alternative – Local Road System Upgrade (Black Rock Road), and 3) the results of the 2010 summer field survey for Branching Bur-reed (*Spartanium androcladum*), a Pennsylvania Endangered Species.

What is the next step in the environmental review process?

After the close of the public comment period on the SDEIS, OEA will prepare an FEIS responding to comments received on both the DEIS and SDEIS, making any appropriate revisions to the DEIS and SDEIS, and setting forth OEA's conclusions and recommended mitigation measures. The Board will then issue a final decision, based on the entire environmental record, including the DEIS, SDEIS, and FEIS, and all public and agency comments received. In its decision, the Board will determine whether to authorize the project, and if so, what, if any, environmental mitigation to impose to eliminate or minimize potential environmental impacts. RJCP would not be able to begin construction of the proposed rail line until the Board issues a decision authorizing the proposal, and the decision has become effective.

How can I tell the Board about my concerns?

The public and any interested parties are encouraged to submit written comments on all aspects of this SDEIS. All comments must be submitted within the comment period, which will close April 25,

2011. When submitting comments on the SDEIS, be as specific as possible and substantiate your concerns and recommendations.

Please mail written comments on the SDEIS to the address below.

Surface Transportation Board
395 E Street, SW
Washington, DC 20423

To ensure proper handling of your comments, please mark your submission:

Attention: Danielle Gosselin
Office of Environmental Analysis
Environmental Filing FD 35116

Written comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link.

Due to the prior public meetings that have been held in the project area and the limited nature of the SDEIS, OEA requests written comments only, and will not be holding a public meeting to solicit oral comments on the SDEIS. Comments will be posted on the Board's website after they are received. For additional information regarding the history of this proceeding, please visit the Board's website.

EXECUTIVE SUMMARY

PROPOSED ACTION

As discussed in detail in the DEIS, the Proposed Action involves the proposed construction and operation of a new rail line over the previously abandoned Western Segment and the reactivation of active rail service over the rail banked Eastern Segment. Because a member of the public identified an alternate route for a portion of the Western Segment during scoping, OEA has considered an alternative to the Proposed Action (known as the Modified Proposed Action), described below. Under either of these build alternatives, RJCP proposes to construct a single-track line over the approximately 20-mile project length and to operate common carrier rail service over the entire 20 miles of line. At peak capacity, RJCP anticipates that it would serve the RRLLC development and other local shippers with one or at most two unit trains (trains consisting of 55 to 70 cars) daily. Other alternatives to the Proposed Action, including the No-Action Alternative, are discussed below.

PURPOSE AND NEED FOR PROPOSED ACTION

The purpose of the Proposed Action is to provide rail transportation service to a new waste-to-ethanol facility, quarry, and industrial park being developed by RRLLC near Gorton in Rush Township, Centre County, Pennsylvania, as well as to several other interested shippers located along the proposed line. RJCP has stated that the Proposed Action is needed because there is currently no rail transportation service to or even near RRLLC's development site, and that the site would not cross the line of any other active or inactive railroad. RJCP also has explained, however, that if there is no rail service, trucks on local roads and highways would be used to provide the transportation at issue. It is estimated that RJCP's proposed rail line could keep up to 1,100 trucks per day (550 loaded and 550 empty) off the local road system.

ENVIRONMENTAL REVIEW PROCESS FOR THIS PROCEEDING

On January 8, 2009, OEA published its Notice of Intent to Prepare an EIS and Draft Scope of Study in the *Federal Register* and on the Board's website. OEA placed notice of the public scoping meeting in two local newspapers, including the *Progress News* on January 21, 2009 and the *Centre Daily Times* on February 6, 2009. Additionally, OEA mailed invitation letters to 31 federal, state, and local agencies, including the project area municipalities and counties, as well as local elected officials (see Appendix A of the DEIS).

The scoping meeting was held on the evening of February 10, 2009 in the Philipsburg-Osceola Senior High School gymnasium. The meeting was conducted in an open house/plans display style format to allow attendees to provide comments and ask questions of OEA and its independent third-party consultant, Skelly and Loy, Inc. of Harrisburg, Pennsylvania, on a one-on-one basis at each of the display boards. The 130 individuals who attended the scoping meeting included project-area citizens, representatives of various organizations, elected officials, and agency personnel.

As noted above, a member of the public suggested an alternate route for a portion of the Western Segment that might avoid or minimize potential environmental impacts associated with RJCP's originally-proposed Western Segment at the public scoping meeting. This alternate route would entail continued use of RJCP's existing Wallaceton Subdivision line south of Wallaceton to a point

near Philipsburg where a new connection would be built to another 5.8-mile previously abandoned rail line leading northeast to Munson (formerly referred to as the Philipsburg Industrial Track). From Munson eastward to Winburne, the Western Segment would remain unchanged from RJCP's original petition. Thus, a portion of the Western Segment has been divided into two separate routes for consideration, namely RJCP's original "Wallaceton to Munson Route" and the more recently proposed "Alternate Route from Philipsburg to Munson." Figure ES-2 shows the locations of these two alternate routes to Munson, including a proposed new connection area associated with the Alternate Route from Philipsburg to Munson.

