

STB FD-33388 (SUB5) 12-8-97 K ID-BUSINESS

**SURFACE TRANSPORTATION BOARD**

Washington, DC 20423-0001

OFFICE OF ECONOMICS, ENVIRONMENTAL ANALYSIS, AND ADMINISTRATION

December 8, 1997

Mr. Carl Gerhardstein  
CSX Transportation  
1331 Pennsylvania Ave., NW, Suite 560  
Washington, DC 20004

Re: Finance Docket No. 33388 (Sub. Nos. 1-7) - CSX and  
Norfolk Southern - Control and Acquisition of  
Conrail - Proposed Construction at Willow Creek,  
Indiana

Dear Mr. Gerhardstein:

We have received the enclosed material from the U.S. Army Corps of Engineers concerning the proposed CSX construction at Willow Creek, Indiana. As you will note, the Corps requires the completion of a permit application if construction work within identified wetlands in the Willow Creek area is anticipated.

In the Board's final decision for the proposed construction at Willow Creek, served November 25, 1997, the Board imposed a condition requiring CSX to 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.

Accordingly, we are forwarding the enclosed material from the Corps to you for appropriate action. Thank you for your prompt attention. If you have any questions, please do not hesitate to contact me at (202) 565-1552.

Sincerely yours,

*Dana G. White*

Dana G. White  
Section of Environmental Analysis

Enclosure

cc: Robert Tucker, Corps of Engineers, Detroit, MI



DEPARTMENT OF THE ARMY

DETROIT DISTRICT, CORPS OF ENGINEERS

BOX 1027

DETROIT, MICHIGAN 48231-1027

November 28, 1997

IN REPLY REFER TO

Construction-Operations Division  
Regulatory Branch  
File No. 97-200-014-0E / 97-164-015-0E



Surface Transportation Board  
Vernon A. Williams, Secretary  
1925 K Street, NW, Suite 700  
Washington, District of Columbia 20423

Attention: Dana White  
Environmental Comments  
Finance Docket No. 33388 (Sub Nos. 1-7)

Dear Ms. White:

This is in response to Elaine K. Kaiser's letter dated October 2, 1997 and received in this office October 15, 1997. Within this letter comments regarding proposed rail line constructions located in Madison County, Alexandria, Indiana and Porter County (T36N, R7W, Sections 11 and 12), Portage, Indiana, adjacent to Willow Creek, were requested.

In all waters of the United States including wetlands, any discharge of dredged spoil and/or fill material must be authorized by the Department of the Army. The authority of the Corps of Engineers to regulate the discharge of dredged and/or fill material is contained in Section 404 of the Clean Water Act and regulations promulgated pursuant to that Act. Please be advised that filling and grading work, mechanized land clearing, ditching or other excavation activity, and piling installation constitute or otherwise involve discharges of dredged and/or fill material under the Corps' regulatory authority.

Please be advised that the site located in Alexandria is outside of the Detroit Districts jurisdiction. It is suggested that you contact the Louisville District Corps of Engineers, Ms. Brenda Carter at P.O. Box 59, Louisville, Kentucky 40201-0059 or telephone her at (502) 582-5607. Correspondence in regards to the Alexandria site should reference ID Number 199701220-bkc.

ENTERED  
Office of the Secretary

DEC 5 1997

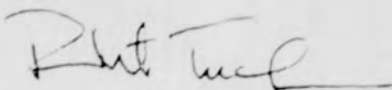
PUBLIC RECORD

This office previously responded to the proposed construction at Willow Creek in a letter dated June 16, 1997. This letter advised Mr. Gary S. Cipriano of Dames and Moore that any development within wetlands would require a Federal permit prior to the initiation of any work. A copy of this letter can be found in Appendix B of the Environmental Assessment, Decision No. 28330. The National Wetland Inventory (NWI) Map for this area identifies wetlands to be located within the immediate vicinity of the proposed rail connector. Consequently, this office requires that you or your designee complete and return the enclosed permit application if work within these wetlands is anticipated. Plan view and cross-sectional view drawings, in 8 1/2" x 11" format, should accompany the application. Drawings and the application should include a description of all quantities, dimensions, and nature of material to be placed and soil to be moved within wetland areas.

Furthermore, it is suggested that you contact both the Indiana Department of Environmental Management (IDEM) as well as the Indiana Department of Natural Resources (IDNR) for possible State authorizations. IDEM can be reached at P.O. Box 6015, Indianapolis, Indiana 46206-6015 and the IDNR can be reached at 402 West Washington Street, Room W-273, Indianapolis, Indiana 46204.

Should you have any questions, please contact Mary C. Miller at the above address or telephone (313) 226-2220. All correspondence should reference File Numbers: 97-200-014-0E and/or 97-164-015-0E.

Sincerely,



Robert Tucker  
Chief, Enforcement Section  
Regulatory Branch

Enclosures

CF: South Bend Field Office  
IDNR / Jose  
IDEM / Maupin  
COE Louisville District / Carter



STB FD 33388 (Sub 5) 12-4-97 K 184600



DEPARTMENT OF THE ARMY

DETROIT DISTRICT, CORPS OF ENGINEERS

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November 28, 1997

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ENTERED	
Office of the Secretary	
DEC 5 1997	
3	Part of Public Record

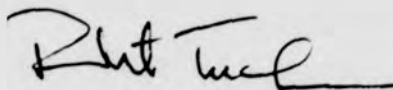


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Sincerely,



Robert Tucker  
Chief, Enforcement Section  
Regulatory Branch

Enclosures

CF: South Bend Field Office  
IDNR / Jose  
IDEM / Maupin  
COE Louisville District / Carter

STB

FD-33388 (SUB5)

12-4-97

K

ID-FEDS



DEPARTMENT OF THE ARMY

DETROIT DISTRICT, CORPS OF ENGINEERS

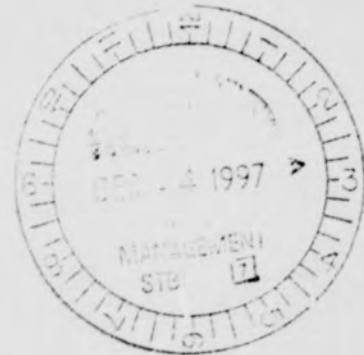
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DETROIT, MICHIGAN 48231-1027

November 28, 1997

IN REPLY REFER TO

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Regulatory Branch  
File No. 97-200-014-0E / 97-164-015-0E



Surface Transportation Board  
Vernon A. Williams, Secretary  
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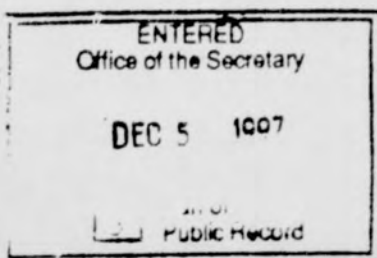
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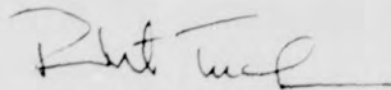


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Sincerely,



Robert Tucker  
Chief, Enforcement Section  
Regulatory Branch

Enclosures

CF: South Bend Field Office  
IDNR / Jose  
IDEM / Maupin  
COE Louisville District / Carter

STB

FD-33388 (SUB5)

11-12-97

K

ID-STBSEA



**MEMORANDUM**

November 12, 1997

**TO:** Ann Newman, Environmental Coordinator  
Office of Proceedings

**CC:** Paul Nishimoto  
Paul Markoff

**FROM:** Elaine K. Kaiser, Chief  
Section of Environmental Analysis

**SUBJECT:** **Post Environmental Assessment:**  
**Finance Docket No. 33388 (Sub. No. 5) - CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company, and Conrail Inc., and Consolidated Rail Corporation - NS/Union Pacific Rail Line Connection: City of Sidney, Champaign County, Illinois**

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.

In Decision No. 9, served June 12, 1997, the Board granted CSX's and NS's 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. 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 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.

As a part of the proposed Acquisition, NS proposes to construct a rail line connection in Sidney, Illinois to permit traffic movements between the NS and Union Pacific (UP) systems. The proposed 3,250-foot connection is located 0.5 miles east of the City of Sidney, Champaign County, Illinois. The new connection would traverse cropland to the southeast of the existing UP line. A map of the proposed connection and the surrounding area is attached.

The new connection would permit more efficient movement between UP points in the Gulf Coast/Southwest and NS points in the Midwest and particularly between Pine Bluff, Arkansas and Fort Wayne, Indiana and allow the connection of a new operating gateway as a fully-competitive service for petrochemical traffic flows between the Northeast, the Southwest, and the Gulf Coast. NS anticipates that an average of 9 trains per day would operate over the new connection.

