

Decision No. 28330

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

# **Environmental Assessment**

**Finance Docket No. 33388 (Sub No. 2)**

**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**

## **Willow Creek**

**CSX/Conrail Rail Line Connection —  
City of Portage, Porter County, Indiana**

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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 at Willow Creek in Portage, Indiana 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 2,800-foot connection is located in the City of Portage, Porter County, Indiana. The new connection would be built in the southern quadrant of the intersecting CSX and Conrail rail lines, just north of the intersection of Willow Creek Road and Portage Road. The connection would link the CSX Garrett Subdivision rail line (which generally runs northwest to southeast) and the Conrail Porter Branch rail line (which generally runs northeast to southwest). Most of the connection (1,800 of the 2,800 feet) would be constructed within the existing CSX right-of-way, though acquisition of an additional 0.2 acre of new right-of-way would be required. The new connection would allow progressive east-west movements between the CSX and Conrail lines, enhancing rail operations and traffic movements between Garrett, Indiana and Chicago, Illinois. CSX estimates that an average of 10 trains per day (primarily 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 CSX/Conrail connection at Willow Creek in Portage, Indiana.

**SUMMARY OF ENVIRONMENTAL EFFECTS  
-CSX/CONRAIL RAIL LINE CONNECTION-  
WILLOW CREEK, INDIANA**

<b>Effect Type</b>	<b>Assessment Criteria</b>	<b>Effects</b>
Land Use	New Right-of-Way Required Prime Farmland Affected Within Coastal Zone Management Area	0.2 acre None No
Socioeconomics 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	10 trains per day One* Minor None None
Water Resources	Effect on Surface Water Wetlands Affected	None None
Biological Resources	Loss of Critical Habitats Effect on Threatened and Endangered Species Effect on Parks, Forest Preserves, Refuges and Sanctuaries	None None Negligible
Air Quality	Emissions from Construction + Idling Vehicles Effect on Air Quality Due to Construction (Fugitive Dust)	Negligible Negligible
Noise	Additional Receptors within the L <sub>dn</sub> 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

\* New at-grade crossing for connection would be constructed just south of the existing mainline crossings; existing protection systems would be modified to control all three crossings.

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 proposed transaction, CSX proposes to construct a rail line connection at Willow Creek in Portage, Indiana to permit traffic movements between the CSX and Conrail systems. The Board's Section on 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 Portage, Porter County, Indiana. Portage is located in northwestern Indiana, approximately 20 miles east of Gary. The new connection would be built in the southern quadrant of the intersecting CSX and Conrail rail lines, just north of the intersection of Willow Creek Road and Portage Road (see Figure 1).

CSX would construction a new 2,800-foot connection, shown in Figure 2, between the CSX Garrett Subdivision rail line (which generally runs northwest to southeast) and the Conrail Porter Branch rail line (which generally runs northeast to southwest). Most of the connection (1,800 of the 2,800 feet) would be constructed within the existing CSX right-of-way, though acquisition of an additional 0.2 acre of new right-of-way would be required. The connection would begin at the Conrail rail line at approximately 1,000 feet west of Willow Creek Road and terminate on the CSX rail line at Milepost 235, approximately 1,800 feet east of Willow Creek Road. The connection at the eastern end would be double-tracked within the existing CSX right-of-way. The connection would cross Willow Creek Road and Portage Road, and the existing at-grade crossings would be modified. The new connection would allow progressive east-west movements and permit rail traffic between Garrett, Indiana and Chicago, Illinois.