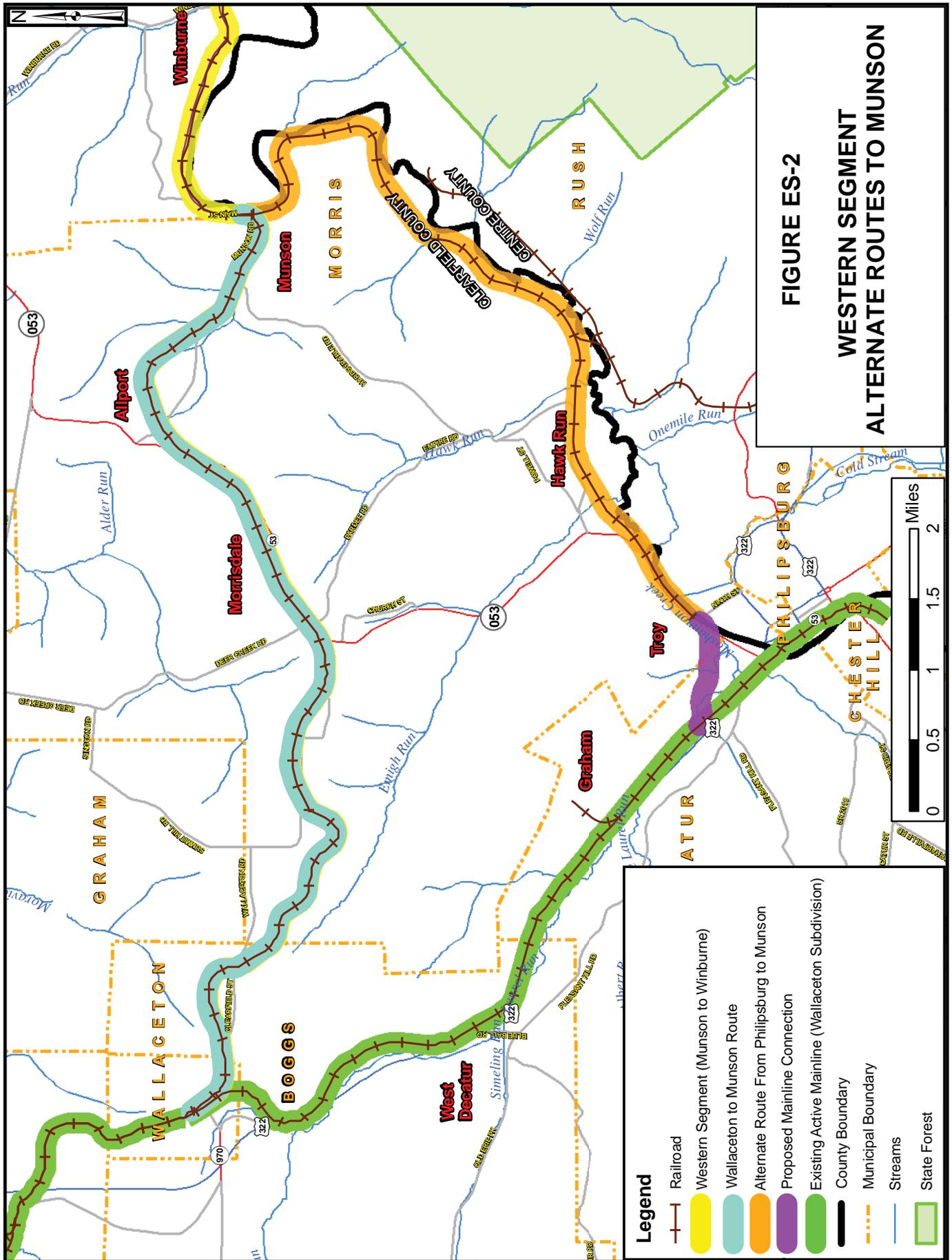
Due to this additional alternative route for a portion of the Western Segment, OEA sent another consultation letter to federal, state, and local agencies soliciting agency input (see Appendix B of the DEIS). In addition, the Final Scope of Study, served by the Board on July 31, 2009, included a discussion of this potential change in routing, which was presented as the Modified Proposed Action in the DEIS.

OEA then prepared the DEIS to evaluate the potential environmental impacts associated with the Proposed Action and its alternatives. The DEIS was issued on July 23, 2010. Copies of the DEIS were sent to 25 federal/state agencies, 13 local government units, 8 elected officials, 11 organizations, 5 public libraries, and 20 individuals, and was posted on the Board's website. OEA established a 60-day public comment period for the DEIS, and comments were due by September 28, 2010. Additionally, OEA held a public meeting for the DEIS on September 14, 2010 in the Philipsburg-Osceola Senior High School auditorium. A total of 98 people attended the public meeting, and 18 people presented oral testimony. OEA received 66 written comments on the DEIS. Some commenters expressed support for RJCP's proposal; others questioned OEA's decision to treat RRLLC's proposed landfill as a cumulative impact instead of as a "connected action" in the EIS. Some commenters also expressed opposition to the loss of 9.3 miles of the Snow Shoe Multi-Use Rail Trail. OEA will respond to the comments on the DEIS, as well as to any comments received on this SDEIS, in the FEIS.

ALTERNATIVES CONSIDERED IN THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

The DEIS assessed the Proposed Action, an alternative to the Proposed Action (known as the Modified Proposed Action), three no-build alternatives, and the no-action alternative. These alternatives are summarized below:

- **Build Alternative (Proposed Action)** – The Proposed Action is presented in RJCP's petition for exemption filed with the Board and consists of the originally-proposed Eastern Segment and Western Segment. The Proposed Action's Western Segment would follow the Wallaceton to Munson Route and then continue east to Winburne. If the Proposed Action is authorized by the Board, R.J. Corman Railroad Group's own construction crew would construct the proposed rail line. RJCP estimates that construction of the Proposed Action would take approximately 12 to 18 months to complete. The line would be constructed on a 66-foot right-of-way owned/controlled or to be owned/controlled by RJCP.



- **Build Alternative (Modified Proposed Action)** – The Modified Proposed Action consists of the same Eastern Segment, but the Modified Proposed Action’s Western Segment would follow the Alternate Route from Philipsburg to Munson and then continue east to Winburne. Construction activities for the Modified Proposed Action would be the same as the Proposed Action, and there would be no change in the width of the right-of-way or ownership. RJCP has identified this alternative as its preferred alignment.
- **No-Build Alternative (I-80 Interchange)** – The I-80 Interchange involves no physical rail improvements. Under this alternative, the construction of a new interchange on Interstate 80 would be used to provide direct vehicular access to RRLLC’s proposed waste-to-ethanol facility/development site and to other interested shippers. This alternative was not advanced for detailed analysis in the DEIS because FHWA had not (and to date still has not) granted approval of the new interchange.
- **No-Build Alternative (Local Road System Upgrade)** – Much like the I-80 Interchange, the Local Road System Upgrade alternative involves no physical rail improvements. Rather, under this alternative the existing local road system would be improved to accommodate the anticipated volume of truck traffic that would be generated by RRLLC’s proposed waste-to-ethanol facility/development site and other shippers located in the project area.
- **No-Build Alternative (Black Rock Road)** – A variation on the Local Road System Upgrade alternative, the Black Rock Road alternative involves no physical rail improvements. Rather, under this alternative the existing local road system would be improved and a new access road would be constructed to accommodate the anticipated volume of truck traffic generated by RRLLC’s proposed waste-to-ethanol facility/development site and the traffic of other area shippers. This alternative was not advanced for detailed analysis in the DEIS because when the DEIS was prepared, RRLLC’s subdivision plan had not been approved by the Centre County Planning and Community Development Office. As discussed below, this alternative has been carried forward for detailed analysis in this SDEIS because RRLLC has since received the necessary County approval to implement the Black Rock Road No-Build Alternative.
- **No-Action Alternative** – This alternative involves retaining the status quo and taking no action, rail or otherwise. Under this alternative, RJCP would not provide rail service to RRLLC’s proposed waste-to-ethanol facility/development site (or to any of the other interested shippers located along the proposed line), nor would the improvements needed to provide an acceptable means of vehicular access be undertaken. In short, this alternative would result in no change in access to RRLLC’s proposed waste-to-ethanol facility/development site beyond use of the existing local road system in its current physical condition.

