

Decision No. 28332

Service Date: **October 7, 1997**
Comment Due Date: **October 27, 1997**

Environmental Assessment

Finance Docket No. 33388 (Sub No. 4)

**CSX Corporation and CSX Transportation, Inc.,
Norfolk Southern Corporation and Norfolk Southern Railway Company**

—Control and Operating Leases/Agreements—

Conrail Inc. and Consolidated Rail Corporation

Sidney

**CSX/Conrail Rail Line Connection—
Sidney, Ohio**

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EXECUTIVE SUMMARY

CSX Corporation and CSX Transportation Inc. (CSX), Norfolk Southern Corporation and Norfolk Southern Railway Corporation (NS), and Conrail Inc. and Consolidated Rail Corporation (Conrail) have filed a joint Application with the Surface Transportation Board (the Board) seeking authorization for the acquisition of Conrail by CSX and NS.

As a part of their joint Application, CSX proposes to construct a rail line connection in Sidney, Ohio to permit traffic movements between the CSX and Conrail systems. The Board's Section of Environmental Analysis (SEA) has prepared this Environmental Assessment (EA) to determine whether construction of this connection would have any significant effects on the environment.

The proposed 3,263-foot connection is located in the City of Sidney in Shelby County, Ohio. The new connection would be built in the southeastern quadrant of the intersecting CSX and Conrail lines in the southern portion of the City of Sidney. The connection would link the CSX line (which runs southwest to northeast between Cincinnati and Toledo, Ohio) and the Conrail line (which runs from west to east between Indianapolis, Indiana and Cleveland, Ohio). The proposed connection would require the acquisition of 2.6 acres of new right-of-way. The land surrounding the project contains a mix of residential and undeveloped property, a firing range, a cemetery, a canal and walking trail, and the Great Miami River. The new connection would allow northbound trains to proceed east on the Conrail line toward Cleveland and westbound trains to proceed south on the CSX line toward Cincinnati. CSX anticipates that an average of 9.3 trains per day (intermodal, automotive, and merchandise trains with an average length of 6,200 feet) would operate over the new connection. The potential environmental effects of constructing the proposed connection are summarized in the table on the following page.

Based on its independent analysis of all the information available at this time, SEA concludes that construction of the proposed rail line connection would not significantly affect the quality of the environment with the implementation of the mitigation measures set forth in this EA. Accordingly, SEA recommends that the Surface Transportation Board impose the mitigation measures set forth in Chapter 5.3 as conditions in any final decision approving construction of the proposed rail line connection in Sidney, Ohio.

**SUMMARY OF ENVIRONMENTAL EFFECTS
 –CSX/CONRAIL RAIL LINE CONNECTION–
 SIDNEY, OHIO**

Effect Type	Assessment Criteria	Effects
Land Use	New Right-of-Way Required Prime Farmland Affected Within Coastal Zone Management Area	2.6 acres 1.6 acres None
Socioeconomic and Environmental Justice	Disproportionate Effect on Minority and Low Income Groups	None
Transportation and Safety	Train Movements Over Connection New Grade Crossings Grade Crossing Safety/Delay Effects Effect on Transportation of Hazardous Materials Hazardous Waste Sites Affected	9.3 trains per day None None None None
Water Resources	Effect on Surface Water Wetlands Affected	None None
Biological Resources	Loss of Critical Habitats Effect to Threatened and Endangered Species Effect on Parks, Forest Preserves, Refuges and Sanctuaries	None None None
Air Quality	Emissions from Construction + Idling Vehicles Effect on Air Quality Due to Construction (Fugitive Dust)	Negligible Negligible
Noise	Additional Receptors within the L _{dn} 65 dBA Contour	None
Historic and Cultural Resources	NRHP-Eligible or Listed Historic Sites Affected NRHP-Eligible or Listed Archeological Sites Affected	None None
Energy	Changes in Fuel Consumption due to Construction Effect on Transportation of Energy Resources and Recyclable Commodities Overall Energy Efficiency Rail to Motor Carrier Diversions	Negligible None Improved None

SEA specifically invites comments on all aspects of this EA, including the scope and adequacy of the recommended mitigation. SEA will consider all comments received in response to the EA in making its final recommendations to the Board. Comments (an original and 10 copies) should be sent to: Vernon A. Williams, Secretary, Surface Transportation Board, 1925 K Street NW, Suite 700, Washington, D.C. 20423. The lower left-hand corner of the envelope should be marked: Attention: Dana White, Environmental Comments, Finance Docket No. 33388 (Sub Nos. 1-7). Questions may also be directed to Ms. White at this address or by telephoning (888) 869-1997.

Date EA Made Available to the Public: **October 7, 1997**

Comment Due Date: **October 27, 1997**

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CHAPTER 1

Description of the Proposed Action

CSX Corporation and CSX Transportation Inc. (collectively CSX), Norfolk Southern Corporation and Norfolk Southern Railway Corporation (collectively NS), and Conrail Inc. and Consolidated Rail Corporation (collectively Conrail) have filed a joint Application with the Surface Transportation Board (the Board) seeking authorization for the acquisition of Conrail by CSX and NS. The fundamental objective of the proposed acquisition is to divide existing Conrail assets and operations between CSX and NS. As a result, certain Conrail facilities and operations would be assigned individually to either CSX or NS through operating agreements or other mechanisms, and certain other existing Conrail facilities would be shared or operated by both CSX and NS.

As a part of their joint Application, CSX proposes to construct a rail line connection in Sidney, Ohio to permit traffic movements between the CSX and Conrail systems. The Board's Section of Environmental Analysis (SEA) has prepared this Environmental Assessment (EA) to determine whether construction of this connection would have any significant effects on the environment.

1.1 OVERVIEW OF THE PROPOSED RAIL LINE CONNECTION

1.1.1 Location and Description

The proposed connection is located in the City of Sidney in Shelby County, Ohio. Sidney is located in western Ohio, approximately 35 miles north of Dayton. The proposed connection would be built in the southeastern quadrant of the intersecting CSX and Conrail rail lines, west of Main Street and north and west of the Great Miami River (see Figure 1).

CSX proposes to construct a 3,263-foot connection between an existing CSX line that runs between Cincinnati and Toledo, Ohio, and an existing Conrail line that runs between Indianapolis, Indiana and Cleveland, Ohio (see Figure 2). In Sidney, the CSX line runs from southwest to northeast, turning north just north of the connection. The Conrail line runs from west to east, turning to the northeast immediately east of the proposed connection. The rail lines presently intersect west of Main Avenue and the Great Miami River, and east of Chestnut Avenue. The connection would begin at Milepost 96.5 on the CSX line, approximately 375 feet north of the Great Miami River, and terminate at Milepost 163.5 on the Conrail line, approximately 25 feet west of the Great Miami River bridge. The curvature of the connection would be approximately 8 percent. The connection would enable northbound trains to proceed east on the Conrail line toward Cleveland and westbound trains to proceed south on the CSX line toward Cincinnati. The existing Conrail line is located approximately 25 feet above the existing

Figure 1 - Project Location

Figure 2 - Proposed Connection

CSX line. Construction of the new connection would require CSX to acquire 2.6 acres of additional right-of-way.

1.1.2 Construction Requirements

CSX estimates that the construction of the new rail line connection would require a labor force of 50 to 60 people over a period of approximately 45 to 60 days. The construction would require clearing of existing vegetation and grading; approximately 85,000 cubic yards of earthwork would be required. Borrow material would be obtained from local sources and hauled to the construction site by rail or truck. Various types of heavy equipment (such as bulldozers, roller/compactors, tie loaders, and rail installers) would be used during construction.