Figure 1. Project Location

Figure 2. Proposed Connection

### **1.1.2 Construction Requirements**

CSX estimates that the construction of the new rail line connection would require a labor force of 25 people over a period of approximately 45 days. The construction would require clearing existing vegetation, but little excavation or grading. 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 enhance rail operations and train movements on the CSX and Conrail rail lines. CSX estimates that an average of 10 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 rail line would decrease, on average, from 9.6 to zero trains per day northeast of the proposed connection (Willow Creek to Porter, Indiana segment) and would increase, on average, from 9.6 to 11.4 trains per day southwest of the proposed connection (Willow Creek to Ivanhoe, Indiana segment).
- Traffic on the existing CSX rail line would increase, on average, from 23.4 to 49.7 trains per day southeast of the proposed connection (Willow Creek to Deshler, Ohio segment), and would increase, on average, from 22.1 to 38.6 trains per day northwest of the proposed connection (Willow Creek to Pine Junction, Indiana 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 at Willow Creek in Portage, Indiana. 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 at Willow Creek, 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 Willow Creek 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, if no connection is built at Willow Creek, CSX’s service to the Gibson Yard (for finished auto) and the Blue Island Yard in the Chicago area would remain difficult. Trains destined to these yards 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. Without a new connection at Willow Creek, anticipated reductions in air pollutant emissions and fuel usage would also not be achieved. Without the connection, it is also likely that congestion would increase on other existing rail lines, to the detriment of local shippers and efficient operations in the Chicago and northwestern Indiana areas.

#### **2.2 BUILD ALTERNATIVES**

SEA considered an alternative location—also in the southern 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, reconstruction of the recently completed Crisman Road, relocation of bridge piers, and the demolition of at least two residential properties. This alternative also would move rail operations closer to the residential neighborhood southwest of the rail line intersection. 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**

The 2,800-foot single-track connection in the southern quadrant of the existing CSX/Conrail intersection provides the optimal location and most direct routing for a new connection, which would allow CSX to use the Indiana Harbor Belt rail line for access to the Gibson Yard, the Blue Island Yard, and other destinations in the Chicago area. 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 rural, suburban, and commercial development and undeveloped land (see Figure 3). The existing rail lines cross each other at equal grade approximately 30 feet west of Willow Creek Road, where an existing at-grade crossing accommodates both the CSX and Conrail rail lines. A recently constructed overpass (for Crisman Road) crosses over the CSX rail line southeast of the at-grade crossing and the Conrail rail line northeast of the at-grade crossing, and then connects at grade with Willow Creek Road.

Undeveloped land west of the rail line intersection supports hardwood trees, small shrubs, non-woody vegetation, and grasses. Farther to the west, approximately 1,500 feet from the intersection (north of the Conrail right-of-way), a residential development of single-family homes is under construction. South of the rail line at this location is an older neighborhood of single-family homes. Areas of undeveloped property supporting trees, non-woody vegetation, and grasses are located just east of the intersection. Farther east, about 1,000 feet from the intersection and north of Portage Road, is a residential area. Northeast of the intersection are residential properties. Woodland Park is located 500 feet northwest of the proposed project. The topography in the proposed project area is relatively flat, and the surrounding area consists of low rolling hills.

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

Figure 3. Land Use

### **3.1.2 Consistency with Local Plans**

SEA contacted representatives of the City of Portage and Porter County to obtain information on local planning and zoning requirements. Although neither the City of Portage nor Porter County have a local land use plan, the land that would be acquired for the proposed connection is currently zoned for commercial uses (C-2); railroad development is allowed in the area. The area surrounding the proposed connection is zoned for residential uses to the east and west, commercial or business use to the south, and recreational uses or open space to the north.

### **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 any prime farmland soils were located in the vicinity of the proposed project. According to the NRCS and the Porter County, Indiana Soil Survey, no prime farmland soils are located within or adjacent to the project site.

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. SEA contacted the Water Resources Division of the Indiana Department of Natural Resources (DNR) to determine whether the proposed connection site was located in an area covered by a coastal zone management plan. According to the Indiana DNR, there is no federally recognized coastal zone management program in Indiana.

## **3.2 SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE**

Based on the 1990 census, the population of Porter County is 128,932; the population of the City of Portage is 29,060; and the population of the area in the vicinity of the proposed construction is 5,428.

Approximately 5.9 percent of the residents in the vicinity of the proposed construction are minorities, compared to 7.2 percent of residents in the City of Portage and 4.3 percent in Porter County. The racial composition of these areas is summarized in Table 1.