In the DEIS, OEA preliminarily concluded that the Modified Proposed Action would be the environmentally preferable alternative for this project. OEA made this determination, in part, because the Modified Proposed Action's Alternate Route from Philipsburg to Munson would involve substantially fewer public road and private driveway crossings when compared to the Proposed Action's Wallacetown to Munson Route. Additionally, OEA determined that the Modified Proposed Action would affect fewer adjacent residential properties (155 versus 28) and less noise-impacted sensitive land uses (178 versus 32) than the Proposed Action. OEA concluded that the Local Road System Upgrade alternative would be the least environmentally preferable alternative of those studied in detail because of the transportation, operational, and economic inefficiencies of this alternative when compared to the rail alternatives, and the potential for substantially greater air quality, noise, and energy resource impacts. As discussed below, OEA reevaluated the alternatives to identify the environmentally preferable alternative based on the new information presented in this SDEIS and found that the Modified Proposed Action would continue to be the preferred alternative for this project.

SCOPE OF THIS SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT

OEA is issuing this SDEIS to address changes in the project that have developed since the preparation of the DEIS. This SDEIS addresses three issues:

- RJCP's now planned transport of ethanol, a regulated hazardous material, over the proposed rail line,
- a detailed analysis of the No-Build Alternative – Local Road System Upgrade (Black Rock Road) to reflect the recent approval from Centre County that would be necessary to implement that alternative, and
- the results of the 2010 summer field survey for Branching Bur-reed (*Sparganium androcladum*), a Pennsylvania Endangered Species.

Specifically, on November 17, 2010, RJCP submitted written correspondence (see Appendix A) to OEA stating that based on recent changes to RRLLC's development project, including the development of a waste-to-ethanol facility, RJCP would be willing to provide outbound transport of RRLLC's estimated five carloads of ethanol per day from the proposed waste-to-ethanol facility. OEA determined that the anticipated transport of ethanol, a regulated hazardous material, over RJCP's proposed rail line was a substantial change in the information that was available when the DEIS was prepared and that the potential handling of ethanol should be assessed in this SDEIS.

As discussed in Section 2.3.2 of the DEIS, OEA considered a modified version of the Local Road System Upgrade alternative involving the construction of a new access road (i.e., Black Bear Road) from S.R. 0053 to Gorton Road. Despite having the wrong name for this proposed new access road (Black Bear Road instead of the correct name, Black Rock Road), the DEIS correctly noted that RRLLC had proposed this new access road in June 2009 as part of a larger property subdivision plan. OEA did not advance this particular version of the Local Road System Upgrade alternative for further consideration in the DEIS, however, because, at that time, RRLLC's preliminary subdivision plan was denied approval by the Centre County Planning and Community Development Office. Following the issuance of the DEIS, OEA learned that RRLLC successfully challenged the

Centre County Planning and Community Development Office's disapproval of its preliminary plan. Because the preliminary plan approval status of Black Rock Road has changed, OEA believes it would be appropriate to carry the Black Rock Road alternative forward for more detailed analysis in this SDEIS.

Finally, the SDEIS includes the findings of the 2010 summer field survey for Branching Bur-reed (*Sparganium androcladum*), a Pennsylvania Endangered Species. As presented in Section 4.6.3 of the DEIS, consultation with the Pennsylvania Department of Conservation and Natural Resources (PA DCNR) indicated that the proposed rail line is within the known range of several different threatened and endangered plant species, including Branching Bur-reed. However, due to the critical flowering/fruitleting time period required for precise field identification of this genus, identification down to the species level was not possible before issuance of the DEIS. OEA conducted additional field surveys during the 2010 flowering/fruitleting season to make an accurate identification, however, and the results of these surveys are presented in this SDEIS.

TRANSPORT OF ETHANOL

As discussed above, OEA determined that the anticipated transport of ethanol over RJCP's proposed rail line is a substantial change to the information available when the DEIS was prepared and that the potential handling of ethanol should be assessed in this SDEIS. As explained in Chapter 3 of this SDEIS, however, OEA determined, following its assessment, that most of the environmental impacts analysis presented in Chapter 4 of the DEIS would not substantially change if ethanol were transported on the proposed rail line. The environmental resource areas that would directly be affected by RJCP's potential transportation of ethanol are summarized below.

Transportation and Safety

As explained in more detail in Chapter 3 of this SDEIS, RJCP could transport as many as five carloads of ethanol per day outbound from RRLLC's proposed waste-to-ethanol facility at peak production. This five-carload per day peak transport is based on RRLLC's estimated annual ethanol production capacity of 50,000,000 gallons. Based on a six-day work week, RRLLC's estimated annual ethanol production capacity would equal approximately 160,256 gallons per day. Transport of ethanol using industry standard 33,000-gallon tanker cars would typically equal five tanker cars per day. In its November 17, 2010 letter to OEA, RJCP stated that the addition of five cars of ethanol would not alter its planned operations of the rail line (i.e., one inbound train and one outbound train each day). The five ethanol cars would simply be added to the daily train, which would still consist of approximately 55 to 70 cars. Therefore, OEA has concluded that the potential transport of ethanol would not significantly alter the analysis of RJCP's rail operations presented in the DEIS.

Regarding rail operations safety, OEA determined that the transportation of hazardous materials is extensively regulated by USDOT, Pipeline and Hazardous Materials Safety Administration. NS has incorporated these federal regulations into its United States Hazardous Materials Instructions for Rail (HM-1), which RJCP would be required to comply with. These regulations mandate certain operational procedures and safety requirements specific to the transportation of hazardous materials by rail. OEA also has included a new mitigation measure in this SDEIS that would specifically require RJCP to comply with all applicable federal hazardous materials transportation safety

requirements. Given the extensive regulation that already exists, OEA concludes that the proposed transportation of ethanol would not result in significant impacts related to rail operations' safety.

Hazardous Materials Transport

The only hazardous material RJCP anticipates transporting over the proposed rail line is fuel-grade or denatured (i.e., rendered undrinkable) ethanol. Ethanol, also known as ethyl alcohol, pure alcohol, grain alcohol, or drinking alcohol, is a volatile, flammable, clear, colorless liquid. According to the U.S. Environmental Protection Agency (USEPA),⁸ the reported half-life of ethanol in surface waters is short, spanning 6.5 to 26 hours. The reported half-life of ethanol under anaerobic conditions (meaning without oxygen) ranges from 1 to 4.3 days. This would further reduce the likelihood of potential impacts related to hazardous materials transport here, because ethanol's ability to break down quickly when released into the environment means that it is unlikely that the effects of any release would be long term.

Assessment of Probability for a Release of Ethanol

Using national accident/incident statistics, OEA calculated an average annual mainline train accident (i.e., accidents occurring along mainline railroad routes, not including yards, sidings, or spurs) rate for accidents that would result in a release of hazardous materials per million train miles for smaller Class III rail carriers like RJCP. This national Class III railroad average annual mainline train accident rate was then used to calculate an estimated probability of annual occurrence and return year interval (an estimate of time between accidents) for a train accident resulting in a release of hazardous materials on RJCP's proposed rail line. Based on OEA's analysis, there would be a 0.0007 (0.07%) annual probability of occurrence for a mainline train accident resulting in a release of hazardous materials on the proposed rail line. This annual probability of occurrence would equal an estimated return year interval of one accident resulting in a release of hazardous materials every 1,428 years. Thus, there is little likelihood that a mainline train accident resulting in a release of hazardous materials would occur on the proposed rail line. OEA notes that the planned 25 mph maximum operating speed for the proposed rail line likely would further reduce the probability of an occurrence.