1.1.3 Changes in Rail Traffic

The proposed connection would facilitate rail operations and traffic movements on the CSX and Conrail rail lines. CSX estimates that an average of 9.3 trains per day (primarily automotive and merchandise trains with an average length of 6,200 feet) would operate over the new connection. Rail traffic on the existing rail lines served by the connection would change as follows:

- Traffic on the existing Conrail line would increase, on average, from 24.2 to 31.0 trains per day northeast of the proposed connection (Ridgeway to Sidney, Ohio segment), and would decrease from 29.4 to 26.7 trains per day southwest of the proposed connection (Sidney, Ohio to South Anderson, Indiana segment).
- Traffic on the existing CSX line would increase, on average, from 22.6 to 24.6 trains per day southeast of the proposed connection (Dayton to Sidney, Ohio segment), and would decrease, on average, from 22.6 to 15.3 trains per day northwest of the proposed connection (Sidney to Lima, Ohio segment).

1.2 PURPOSE AND NEED FOR THE PROPOSED CONNECTION

The purpose of the environmental review documented in this EA was to identify, analyze, and disclose the environmental issues and potential effects associated with the construction of the rail line connection in Sidney. Based on the joint Application filed by CSX and NS, this connection would improve the service capabilities and operating efficiencies of each railroad. These efficiencies include enhanced single-line service, reduced travel times, and increased utilization of equipment.

This EA was prepared to determine whether the Board should approve construction of the connection before it decides on the merits of the entire acquisition transaction. If approved by the Board, this connection would be constructed before the Board's final decision on the CSX and NS Application to acquire Conrail. If the entire transaction is subsequently approved by the Board, CSX intends to begin operations on this connection immediately. If the Board does not approve the

transaction, or approves it with conditions which preclude its use, operation of this connection would not be allowed.

1.3 RELATIONSHIP BETWEEN THE PROPOSED ACTION AND THE CONRAIL ACQUISITION TRANSACTION

On April 10, 1997 CSX, NS, and Conrail filed their notice of intent to file an application seeking the Board's authorization for: (1) the acquisition by CSX and NS of control of Conrail, and (2) the division of Conrail's assets. On May 2, 1997 CSX and NS filed petitions seeking a waiver of the Board's regulations at 49 CFR 1180.4(c)(2)(vi) that provide that all "directly related applications, e.g., those seeking authority to construct or abandon rail lines,..." be filed at the same time. The waiver would allow CSX and NS to seek the Board's authority to construct and operate seven rail line connections (four for CSX and three for NS) prior to the Board's decision on the acquisition and division of Conrail.

The seven constructions are each relatively short connections between two rail carriers and have a total length under 4 miles. Most of the construction on these short segments would take place within existing rights-of-way. CSX and NS stated that these seven connections must be in place before the Board's decision on the primary application in order for them to provide efficient service in competition with each other. Without early authorization to construct these connections, CSX and NS contended, each railroad would be severely limited in its ability to serve important customers.

In Decision No. 9 (see Appendix A) served June 12, 1997, the Board granted CSX's and NS's petitions. The Board stated that it understood the railroads' desire to "be prepared to engage in effective, vigorous competition immediately following consummation of the [acquisition]." In granting the waiver, the Board noted that the railroads were proceeding at their own risk. If the Board were to deny the primary application, any resources expended by CSX and NS in building the connections would be of little benefit to them. Both the railroads and the Board recognized that no construction could occur until the Board completed its environmental review of each of the construction projects. Thus, the Board stated that it would consider the environmental aspects of these proposed constructions and the railroads' proposed operations over these lines together in deciding whether to approve the physical construction of each of these lines.

The operational implications of the Conrail acquisition as a whole, including operations over the roughly 4 miles of line included in the seven connection projects, will be examined in the Environmental Impact Statement (EIS) being prepared to assess the impacts of the entire acquisition transaction. The EIS will be available for a 45-day public review and comment period in late November 1997.

1.4 SEA ENVIRONMENTAL REVIEW PROCESS

SEA prepared this EA to ensure that the proposed action complies with the statutory requirements under the National Environmental Policy Act (NEPA), the Board's environmental regulations, and

other applicable rules and/or regulations. SEA is responsible for conducting the Board's NEPA environmental review.

The Board has adopted the former Interstate Commerce Commission's environmental regulations (49 CFR Part 1105), which govern the environmental review process and outline procedures for preparing environmental documents. Section 1105.6(b) of these regulations established the criteria that identify the types of actions for which an EA would be required. The construction of a rail line connection, like the one proposed in Sidney, is classified under the Board's regulations as normally requiring preparation of an EA. SEA reviewed the proposed rail line construction and determined that because the connection is not expected to result in significant environmental impacts, an EA should be prepared.

In preparing the EA, SEA identified issues and areas of potential environmental effect, analyzed the potential environmental effects of the proposed rail line construction project, reviewed agency comments, and developed mitigation measures to avoid or reduce anticipated effects on the environment. To assist it in conducting the NEPA environmental analysis and in preparing the EA, SEA selected and approved De Leuw, Cather & Company to act as the Board's independent third party consultant, in accordance with 49 CFR Part 1105.10(d). The independent third party consultant worked solely under the direction and supervision of SEA in conducting the environmental analyses related to the proposed construction. The Applicants provided funding for these activities.

SEA analyzed the Environmental Report and Operating Plan that accompanied the transaction Application, technical studies conducted by CSX's environmental consultants, and the Preliminary Draft Environmental Assessment for the Sidney connection. In addition, SEA conducted its own independent analysis of the proposed construction, which included verifying the projected rail operations; verifying and estimating future noise levels; estimating air emission increases; performing land use, habitat, surface water, and wetland surveys; assessing effects to biological resources; and performing archeological and historic resource surveys. In addition, SEA and/or its independent third party consultant consulted with CSX and its environmental consultants and visited the proposed rail line construction site to assess the potential effects on the environment.

CHAPTER 2

Alternative Actions Considered

This chapter outlines the alternatives considered for the proposed connection.

2.1 NO-ACTION ALTERNATIVE

In its environmental review, SEA considered a “no-action” alternative. Under this alternative, current operations would continue over existing CSX and Conrail rail lines. However, as outlined below, access between the two lines would be limited to existing connections, interchanges, or terminals. According to CSX, trains using the CSX and Conrail lines would lose the operational flexibility provided by the connection and the travel time savings resulting from the shorter route (approximately 15 fewer miles than the existing route) it would create. If no connection is built, traffic would be forced to follow a more circuitous routing through Deshler and Greenwich, Ohio, adding approximately 30 miles to the route of each train that would have used the connection. This rerouting would cause considerable congestion on the CSX main line between Deshler and Greenwich, impairing the usefulness of that line and potentially affecting connected portions of the CSX’s rail network.

2.2 BUILD ALTERNATIVES

SEA considered an alternative location—also in the southeastern quadrant of the intersecting rail lines—for the proposed connection. However, after an initial environmental review, SEA rejected this alternative as infeasible because it would require acquisition of additional right-of-way, and involve more clearing, grading, and filling than the proposed alignment. This alternative also would have required the extension of the connection at its eastern terminus and widening of the bridge over the Great Miami River for its entire length. In contrast, the selected alignment would be the most direct connection between the existing rail lines and would minimize the use of new land outside the CSX and Conrail rights-of-way.