Census data indicate that the 1989 median family income for Porter County was \$41,929 and \$37,032 in the City of Portage. In the vicinity of the proposed construction, median family income in 1989 was \$33,402. Approximately 12.2 percent of the residents in the vicinity of the proposed construction are low-income (below the federal poverty level), compared to 7.9 percent of residents in the City of Portage and 6.1 percent in Porter County.

**Table 1  
RACIAL COMPOSITION OF POPULATION**

<b>Race</b>	<b>Porter County</b>	<b>City of Portage</b>	<b>Area of Proposed Connection</b>
White	95.7 %	92.5 %	94.1 %
Black	0.3 %	0.4 %	0.6 %
Asian	0.7 %	0.5 %	0.4 %
Hispanic (Any Race)	3.0 %	6.3 %	4.8 %
American Indian	0.2 %	0.2 %	0.1 %
Other	0.1 %	0.2 %	0.0 %

### **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 rail lines that intersect just west of Willow Creek Road. Both lines are currently used for rail operations. The existing roadway network in the vicinity of the proposed construction includes Willow Creek Road, Portage Road, and Crisman Road. Access to the proposed construction area would be from Willow Creek Road, Portage Road, and Crisman Road.

Willow Creek Road is a two-lane, asphalt road with an average daily traffic (ADT) volume of 6,477 vehicles. The at-grade crossings of the CSX and Conrail tracks are currently protected by a cross buck, gates and lights. The proposed connection at Willow Creek Road would be south of the current at-grade crossing, very close to the existing crossing for the CSX and Conrail rail lines. CSX is currently determining whether the distance between the existing at-grade crossing and the new at-grade crossing requires the installation of a separate protection system south of the current one. Whether or not a separate protection system is installed, the proposed connection crossing would essentially be a widening of the existing at-grade crossing rather than a new one. Widening the crossing to accommodate the proposed connection would not change the traffic flow on Willow Creek Road, but vehicles would stop for trains in a different place. Portage Road is a two-lane, asphalt road with an ADT volume of 3,000. At the Portage Road and CSX at-grade crossing, the connection would run parallel to the existing track. This at-grade crossing is currently protected by a cross buck and lights. No modifications to the protection system are proposed for this crossing. Crisman Road, a two-lane asphalt road, crosses the CSX and Conrail lines via an overpass.

### **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. The CSX rail line is designated as a Key Route for the shipment of hazardous materials. A Key Route, as defined by the Inter-Industry Task Force, is a route on which more than 10,000 carloads of hazardous materials are transported per year. The Conrail rail line carries between 8,000 and 10,000 carloads of hazardous materials per year between Toledo, Ohio and Chicago, Illinois. A hazardous material spill did occur in Portage in September 1995. According to Conrail, less than one gallon of inhibited styrene monomer was released. Appropriate clean up and remediation measures were implemented to mitigate any long-term effects.

### **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 construction. The database search did reveal five orphan sites within the Willow Creek search area. Based on the limited address information available, none of these sites appear to be located in the immediate vicinity of the proposed construction.

## **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 below, 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 three wetlands are located within 500 feet of the proposed connection (see Figure 4). The first wetland is located approximately 125 feet north of the Conrail rail line and 750 feet west of Willow Creek Road. It is classified as a palustrine forested broad-leaved deciduous temporary flood (PFO1A) wetland. Since the NWI mapping was completed, much of this wetland has been filled and the area developed for residential use. The second wetland, also classified as a PFO1A wetland, is located approximately 125 feet south of the CSX rail line and 430 feet east of Willow Creek Road. The third wetland, located 300 feet south of the CSX rail line and 1,300 feet east of Willow Creek Road, is classified as a palustrine emergent temporarily flooded (PEMA) wetland.

Two additional wetlands, not depicted on the NWI map, were identified near the proposed construction site. Wetland A (designated as  $W_A$  in Figure 4), located approximately 100 feet north of the Conrail rail line and approximately 300 feet west of Willow Creek Road, between the existing CSX and Conrail tracks, is classified as a PEMA wetland, and has a total area of 0.24 acre. Wetland B (designated as  $W_B$  in Figure 4) is located approximately 25 feet north of the CSX rail line and approximately 125 feet east of the Crisman Road overpass. It is classified as palustrine emergent semi-permanently flooded (PEMF), and has a total area of 0.74 acre.