On October 7, 1997, the Section of Environmental Analysis (SEA) issued an Environmental Assessment (EA) which concluded that, subject to the recommended mitigation, construction and operation of the proposed connection would not significantly affect the quality of the human environment. The EA recommended a number of mitigation measures and requested comments on all aspects of the EA.

SEA received two (2) comment letters on the EA. NS provided technical comments regarding the EA which have been acknowledged. A reply was received from the National Park Service acknowledging receipt of the EA, but included no specific comments on the proposed rail line connection. Therefore, SEA reaffirms that the scope of the EA is appropriate, that the EA adequately identifies and assesses potential environmental impacts, that there are no significant environmental impacts, and that the proposed connection location, subject to the recommended mitigation, is the environmentally preferable route. The mitigation measures included in the EA remain unchanged. SEA recommends that any Board decision approving the proposed construction and operation of this connection be subject to the mitigation measures outlined in the EA and attached to this document.

Attachments

## **SEA RECOMMENDED FINAL MITIGATION**

### **NORFOLK SOUTHERN/UNION PACIFIC RAIL LINE CONNECTION SIDNEY, ILLINOIS**

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

#### **Land Use**

- NS shall restore any adjacent properties that are disturbed during construction activities to their pre-construction conditions.
- Before undertaking any construction activities, NS shall consult with any potentially affected American Indian Tribes adjacent to, or having a potential interest in the right-of-way.

#### **Socioeconomics and Environmental Justice**

- There are no impacts to socioeconomics and environmental justice; therefore, no mitigation is necessary.

#### **Transportation Systems**

- NS shall use appropriate signs and barricades to control traffic disruptions during construction.
- NS shall restore roads disturbed during construction to conditions as required by state or local jurisdictions.

#### **Safety**

- NS 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.
- NS shall dispose of all materials that cannot be reused in accordance with state and local solid waste management regulations.
- NS shall consult with the appropriate Federal, state, and local agencies if hazardous waste and/or materials are discovered at the site.
- NS shall transport all hazardous materials in compliance with DOT Hazardous Materials Regulations (49 CFR 171, 172, 173, 178, 179, 180, and 185). NS 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 for coordinated responses to incidents. In the case of hazardous material incident, NS shall follow appropriate emergency response procedures contained in their Emergency Response Plans.

### **Water Resources**

- NS 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. NS shall use appropriate techniques to minimize impacts to water bodies and wetlands.

### **Biological Resources**

- NS shall use Best Management Practices (BMPs) 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 track is constructed, NS shall establish vegetation on the embankment slope to provide permanent cover and prevent potential erosion. If erosion develops, NS shall take steps to develop other appropriate erosion control procedures.
- NS 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**

- NS 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**

- NS 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 archaeological remains are found during construction, NS shall cease work and immediately contact the Illinois State Historical Preservation Office to initiate the appropriate Section 106 process pursuant to the Section 106 of the National Historic Preservation Act (16 U.S.C. 470f., as amended).

## **Energy**

- There are no impacts to energy, therefore, there are no proposed mitigation measures.

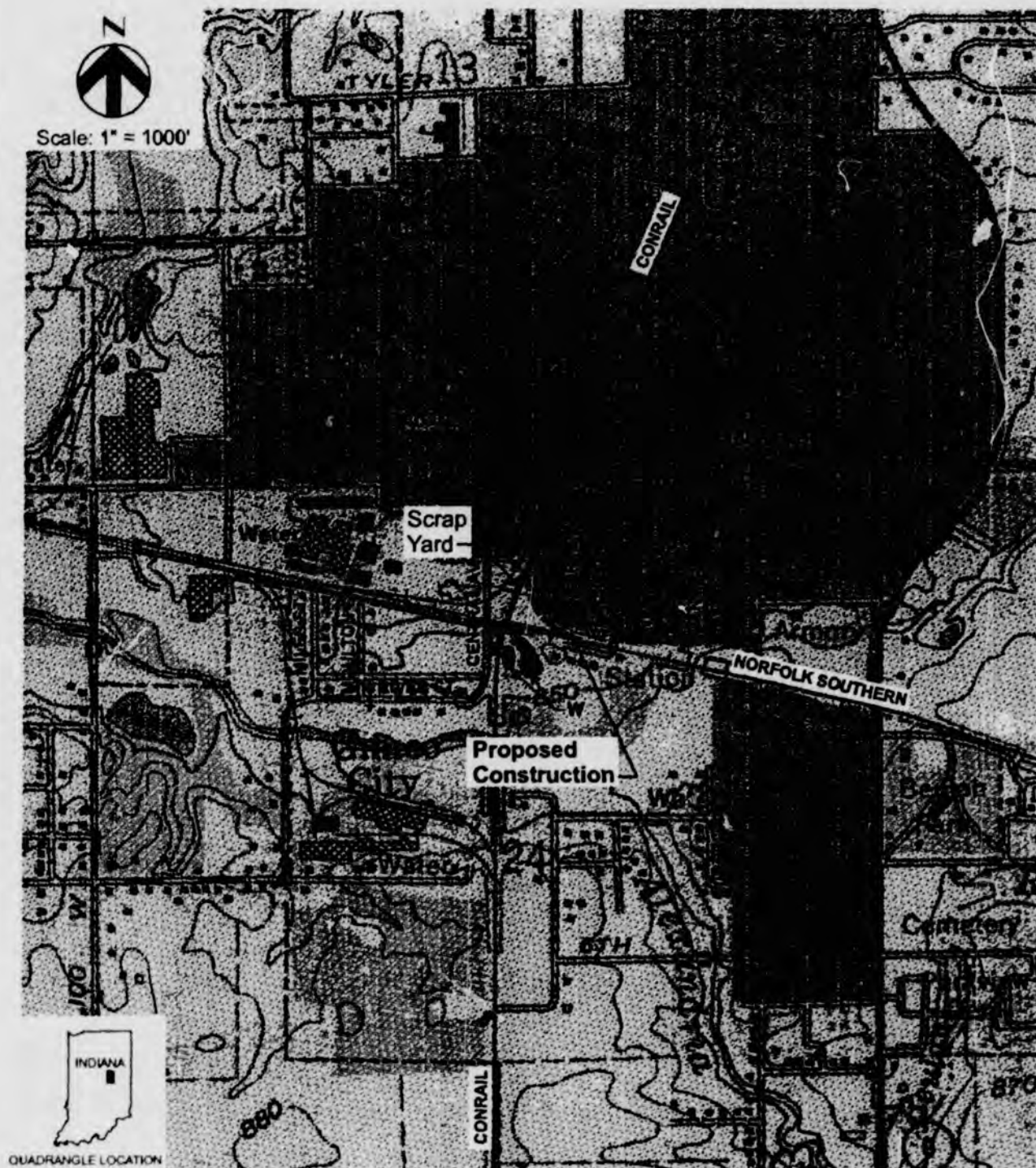
## **Specific Mitigation Measures**

SEA does not identify any specific mitigation measures, in addition to the general mitigation measures identified above, that the Board impose for means of approval of the construction waiver for the proposed rail connection in Sidney, Illinois. SEA does not recommend any specific mitigation measures for a decision in approving the construction waiver for the proposed rail connection construction in Sidney, Illinois.





Scale: 1" = 1000'



Legend

W = Wetland Areas

Proposed Construction

Scrap Yard

Source: US Geological Survey, Alexandria, IN. 1960

## GENERAL LOCATION OF THE PROPOSED CONSTRUCTION

STB Construction Environmental Assessment

Alexandria, Indiana

Date

Sept. 1997

Figure

1.1



## United States Department of the Interior

## NATIONAL PARK SERVICE

Midwest Field Area  
1709 Jackson Street  
Omaha, Nebraska 68102-2571

IN REPLY REFER TO:  
L7619 (MSO)

OCT 27 1997

Mr. Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W., Suite 700  
Washington, DC 20423



Dear Mr. Williams:

In accordance with the letter of October 2 from the Board, we have reviewed information provided concerning Finance Docket No. 33388--CSX and Norfolk Southern, Acquisition and Control, Conrail Environmental Assessment. Involved are the following construction projects: Sub Number 1 (Crestline, OH), No. 2 (Willow Creek, IN), No. 3 (Greenwich, OH), No. 4 (Sidney, OH), No. 5 (Sidney, IL), No. 6 (Alexandria, IN), and No. 7 (Bucyrus, OH). While we have no comments on the rail-line construction, we appreciate the opportunity to review the work.