2.3 SELECTION OF PROPOSED CONNECTION LOCATION

A 3,263-foot single track connection in the southeastern quadrant at the existing intersection of a southwest/northeast CSX line and a north-south Conrail line provides the optimal location and most direct routing for a new connection. This connection would allow CSX to optimize freight transport between the Conrail line running between Indianapolis and Cleveland and the CSX line running between Cincinnati and Toledo. It would provide the flexibility to route trains several ways and for slower trains to use routes that would avoid higher speed trains. The proposed connection would allow for more efficient transport of merchandise, intermodal, and automotive freight. After reviewing alternative locations for this connection, SEA concluded that there were no construction,

operational, or environmental features that would render another alignment of the proposed rail line connection more reasonable than the proposed location.

CHAPTER 3

Existing Environment

This chapter provides an overview of the existing environment in the vicinity of the proposed construction.

3.1 LAND USE

3.1.1 Current Land Use

To identify current land uses and protected lands in the vicinity of the proposed construction, SEA reviewed local plans and maps, consulted with the appropriate federal, state and local agencies, and conducted field reviews at the proposed connection site. Land uses of concern include those sensitive to environmental changes, such as residential properties, commercial buildings, educational and medical facilities, and institutions. SEA also contacted the Bureau of Indian Affairs to obtain information on any federally recognized American Indian tribes or reservations within the project area.

The current CSX/Conrail track intersection is located in an area of mixed suburban residential development and undeveloped land (see Figure 3). North of the rail intersection are residential and wooded areas; utility lines, a firing range, and a maintenance building for Graceland Cemetery are to the southeast; a canal and walking trail (former canal towpath) are to the southeast and south; undeveloped and residential areas are to the west and northwest; and the Great Miami River is to the east and southeast.

None of the land for the proposed construction is located with an American Indian reservation. According to the Bureau of Indian Affairs, there are no federally recognized American Indian tribes or reservations in Indiana.

3.1.2 Consistency with Local Plans

SEA contacted officials of the City of Sidney and Shelby County to obtain information on local planning and zoning requirements. The proposed project would be constructed entirely within the southeast quadrant of the intersection of the rail lines. The project would require the acquisition of 2.6 acres of land; this area is currently zoned N-1: Non-Urban Residence Districts. According to the City of Sidney Zoning Department, a part of the proposed project area is located on land owned by the City of Sidney, which includes Graceland Cemetery and the firing range property. Gravesites are not within the project area; however, a maintenance building associated with the cemetery is within the project area. The firing range is surrounded by a chain link fence.

Figure 3 - Land Use

3.1.3 Prime Farmlands and Coastal Zones

The U.S. Department of Agriculture’s Natural Resources Conservation Service (NRCS) maintains a national database of prime farmlands. SEA contacted the local NRCS office to determine whether prime farmland soils were located in the vicinity of the proposed project. According to the NRCS and the Shelby County, Ohio, Soil Survey, prime farmland soils are located the project site. The prime farmland soils identified in the project area include: Eldean loam (0-2 percent slopes); Eldean loam (2-6 percent slopes); Genesee silt loam, occasionally flooded; Miamian silt loam (2-6 percent slopes); and Ockley silt loam (0-3 percent slopes). The proposed construction area is not in agricultural use.

Any proposed project which may affect land or water uses within a coastal zone designated pursuant to the Coastal Zone Management Act (16 USC 1451 *et seq.*), must be consistent with the state’s Coastal Zone Management Plan. Ohio does not have a federally recognized Coastal Zone Management program.

3.2 SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

Based on the 1990 census, the population of Shelby County is 44,915; the population of the City of Sidney is 18,710; and the population of the area in the vicinity of the proposed construction is 5,164.

Approximately 3.4 percent of the residents in the vicinity of the proposed construction are minorities, compared to 4.9 percent of residents in the City of Sidney and 2.4 percent in Shelby County. The racial composition of these areas is summarized in Table 1.

**Table 3-1
RACIAL COMPOSITION OF POPULATION**

Race	Shelby County	City of Sidney	Area of Proposed Connection
White	97.6%	95.1%	96.6%
Black	1.4%	2.8%	1.7%
Asian	0.6%	1.4%	1.2%
Hispanic (Any Race)	0.3%	0.5%	0.3%
American Indian	< 0.1%	0.1%	0.1%
Other	< 0.1%	0.1%	0.1%

Census data indicate that the 1989 median family income for Shelby County was \$35,602 and \$32,094 in the City of Sidney. In the vicinity of the proposed construction, median family income in 1989 was \$34,256. Approximately 9.5 percent of the residents in the vicinity of the proposed

construction are low-income (below the federal poverty level), compared to 10.7 percent of residents of the City of Sidney and 7.8 percent in Shelby County.

3.3 TRANSPORTATION AND SAFETY

3.3.1 Transportation Systems

SEA gathered information relating to the existing transportation system in the vicinity of the proposed construction during consultations with federal, state, and local agencies and field visits to the proposed connection site.

The existing rail transportation network consists of CSX and Conrail lines that intersect approximately 1,000 feet west of Main Street in Sidney. The intersection is grade-separated with the Conrail line elevated approximately 25 feet above the existing CSX line. Both lines are currently used for rail operations. Access to the proposed construction area would be from Main Street, and Ohio, Lincoln, and Chestnut Avenues.

3.3.2 Transport of Hazardous Materials

SEA reviewed CSX and Conrail operational data to determine whether the trains that would operate on the proposed connection are used to transport hazardous materials. Both the Conrail and CSX lines are designated as Key Routes for the shipment of hazardous materials. A Key Route, as defined by the Inter-Industry Task Force, is a route where more than 10,000 carloads of hazardous materials are transported per year.

3.3.3 Hazardous Waste Sites

SEA reviewed railroad records and government databases to determine whether any known hazardous waste sites or reports of hazardous materials spills within 500 feet of the proposed construction site. The databases reviewed include: the National Priority List; the Comprehensive Environmental Response, Compensation, and Liability Information System; Resource Conservation and Recovery Information System—Treatment, Storage or Disposal sites; Emergency Response Notification System spill sites; the State Priority List; State Licensed Solid Waste Facilities; the State Inventory of Leaking Underground Storage Tanks; the State Inventory of Reported Spills; and the orphan, or unmappable, sites list.

No hazardous waste sites or other sites of environmental concern were identified as being located within 500 feet of the proposed rail line connection. The database search revealed 10 orphan sites within the Sidney city limits, for which limited address information was available. One orphan site was identified as Graceland Cemetery leaking underground storage tank site, although a specific location was not available in the database. Subsequent contacts with Graceland Cemetery indicate that this storage tank, which has been removed, was located southeast of the Miami and Erie Feeder Canal, outside the project area. Based upon the limited address information available, SEA believes

none of the other orphan sites are located near the proposed connection. No evidence of hazardous waste sites was observed during site visits by SEA's third-party consultant.

3.4 WATER RESOURCES

SEA identified water resources that could be adversely affected by the construction of the new rail connection. SEA also ascertained whether there were any designated wetlands or 100-year flood plains in the vicinity of the proposed construction.

SEA consulted several data sources, including United States Geological Survey (USGS) 7.5-minute topographic maps, National Wetland Inventory (NWI) maps produced by the U.S. Fish & Wildlife Service (USFWS), Federal Emergency Management Agency (FEMA) flood insurance maps, and NRCS soil survey maps, to identify existing water resources. Each site was also visited by SEA's third-party consultant for field reviews and data verification. Water resources within 500 feet of the centerline of the proposed construction site, as described above, were identified primarily from site inspections and the interpretation of hydrologic features delineated on USGS topographic maps. The other information sources were used to confirm and/or refine the locations and extent of these features.