### **3.4.2 Surface Waters**

No surface or open waters are located within 500 feet of the proposed construction site. The site is outside the 500-year flood plain.

## **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 site.

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.

Figure 4. Water Resources

### **3.5.1 Vegetation**

The proposed construction site consists of sandy soils which support a variety of non-woody vegetation and trees. West of Willow Creek Road and south of the Conrail tracks is a wooded area with a variety of trees, including oaks (white and black), poplar, locust, cherry and sassafras. While most trees are small (less than 4 inches in diameter), oaks as large as 12 to 16 inches in diameter were observed within 50 feet of the tracks. A variety of other plants and vegetation are present, including raspberry, thistles, iris, meadow fescue, poison ivy, burr oak, evening primrose, and sweet clover.

The slopes of the Crisman Road overpass are stabilized by a heavy growth of crown vetch and grasses. East of the overpass and south of the CSX tracks is a grassy field that is mowed periodically to maintain a groomed appearance. South of Portage Road and east of the Willow Creek Road extension is a densely wooded area containing sassafras, locust, and some large oak (2 feet in diameter) trees. Farther to the east and south of the CSX tracks, the wooded area thins and the trees are primarily small locust. The area south and immediately adjacent to the railroad tracks had been brush-hogged recently for several hundred feet. Other vegetation observed in this area included sweet William, bluestem grasses, wild lupine, and centaury.

### **3.5.2 Wildlife**

Wildlife habitat found on or adjacent to the proposed construction site consists of small areas of forest, forest edge, and prairie habitats which include the vegetation discussed above. The area provides suitable habitat for a variety of mammals, birds, reptiles, and invertebrates. During a field visit in mid-July, deer tracks, as well as numerous birds (sparrows, robins, indigo buntings, chickadees) and several skinks were observed.

### **3.5.3 Threatened and Endangered Species**

Five federally threatened or endangered animal species and one federally threatened plant species are known to occur in Porter County. Animal species include: the endangered Karner blue butterfly (*Lycaeides melissa samuelis*), Indiana bat (*Myotis sodalis*), and American peregrine falcon (*Falco peregrinus anatum*); and the threatened Bald eagle (*Haliaeetus leucocephalus*) and Northern copperbelly water snake (*Nerodia erythrogaster neglecta*). The listed plant species includes the threatened Pitcher's thistle (*Cirsium pitcheri*).

The habitat of the Karner blue butterfly includes dry sand savannas, typically on sand dunes, excessively drained sites and northern Indiana sand ridges. According to the Indiana Department of Natural Resources (DNR), the dominant plant species of these communities are black oak and big bluestem. Such habitat is found commonly at the Indiana Dunes National Lakeshore, about 1.5 miles northwest of the proposed construction site. Remnants of this habitat exist in the area of the proposed construction, which include a sandy ridge west of the connection site and well-drained sandy soils along the right-of-way. The right-of-way also supports black oak and big bluestem as well as wild lupine, the only reported larval food plant of the Karner blue butterfly. The closest reported occurrence of the Karner blue butterfly to the proposed construction site is at the Inland

Marsh area of the Indiana Dunes National Lakeshore. Although the habitat at the proposed construction site is marginal for this species when compared to that of the nearby National Lakeshore, its occurrence at the proposed construction site is possible and it may be an occasional visitor.

The Indiana bat typically 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 bark of trees with exfoliating bark, or in man-made structures. The environment at the construction site for the proposed northwest quadrant connection provides habitat that may be attractive to the Indiana bat. Both the Bald eagle and the American peregrine falcon generally nest on cliffs (or a series of cliffs), though other forms of nesting habitat, such as river cutbanks, trees, and manmade towers, are also used. Copperbelly water snakes are almost always found near the bottomland forests and shrub swamps.

The Pitcher's thistle is a colonizing plant of open sand dunes that requires disturbed areas to become established. The closest reported occurrence of this species to the proposed project is at West Beach of the Indiana Dunes National Lakeshore. The Indiana DNR indicated its occurrence at the proposed construction site is unlikely.