Environmental Impacts of an Ethanol Release

OEA also evaluated the potential environmental impacts and safety consequences that would be associated with a release of ethanol into the project area. The potential environmental impacts and safety consequences associated with a release of ethanol would vary depending upon several factors, including the location of the release (i.e., developed area or undeveloped area), the nature of the release (i.e., land spill or water spill or both), the magnitude of the release, how well the release was contained, and if the ethanol was ignited or not. If a release were to occur in an undeveloped area (such as the Eastern Segment of the proposed rail line) with effective containment measures and without fire or ethanol entering into surface water, the adverse effects would likely be minimal due

⁸ On March 24, 2000, USEPA published an Advance Notice of Intent To Initiate Rulemaking in the *Federal Register* regarding its authority under the Toxic Substances Control Act (40 C.F.R. § 755) to eliminate or limit the use of Methyl Tertiary Butyl Ether (MTBE) as a fuel additive in gasoline due to its documented potential to pollute the environment. In this publication, USEPA states that the most likely substitute based on current usage is ethanol and documents the differences in environmental toxicity that exist between MTBE and ethanol, including reported half-lives.

to the biodegradable and photodegradable characteristics of ethanol. Apart from localized vegetation and soil impacts, such an event would likely have little to no long-term environmental effects. If, however, a release were to occur in a developed area (i.e., certain sections of the Western Segment of the Proposed Action or Modified Proposed Action), and the ethanol ignited or spilled directly into surface water, the adverse effects would be substantially greater. A release in a populated area would result in the evacuation of people, potential health and safety concerns, and potential property damage.

An accident involving a release of ethanol directly into surface water would likely result in the death of some aquatic organisms for a particular distance downstream. The distance of downstream impact would depend on a number of factors, including the volume of ethanol entering the watercourse (any flowing body of water), the rate at which the ethanol enters the watercourse, and the dilution potential of that watercourse (i.e., smaller streams with less dilution potential would have a greater downstream impact). A worst-case scenario would involve an uncontained release of a large volume of ethanol or an explosive release of ethanol in a highly urbanized area. Such an event could result in human health and safety impacts up to and including destruction of personal property, and even death.

The risk of any release, however, let alone a significant release of ethanol on either build alternative for the proposed rail line is not high. As noted above, OEA calculated a 0.0007 (0.07%) annual probability of occurrence for a mainline train accident resulting in a release of hazardous materials on the proposed rail line. This annual probability of occurrence would equal an estimated return year interval of one accident resulting in a release of hazardous materials every 1,428 years. The planned 25 mph maximum operating speed for the proposed rail line likely would further reduce the probability of an occurrence. Existing federal regulations and containment procedures are in place to minimize the risk of an occurrence, and emergency response service providers are available in the project area to remediate possible damage in the event of a spill. Additionally, ethanol's ability to biodegrade (breakdown) quickly when released into the environment makes it unlikely that the effects of a release would be long term.

ENVIRONMENTAL IMPACTS OF THE BLACK ROCK ROAD NO-BUILD ALTERNATIVE

As previously noted, the Black Rock Road alternative is a modified version of the Local Road System Upgrade alternative involving the construction of a new access road (i.e., Black Rock Road) from S.R. 0053 to Gorton Road. All of the proposed roadway improvements (and accompanying environmental impacts) associated with the Local Road System Upgrade alternative discussed in the DEIS would apply to the Black Rock Road alternative, except for the improvements to Gorton Road. Instead of improving Gorton Road, the 3.1-mile Black Rock Road would be constructed from S.R. 0053, approximately 2.3 miles west of the village of Moshannon, across Black Moshannon Creek to a new intersection with Gorton Road.

OEA used the same scope of analysis for the study of the Black Rock Road alternative as the scope of analysis for the alternatives studied in detail in the DEIS. The potential environmental impacts associated with the Black Rock Road alternative are summarized below.

Transportation and Safety

Similar to the Local Road System Upgrade alternative, the Black Rock Road alternative would result in increased truck volumes on S.R. 0053 and S.R. 0144. One notable difference is that the 1,100 roundtrip trucks (i.e., 550 loaded and 550 empty) per day would use the new Black Rock Road under the Black Rock Road alternative instead of using Gorton Road under the Local Road System Upgrade alternative. Thus, this alternative would result in significantly fewer trucks using Gorton Road through the small village of Moshannon.

Under the Black Rock Road alternative, the 25% (or 275 trucks) that would have accessed Gorton Road from the west via S.R. 0053 would no longer enter the village of Moshannon, as these trucks would now access Black Rock Road at its intersection with S.R. 0053 approximately 2.3 miles west of Moshannon. The remaining 75% (or 825 trucks) expected to access Black Rock Road from the east and/or north would still travel through Moshannon via S.R. 0144 and then S.R. 0053 to get to Black Rock Road. Therefore, there would be a reduction in truck traffic through the intersection of S.R. 0053 and S.R. 0144 in Moshannon under the Black Rock Road alternative because only 825 trucks, instead of all 1,100 trucks under the Local Road System Upgrade alternative, would travel through this intersection.

Land Use

Apart from the right-of-way acquisition that would be required from adjacent private property owners along S.R. 0053 and S.R. 0144, the Black Rock Road alternative would have minimal impacts on land use. Unlike the Local Road System Upgrade alternative, the Black Rock Road alternative would not involve the displacement of any residential structures. Rather, the 3.1-mile Black Rock Road would be constructed entirely on the undeveloped RRLLC property. Assuming a typical 60-foot roadway footprint (i.e., two 11-foot travel lanes with 4-foot shoulders and 15-foot cut/fill slopes) for 3.1 miles, the construction of Black Rock Road would result in the direct conversion of approximately 22.5 acres of undeveloped forestland/reverting strip mine areas on the RRLLC property. However, approximately 1.2 miles of the 3.1-mile total length of Black Rock Road would tie into the existing gravel road system on the RRLLC property. Since approximately 1.2 miles of Black Rock Road would be built over an existing gravel roadway, the undeveloped forestland/reverting strip mine impact acreage would be reduced by approximately 8.7 acres to 13.8 acres.

Energy Resources

OEA calculated the estimated annual diesel fuel requirement that would be associated with the operation of truck traffic over the Black Rock Road alternative. The analysis indicates that the operation of truck traffic over the Black Rock Road alternative would have an estimated annual fuel requirement of approximately 541,112 gallons, which is nearly six times greater than the estimated annual fuel requirement associated with the proposed rail line.