3.4.1 Wetlands

NWI mapping indicates that no wetlands are located within 500 feet of the proposed connection (see Figure 4). During field visits to the project area in July and August 1997, no wetlands were identified within 500 feet of the project area.

3.4.2 Surface Waters

The Great Miami River, located approximately 300 feet east of the eastern terminus and approximately 375 feet south of the southern terminus of the proposed connection. An unnamed intermittent creek flows, via a culvert, under the existing Conrail tracks near the eastern boundary of the proposed project area. This creek flows generally south and appears to be the beginning of the Miami and Erie Feeder Canal, which flows through a culvert under the CSX line near the southern boundary of the proposed project area. The project is not located within a 100-year or 500-year flood plain.

Figure 4 - Water Resources

3.5 BIOLOGICAL RESOURCES

SEA identified biological resources that could be adversely affected by the construction of the proposed rail connection. SEA also investigated whether there were any parklands, forest preserves, refuges, or wildlife sanctuaries in the vicinity of the proposed construction.

SEA consulted several data sources to identify existing biological resources, including USGS 7.5-minute topographic maps, NRCS soil surveys, and USFWS lists of sensitive or threatened and endangered species. Each site also was visited by SEA's third-party consultant to evaluate habitats, identify the presence or potential occurrence of sensitive species, and to verify published data. Federal and state resource management agencies were consulted concerning the potential occurrence of sensitive plants and animals.

3.5.1 Vegetation

The proposed construction site is in an area south and east of the Conrail and CSX intersection that is undeveloped except for the presence of a weapons firing range and a maintenance building and staging area for the adjacent cemetery. The topography immediately west of the Main Street bridge and south of the Conrail tracks declines steeply to the south toward the cemetery. The vegetation here is densely wooded with large elms (12 to 15 inches in diameter), box elders, and cottonwoods. To the west, toward the CSX tracks, the topography levels off and the area adjacent to the rail line is more prairie-like. To the south and east, along the CSX tracks, the prairie community dominates, interspersed with a few cottonwood and elm trees. To the south, toward the Great Miami River and on the east side of the CSX line, the topography again declines sharply, and the prairie community gives way to a more wooded habitat supporting cottonwoods exceeding 12 inches in diameter, and smaller elms. A variety of other plants, including smooth sumac, grape, black-eyed Susan, butterfly weed, and honeysuckle, are present

3.5.2 Wildlife

Wildlife habitat found on and adjacent to the proposed construction site is limited to the forest, forest edge, and prairie habitats described above. The area, in conjunction with the Great Miami River and the Miami and Erie Feeder Canal, provides suitable habitat for a variety of mammals, birds, reptiles, amphibians, and invertebrates.

3.5.3 Threatened and Endangered Species

One federally listed Indiana bat (*Myotis sodalis*), is reported by the Ohio Department of Natural Resources (DNR) to be potentially present in Shelby County based on its potential range. However, the Ohio DNR has no record of the Indiana bat in Shelby County. Typically, this species winters in caves or abandoned mines; during the rest of the year its habitat includes wooded areas along or near small or medium sized streams where the species roosts in hollow trees, under the bark of trees with exfoliating bark, or in man-made structures. The environment near the proposed construction site does not provide the habitat (woodlots) necessary to support the Indiana bat.

3.5.4 Parks, Forest Preserves, Refuges and Sanctuaries

Three local parks, Shelby County Fairgrounds, Berger Park, and Roadside Park, are located within 1 mile of the site. Berger Park and Roadside Park are approximately 1,200 feet northeast and southeast of the site, respectively. The Shelby County Fairgrounds is approximately 2,400 feet northwest of the site. No wildlife sanctuaries, refuges, national, or state forests/parks are located within 1 mile of the proposed site.

3.6 AIR QUALITY

Shelby County, Ohio is currently categorized as being in attainment with the National Ambient Air Quality Standards (NAAQS). Current sources of emissions in the project area include locomotives, vehicles, and industries.

During construction, ambient air quality in the vicinity of the proposed connection could be affected by fugitive dust. The State of Ohio regulates fugitive dust emissions under rule 3745-17-08 of the Administrative Code. This rule requires fugitive dust emission sources within the City of Sidney to apply reasonably available control measures, such as the use of water or dust suppression chemicals, to prevent fugitive dust from becoming airborne.

3.7 NOISE

SEA identified noise-sensitive land uses in the vicinity of the proposed construction site and measured existing noise levels resulting from operation of the existing Conrail and CSX rail lines.

The proposed connection is located in an area of Sidney that contains residential and municipal uses. The Board's regulations require the use of day-night sound level (L_{dn}) measurements to characterize community noise; a standard of 65 decibels (L_{dn} 65 dBA) is used to determine the extent of affected sensitive receptors. Operation of rail traffic on the existing rail lines results in a L_{dn} 65 dBA noise contour (see Figure 5) which affects approximately 50 residences in neighborhoods to the north and southwest of the proposed connection.

Figure 5 Noise Contours

3.8 CULTURAL RESOURCES

To identify cultural (archeological or historic) resources in the area of the proposed construction, SEA reviewed CSX and Conrail records and historic valuation maps, examined soil surveys and topographic maps, reviewed the State's archives, conducted site visits, and consulted with the Ohio State Historic Preservation Officer (SHPO).

3.8.1 Archeological Resources

There are no known archeological sites in the project area. Site visits by SEA's third-party consultant indicated a potential for undisturbed archeological remains on the ridge overlooking the Great Miami River, at the western end of the Conrail bridge which spans the river. The ridge area was systematically surveyed for archeological sites in August 1997. No significant cultural resources were identified within the project area.

3.8.2 Historic Resources

Three potentially historic railroad bridges are located near the proposed connection:

- The "Big Four" bridge located at the eastern terminus of the connection carries rail traffic over Main Street and the Great Miami River.
- Bridge Number 965 over the Great Miami River at the southern terminus of the connection.
- Bridge Number 966 over the Miami and Erie Feeder Canal located to the north of Bridge Number 965.

All three bridges appear to be potentially eligible for listing in the National Register of Historic Places.

3.9 ENERGY

Current sources of energy consumption in the project area are associated with existing railroad operations and include locomotives and railroad maintenance equipment. The existing CSX and Conrail lines may be used to transport energy-producing commodities and recyclables.

CHAPTER 4

Potential Environmental Effects

This chapter provides an overview of the potential environmental effects from the proposed rail line connection between the CSX and Conrail lines in Sidney, Ohio. This connection would involve the construction of a new rail line segment in new right-of-way to connect the existing rail lines. As with any construction of new railroad tracks, the steps required to build a new connection include site preparation and grading, railbed preparation, ballast application, track installation, and systems (e.g., signals, communications) installation. Although the construction zone required would vary depending on site conditions, most work would be completed within 250 feet of the new rail line.

In conducting its analysis, SEA considered potential effects in the following environmental areas in accordance with the Board's environmental rules at 49 CFR Part 1105.7(e) and other applicable regulations:

- Land Use
- Socioeconomics and Environmental Justice
- Transportation and Safety
- Water Resources
- Biological Resources
- Air Quality
- Noise
- Cultural Resources
- Energy
- Cumulative Effects

4.1 POTENTIAL ENVIRONMENTAL EFFECTS FROM THE PROPOSED ACTION

4.1.1 Land Use

Assessment Methods and Evaluation Criteria

To assess land use effects, SEA consulted with local planning officials to establish whether the proposed rail line construction and operation were consistent with existing land uses and future land use plans. Determination as to whether the proposed rail line construction would affect any prime agricultural land was based on SEA's consultations with the NRCS. SEA conducted similar consultations with State Coastal Zone Management agency to assess whether that the proposed construction would not harm protected coastal areas. SEA also contacted the Bureau of Indian Affairs to obtain information on any federally recognized American Indian tribes or reservations within the project area.