The Indiana DNR also indicated that there is a 1922 historical record of the state-listed endangered plant, the Carolina fimbry (*Fimbristylis puberula*), from a prairie habitat along the "New York Central Railroad," one-half mile west of the Town of Crisman, the present-day location of the proposed construction. This plant was not observed in the project area during field reviews.

#### **3.5.4 Parks, Forest Preserves, Refuges and Sanctuaries**

A city park, Woodland Park, is located approximately 500 feet north of the proposed connection. There are no other parks, forest preserves, sanctuaries, refuges, or national, state or local recreational areas within one mile of the project.

### **3.6 AIR QUALITY**

Porter County, Indiana 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 Indiana regulates fugitive dust emissions under Rule 326 IAC 6-4. Construction projects are exempt from this rule provided reasonable precautions have been taken to minimize fugitive dust emissions.

### **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 the Willow Creek area of Portage, which contains residential, commercial, and recreational land 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 which affects approximately 140 residences (see Figure 5). Portions of residential neighborhoods to the northeast and southwest, and several homes on Willow Creek Road (south of the existing rail lines) already experience noise levels in excess of 65 dBA from rail operations. Much of the existing noise in the vicinity of the proposed connection is horn noise from trains as they approach the Willow Creek Road and Portage Road at-grade crossings, and noise from vehicle traffic on local streets.

### **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 Indiana State Historic Preservation Officer (SHPO).

#### **3.8.1 Archeological Resources**

There are no known archeological sites in the project area. A site visit confirmed that the area of proposed construction has been previously disturbed; no archeological sites are believed to be present within the project area. The Indiana SHPO concluded that no archeological investigation was warranted because it is highly unlikely that any undisturbed archeological sites would be identified within the area of proposed construction. No archeological sites in the vicinity of the proposed construction have been recorded in the Indiana State Site Files or the National Register of Historic Places.

Figure 5. Noise Contours

### **3.8.2 Historic Resources**

One historic resource, an historical marker, is located in the vicinity of the proposed construction site. The Indiana Historical Bureau has erected an historical marker in Woodland Park (approximately 500 feet from the proposed connection) commemorating the Willow Creek confrontation, an important event in railroad history. The text of the marker reads:

#### ***WILLOW CREEK CONFRONTATION***

*As railroad lines expanded through U.S., conflict occurred between competing lines. Michigan Central Railroad, with track in Porter County since 1851, briefly defied state militia and court orders (1874) to allow Baltimore and Ohio Railroad to cross its track. Crossing was built at Willow Creek Station.*

No historic structures in the vicinity of the proposed construction site have been recorded in the Indiana State Site Files or the National Register of Historic Places, nor are any other historic resources known to exist in the area of the proposed construction.

### **3.9 ENERGY**

Current sources of energy consumption in the project area include locomotives, railroad maintenance equipment, and motor vehicles. 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. This connection would involve the construction of a new rail line segment, mostly within existing CSX new right-of-way to connect the existing CSX tracks to the Conrail tracks. 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 (signals and 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 construction and operation of the proposed rail line connection were consistent with existing land uses and future land use plans. Determination as to whether a 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 the proposed construction would 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 small amount (0.2 acre) of property adjacent to the existing rail lines would be acquired for new right-of-way; this the land is currently undeveloped and no buildings or residents would be displaced. No conversion of prime farmland soils would be necessary to complete construction of this connection, nor would any construction activities 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 Portage and Porter 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. Although the population in the area surrounding the proposed connection has a higher proportion of minority (5.9 percent vs. 4.3 percent) and low-income residents (12.2 percent below the Federal poverty level vs. 6.1 percent) than Porter County as a whole, this difference in racial composition and economic status is not substantial. 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 which could be affected by the proposed construction of the new 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 adverse 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 to and through Willow Creek and enhance the efficiency of CSX operations. The connection would not increase the number of trains crossing Willow Creek Road, though the number of trains crossing Portage Road would increase because some trains traveling northeast on the Conrail rail line would turn southeast over the connection and across Portage Road.