Sincerely,

For William W. Schenk  
Regional Director



3.10.4

**SIDLEY & AUSTIN**  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

CHICAGO  
—  
DALLAS  
—  
LOS ANGELES

1722 EYE STREET, N.W.  
WASHINGTON, D.C. 20006  
TELEPHONE 202 736 8000  
FACSIMILE 202 736 8711

NEW YORK  
—  
LONDON  
—  
SINGAPORE  
—  
TOKYO

FOUNDED 1866

WRITER'S DIRECT NUMBER  
(202) 736-8071

October 27, 1997

**BY HAND**

Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
Suite 700  
1925 K Street, NW  
Washington, D.C. 20423-0001

Re: Finance Docket No. 33388: CSX and NS — Control and Acquisition of Conrail  
Subject: STB Decision ID#s 28333, 28334 and 28335: Norfolk Southern Comments on the  
October 7, 1997 SEA Environmental Assessments

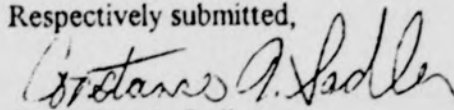
Dear Mr. Williams:

Norfolk Southern (NS) has reviewed the three above-referenced Environmental Assessments (EAs) prepared by the Board's Section on Environmental Analysis (SEA) for the proposed NS rail connection projects at Sidney, Illinois, Alexandria, Indiana and Bucyrus, Ohio. NS supports the analysis and conclusions set forth by SEA in each of those EAs.

In addition, NS has noted a few instances in the EAs where clarification or correction of certain included facts may be appropriate. Thus, on behalf of NS, enclosed please find NS's comments to clarify certain facts included in the October 7, 1997 SEA Environmental Assessments for Norfolk Southern's Rail Connections at Sidney, Illinois, Alexandria, Indiana and Bucyrus, Ohio.

Please contact me if you have any questions on this submittal.

Respectively submitted,

  
Constance A. Sadler

enclosure

cc: Elaine K. Kaiser   John Morton   Bruno Maestri   Mary Gabrielle Sprague  
Michael Dalton   Bill Novak   Andrew Plump   Carl Gerhardstein

**Comments of Norfolk Southern on the  
October 7, 1997 SEA Environmental Assessments  
for Norfolk Southern's Rail Connections at  
Sidney, Illinois, Alexandria, Indiana and Bucyrus, Ohio**

**Sidney, Illinois**

- Page 2-3     Table 2-1 states that Alternative A would cross 500 feet of residential land. No residential land, however, would be crossed by Alternative A.
- Page 3-4     In Section 3.3.1, at line 6, the total number of trains per day presently using the NS main line is 22. At line 7, the number of trains per day presently operating over the UP line is 19.
- Page 4-1     In the first sentence, the North/South line referenced is a UP line.

**Alexandria, Indiana**

- Page 3-2     Section 3.2 states that no school bus routes would cross the new connection. Table 2-1 at page 2-4 states that, according to the Mayor of Alexandria, an estimated 4 buses per day would cross the connection.
- Page 4-4     Section 4.1.3.2 states that the probability of a train accident on the proposed connection is approximately 1 in 4 million. On September 19, 1997, a line segment-specific probability figure was provided by NS's consultant to John Lazarra for each of the three NS rail connections for which EAs were being prepared. As indicated by NS's consultant, the probability statistic for the line segment that would include the Alexandria connection is approximately 0.0009 accidents per year (equal to one accident every 1000 years). (In the Sidney, Illinois EA, the relevant line segment-specific probability statistic was included.)

**Bucyrus, Ohio**

- Page 4-5     Section 4.1.4.2 states that the probability of a train accident on the proposed connection is approximately 1.93 accidents per million train-miles, which is the system-wide probability statistic. On September 19, 1997, a line segment-specific probability figure was provided by NS's consultant to John Lazarra for each of the three NS rail connections for which EAs were being prepared. As indicated by NS's consultant, the probability statistic for the line segment that would include the Bucyrus connection is approximately 0.003 accidents per year (equal to one accident every 300 years). (In the Sidney, Illinois EA, the relevant line segment-specific probability statistic was included.)

STB FD 33388 (Sub 5) 11-7-97 K 183922



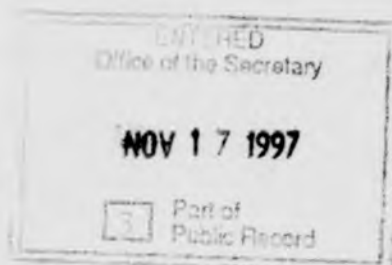
183922

# Illinois Department of Agriculture

Bureau of Land and Water Resources • State Fairgrounds • P.O. Box 19281 • Springfield, IL 62794-9281  
217/782-6297 • TDD 217/524-6858 • Fax 217/524-4882

November 13, 1997

Mr. Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street, NW, Suite 700  
Washington, DC 20423



Re: Finance Docket No. 33388  
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Acquisition and Control -- Conrail: Environmental Assessment  
Finance Docket 33388 (Sub No. 5)

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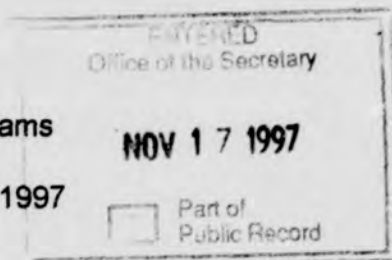
The Illinois Department of Agriculture has examined the Environmental Assessment for the above referenced project and submits the following comments in conjunction with compliance of the Illinois Farmland Preservation Act.

A connection at Sidney, Illinois is proposed to integrate the Union Pacific (UP) Railroad line into the Norfolk Southern (NS) system. The project is located approximately 0.5 miles east of Sidney in Champaign County. The site is bordered on the north by County Road 15 and on the east by an electrical substation and grassy field. Land to the south and east is primarily cropland. Two commercial Farm Supply (FS) buildings are northwest of the underpass of the UP line below the NS line. This commercial property also contains three above-ground anhydrous ammonia tanks.

The proposed action involves the construction, operation, and maintenance of a new connection between existing UP and NS rail lines. The design includes the construction of approximately 3,250 feet of rail line, 2,650 feet of which is new rail line, and is surrounded by cropland and the existing UP and NS lines. Existing NS communication lines currently on poles would be buried. The preferred alternative would affect one property which is in a field currently in row crop production. Construction of the new rail line connection would require 5.3 acres of new right-of-way.

Two alternatives were identified and evaluated for use. The Surface Transportation Board's Section of Environmental Analysis determined that Alternative B was unfeasible because it would pass through an electrical substation, requiring its total or partial relocation. It would also pass approximately 140 feet west of the two Farm Supply (FS)

Secretary Williams  
Page 2  
November 13, 1997



buildings which are adjacent to the north side of the NS right-of-way. The FS facility is served by a NS siding located on the north side of the mainline.

The preferred rail line, Alternative A, would be the most direct connection between the existing rail lines, and thus minimize the use of new land outside the NS and UP rights-of-way. The land which would be converted to rail use from outside existing rights-of-way is approximately 80 percent cropland which qualifies as Prime farmland. Of the 5.3 acres of land which would be acquired for the new connection, all would be used for right-of-way.

Regarding agricultural concerns previously transmitted by the IDOA, the Petitioner's Response regarding possible wetland impacts states that no mitigation will be required. Additionally, a private crossing will be provided so the property owner can reach farmland isolated by the proposed connection. Other surface and sub-surface drainage issues will be identified and coordinated with the local USDA-Natural Resources Conservation Service/Champaign County Soil and Water Conservation District office. With regard to borrow required for the project, the IDOA recommends that land between the connector and the UP and/or NS railroads be used. The best location would be on narrow parcels which may be difficult to continue farming. Should additional material be needed, less than Prime farmland soils should be utilized for this purpose.

While the preferred alternative will negatively impact 5.3 acres of Prime farmland and result in its conversion to a non-agricultural use, the IDOA feels the secondary impacts, pending the location of the borrow site for the project, have been adequately addressed. We understand the contractor will continue to work with the Champaign County Soil and Water District on the borrow issue.

The IDOA does not object to the proposed rail connection project. We find it complies with spirit and intent of the Illinois Farmland Preservation Act.

Sincerely,

A handwritten signature in cursive script, reading "Teresa J. Savko".