Air Quality

OEA quantitatively evaluated the estimated air quality emissions for the Black Rock Road alternative. These calculations resulted in an estimated annual diesel fuel requirement of 541,112

gallons, which is 48,620 gallons (or 9.9%) higher than that presented for the Local Road System Upgrade alternative in the DEIS. Therefore, OEA concluded that the annual mobile source emissions of criteria pollutants for the Black Rock Road alternative would also be 9.9% higher than that presented for the Local Road System Upgrade alternative. When compared to the proposed rail line, the estimated annual emissions from the Black Rock Road alternative would be significantly higher than that of the Proposed Action or the Modified Proposed Action due to the lower fuel efficiency of trucks when compared to rail.

Noise and Vibration

The DEIS included the findings of a traffic noise screening analysis conducted for the Local Road System Upgrade alternative using FHWA's Traffic Noise Model (TNM2.5) Look-up Table Program to analyze the potential for increased noise resulting from additional truck traffic on the local roadway network. That analysis identified 204 noise-impacted sensitive land uses along the various local roadway segments. OEA has determined that the noise impacts associated with the Black Rock Road alternative would be similar to that presented in the DEIS for the Local Road System Upgrade alternative except for the 33 noise-impacted sensitive land uses identified along Gorton Road. Since the Black Rock Road alternative would use Black Rock Road instead of Gorton Road, this alternative would not impact these 33 sensitive land uses. Therefore, the total number of noise-impacted sensitive land uses associated with the Black Rock Road alternative would be 171.

Biological Resources

Construction of the 3.1-mile new roadway would impact approximately 2.8 acres of old field/herbaceous (i.e., meadow), 2.1 acres of shrub, and 11.6 acres of forest wildlife habitat, and would result in the fragmentation of wildlife habitat on the RRLLC property. However, some habitat fragmentation already exists along the 1.2 miles of the new Black Rock Road that would be built over the existing gravel roads on the RRLLC property. These existing gravel roads are only used by high-clearance 4x4 vehicles on a very infrequent basis, which causes only minimal fragmentation between adjacent habitats. Therefore, construction of Black Rock Road, and its subsequent use by 1,100 trucks per day, would create more significant habitat fragmentation than currently exists. Additionally, given the remote, undeveloped character of the surrounding landscape, this alternative would likely result in some wildlife mortality attributable to vehicle-wildlife collisions. OEA's consultation with various resource agencies showed that the Black Rock Road alternative also has the potential to impact the Eastern Small-footed Bat, the Timber Rattlesnake, and the Indiana Bat.

Water Resources

Similar to the Local Road System Upgrade alternative, construction of the roadway improvements that would be associated with the Black Rock Road alternative would result in direct impacts to wetlands and watercourses. In particular, this alternative calls for the construction of a new two-span bridge over Black Moshannon Creek. In addition, the construction of Black Rock Road would require a new culvert crossing of an unnamed tributary to Black Moshannon Creek. Tables 4-4 and 4-5 in Chapter 4 of this SDEIS quantitatively summarize the wetland and watercourse impacts associated with this alternative.

Regarding groundwater impacts, construction of the Black Rock Road alternative could result in alterations to shallow groundwater flow paths by impacting the ability of the soil to receive and transport surface runoff. However, these impacts are considered minor and would have no long-term or lasting effects. Of greater groundwater concern would be potential groundwater contamination from highway traffic accidents. The most significant risk for groundwater contamination would come from a highway traffic accident involving a tanker truck hauling untreated “frac water” or ethanol. This type of traffic accident could result in potentially significant water quality impacts to both surface and groundwater resources. While the statistical probability of such an event is greater for this alternative than for the rail alternatives (i.e., vehicular accidents occur far more frequently than train accidents), a lower volume of material would likely be released during a truck accident because a single truck can only carry approximately 15% of the load of a single railroad tanker car.

Socioeconomics

The Black Rock Road alternative would not require the displacement of any residential, commercial, or community facility/service structures. However, truck traffic associated with this alternative could result in potential impacts on the efficiency of community facilities and services, as well as a potential increased demand for emergency response services. Specifically, conflicts such as delays of emergency response service vehicles and local school bus operations could result from the increased volume of truck traffic on local roadways. Similarly, the increased volume of truck traffic on S.R. 0144 and S.R. 0053 would introduce additional conflicts with the recreational users of the PA Wilds Elk Scenic Drive and PA Bicycle Route V.

Environmental Justice

Apart from increased truck volumes on local roadways, the Black Rock Road alternative would have little to no impact on low income environmental justice communities. No residential structures would be displaced by this alternative. Minor right-of-way acquisitions required to improve S.R. 0053 and S.R. 0144 would be mitigated by financial compensation to the respective property owners.

Geology and Soils

Construction of Black Rock Road itself would result in potential geology and soils impacts. Construction of this 3.1-mile new roadway would require cutting/excavation into the surficial rock layers of the local geology (and filling where necessary) to establish an acceptable grade for the roadway. The impacts would be somewhat offset by the 1.2 miles that would be built over the existing gravel roads on the RRLLC property because Black Rock Road would generally follow the grade of these existing roads, and no new cutting or excavating would be required. Implementation of appropriate erosion and sedimentation control measures pursuant to PA Code Title 25 Chapter 102, as outlined in an Erosion and Sedimentation Pollution Control Plan approved by the county conservation district, would avoid and minimize these impacts. Operations are not expected to have geology and soil impacts.

Hazardous Waste Sites/Hazardous Materials Transport

As described in Chapter 3 of the DEIS, a number of potential hazardous/residual waste sites have been identified within the immediate vicinity of the project area. Most of the potential hazardous/residual waste sites located in the vicinity of the new Black Rock Road alternative consist of current and former gas stations/automotive repair garages along S.R. 0053 and S.R. 0144. Construction of the Black Rock Road alternative would likely require earth disturbance activities and the associated acquisition of highway improvement right-of-way from many of the potential hazardous/residual waste sites identified along S.R. 0053 and S.R. 0144. A total of 17 potential hazardous/residual waste sites were identified within the potential impact area of this alternative. No hazardous/residual waste sites have been identified within the 3.1-mile corridor of Black Rock Road itself.

As noted above, RRLLC plans to develop a waste-to-ethanol facility, which would result in the outbound transportation of ethanol, a regulated hazardous material. This waste-to-ethanol facility would result in a greater number of trucks using the local road system if the Board does not approve RJCP's proposed rail line. Based on RRLLC's estimated 160,256 gallon-per-day peak shipping capacity, an estimated 64 additional trucks (32 loaded and 32 empty at 5,000 gallons each) would be added to the local road system. The vehicular transport of ethanol via the Black Rock Road alternative would be regulated in accordance with USDOT's hazardous materials transportation requirements.