The connection would result in one new at-grade crossing on Willow Creek Road, just south of the existing crossing. Because of the limited distance between the connection at-grade crossing and the main line at-grade crossing, the existing crossing protection would be modified and enhanced. The wider at-grade crossing would not result in additional delays and disruptions to motor vehicle traffic or accidents, because vehicles would have to stop whether the train was on the CSX main line, the Conrail main line, or the connection. However, anticipated increases in CSX and Conrail mainline traffic if the proposed transaction is approved could cause additional grade crossing delays for vehicles at this location. These potential effects are discussed in the EIS on the effects of the entire acquisition transaction. The Portage Road at-grade crossing would be widened to accommodate the proposed connection. Existing protection systems would not be modified. Although the number of trains passing the Portage Road crossing would increase as a result of the connection, the increase in train traffic is not anticipated to result in a substantial increase in vehicle delays or accidents because of the relatively low ADT at this location. Construction at the Willow Creek Road and Portage Road crossings could temporarily disrupt vehicular traffic at those crossings. An alternate traffic route, such as Crisman Road (an overpass) could be used during construction activities. Construction of the proposed connection is likely to temporarily increase traffic on Portage, Hamstrom, and Swanson Road crossings (the at-grade crossings closest to Willow Creek Road).

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. The CSX rail line would remain a Key Route for transporting hazardous materials and the Conrail rail line also would continue to carry 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 vicinity of the proposed construction site. The probability of a spill of hazardous or toxic materials during construction is low. 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 surface or open bodies of water are located in the vicinity of the proposed connection. None of the five wetlands identified in the project area would be drained or filled as a

result of the proposed construction. The proposed construction would not involve excavation from or the placement of dredged or fill material into the “waters of the United States,” including designated wetlands. Therefore, authorization (a permit) under Section 404 of the Clean Water Act would not be required. 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.** A small area of vegetation (approximately 0.64 acre) would be cleared to accommodate the proposed connection. Trees in this area, including sassafras and mature oaks, as well as shrubs and non-woody vegetation 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 revegetate these areas.

**Wildlife.** The area 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 SEA anticipates that any temporarily displaced wildlife would subsequently return to the area.

**Threatened and Endangered Species.** There are no reports of any state or federally threatened or endangered species for Porter County occurring in the vicinity of the proposed connection. Although the habitat in the construction area does have some of the characteristics attractive to the federally endangered Karner blue butterfly (*Lycaeides melissa samuelis*), this habitat is marginal and the USFWS concluded that the proposed connection would not adversely effect this species.

Impacts to the federally threatened Pitcher's thistle (*Cirsium pitcheri*) are not expected due to lack of appropriate habitat in the proposed construction area. Although the potential exists for the state endangered Caroline fimbry (*Fimbristylis puberula*) to be present in the vicinity of the proposed construction, this plant species has not been reported in this part of Porter County since 1922.

**Parks, Forests Preserves, Refuges, and Sanctuaries.** Woodland Park could be temporarily affected by visual and noise effects during the construction period. Once construction is complete, no long-term effects are anticipated.

#### **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 rail line segments adjoining the connection, to the extent they meet the Board's thresholds for analysis, will be analyzed in the EIS being prepared for the entire acquisition transaction. 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 Willow Creek 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<sub>x</sub>) 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 Porter County's NAAQS attainment status. Increases in fugitive dust could occur due to grading and other earthwork necessary for railbed 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 Willow Creek 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 10 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. Train noise at this track junction for both the pre- and post-construction conditions is dominated by horn noise. The noise projections assume that the engineer begins blowing the horn one quarter mile before the grade crossing, and stops blowing the horn at the grade crossing. Wheel squeal can occur on any curve with a radius less than about 1,000 feet, or when the curvature is greater than approximately 5 degrees. The curvature on the connection is minimal (less than 5 degrees); no adverse noise effects from wheel squeal are expected. If wheel squeal occurs during operation of the connection, rail lubrication could be used to minimize noise levels.