Teresa J. Savko  
Bureau of Land and Water Resources

/TJS

cc: Champaign County SWCD

STB

FD

33388

(Sub 5)

10-9-97

K

28470



## SURFACE TRANSPORTATION BOARD

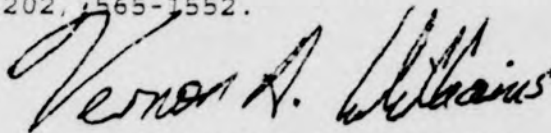
Washington, DC 20423-0001

STB Finance Docket No. 33388 (Sub No. 1)<sup>1</sup>

CSX Transportation, Inc. and Consolidated Rail Corporation -  
Construction - Crestline, OH

## NOTICE TO THE PARTIES

Due to an administrative oversight, this environmental assessment was not served on all the parties on the service list in this proceeding. The original service date for the environmental assessment was October 7, 1997, with a comment due date of October 27, 1997. Persons receiving this late-served environmental assessment may request to file their comments at an appropriately later date by contacting Dana White, Section of Environmental Analysis, (202) 565-1552.



Vernon A. Williams  
Secretary

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1

This notice also embraces the following proceedings: STB Finance Docket 33388 (Sub-No. 2), CSX Transportation, Inc., and Consolidated Rail Corporation - Construction - Willow Creek, IN; STB Finance Docket 33388 (Sub-No. 3), CSX Transportation Inc., and Consolidated Rail Corporation - Construction - Greenwich, OH; STB Finance Docket 33388 (Sub-No. 4), CSX Transportation, Inc., and Consolidated Rail Corporation - Construction - Sidney Junction, OH; STB Finance Docket 33388 (Sub-No. 5), Norfolk Southern Railway Company and Consolidated Rail Corporation - Construction - Sidney, IL; STB Finance Docket 33388 (Sub-No. 6) - Norfolk Southern Railway Company and Consolidated Rail Corporation - Construction - Alexandria, IN; STB Finance Docket 33388 (Sub-No. 7) - Norfolk Southern Railway Company and Consolidated Rail Corporation - Construction - Bucyrus, Ohio.



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33388 (Sub 5)

10-7-97

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**STB Decision ID #28333**

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

## **Environmental Assessment**

**Finance Docket No. 33388 (Sub No. 5)**

**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**

## **Norfolk Southern/Union Pacific Rail Connection – Sidney, Illinois**

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# ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED CONNECTION AT SIDNEY, ILLINOIS

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## EXECUTIVE SUMMARY

This Environmental Assessment (EA) was prepared by the Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) in accordance with the Surface Transportation Board's orders in Decision No. 9, served on June 12, 1997, and Decision No. 12, served on July 23, 1997, in Finance Docket No. 33388. This EA consists of five chapters. The EA describes the potential environmental impacts of a proposed new rail line connection between the existing Norfolk & Western Railway Company, a subsidiary of Norfolk Southern Railway Company (NS) and Union Pacific Railroad Company (UP) lines near Sidney, in a rural area of Champaign County, Illinois (see Table ES-1). The proposed construction would include approximately 3,250 feet of new rail line and would require 5.3 acres of new right-of-way. The proposed construction site is surrounded by cropland and the existing UP and NS lines.

It is anticipated that traffic on this connection will average 9 trains per day. The new connection would permit more efficient movement between UP points in the Gulf Coast/Southwest and NS points in the Midwest and particularly between Pine Bluff, Arkansas and Fort Wayne, Indiana. The new connection would also add rail traffic capacity and reduce rail congestion in St. Louis. Without the connection, according to NS, the traffic would have to be routed approximately 50 miles farther through East St. Louis, Illinois via the Alton and Southern Railroad, a terminal company, which would entail the payment of switching charges and also delay the traffic by a day.

After an overview of the proposed construction plan, this EA describes various aspects of the existing environment at the site of the proposed connection. It then addresses the potential environmental impacts of construction of the proposed connection. Next, the different alternatives considered in developing the construction plan are discussed. Finally, a summary is provided of agency comments related to the project, along with NS' responses to agency comments and explanations of responsive mitigation measures proposed by NS and SEA's recommended mitigation measures.

As shown in Table ES-1, potential environmental impacts related to the proposed project are insignificant or nonexistent. Based on its independent analysis of all the information available at this time, SEA concludes that the proposed project is not expected to have any significant adverse impact on land use, water resources, biological resources or air quality. Nor would the proposed project have significant adverse impacts on safety, electric transmission facilities, cultural resources or on minority and low-income groups. Any noise increases during construction would be limited to normal work hours and would only occur during the three to six month construction period.

SEA concludes that the 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 Board impose the mitigation measures set forth in Chapter 5, Section 5.3 as conditions in any final decision approving construction of the proposed rail line connection at Sidney, Illinois.

**Table ES-1**  
**SUMMARY OF POTENTIAL ENVIRONMENTAL IMPACTS**  
**PROPOSED RAIL CONNECTION AT SIDNEY, ILLINOIS**

Sidney, Illinois		
Impact Type	Environmental Assessment Criteria	Evaluation of Criteria
Land Use	Length of Proposed Connection Length of New Right-of-Way Required Effect on Prime Farmland Effect on Coastal Zone Management Areas Effect on Parks, Forest Preserves, Refuges and Sanctuaries	3,250 feet 2,650 feet Negligible None None
Water Resources	Effect on Groundwater Effect on Surface Water Effect on Wetlands	None None None
Biological Resources	Loss of Critical Habitat Effect on Threatened and Endangered Species	None None
Air Quality	Impact to Air Quality Due to Construction	Negligible
Noise	Affected Sensitive Noise Receptors Within Ldn 65 Noise Contour	None
Transportation and Safety	Train Movement Over Connection New or Expanded Grade Crossings Effect on Transportation of Hazardous Materials	9 trains per day None* None
Cultural Resources	Effect on Sites Listed on the NRHP Effect on Sites Potentially Eligible for Listing on the NRHP Effect on Archaeological Sites	None None None
Energy	Change in Fuel Consumption Due to Construction Change in Fuel Consumption Due to Operation (gallons per year saved) Effect on Transportation of Energy Resources and Recyclable Commodities Overall Energy Efficiency Rail to Motor Carrier Diversions	Negligible 1.3 million None Improved None
Environmental Justice	High and Disproportionate Impact on Minority and Low-Income Groups	None

\* To provide access to farmland being isolated by the connection, NE would provide a private farm road crossing over the connection as mitigation.

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, DC 20423. Mark the lower left corner of the envelope: Attention: Dana White, Environmental Comments, Finance Docket No. 33388 (Sub Nos. 1-7). You may also direct questions to Ms. White at this address or by telephoning (888) 869-1997.



Date 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 Corporation 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 (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 and NS have petitioned the Board to grant waivers which would allow the railroads to begin construction on a limited number of connections following an environmental review and approval of the constructions, but in advance of a final ruling on the primary transaction.

A connection at Sidney, Illinois is proposed to integrate the Union Pacific (UP) Railroad line into the NS system. CR has trackage rights with UP further south from this connection. This Environmental Assessment has been prepared by the Board's Section on Environmental Analysis (SEA) to determine whether early construction of the proposed connection would have any significant impacts to the human and natural environment.

Relevant governmental agencies were consulted for their comments on environmental issues, permit requirements, and necessary approvals related to the project. A sample letter, a list of the agencies to whom a letter was sent and the agency responses are included in Appendix C.

#### **1.1 OVERVIEW OF THE PROPOSED RAIL CONNECTION**

##### **1.1.1 Location and Description**

The project is located in a rural area approximately 0.5 miles east of Sidney, Illinois (Figure 1.1). The site is bordered on the north by County Road 15 and on the east by an electrical substation and grassy field. Land to the south and west is primarily cropland. Two commercial Farmers Supply buildings are northwest of the underpass of the UP line below the NS line. The commercial property also contains three above-ground anhydrous ammonia tanks.

The proposed action at Sidney, Illinois would involve the construction, operation, and maintenance of a new connection between existing UP and NS rail lines. The design includes approximately 3,250 feet of new rail line. Approximately 600 feet of new rail line would be located in either UP or NS' existing rights-of-way. The remaining 2,650 feet of new rail line would require approximately 5.3 acres of new railroad right-of-way.