Cultural/Historic Resources

Construction of the Black Rock Road alternative would likely involve the acquisition of right-of-way from the cemetery portion of the National Register-listed St. Severin's Old Log Church to permit the planned highway improvements that would take place under this alternative. Additional highway improvements would likely require acquisition of property from the potentially National Register-eligible nineteenth century residence at the intersection of S.R. 0053 and Winburne Road, the historic farmstead along S.R. 0144 just west of the I-80 Exit 147 Interchange, and a number of contributing elements (i.e., properties containing buildings or features that contribute to the overall significance of the district) within the Snow Shoe Borough Historic District. While the extent to which it would be necessary to acquire property is unknown at this time, it is likely that the result would be an adverse effect to several of these resources. Construction of the 3.1-mile Black Rock Road itself is not anticipated to impact any National Register-listed or eligible historic or archaeological resources.

THREATENED AND ENDANGERED SPECIES UPDATE

Chapter 6 of this SDEIS summarizes the results of the 2010 summer field survey for Branching Bur-reed (*Sparganium androcladum*), a Pennsylvania Endangered Species. As presented in Section 4.6.3 of the DEIS, a *Sparganium* species had been observed in several wetlands located along the Western Segment of both the Proposed Action and the Modified Proposed Action. However, as noted above, due to the critical flowering/fruitleting time period required for precise field identification of this genus, identification down to the species level was not possible before issuance of the DEIS. Therefore, OEA conducted additional field surveys during the 2010 flowering/fruitleting season to make an accurate identification in this SDEIS.

Based on a detailed and thorough analysis of the collected specimens, OEA concluded that the suspect plant would be the *Sparganium americanum*, not the endangered *Sparganium androcladum*. In its November 29, 2010 correspondence, PA DCNR concurred with OEA's finding, but requested that the same wetlands be re-surveyed prior to submitting the project's Section 404/Chapter 105 waterway encroachment permit application to the Pennsylvania Department of Environmental Protection (PADEP) because of a known population of *Sparganium androcladum* that exists upstream, to ensure that no *Sparganium androcladum* has spread to the project area. OEA has included in Chapter 7 of this SDEIS a new mitigation measure that would specifically require that these wetlands be re-surveyed prior to project permitting.

CUMULATIVE IMPACTS

In Chapter 5 of the DEIS, OEA examined the potential effects of local and regional projects to determine if their expected effects would combine with the potential effects of the Proposed Action. OEA concluded in Chapter 5 of the DEIS that it is reasonably foreseeable that there would be cumulative impacts in several environmental resource areas. In Chapter 5 of this SDEIS, OEA presents several changes to the local and regional projects that have occurred since issuance of the DEIS. Besides the change from a landfill to a waste-to-ethanol facility, many of the changes have resulted from new entities that have become responsible for particular projects. For example, the quarry originally proposed to be operated by Glenn O. Hawbaker, Inc. is now proposed to be operated by HRI, Inc. OEA has concluded that the cumulative impacts analysis presented in Chapter 5 of the DEIS would not substantively change based on the new information presented in this SDEIS.

SUMMARY OF OEA'S PRELIMINARY RECOMMENDED MITIGATION

Based on the additional analysis presented in this SDEIS, OEA has recommended some new mitigation measures, as well as some modifications to the mitigation measures previously recommended in the DEIS for the two build alternatives.

OEA's recommended mitigation would minimize or eliminate potential impacts on grade crossing delay, rail operations, rail operations safety, land use, energy resources, air quality, noise, threatened and endangered species, wetlands and watercourses, parks and recreation facilities, geology and soils, hazardous waste sites, hazardous materials transport, and historic resources. Below, OEA presents the mitigation measures recommended in the DEIS, followed by the new or changed mitigation measures recommended in this SDEIS. For purposes of this mitigation, the term "rail line" refers to both the rail banked Eastern Segment and the Western Segment under either the Proposed Action or the Modified Proposed Action, unless otherwise specified.

OEA will make its final recommendations on environmental mitigation to the Board in the FEIS after considering all public comments on the DEIS and SDEIS. The Board will then make its final decision regarding this project and any environmental conditions it might impose. In making its decision, the Board will consider the DEIS, SDEIS, FEIS, public comments, and OEA's final environmental mitigation recommendations.

RJCP'S VOLUNTARY MITIGATION MEASURES

As presented in Chapter 6 of the DEIS, RJCP submitted voluntary mitigation measures for the Board to consider when making its decision about this project.⁹ OEA has reviewed these voluntary mitigation measures again, and recommends that, should the proposed rail line be approved, the Board require RJCP to comply with these voluntary mitigation measures.

Grade Crossing Delay

- VM 1. RJCP shall coordinate the construction of all four grade crossings along the Western Segment of the rail line, including the temporary maintenance and protection of traffic measures to be implemented at each grade crossing, with the Pennsylvania Department of Transportation via the grade crossing permit process.
- VM 2. RJCP shall coordinate the construction of all four grade crossings along the Western Segment of the rail line, including the temporary maintenance and protection of traffic measures to be implemented at each grade crossing, with the respective municipality and appropriate local emergency response service providers (i.e., police, fire, and ambulance).
- VM 3. RJCP shall coordinate the final design of the grade-separated crossing at Casanova Road (T-958), including any necessary temporary maintenance and protection of traffic measures, with the Morris Township Supervisors and/or Morris Township Roadmaster/Road Department, as appropriate.
- VM 4. For each public grade crossing along the Western Segment of the rail line, RJCP shall provide and maintain a permanent sign prominently displaying both a toll-free telephone number and a unique grade-crossing identification number in compliance with Federal Highway Administration Regulations (23 C.F.R. Part 655). The toll-free number shall be answered 24 hours per day by RJCP's personnel.
- VM 5. During construction of all grade crossings along the Western Segment of the rail line, RJCP shall provide appropriate advance warning signage for detours and temporary lane restrictions. Where practicable, RJCP shall maintain at least one open lane of traffic to allow for the passage of emergency response vehicles.

Rail Operations

- VM 6. Regarding waste traffic, RJCP shall not engage in any waste transloading or unloading activity but will deliver waste to customers served by the line, including RLLC. Any unloading and disposal activities by customers must be performed in accordance with a permit issued by the appropriate authorities.

⁹ OEA encourages applicants to propose voluntary mitigation. Because applicants gain a substantial amount of knowledge about the issues associated with a proposed right-of-way during project planning and because they consult with regulatory agencies during the permitting process, they are often in a position to offer relevant voluntary mitigation. This mitigation may be more far-reaching than the mitigation the Board unilaterally could impose.

- VM 7. RJCP shall limit the speed of trains over the rail line to 25 mph with restrictions for the front of the train to be limited to 10 mph when approaching and crossing Route 53 and Ninth Street near Philipsburg.
- VM 8. Subject to operational limitations, RJCP shall attempt to limit the operation of trains over the rail line to the hours of 7:00 A.M. to 10:00 P.M. in order to minimize nighttime noise impacts to adjacent residential properties.