SEA considered land use effects to be adverse if any construction activities or subsequent operations would cause long-term changes that:

- Conflict with existing land uses in the area or future land use plans.
- Displace prime farmland from use for agricultural production.
- Conflict with an existing Coastal Zone Management Plan.
- Affect any American Indian reservation or tribal lands.

Potential Effects

No adverse land use effects are expected from the construction of the proposed connection. It is compatible with surrounding land uses, complies with applicable zoning ordinances, and is consistent with community plans for the area. A total of 2.6 acres of property adjacent to the existing rail lines would be acquired for new right-of-way. This land is currently a mix of undeveloped area, Cemetery maintenance buildings, and the police firing range. No residents would be displaced. Approximately 1.6 acres of prime farmland soils not currently in agricultural use would be converted to railroad use as a result of the proposed connection. Construction activities would not disrupt a designated coastal zone. No known American Indian reservations or tribal lands would be affected.

4.1.2 Socioeconomics and Environmental Justice

Assessment Methods and Evaluation Criteria

SEA analyzed the effects of the proposed construction on low-income and minority populations in accordance with the procedures outlined in the Executive Order 12898: “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.” SEA reviewed demographic and income data from the 1990 census to compare the population in the area of the proposed construction with that of the City of Sidney and Shelby County.

An adverse environmental justice effect would occur if any significant adverse effects of the proposed construction fall disproportionately on low-income or minority populations.

Potential Effects

SEA concluded that no environmental justice effects would result from the construction or operation of the proposed connection. There is a lower proportion of minorities in the vicinity of the proposed connection site (3.4 percent) than the City Sidney as a whole (4.9 percent). The share of low-income residents (below the federal poverty level) in the area of the proposed connection is about the same as for the City of Sidney (9.5 percent vs. 10.7 percent), but slightly larger than for Shelby County as a whole (7.8 percent). SEA does not expect construction of the proposed connection to result in any significant adverse effects to any residents, regardless of race or income. Therefore, minority or low-income communities would not be disproportionately affected by the proposed project.

4.1.3 Transportation and Safety

Assessment Methods and Evaluation Criteria

SEA examined the existing local and regional rail systems that could be affected by the proposed construction of the rail line connection. Potential effects on the local and regional roadways were also evaluated. In evaluating potential safety effects, SEA assessed: (1) the need for new grade crossings; (2) modifications at existing grade crossings; (3) the effect of the proposed connection on the transportation of hazardous materials; (4) the likelihood of encountering hazardous waste sites during construction; and (5) the likelihood of a hazardous material release during construction.

Effects are considered significant if the construction or operation of the proposed connection would cause long-term disruptions to vehicular traffic, increase the potential for delays or accidents at grade crossings, increase the risk of transporting hazardous materials, or cause spills or release of hazardous materials during construction.

Potential Effects

Transportation Systems. The proposed connection would improve rail access through Sidney and enhance the efficiency of CSX operations. No new at-grade crossings would result from the proposed connection.

Other transportation effects would be limited to the increased use of public roads due to the transport of construction equipment. SEA expects this effect to be of short duration and unlikely to affect the long-term viability or life span of the roads. Short-term disruptions of local vehicular traffic could occur during the construction period.

Transport of Hazardous Materials. The transportation of hazardous materials is not expected to be affected by the proposed connection. Both the CSX and Conrail lines would remain Key Routes for shipment of hazardous materials. The manner of transporting hazardous materials would not change, and no increased risk of derailments or chemical releases is expected because of the new connection. The proposed alignment and associated switches would provide adequate safety margins for the proposed 30-mph train speed through the connection. CSX has policies to promote safe transportation of hazardous materials and procedures to deal with clean up and remediation if an accident or spill occurs.

Hazardous Waste Sites. No known hazardous waste sites were identified as being located in the project area. The probability of a spill of hazardous or toxic materials during construction is small. In the unlikely event that a spill or contamination occurs, CSX has policies and procedures to deal with clean-up and remediation. Overall, the proposed construction project is not expected to increase the probability or consequences of hazardous waste contamination in the project area.

4.1.4 Water Resources

Assessment Methods and Evaluation Criteria

SEA assessed whether the following potential effects to water resources could result from construction and operation of the proposed connection:

- Alteration of creek embankments with rip rap, concrete, and other bank stabilization measures;
- Temporary or permanent loss of surface water area associated with the incidental deposition of fill;
- Downstream sediment deposition or water turbidity due to fill activities, dredging, and/or soil erosion from upland construction site areas;
- Direct or indirect destruction and/or degradation of aquatic, wetland, and riparian vegetation/habitat;
- Degradation of water quality through sediment loading or chemical/petroleum spills; and
- Alteration of water flow which could increase bank erosion or flooding, uproot or destroy vegetation, or affect fish and wildlife habitats.

Effects to water resources are considered adverse if there is substantial interference with drainage, adverse discharges (such as sediment or pollutants) or loss of wetlands or flood plains resulting from the construction or operation of the new rail line connection.

Potential Effects

SEA concluded that the proposed construction would not have adverse effects on surface water resources or wetlands. No wetlands are located within 500 feet of the proposed connection. Alteration of river embankments or flows is not expected as a result of constructing the proposed connection. No flooding concerns are associated with the project area, which is located approximately 50 vertical feet above the Great Miami River. Construction activities would potentially cause a temporary increase in sediment loads entering adjacent water bodies. Because the planned area of construction is greater than five acres, CSX will be required to implement a storm water pollution prevention plan. The construction specification for the new connection would incorporate provisions for environmental protection (including appropriate measures for sediment and erosion control) as required by jurisdictional agencies and federal, state, and local permitting authorities.

4.1.5 Biological Resources

Assessment Methods and Evaluation Criteria

SEA assessed whether the following potential effects to biological resources could result from construction and operation of the proposed connection:

- Loss or degradation of unique or important vegetative communities;
- Harm to or loss of rare, threatened, or endangered plant or animal species;
- Loss or degradation of areas designated as critical habitat;
- Loss or degradation of parks, forest preserves, wildlife sanctuaries or refuges;
- Alteration of movement or migration corridors for animals; and

- Loss of large numbers of local wildlife or their habitats.

Effects to biological resources are considered adverse if the proposed construction would result in the loss of important and/or critical vegetation or wildlife habitats, cause harm to threatened or endangered species, or the degradation of parklands, forest preserves, refuges or wildlife sanctuaries.

Potential Effects

Vegetation. An area of approximately 2.6 acres would be cleared to accommodate the proposed connection. Trees, shrubs, and non-woody vegetation in this area would be removed. In addition, vegetation within construction staging areas along the right-of-way would be temporarily affected by the operation of heavy equipment and storage of materials. Following completion of the connection, it is expected that opportunistic species would re-vegetate these areas.

Wildlife. The area (2.6 acres) cleared for construction of the connection would be permanently lost as wildlife habitat. However, a sufficient amount of similar habitat is available in the area; the loss of this small amount of habitat would not affect the viability of any species. It is possible that wildlife would temporarily avoid habitat near the connection site during the construction period, though it is anticipated that any temporarily displaced wildlife would subsequently return to the area.