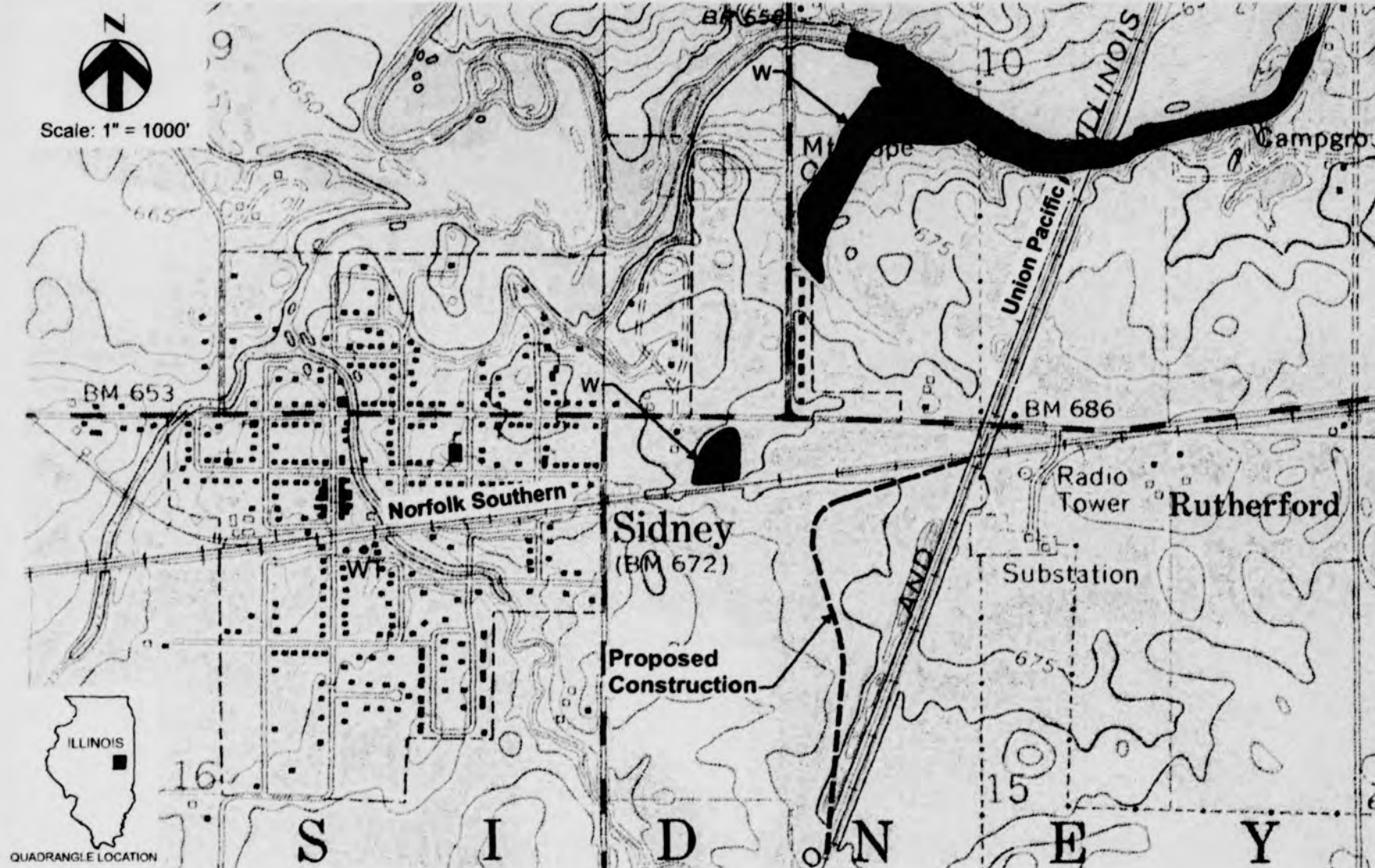


The proposed new connection would permit more efficient movement between UP points in the Gulf Coast/Southwest and NS points in the Midwest and particularly between Pine Bluff, Arkansas and Fort Wayne, Indiana. It would allow the connection of a new operating gateway as a fully competitive service for petrochemical traffic flows between the Northeast, the Southwest and the Gulf Coast. Without this proposed connection, according to NS, the traffic would have to be routed to East St. Louis, Illinois and then through the terminal company Alton and Southern Railroad, which would require the payment of switching charges and would delay traffic by a day. This would also increase the length of haul by approximately 50 miles.

The proposed construction would connect existing north/south-oriented UP and east/west-oriented NS tracks. The connection would be west of UP's existing underpass with NS. The proposed connecting line would cross agricultural land located southwest of the existing UP/NS crossing. The existing UP mainline is located in a ravine, while the existing NS line and the proposed construction site are on higher ground. Land in the existing right-of-way contains grasses and gravel ballast. Other features include communication lines bordering the southern edge of the NS right-of-way and electric utility lines located east of the UP/NS intersection. The overhead electric utility lines cross the NS line east of the intersection and extend north along the eastern edge of the UP right-of-way. Two Farmers Supply buildings are adjacent to the north side of the NS right-of-way, approximately 400 feet northwest of the intersection. The Farmers Supply facility is served by a NS siding, located on the north side of the mainline.

### **1.1.2 Changes in Rail Traffic**

NS estimates an average of nine train movements per day on the proposed rail line connection. These would consist primarily of general merchandise trains, with two combined automotive/intermodal trains per day, in each direction. Train movements on the line could occur seven days a week during the day or night. Dispatching of trains would be dependent upon train availability and traffic on the area rail system. The existing NS line carries 22 trains per day while the UP line has 19 trains per day (Union Pacific Corporation, et al. -Control and Merger- Southern Pacific Rail Corporation, et al., 1995. Finance Docket No. 32760, Volume 6, Part 1, page 11.). Increases in rail traffic from the proposed connection is 39 trains per day on the NS line and 25 trains per day on the UP line.



Source: US Geological Survey, St. Joseph, IL. 1968

Legend:



W = Wetland Areas

Proposed  
Construction



## GENERAL LOCATION OF THE PROPOSED CONSTRUCTION

STB Construction Environmental Assessment

Sidney, Illinois

Date

Sept. 1997

Figure

1.1

### **1.1.3 Construction Requirements**

The proposed construction site is located approximately 0.5 miles east of Sidney in a rural area of Champaign County, Illinois. It encompasses an area approximately 3,250 by 100 feet southwest of UP's existing underpass with NS. No modifications to existing structures are anticipated for construction of this proposed railroad connection. The design includes approximately 2,650 feet of new rail and would require approximately 5.3 acres of right-of-way which would have to be acquired. The construction site is rural, consisting primarily of cropland, a strip of non-native grasses, scrub brush and deciduous trees adjacent to the existing rail rights-of-way. The area is bordered on the north by County Road 15 and on the east by an electrical substation and a grassy field. Land to the south and west is primarily cropland. Two commercial Farmers Supply buildings are northwest of the underpass. The commercial property contains three above-ground anhydrous ammonia tanks.

The proposed construction would affect one property. Six acres from a field currently in crop production would be affected. Existing NS communication lines currently on poles would be buried. No other modifications would be required.

NS' construction specifications and procedures meet or exceed the practices recommended by the American Railway Engineering Association (AREA). The entire length of the proposed connection would involve new construction. Recycled rail may be used where applicable. New ties, subgrade, subballast, and ballast materials would be used for the roadbed. The design specifications for the project are set out in Table 1-1 below. A typical cross-section is provided in Figure 1.2.

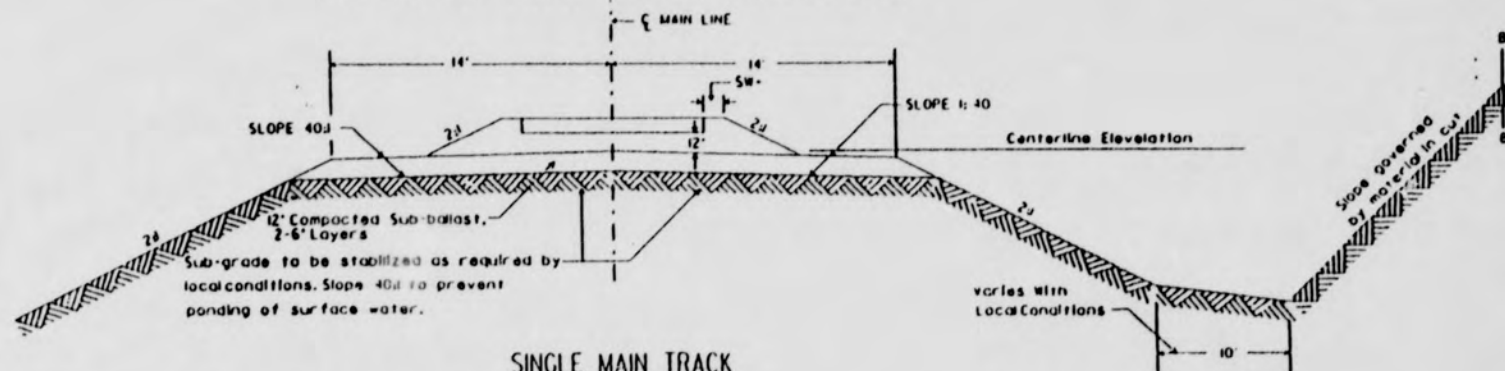
**Table 1-1**  
**Design Specifications for the Proposed Connection Near Sidney, Illinois**