### **4.1.8 Cultural Resources**

#### **Assessment Methods and Evaluation Criteria**

SEA consulted with the Indiana 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 constructions or subsequent rail operations.

**Potential Effects**

There are no National Register-eligible or listed historic resources in the immediate vicinity of the proposed construction site. The project area is the site of an event in railroad history. However, the proposed action would not affect the historic significance of the area and its association with railroading would continue. This history is commemorated at Willow Creek Station and the historical marker in Woodland Park. 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 reduce the route of trains accessing various yards in the Chicago area, 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 outlined 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 connections. 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 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 the proposed project would not affect prime farmland soils.
- The Detroit District of the U.S. Army Corps of Engineers indicated that if the project would require the placement of fill into the wetlands adjacent to the proposed construction site, a Section 404 permit would be required.
- The USFWS indicated that the proposed project would not adversely affect the Karner blue butterfly (*Lycaeides melissa samuelis*).
- The Indiana DNR indicated that no state or federally -listed threatened, endangered or rare plant or animal species have been reported in the vicinity of the proposed construction. The DNR also stated that the proposed construction would not require agency approval pursuant to the Indiana Flood Control Act, but that Section 6(f) conversion would be required if the project adversely affects outdoor recreational facilities at Woodland Park.
- The Indiana SHPO indicated that no known historic, architectural, or archeological sites listed in or eligible for inclusion in the National Register of Historic Places would be affected by the proposed project. The SHPO also stated the need to comply with Section 106 requirements (36 CFR Part 800.11(b)(2)) should any previously-undiscovered archeological resources be discovered during construction.
- The Indiana DNR, Natural Heritage Data Center indicated that two federally listed threatened or endangered species—the dune thistle (*Cirsium pitcheri*) and the Karner blue butterfly (*Lycaeides melissa samuelis*)—occur in Porter County, but that the closest documented occurrence of these species is approximately 2 miles from the

proposed construction site, at the Indiana Dunes National Lakeshore. The Natural Heritage Data Center also indicated that there is an historical record (1922) of the Carolina fimbry (*Fimbristylis puberula*), a state endangered plant species along the railroad tracks in Porter County, 0.5 mile west of the Town of Crisman.

## **5.2 AGENCY SUGGESTED MITIGATION**

The following mitigation measure was suggested for the proposed construction project by the various parties consulted in the process of preparing the EA:

- The Indiana DNR suggests that all bare and disturbed areas in the vicinity of the proposed construction be revegetated with a mixture of grasses (except tall fescue) and legumes following completion of construction activities to restore habitat and biological resources.

## **5.3 SEA RECOMMENDED MITIGATION**

SEA recommends that the Board impose the following mitigation measures in any decision approving the construction waiver for the proposed Willow Creek rail line connection in Portage, Indiana.

### **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**

In addition to the general mitigation measures identified above, SEA recommends that the Board impose the following specific mitigation measure in any decision approving the construction of the proposed Willow Creek rail line connection in Portage, Indiana:

## **Biological Resources**

- CSX shall revegetate all bare and disturbed areas in the vicinity of the proposed construction be revegetated with a mixture of grasses (except tall fescue) and legumes following completion of construction activities.

## **Noise**

- If wheel squeal occurs during operation of the connection, CSX shall use rail lubrication to minimize noise levels.

## **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—Detroit District, Detroit, Michigan  
U.S. Department of Agriculture, Natural Resources Conservation Service—Indiana State  
Conservationist, Indianapolis, Indiana  
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, Bloomington, Indiana

**State Agencies Consulted:**

Indiana Office of Management and Budget—State Clearinghouse, Indianapolis, Indiana  
Indiana Department of Natural Resources—Division Historic Preservation and Archaeology,  
Indianapolis, Indiana  
Indiana Department of Environmental Management, Indianapolis, Indiana  
Indiana Department of Natural Resources, Indianapolis, Indiana

**Local Agencies Consulted:**

City of Portage, Portage, Indiana  
Porter County Board of Commissioners, Valparaiso, Indiana  
Porter County Planning Commission, Valparaiso, Indiana



APPENDIX C  
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