Threatened and Endangered Species. Although the habitat in the construction area does have some of the characteristics of the habitat of the federally endangered Indiana bat (*Myotis sodalis*), the Ohio DNR has no records of the Indiana bat in Shelby County and the presence of this species has not been documented in the project area.

Parks, Forests Preserves, Refuges, and Sanctuaries. No parks, forest preserves, refuges, or sanctuaries are located within 500 feet of the proposed connection. Construction of the connection would not affect the three local parks located within 1 mile of the proposed connection.

4.1.6 Air Quality

Assessment Methods and Evaluation Criteria

Potential air quality effects associated with construction of the proposed connection are primarily related to (1) effects associated with the operation of construction equipment and related vehicles, and (2) effects associated with fugitive dust generation.

SEA assessed whether the proposed construction would result in increased levels of pollutant emissions from the operation of construction equipment and vehicles. Air quality effects related to train operations over the CSX and Conrail line segments adjoining the connection, to the extent they meet the Board's thresholds for analysis, will be analyzed in the EIS being prepared in connection with the CSX application for acquisition of control of Conrail. SEA also evaluated the potential for air quality effects from fugitive dust emissions. In general, the amount of fugitive dust generated by

construction activities depends on the topography of the site, soil conditions, wind speeds, precipitation, and the types of roadways used to access the site.

Air quality effects are considered to be adverse if the proposed construction would lead to long-term increases in pollutant emissions or excessive fugitive dust emissions.

Potential Effects

During construction of the proposed connection, the air quality in the vicinity could be affected by temporary increases in vehicle and fugitive dust emissions. Pollutant emissions from a small number of heavy equipment and construction vehicles would occur. Particulate matter, volatile organic compounds (VOCs), carbon monoxide (CO) and nitrogen oxide (NO_x) result from combustion of diesel fuel. The emissions of these pollutants from construction operations generally would be minor and of short duration and would have insignificant effects on air quality. Emissions from the proposed construction project would not be sufficient to change Shelby County's attainment with the NAAQS. Increases in fugitive dust could occur due to grading and other earthwork necessary for rail bed preparation. Appropriate control measures, such as the use of water or dust suppression chemicals, would be implemented to minimize fugitive dust effects during construction.

4.1.7 Noise

Assessment Methods and Evaluation Criteria

SEA evaluated the proposed rail line connection for effects from both short-term construction activities and long-term operations over the connection. SEA's approach for analyzing operational noise effects was to identify noise-sensitive land uses where changes in operation could result in noise exposure increases. Existing noise levels were measured and noise models were used to develop the current L_{dn} 65 dBA noise contours. The future L_{dn} 65 dBA noise contours resulting from operation of the connection were determined using the post-connection volumes on the main line and connection tracks. SEA then identified the number of noise-sensitive receptors (residences, schools, hospitals, and libraries) within these contours. Noise levels from rail traffic on the existing mainline tracks is generally greater than noise from operations over connections. Noise effects from the operation of the main line tracks will be analyzed in the EIS which addresses rail line segment effects for the entire acquisition transaction.

Noise effects were considered adverse if the connection would expand the L_{dn} 65 dBA contours and affect a substantial number of new noise-sensitive receptors.

Potential Effects

Although most construction activities have the potential of causing intrusive noise at nearby noise-sensitive land uses, any noise effects during construction of the Sidney connection would be for a limited duration and would not cause any permanent noise effects. Construction activities would

last for only a few months; most noise generated during that period would be similar to that caused by normal track maintenance.

An average of 9.3 trains per day would use the proposed connection. The construction of the new connection and the operation of trains over the connection would result in a L_{dn} 65 dBA contour which is within the existing noise contour for mainline track operations (see Figure 5).

No new or additional sensitive receptors would be affected by the proposed connection. In general, the noise from train operations on the main lines far exceeds the noise from train operations over the connection. Since there are no new or modified at-grade crossings associated with this connection, no additional horn noise would affect noise-sensitive receptors due to railroad operations over the connection.

4.1.8 Cultural Resources

Assessment Methods and Evaluation Criteria

SEA consulted with the Ohio SHPO to identify potentially affected archeological and historic resources in the vicinity of the proposed construction. If National Register of Historic Places-eligible or listed resources or properties were present within the project area, SEA consulted with the SHPO to determine what effect, if any, the proposed construction would have on these resources.

Effects to archeological and historic resources are considered adverse if any National Register-eligible or listed resource would experience an Adverse Effect as defined in 36 CFR Part 800.9 as a result of the proposed rail line construction or subsequent rail operations.

Potential Effects

Three railroad bridges in the that are potentially eligible for the National Register are in the immediate vicinity of the proposed construction site. The Ohio SHPO indicated that the proposed connection would not affect the historic significance of these bridges. No effects to archeological resources are expected because the area has been previously disturbed.

4.1.9 Energy Resources

Assessment Methods and Evaluation Criteria

SEA assessed the effect of the proposed connection on energy consumption, the transportation of energy resources and recyclable commodities, and diversions of shipments from rail to trucks.

Energy effects are considered significant if the proposed action would result in a substantial increase in energy consumption, would adversely affect the transportation of energy resources or recyclable commodities, or would cause diversions from rail to motor carriers.

Potential Effects

The operation of construction equipment would require the consumption of a small amount of energy (primarily diesel fuel) to operate motor or rail vehicles required to deliver construction materials to the site, prepare the site, and construct the connection. SEA considers this minimal consumption of energy resources insignificant.

The amount of energy resources and recyclable commodities that would be transported over the proposed connection is not known. However, the construction and operation of the proposed connection and the resulting improvement in operating efficiencies is expected to benefit the transportation of energy resources and recyclable commodities. The connection also would enhance system-wide freight transportation, thereby reducing energy consumption. Construction and operation of the proposed connection is not expected to result in diversions from rail to motor carrier.

4.1.10 Cumulative Effects

Based on a review of the transaction Application and the proposed Operating Plan supplied by CSX, no other rail construction projects are underway or planned in the vicinity of the proposed connection. Consultations with federal, state, and local agencies identified no other planned or on-going construction projects in the vicinity of the proposed connection. Therefore, the effects outline above represent the cumulative effects of the proposed construction project. The cumulative effects of the entire acquisition transaction, which could result from increased rail line segment, rail yard, and intermodal facility activity, abandonments, and other construction projects, will be addressed in the EIS.

4.2 POTENTIAL ENVIRONMENTAL EFFECTS OF ALTERNATIVE ACTIONS

4.2.1 No-Action Alternative

If the “no-action” alternative were implemented, the proposed rail line connection would not be constructed or operated. Therefore, the current land use and other existing environmental conditions would remain unchanged. However, if the related transaction is approved, the absence of this rail line connection could result in less efficient rail service. The capacity constraints, more circuitous routing of rail service, delays, and slower operating speeds that could result without the new connection may cause additional fuel consumption and increase pollutant emissions from locomotives.

4.2.2 Build Alternatives

As discussed in Section 2.2, SEA identified no feasible “build” alternatives to the proposed rail line construction project. Therefore, the potential environmental effects of alternatives considered, but later rejected, were not evaluated.

CHAPTER 5

Agency Comments and Mitigation

This chapter summarizes comments received from federal, state and local agencies or officials about the proposed construction, and outlines SEA's recommended mitigation measures.

5.1 SUMMARY OF AGENCY COMMENTS

A list of federal, state and local agencies consulted in considering the potential environmental effects of the proposed connection is provided in Appendix B. These agencies also were contacted by the Applicant while preparing the Environmental Report which accompanied the transaction Application. Any agency responses received during the consultation process are included in Appendix B.