Maximum train speed	25 miles/hour
Maximum curvature	5 degrees, 30 minutes
Maximum grade	1 percent
Minimum weight of rail	136 pounds per yard
Tie length	8 feet, 6 inches
Grade of ties	4 and 5
Ties per mile	3,168
Ballast depth	12 inches
Minimum subballast depth	12 inches
Minimum subgrade width	32 feet
Minimum depth of ditches	1 foot, 0 inches
Maximum side slopes	2 feet horizontal by 1 foot vertical
Maximum cut	15.18 feet
Maximum fill	6.7 feet

The topography along the proposed rail line is level. General surface grading of the area would be necessary. Minor cut and fill activities will be required as a low fill would be required on the northern half of the connection and the middle portion would require a minor cut to prepare the roadbed and ditches. The extreme southern portion would require a low cut through a low hill to access the UP roadbed. The total cut is an estimated 14,307 cubic yards and the estimated fill is 13,699 cubic yards. The NS internal communications lines along the southern edge of the NS right-of-way would be buried.



# TYPICAL ROADBED SECTION



FILL SECTION

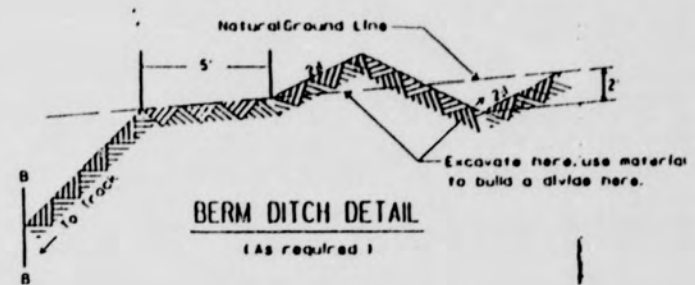
CUT SECTION

## SHOULDER WIDTH (SW •)

BALLAST WIDTH FROM END OF TIE TO EDGE OF SLOPE

	Jointed Rail	Welded Rail
SW (Inside of Curve)	0'	6'
SW (Outside of Curve)	6'	12'
SW (Tangent both sides)	0'	6'

- (1) Sub-grade may be stabilized with lime, lime-fly ash, cement or stone.
- (2) Tamping of ballast must not disturb compacted sub-ballast.
- (3) Top of sub-grade is to be crowned.



SOURCE: Typical Roadbed Section,  
Norfolk Southern, August 1997.

TYPICAL  
CROSS-  
SECTION

Date  
Sept. 1997  
Figure  
1.2

Grading activities would consist of:

- removal and disposal of vegetative and non-vegetative debris
- excavation and compaction of existing material as required to achieve desired subgrade elevation in cut sections
- placement and compaction of borrow material as required to achieve desired subgrade elevation in fill sections
- placement of a compacted subballast layer upon finished subgrade
- recontouring of property and ditches as required to ensure drainage, and
- seeding and mulching of all areas in which existing ground is disturbed.

A National Pollution Discharge Elimination System (NPDES) storm water discharge construction permit would be obtained prior to the work. The right-of-way width for the proposed construction would be 100 feet, centered on the rail line in most areas. The proposed rail line would not cross any roads, streams or wetlands. No residences would be required to be moved.

The exact labor force required and the duration of the construction have not been determined, but the project is expected to require 10 to 15 people and three to six months to complete. It is expected that work would be done during normal working hours. Borrow material for the project would be obtained from local sources and hauled to the construction site by rail or truck. It is planned that a majority of the construction activities would be performed by qualified contractors working for NS. The project would be advertised in recognized trade journals and bids solicited in accordance with NS' Corporate Standard Procedures. The contractor could hire new or additional employees specifically for the project.

Portions of the track and signal work would be done by NS' existing maintenance and construction crews from their Maintenance of Way and Structures (MW&S) and Signal and Electrical Department. No new NS positions are anticipated to be created specifically for this project.

Construction of the proposed connection would not require raising or relocating any electrical distribution lines.

#### **1.1.4 Operation**

NS estimates an average of nine train movements per day on the proposed rail line connection. These would consist primarily of general merchandise trains, with two combined automotive/intermodal trains per day, in each direction. Train movements on the line could occur seven days a week during the day or night. Dispatching of trains would be dependent upon train availability and traffic on the area rail system.



### **1.1.5 Maintenance**

Track inspections would be performed as outlined in NS' MW&S Standard Procedure #380, and Federal Railroad Administration (FRA) Track & Safety Standards. Each inspection would be carried out only by qualified personnel who meet the requirements set forth by the FRA in Section 213.7 of the Track and Safety Standards. NS maintains its track so that it meets or exceeds all FRA safety standards. This proposed connection would be classified and maintained as main track, and would therefore be inspected at a minimum of twice per week as specified by the FRA. Additional inspections would be done whenever specific conditions warrant them. NS uses scheduled maintenance programs for the continual maintenance of all track segments based on tonnage handled. These programs are supplemented by additional "spot" maintenance activities to correct any deficiencies from the NS maintenance standards should they develop.

As part of NS' track maintenance program, the zone consisting of the rail, ties and the immediately adjacent ballast section is treated with herbicides on a yearly basis. The elimination of vegetation from the track structure and roadbed section is desirable for track maintenance reasons and to provide a safe working environment for NS transportation and maintenance employees.

NS uses only EPA-approved general use herbicides (i.e., herbicides approved by EPA as safe for use by the general public). Application is performed by fully-licensed personnel provided to NS by licensed firms working under multi-year contracts. NS personnel familiar with specific locations accompany these contractors at all times. Application is by spray-bars mounted on rail bound equipment, or hy-rail vehicles. The application width is normally 12 feet on either side of the centerline of the track. This width is reduced or eliminated as required by local conditions such as water courses, protected vegetation or structures.

## **1.2 PURPOSE AND NEED FOR THE PROPOSED CONNECTION**

The purpose of this environmental review is to identify, analyze, and disclose the environmental issues and potential impacts associated with the early construction of the rail line connection at Sidney, Illinois. Based on the Application filed by CSX and NS, this connection would serve to 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. NS intends to begin operations on this connection immediately after the approval of the entire acquisition transaction. This EA is being prepared to determine whether the Board should grant approval to construct the connection before there is a decision on the entire transaction. If approved by the Board, this connection would be constructed in anticipation of the Board approval (or disapproval) of the acquisition of Conrail by CSX and NS. If the entire transaction is approved by the Board, this connection would be available for service immediately. If the transaction is not approved, or approved with conditions which preclude the use of this connection, operation of this connection would not be allowed. NS accepts the risk that use of this connection is predicated on Board approval of the entire transaction.

### 1.3 RELATIONSHIP TO THE PROPOSED 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 that provide that all "directly related applications, e.g., those seeking authority to construct or abandon rail lines..." be filed at the same time (Appendix A, 49 CFR 1180.4(c)(2)(vi)). 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. According to the railroads, much 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 served June 12, 1997, the Board granted CSX's and NS's petitions (Appendix B). 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 applications, 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 merger as a whole, including operations over the roughly 4 miles of line embraced by the seven connections projects, will be examined in the Environmental Impact Statement being prepared for the overall merger. That document will be available for a 45-day public comment period in late November 1997.

In order to fully consider the environmental aspects of the seven proposed constructions, the Board required both CSX and NS to file certain information on the environmental effects of the construction and operation of these projects. The railroads complied with this requirement on September 5, 1997 and submitted detailed Preliminary Draft Environmental Assessments (PDEA) for each of the seven projects.

The Board's Section of Environmental Analysis (SEA) has independently verified the information contained in each PDEA, conducted further independent analysis, and developed appropriate environmental mitigation measures. Its findings are set forth in this EA. SEA is now seeking your comments on this EA. Comments must be submitted to the Board by October 27, 1997.

#### **1.4 SEA ENVIRONMENTAL ASSESSMENT PROCESS**

This EA is necessary to ensure that the proposed action complies with the statutory requirements under the National Environmental Policy Act (NEPA), the Board's environmental regulations (49 CFR 1105), and other applicable rules and/or regulations. The Board's SEA is responsible for conducting NEPA environmental review.