Rail Operations Safety

- VM 9. RJCP shall comply with all applicable Federal Railroad Administration rail operations safety requirements (49 C.F.R. Parts 200-299), as appropriate.
- VM 10. Prior to initiating rail operations over the rail line, RJCP shall meet with private landowners to discuss appropriate safety precautions associated with at-grade private driveway crossings.
- VM 11. RJCP shall implement the appropriate safety measures at each public road grade crossing along the Western Segment of the rail line, as identified by the Rail Safety Division of the Pennsylvania Public Utility Commission during its February 12, 2009 visit to the project area.
- VM 12. Upon residential area property owners' request, and if it can be done without impairing safety on the right-of-way along the Western Segment of the rail line, RJCP shall share costs 50%-50% with property owners to erect right-of-way fence (length and height of fencing subject to RJCP discretion). If a right-of-way fence is erected, the property owners shall assume responsibility and liability for fence maintenance.
- VM 13. RJCP shall transport all municipal solid waste on the rail line in accordance with Norfolk Southern Tariff NS 6306 – Rules and Regulations for Handling Municipal Solid Waste, Contaminated Soil, Hazardous Materials, and Related Articles.

Land Use

- VM 14. Regarding the acquisition of private property, RJCP shall only acquire the property that is necessary to re-establish the 66-foot wide railroad right-of-way and shall attempt to reach an amicable sales agreement with each affected property owner, in lieu of instituting a condemnation proceeding.
- VM 15. In an effort to maintain consistency with the Morris Township Comprehensive Land Use Plan, RJCP shall not stack, stage, or store trains on the rail line within Morris Township other than in emergency operating conditions. While not a complete list, examples of emergency operating conditions would include a broken air line, locomotive failure, derailment, or crew hours of service limitations.

Energy Resources

- VM 16. Prior to beginning project construction, RJCP shall coordinate any required utility pole relocations or overhead utility line adjustments with the appropriate local utility company.

Air Quality

- VM 17. To minimize fugitive dust emissions created during project-related construction activities, RJCP shall implement appropriate fugitive dust suppression controls, such as spraying water or other approved measures. RJCP shall also operate water trucks on local haul roads, as necessary, to reduce dust.

Noise

- VM 18. RJCP shall use rail lubricants, as appropriate, on curves on the rail line in order to minimize wayside noise.
- VM 19. RJCP shall coordinate with Cooper Township if the Township wishes to petition the state to install gates or other supplementary safety measures on the rail line, in order to provide the level of warning necessary to allow the Township to request a waiver from the Federal Railroad Administration of the requirement to sound the horn at both the Sawmill Road (T-707) and Winburne Road (S.R. 2037) grade crossings.

Threatened and Endangered Species

- VM 20. RJCP shall ensure that any herbicidal sprays used in track maintenance on the rail line are approved by the U.S. Environmental Protection Agency and are applied by licensed individuals who shall limit application to the extent necessary for rail operations.

Wetlands and Watercourses

- VM 21. Prior to initiation of any project-related construction activities, RJCP shall obtain the necessary U.S. Army Corps of Engineers Section 404 and Pennsylvania Department of Environmental Protection Chapter 105 Waterway Encroachment Authorizations, and a National Pollutant Discharge Elimination System construction permit from the Pennsylvania Department of Environmental Protection.
- VM 22. RJCP shall implement appropriate erosion and sedimentation control measures to minimize potential water quality impacts during project construction in accordance with an Erosion and Sedimentation Pollution Control Plan approved by the Centre and Clearfield County Conservation Districts.
- VM 23. RJCP shall comply with appropriate wetland and watercourse mitigation required by the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Protection as part of its Section 404/Chapter 105 permitting process.

- VM 24. RJCP shall evaluate the potential to provide wetland and watercourse mitigation on the rail line via an in lieu fee agreement (i.e., payment of funds to an acceptable program) with local watershed or conservation organizations and/or state or federal resource agencies.
- VM 25. RJCP shall disturb the smallest area possible around wetlands and watercourses on the rail line and shall conduct reseeding efforts to ensure proper revegetation of disturbed areas as soon as practicable following project-related construction activities.
- VM 26. RJCP shall not stage project-related construction materials or equipment within any identified wetland or watercourse areas.
- VM 27. During project-related construction, RJCP shall require daily inspections of all equipment for any fuel, lube oil, hydraulic, or antifreeze leaks. If leaks are found, RJCP shall require the particular piece of equipment to be removed or repaired immediately.
- VM 28. RJCP shall construct the rail line in such a way as to maintain current drainage patterns to the maximum extent practicable.
- VM 29. During project-related construction, RJCP shall prohibit construction vehicles from driving in or crossing streams at other than established/permitted crossing points.
- VM 30. RJCP shall employ best management practices to control turbidity and minimize channel disturbance during the construction of the new bridge over Laurel Run.
- VM 31. RJCP shall design a bridge structure and approach railway grade that minimizes impacts to the 100-year floodplain of Laurel Run to the maximum extent practicable. However, should the proposed bridge structure and/or approach railway grade result in changes to the 100-year flood elevation, RJCP shall coordinate with the local municipality and the Federal Emergency Management Agency regarding implementation of the flood map revision process by way of a Conditional Letter of Map Revision.

Parks and Recreation Facilities

- VM 32. To minimize the risk of potential railroad-caused wildfires in the Moshannon State Forest, as well as other forested areas along the rail line, RJCP shall develop and coordinate a Wildfire Suppression and Control Plan with the District Manager of Moshannon State Forest. Items to be incorporated into this Wildfire Suppression and Control Plan shall include: a requirement to maintain spark arrestors on all locomotives owned/leased by RJCP; monthly inspections of all RJCP-owned/leased locomotives on the rail line incorporating a “burnout” of the exhaust stack to remove excess carbon materials; maintaining communications with the appropriate wildfire suppression personnel from the Pennsylvania Department of Conservation and Natural Resources Moshannon State Forest District; and, when operationally feasible, operating a fire-suppression vehicle behind the train during times of high fire danger, as designated by the Pennsylvania Department of Conservation and Natural Resources Moshannon State Forest District.

- VM 33. RJCP shall attempt to negotiate a mutually acceptable agreement with the Headwaters Charitable Trust to mitigate the impacts of the reactivation of the railbanked Eastern Segment or the loss of 9.3 miles of the Snow Shoe Multi-Use Rail Trail. However, should RJCP determine that a mutually acceptable mitigation agreement is unachievable, RJCP reserves the right to construct a new trailhead facility, consisting of a gravel parking area and covered sign structure, at the new Gorton Road trail terminus, as the sole voluntary mitigation for the project's impact to the Snow Shoe Multi-Use Rail Trail.

Geology and Soils

- VM 34. RJCP shall limit earth disturbance activities to only the area needed for project-related construction.

Hazardous Waste Sites

- VM 35. During project-related construction, RJCP shall properly dispose of any and all waste materials encountered along the rail line.

Historic Resources

- VM 36. RJCP shall construct the rail line in such a manner as to leave in place, or require only minor relocation of, all remaining historic concrete mileage markers associated with the original Beech Creek Railroad.
- VM 37. RJCP shall construct the rail line in such a manner as to leave in place the historic stone portals to the Peale Tunnel.