Agency comments regarding the proposed construction project are summarized below:

- The NRCS indicated that there may be flooding issues associated with the project site and stated that the City of Sidney Engineering Department was addressing these concerns. Follow-up telephone consultation with the City of Sidney Engineering Department established that flooding at the site was not an issue.
- The Ohio SHPO stated that surveys and documentation of historic properties may be required.
- The U.S. Army Corps of Engineers, Louisville District, advised that if the project involved crossing the Erie Feeder Canal, the connection would be authorized under Nationwide General Permit 14.
- The Ohio DNR indicated that it had no records of rare, threatened or endangered species in the project area and that no nature preserves or scenic rivers were in the project area.
- The City of Sidney Planning Department stated that the proposed connection was consistent with the City's land use plan and map.

5.2 AGENCY SUGGESTED MITIGATION

No mitigation measures were suggested for the proposed rail line connection construction by the various parties consulted in the process of preparing the EA.

5.3 SEA RECOMMENDED MITIGATION

SEA recommends that the Board impose the following mitigation measures in any decision approving the construction of the proposed rail line connection in Sidney, Ohio.

5.3.1 General Mitigation Measures

Land Use

- CSX shall restore any adjacent properties that are disturbed during construction activities to their pre-construction conditions.

Transportation and Safety

- CSX shall use appropriate signs and barricades to control and minimize traffic disruptions during construction.
- CSX shall restore roads disturbed during construction to conditions as required by state or local jurisdictions.
- CSX shall observe all applicable federal, state, and local regulations regarding handling and disposal of any waste materials, including hazardous waste, encountered or generated during construction of the proposed rail line connection.
- CSX shall dispose of all materials that cannot be reused in accordance with state and local solid waste management regulations.
- CSX shall consult with the appropriate federal, state and local agencies if hazardous waste and/or materials are discovered at the site.
- CSX shall transport all hazardous materials in compliance with U.S. Department of Transportation Hazardous Materials Regulations (49 CFR Parts 171 to 180). CSX shall provide, upon request, local emergency management organizations with copies of all applicable Emergency Response Plans and participate in the training of local emergency staff (upon request) for coordinated responses to incidents. In the case of a hazardous material incident, CSX shall follow appropriate emergency response procedures contained in its Emergency Response Plans.

Water Resources

- CSX shall obtain all necessary federal, state, and local permits if construction activities require the alteration of wetlands, ponds, lakes, streams, or rivers, or if these activities would cause soil or other materials to wash into these water resources. CSX shall use appropriate techniques to minimize effects to water bodies and wetlands.

Biological Resources

- CSX shall use Best Management Practices to control erosion, runoff, and surface instability during construction, including seeding, fiber mats, straw mulch, plastic liners, slope drains, and other erosion control devices. Once the tracks are constructed, CSX shall establish vegetation on the embankment slopes to provide permanent cover and prevent potential erosion. If erosion develops, CSX shall take steps to develop other appropriate erosion control procedures.
- CSX shall use only EPA-approved herbicides and qualified contractors for application of right-of-way maintenance herbicides, and shall limit such application to the extent necessary for rail operations.

Air Quality

- CSX shall comply with all applicable federal, state, and local regulations regarding the control of fugitive dust. Fugitive dust emissions created during construction shall be minimized by using such control methods as water spraying, installation of wind barriers, and chemical treatment.

Noise

- CSX shall control temporary noise from construction equipment through the use of work hour controls and maintenance of muffler systems on machinery.

Cultural Resources

- If previously undiscovered archeological remains are found during construction, CSX shall cease work and immediately contact the SHPO to initiate the appropriate Section 106 process.

5.3.2 Specific Mitigation Measures

SEA recommends no specific mitigation measures for the construction of the proposed rail connection in Sidney, Ohio.

5.4 REQUEST FOR COMMENTS

SEA specifically invites comments on all aspects of this EA, including the scope and adequacy of the recommended mitigation. SEA will consider all comments received in response to the EA in making its final recommendations to the Board. Comments (an original and 10 copies) should be sent to: Vernon A. Williams, Secretary, Surface Transportation Board, 1925 K Street NW, Suite 700, Washington, D.C. 20423. The lower left-hand corner of the envelope should be marked: Attention: Dana White, Environmental Comments, Finance Docket No. 33388 (Sub Nos. 1-7). Questions may also be directed to Ms. White at this address or by telephoning (888) 869-1997.

Date EA Made Available to the Public: **October 7, 1997**

Comment Due Date: **October 27, 1997**

**APPENDIX A
CSX/NS CONSTRUCTION WAIVER APPLICATION
PRESS RELEASE FOR STB DECISION 9
STB DECISION 9**

APPENDIX B
AGENCIES AND OTHER PARTIES CONSULTED
AGENCY CORRESPONDENCE

Federal Agencies Consulted:

Bureau of Indian Affairs—Eastern Area Office, Fairfax, Virginia
Council on Environmental Quality, Washington, D.C.
Federal Highway Administration, Washington, D.C.
Federal Railroad Administration, Washington, D.C.
National Forest Service—Eastern Region, Milwaukee, Wisconsin
National Geodetic Survey, Silver Spring, Maryland
National Park Service, Washington, D.C.
National Park Service—Great Plains Office, Omaha, Nebraska
U.S. Army Corps of Engineers—Louisville District, Louisville, Kentucky
U.S. Department of Agriculture, Natural Resources Conservation Service—Ohio State
Conservationist, Columbus, Ohio
U.S. Department of the Interior, Washington, D.C.
U.S. Environmental Protection Agency—Office of Federal Activities, Washington, D.C.
U.S. Environmental Protection Agency—Region 5, Chicago, Illinois
U.S. Fish and Wildlife Service—Region 3, Fort Snelling, Minnesota
U.S. Fish and Wildlife Service—Ecological Services Field Office, Reynoldsburg, Ohio

State Agencies Consulted:

Mid-Ohio Regional Planning Commission, Columbus, Ohio
Ohio Department of Natural Resources, Columbus, Ohio
Ohio Department of Transportation, Columbus, Ohio
Ohio Environmental Protection Agency, Columbus, Ohio
Ohio Historical Society (State Historic Preservation Officer), Columbus, Ohio
Ohio Office of Budget and Management—Ohio State Clearinghouse, Columbus, Ohio
Ohio Rail Development Commission, Columbus, Ohio

Local Agencies Consulted:

Shelby County Board of Commissioners, Sidney, Ohio.
Sidney County Engineer, Sidney, Ohio.
Shelby County Planning Commission, Sidney, Ohio.

APPENDIX C REFERENCES

General:

- CSX Transportation Inc. *Preliminary Draft Environmental Assessment. Sidney, Ohio—New Connection.* September 1997.
- CSX Transportation Inc. and Norfolk Southern Railway Company. *Railroad Control Application: Finance Docket No. 33388. Volume 3—Operating Plan.* June 1997.
- CSX Transportation Inc. and Norfolk Southern Railway Company. *Railroad Control Application: Finance Docket No. 33388. Volume 6—Environmental Report.* June 1997.
- De Leuw, Cather and Company. *Conrail Acquisition Site Assessment Summary—Sidney, Ohio.* July 24, 1997.

Project Description and Construction Requirements:

- CSX Transportation Inc., Engineering Department. Personal communications with Gray Chandler. July 25 and 28, 1997.
- Sverdrup, Inc. Personal communication with Sheila Hockel. July 30, 1997.