The Board has adopted the former Interstate Commerce Commission (ICC) environmental regulations (49 CFR Part 1105) that govern the environmental review process and outline procedures for preparing environmental documents. Section 1105.6(b) of these regulations establish the criteria which identify the types of actions for which an Environmental Assessment (EA) would be prepared. The construction of rail line connections, like the action proposed here, are classified under the Board's regulations as normally requiring preparation of an EA. SEA reviewed the proposed rail 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 impact, analyzed the potential environmental impacts of the proposed rail line construction project, reviewed public comments, and developed mitigation measures to avoid or reduce anticipated impacts on the environment. To assist it in conducting the NEPA environmental analysis and in preparing the EA, SEA selected and approved HDR Engineering, Inc. to act as the Board's independent third party consultant as provided for in 49 CFR Part 1105.10(d). NS retained the independent third party consultant who worked solely under SEA's direction and supervision and assisted SEA in conducting environmental analyses related to the proposed merger.

SEA analyzed the Environmental Report and Operating Plan that accompanied the transaction application, technical studies conducted by NS' environmental consultants, and the Preliminary Draft Environmental Assessment (PDEA) prepared as a part of the waiver application. In addition, SEA conducted its own independent analysis of the proposed construction, which included verifying the projected rail operations; verifying and estimating noise level impacts; estimating air emission increases; performing land use, habitat, surface water, and wetland surveys; conducting ground water analyses; assessing impacts to biological resources; and performing archaeological and historic resource surveys. In addition, SEA and/or its independent third party consultant conducted consultations with NS and their environmental consultants and made site visits to the proposed rail line construction site to assess the potential impacts 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 to move over existing NS and UP rail lines. However, as outlined below, access between the two lines would be limited to existing connections, interchanges, or terminals. If the "no-action" alternative were implemented, the proposed rail line connection would not be constructed and trains would not be rerouted. None of the potential environmental impacts associated with construction would occur. However, neither would the benefits of the project be realized. According to NS, these benefits include a new, more efficient train route between Pine Bluff, Arkansas and Fort Wayne, Indiana. The proposed connection would bypass East St. Louis, Illinois, add rail traffic capacity, reduce rail congestion and traffic delays in St. Louis, and save 1.3 million gallons of fuel each year. The no-build alternative would not provide the full operational, environmental and economic benefits, including added rail capacity and improved service to shippers, expected to be realized as a result of the proposed connection.

#### **2.2 BUILD ALTERNATIVES**

SEA identified no feasible alternatives to the proposed rail line construction project. An alternative alignment for the connection was identified (Figure 2.1) and would involve construction of 4,000 feet of new UP/NS connecting track traversing land to the southeast of the existing UP/NS crossing. This alternative route (Alternative B) was analyzed but rejected because it would pass through an electrical substation, requiring its total or partial relocation, and would pass approximately 140 feet west of the two Farmers Supply buildings, as well as pass through the northwestern edge of two farm properties. This route would cross two large overhead electric transmission line corridors. A private crossing would be provided for the substation road (if it were to be only partially relocated), and a radio tower would have to be removed and relocated as well. The proposed rail line would be the most direct connection between the existing rail lines and would minimize the use of new land outside the NS and UP rights-of-way. There are no construction, operational, or environmental features that would render another alignment of the proposed rail line connection more reasonable than the proposed location.

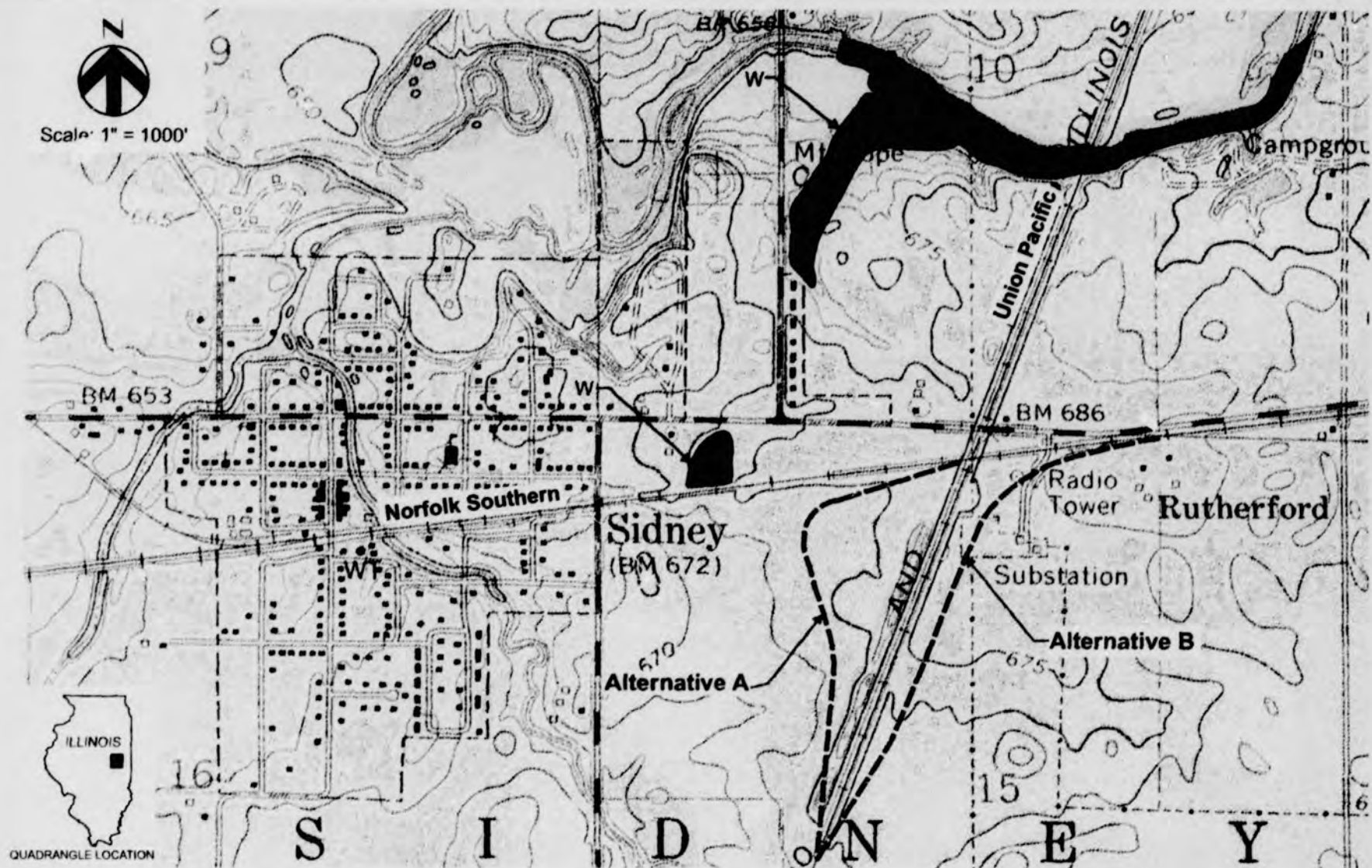
Alternative A, the proposed connection, would involve construction of 3,250 linear feet of new UP/NS connecting rail line that would traverse cropland to the southeast of the existing UP/NS crossing. This route would not interfere with any residences, businesses or other structures. The alignment would not cross any existing or public roads. Only one property owner would be potentially affected by reduced cropland acreage on this alignment. A private road crossing for the property owner would be created to provide access to farmland isolated by the connection. Aerial NS communication lines along the existing right-of-way would be buried.

### **2.3 SELECTION OF PROPOSED CONNECTION LOCATION**

The new connection would permit more efficient movement between UP points in the Gulf Coast/Southwest and NS points in the Midwest and particularly between Pine Bluff, Arkansas and Fort Wayne, Indiana and allow the connection of a new operating gateway as a fully-competitive service for petrochemical traffic flows between the Northeast, the Southwest and the Gulf Coast. Without this proposed connection, the traffic, which would move over the new NS connection, would have to go to East St. Louis, Illinois and then through the terminal company Alton and Southern Railroad, which would require the payment of switching charges and would delay traffic by a day. The "no-build" alternative would not promote competition or ease congestion in East St. Louis, Illinois and it was therefore dropped from consideration. The "build" alternative is the preferred action.

As discussed in Section 2.2, two alternative alignments for rail construction were evaluated. These alternatives are shown in Figure 2.1. Preliminary studies determined that both alternatives were feasible from economic and engineering perspectives. The evaluation also addressed the potential social and environmental impacts of the alternatives. Both alternatives would affect the same community, i.e., the same census block. Consequently, there would be no difference between the alternatives in the racial or economic composition of the population affected. Table 2-1 summarizes the environmental criteria investigated as part of the environmental evaluation.