OEA'S PRELIMINARY RECOMMENDED MITIGATION

In the DEIS, OEA recommended two additional mitigation measures, beyond the voluntary mitigation measures proposed by RJCP. Based on the new project information, OEA recommends two new environmental mitigation measures, one of which would supercede VM 20 from the DEIS.

Land Use

1. RJCP shall offer fair market value payment in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act for the acquisition/condemnation of any private property needed to construct the Western Segment of the rail line.

Geology and Soils

2. RJCP shall implement appropriate soil erosion and sedimentation control measures during construction of the rail line pursuant to PA Code Title 25 Chapter 102 Erosion and Sediment Control Regulations.

Hazardous Materials Transport

3. RJCP shall comply with all applicable U.S. Department of Transportation regulations governing the transport of hazardous materials by rail found at 49 C.F.R § 174, and outlined in Norfolk Southern Railway Company's United States Hazardous Materials Instructions for Rail (HM-1).

Biological Resources

This condition would replace VM 20 in the DEIS:

4. RJCP shall re-survey the applicable wetland habitats located along the selected alternative prior to Section 404/Chapter 105 permitting by the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Protection to ensure that no *Sparganium androcladum* has spread to the project area. If any specimens of *Sparganium androcladum* are discovered during the re-survey, RJCP shall coordinate with the Pennsylvania Department of Conservation and Natural Resources to implement appropriate mitigation measures during project construction.

IDENTIFICATION OF THE ENVIRONMENTALLY PREFERABLE ALTERNATIVE

NEPA requires a comparison of the environmental impacts of the Proposed Action and its alternatives in order to provide a clear basis for the selection of the Preferred Alternative (or Alternatives). Section 2.4 of the DEIS compares the environmental impacts of the various alternatives and includes a table (Table 2.2) summarizing the comparison. In Section 2.4 of the DEIS, OEA concluded that the Modified Proposed Action would be the environmentally preferable build alternative, due to its substantially fewer public road and private driveway crossings and fewer affected residences, and would also be the environmentally preferable alternative for this project. Based on the new information presented in this SDEIS, OEA continues to find that the Modified Proposed Action would be the environmentally preferable alternative.

In Chapter 3 of this SDEIS, OEA explained that, although highly unlikely on either build alternative,¹⁰ a train accident resulting in a release of ethanol on the Proposed Action's Western Segment would generally be more significant than a train accident resulting in a release of ethanol on the Modified Proposed Action's Western Segment. An ethanol spill along the Proposed Action would have a greater potential to impact people, whereas an ethanol spill along the Modified Proposed Action would have a greater potential to impact the natural environment (i.e., biological resources, water resources, etc.). This would result from the notable differences in land use between the Western Segment's two alternate routes to Munson. Impacts of a spill on the natural environment would, of course, also be undesirable. But potential impacts to people are generally considered more significant than potential impacts to natural resources. In addition, OEA concluded that the significantly greater number of grade crossings associated with the Proposed Action compared to the

¹⁰ As discussed above, OEA calculated a 0.0007 (0.07%) annual probability of occurrence for a mainline train accident resulting in a release of hazardous materials on the proposed rail line. This annual probability of occurrence would equal an estimated return year interval (an estimate of time between accidents) of one accident resulting in a release of hazardous materials every 1,428 years.

Modified Proposed Action (i.e., 17 versus 4) would likely increase the probability of occurrence of a train accident for the Proposed Action.

The Black Rock Road alternative, similar to the Local Road System Upgrade alternative, would be less environmentally preferable than either of the rail alternatives. As discussed in Chapter 4 of this SDEIS, the same transportation, operational, and economic inefficiencies exist with the Black Rock Road alternative as they do with the Local Road System Upgrade alternative, which would also result in substantially greater air quality, noise, and energy resource impacts than either of the rail alternatives. The operation of truck traffic over the Black Rock Road alternative would result in an estimated annual fuel requirement that is nearly six times greater than that calculated for the rail alternatives. As a result, this significantly greater fuel requirement would result in an equally greater air quality impact from mobile source emissions that would be generated from the greater fuel usage. From a noise perspective, the Black Rock Road alternative is expected to result in 171 noise-impacted sensitive land uses, compared to only 32 noise-impacted sensitive land uses for the Modified Proposed Action. Additionally, coordination with the U.S. Fish and Wildlife Service (USFWS), Pennsylvania Fish and Boat Commission (PFBC), Pennsylvania Game Commission (PGC), and PA DCNR indicated that the 3.1-mile new roadway construction associated with the Black Rock Road alternative would have a greater potential to impact threatened and endangered species than the original Local Road System Upgrade alternative or either of the rail alternatives. Given the presence of a National Register-listed resource and a potential National Register-eligible historic district, this alternative would also likely have greater adverse effects on historic resources. The major benefit of the Black Rock Road alternative is that it would avoid the Snow Shoe Multi-Use Rail Trail. However, it would result in a greater volume of truck traffic on local roadways, specifically S.R. 0053 and S.R. 0144, thereby impacting activities that take place on portions of the PA Wilds Elk Scenic Drive and PA Bicycle Route V.

As discussed in Chapter 6 of this SDEIS, additional field surveys conducted during the 2010 summer flowering/fruitlet season have shown that the previously unidentified *Sparganium* species located in certain wetland habitats along the Western Segment of the Proposed Action and Modified Proposed Action is or likely is *Sparganium americanum*, not the endangered *Sparganium androcladum*.

For the reasons described above, OEA has once again concluded that, despite the additional information presented in this SDEIS, the Modified Proposed Action would continue to be environmentally preferable to the Proposed Action and would also continue to be the environmentally preferable alternative for this project.

REQUEST FOR COMMENTS ON THIS SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT

All interested parties, government entities and members of the general public are encouraged to submit written comments on all aspects of this SDEIS. All comments on this SDEIS, as well as all comments previously submitted on the DEIS, will be considered in preparing the FEIS. The FEIS will respond to all substantive comments on the DEIS and SDEIS and will set forth OEA's final conclusions and recommended mitigation measures. After issuance of the FEIS, the Board will then issue a final decision taking into consideration the DEIS, SDEIS, FEIS, and OEA's final recommendations on environmental mitigation. All comments must be submitted within the 45-day

comment period, which will close April 25, 2011. When submitting comments on the SDEIS, be as specific as possible and substantiate your concerns and recommendations.

Please mail written comments on the SDEIS to the address below.

Surface Transportation Board
395 E Street, SW
Washington, DC 20423

To ensure proper handling of your comments, please mark your submission:

Attention: Danielle Gosselin
Office of Environmental Analysis
Environmental Filing FD 35116

Written comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link.

Due to the public meetings on this project that have already been held and the limited nature of this SDEIS, OEA requests written comments only, and will not be holding a public meeting to solicit oral comments on the SDEIS. Comments will be posted on the Board's website after they are received. For additional information regarding the history of this proceeding, please visit the Board's website.

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