Land Use:

- City of Sidney Zoning Department. Personal communication and correspondence from John Crosey. May 8 and August 26, 1997.
- City of Sidney Engineering Department. Personal communication with Landon Scott. August 18, 1997.
- Ohio Department of Natural Resources, Coastal Management Program. Personal communication with Don Povolny. March 3, 1997.
- Ohio Department of Natural Resources, Division of Real Estate Management. Personal communication with Bob Stewart. June 23 and July 14, 1997.
- Ohio Environmental Protection Agency, Southwest District. Personal communication with Hugh Trumble. June 9, 1997.
- Ohio State Clearinghouse. Personal communication with Linda Wise. May 22, 1997.
- Shelby County Board of Commissioners. Personal communication with Gary Van Fossen. June 9, 1997.
- Shelby County Engineering Department. Personal communication with Stephen Hubbell. June 6, 1997.
- Shelby County Planning Department. Personal communication with David Waltz. June 10, 1997.
- U.S. Department of Agriculture, National Resources Conservation Service. Correspondence and personal communication with Paul DeArman. June 8 and 9, 1997.
- U.S. Department of Agriculture, Soil Conservation Service. *Soil Survey of Shelby County, Ohio.* April 1980.
- U.S. Department of the Interior, Bureau of Indian Affairs. Personal communication with Diane Rosen. May 27, 1997.
- U.S. Department of the Interior, National Park Service. Personal communication with Jim Grasso, June 10, 1997.
- U.S. Department of the Interior, U.S. Geological Survey. *Topographical Map—Sidney, Ohio Quadrangle.* 1982 (Revised).

U.S. Environmental Protection Agency, Columbus, Ohio. Personal communication with Judy Bore, June 6, 1997.

U.S. Environmental Protection Agency, Region 5. Personal communication with Mike MacMullen, June 11, 1997.

Socioeconomics and Environmental Justice:

Executive Order 12898. *Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations*. Washington, D.C., 1994.

U.S. Department of Commerce, Bureau of the Census. *1990 Census of Population and Housing, Summary Tape Files 1A and 3A*. Washington, D.C., May 1992.

U.S. Department of Commerce, Bureau of the Census, *City & Data Book—Statistical Abstract Supplement*. 12th Edition. Washington, D.C., 1994.

U.S. Department of Commerce, Bureau of the Census. *Statistical Abstract of United States*. Washington, D.C., 1995.

Transportation and Safety:

CSX Real Estate Department. Personal communication with Jim Barker. August 4, 1997.

City of Sidney Engineering Department. Personal communication with Scott Landon. August 18, 1997.

City of Sidney, Graceland Cemetery. Personal communication with Jim Vondenhuevel. August 19, 1997.

E Data Resources, Inc. *EDR-Radius Map with GeoCheck—Crestline, Ohio*. May 20, 1997.

Ohio Public Utilities Commission. Personal communication with Joseph Reinhardt. July 24, 1997.

U.S. Department of Transportation. Federal Railroad Administration. Personal communication with Rob Martin. July 21, 1997.

Water Resources:

Arnold and Porter. Correspondence from Mary Gay Sprague. September 26, 1997.

Federal Emergency Management Agency, National Flood Insurance Program. Flood Insurance Rate Map, City of Sidney, Shelby County, Ohio. Community Panel Nos. 390507 0003B and 390507 0004B. November 1982.

City of Sidney Engineering Department. Personal communication with Scott Landon. August 18, 1997.

Planning Resources Inc. Personal communication with Juli Crane. August 11, 1997.

Planning Resources Inc. *Wetland Report for CSX Railroad Activities at Sidney, Ohio*. September 1997.

U.S. Army Corps of Engineers, Louisville District. Personal communication and correspondence from Brenda Carter. June 4 and June 11, 1997.

U.S. Department of Agriculture. Natural Resources Conservation Service. Correspondence from Paul DeArman. June 8, 1997.

U.S. Department of the Interior, U.S. Fish and Wildlife Service, National Wetlands Inventory Map, Sidney, Ohio. 1989.

Biological Resources:

- Burt, W.H. and R.P. Grossenheider. *A Field Guide to Mammals*. Houghton Mifflin Co., Boston, 1964.
- Fuller, G.D. and E.E. Nuuttila. *Forest Trees of Illinois*. Illinois Department of Conservation, Division of Forestry, Springfield, 1955.
- Ohio Department of Natural Resources, Division of Natural Areas and Preserves. Correspondence from Debbie Woischke. July 31, 1997.
- Ohio Department of Natural Resources, Division of Wildlife. Personal communication with David Swanson. August 5, 1997.
- Peterson, R.T. and M. McKenny, 1968. *A Field Guide to Wildflowers of Northeastern and North-Central North America*. Houghton Mifflin Co., Boston, 1968.
- U.S. Department of Agriculture, Soil Conservation Service. *Soil Survey of Shelby County, Ohio*. April 1980.
- U.S. Department of the Interior, U.S. Fish and Wildlife Service—Reynoldsburg, Ohio Field Office. Personal communication with Lyn MacLean. June 6, 1997.
- U.S. Department of the Interior, U.S. Fish and Wildlife Service—Reynoldsburg, Ohio Field Office. Personal communication with Ken Multerer. August 7, 1997.
- U.S. Department of the Interior, U.S. Fish and Wildlife Service, Endangered and Threatened Species in the State of Ohio. March, 1995.
- U.S. Department of the Interior, U.S. Fish and Wildlife Service, National Wetlands Inventory Map, Sidney, Ohio. 1989.
- U.S. Department of the Interior, U.S. Geological Survey. Topographical Map—Sidney, Ohio Quadrangle. 1982 (Revised).

Air Quality:

- Ohio Administrative Code. Rule 3745-15-07. *Air Pollution Control Nuisance Regulations*.
- Ohio Administrative Code. Rule 3745-17-02. *Ambient Air Quality Standards*.
- Ohio Administrative Code. Rule 3745-17-08. *Fugitive Dust Rule*.
- U.S. Code of Federal Regulations. Volume 40, Part 81. *Designation of Areas for Air Quality Planning Purposes*. Subpart C, Section 107—Attainment Status Designations, Porter County, Indiana.
- U.S. Code of Federal Regulations. Volume 40, Part 1105.7. *Surface Transportation Board, Procedures for Implementation of Environmental Laws*.
- U.S. Department of Transportation, Federal Railroad Administration and Federal Highway Administration. *Guidebook for Planning to Alleviate Urban Railroad Problems, Volume 3, Appendix C*. Report RP-31. Washington, D.C., August 1974.
- U.S. Environmental Protection Agency. MOBILE 5b Emission Factor Model. 1997.

Noise:

- U.S. Code of Federal Regulations. Volume 40, Part 1105.7. *Surface Transportation Board, Procedures for Implementation of Environmental Laws*.
- Harris Miller Miller & Hanson Inc. Correspondence and personal communications with Hugh Saurenman. May through August 1997.

Cultural Resources:

GAI Consultants. Correspondence from Karen Orrence. August 12, 1997.
Myra L. Frank & Associates. Personal communications with Richard Starzak. September 5, 1997.
Ohio State Historical Society. Personal communication with Julie Quinlan. May 23, 1997.
Ohio State Historical Society. Personal communication with Franco Ruffini and David Snyder.
July 18, 1997.
Ohio State Historical Society. Personal communication with Dave Snyder. June 3, 1997.
Sherman, David. *Notes on Shelby County History*. 1981
U.S. Department of the Interior, Bureau of Indian Affairs. Personal communication with Terry
Viridon. May 30, 1997.