As shown in Table 2-1 and Figure 2.1, the two alternatives differ somewhat in total length, type of land use crossed and amount of private property crossed. Alternative B would also affect more prime farmland, an electrical substation, a radio tower and a private road. Alternative B would thus have a greater environmental impact than Alternative A.



Source: US Geological Survey, St. Joseph, IL, 1968

Legend:



W = Wetland Areas

Alternative A ————

Alternative B ————

## LOCATION OF ALTERNATIVE ALIGNMENTS

### STB Construction Environmental Assessment

Sidney, Illinois

Date

Sept. 1997

Figure

2.1



**Table 2-1**  
**Comparison of the "Build" Alternatives for Sidney, Illinois Rail Connection**

Feature	Unit	Alternative	
		A	B
Length of Alignment	feet	3,250	4,000
Land Use Crossed:			
Agricultural	feet	2,200	2,500
Woodland (including shrub/scrub habitat)	feet	240	25
Residential	feet	500	300
Industrial	feet	0	0
Utilities	feet	0	950
Structures Affected	number	0	2
Private Property Crossed	acres	5.3	7.5
Prime Farmland Soil Crossed			
Prime in native state	feet	1,200	1600
Prime if drained	feet	1,000	900
Waterway Crossings	number	0	0
	(feet)	0	0
Wetland Crossed	feet	0	0
100-year Floodplain Crossed	feet	0	0
Endangered Species Habitat Crossed	feet	0	0
Critical Habitat Crossed	feet	0	0
Road Crossings:			
private roads	number	0*	1
Residences/Businesses			
within right-of-way			
residences	number	0	0
businesses	number	0	0
50-100 feet from centerline			
residences	number	0	0
businesses	number	0	0
100-500 feet from centerline			
residences	number	1	2
businesses	number	0	0
Affected Sensitive Noise Receptors within the Ldn 65 dBA	number	0	0
Transmissions Corridor Crossing:	number	0	2
Known Cultural Resource Sites	number	0	0
Nearest Recreational Area	miles	4	4
Nearest Residence	feet	450	350
Nearest Church	feet	2,000	3,000

Feature	Unit	Alternative	
		A	B
Nearest School	feet	2,600	3,200
Nearest Hazardous Waste Site	miles	>0.34	>0.45

\* To provide access to farmland being isolated by the connection, NS would provide a private farm road crossing over the connection as a mitigation.

Alternative A was selected as the preferred route because it has the shorter length, does not cross any roads, affects only one property (a cultivated crop field), does not impact any structures, and is farther from the nearest residence.

## **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 and Zoning**

Champaign County is approximately 90 percent agricultural. About 7,000 acres or one percent of the county consists of woodland and windbreaks (USDA Soil Conservation Service, 1982). The area of the proposed construction site is primarily cropland and is currently zoned for agricultural use. A strip of nonnative grasses, scrub brush and deciduous trees borders the existing rail rights-of-way.

The UP main line is located in a ravine, while the NS line and the proposed construction site are on higher ground. Land in the rights-of-way contains grasses and gravel ballast. NS communication lines border the southern edge of the NS right-of-way. Other adjacent land uses include an electrical substation located approximately 300 feet east of the eastern edge of the UP main line right-of-way and approximately 2,000 feet southeast of the UP/NS crossing. Electrical utility lines run east of the UP/NS intersection. These electric transmission lines cross the NS line east of the intersection and extend north along the eastern edge of the UP right-of-way. Two Farmers Supply buildings are located adjacent to the north side of the NS right-of-way, approximately 400 feet west of the intersection. This facility is served by an existing NS siding on the north side of the main line. A private residence is located approximately 500 feet to the northeast of the proposed connection.

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

There are no indications that the proposed project will interfere with any localized plan or development strategy (Champaign County Department of Planning and Zoning, Exhibit 25, Appendix C).

##### **3.1.3 Prime Farmlands and Coastal Zones**

Soils in the area of the proposed construction site consist of silts and loams of the Drummer-Flanagan association. Soil classifications include Dana and Flanagan silty loams and Drummer silty clay loam. The Drummer association is defined as a hydric soil due to relatively shallow groundwater depths and moderate permeability (USDA, Soil Conservation Service, 1982). Land outside urban areas in Champaign County is over 90 percent farmland, of which 94 percent is prime farmland. The soil in the proposed construction area is disturbed; approximately 80 percent of the land is cultivated cropland and the rest consists of weeds, grasses and woody vegetation. The proposed project area is not in a coastal zone.

### 3.2 SOCIOECONOMICS and ENVIRONMENTAL JUSTICE

#### 3.2.1 General County Information

The proposed project would be in a primarily rural area of Champaign County, Illinois. The entire route would be outside the city limits of Sidney, Illinois. Sidney is not an incorporated city and had a 1994 population of 1,077 (U.S. Bureau of the Census). Population data for Sidney are provided in Table 3-1. Sidney's population remained fairly constant from 1990-1994.

**Table 3-1**  
**Population of Sidney, Illinois**

	1990	1991	1992	1993	1994
<b>Population</b>	1,027	1,036	1,065	1,086	1,077 <sup>1</sup>
<sup>1</sup> = Population Distribution and Population Estimates Branch, US Bureau of the Census					

Population, employment and income trends from 1970 to 1990 for Champaign County and the State of Illinois are provided in Table 3-2. The population of Illinois increased 2.9 percent from 1970 to 1990. The population of Champaign County increased 6 percent during the same period. The average number of persons in each household in Champaign County in 1990 was 3.02.

The 1989 median household income in Champaign County was \$26,541. In 1990, the unemployment rate in Champaign County was 3.9 percent, lower than the state unemployment rate of 6 percent.

**Table 3-2**  
**Population, Employment and Income Trends for**  
**Champaign County and the State of Illinois**

	Champaign County			Illinois		
	1970 <sup>1</sup>	1980 <sup>2</sup>	1990 <sup>3</sup>	1970 <sup>1</sup>	1980 <sup>2</sup>	1990 <sup>4</sup>
Population	163,281	168,392	173,025	11,109,935	11,426,518	11,431,000
Labor Force	73,680	86,490	91,662	4,644,622	5,497,425	6,015,000 <sup>a</sup>
Employed	61,464	78,534	88,049	4,419,915	5,068,428	5,656,000 <sup>a</sup>
Unemployed	12,216	10,926	3,613	224,707	428,997	359,000 <sup>a</sup>
Unemployment rate	3.8	4.9	3.9	3.7	7.2	6.02 <sup>a</sup>
<sup>1</sup> = County and City Data Book, 1972; <sup>2</sup> = County and city Data Book, 1982; <sup>3</sup> = 1990 Census Bureau Summary; <sup>4</sup> = Statistical Abstract of the United States; <sup>a</sup> = 1989 data						



Agriculture is important to the economy of Champaign. Approximately 90 percent of the acreage is farmland. The principal crops are corn, soybeans, winter wheat and oats. Crops grown on small acreage include grass-legume hay and brome grass-alfalfa.

### 3.2.2 Information on the Area Surrounding the Proposed Connection

As seen in Table 3-3, the area surrounding the proposed connection, i.e. the relevant census block, has a substantially lower percentage of minority residents than Champaign County does on average. Data on economic levels in the area indicate that the population of the relevant census block is more prosperous than that of the county as a whole; census data indicate that the percentage of people living below the Federal poverty level in the census block is substantially lower than the county average and median household incomes in the same area are higher than the county average.

**Table 3-3**  
**1990 Racial and Economic Composition of Champaign County**  
**and the Area Surrounding the Proposed Connection**

Proposed Sidney Connection			
		Champaign County	Proposed Connection
Racial data (percentages)	White	83.8	99.68
	Black	9.4	0.09
	Asian	4.6	0.18
	Native American	0.2	0.05
	Hispanic and other	2.0	0
Economic data	Median Household Income	\$26,541	\$30,913
	Percent below Federal poverty level	15.6	5.4

No residences or other sensitive noise receptors are within the existing Ldn 65 dBA contour for the proposed connection.

### **3.3 TRANSPORTATION SYSTEMS**

#### **3.3.1 Existing Rail Transportation Network**

The existing rail transportation network consists of a north/south UP track that passes under an east/west NS track. This intersection is bordered on the north by County Road 15, which extends east/west and passes over the UP line. Other roads in the proposed project vicinity include State Highway 516, which passes through Sidney, and numerous residential roads. An existing private drive for access to the electrical substation is crossed at-grade by the existing NS line approximately 500 feet southeast of the UP/NS intersection. A total of 39 trains per day use the NS main line. Approximately 25 trains per day operate over the UP line (Union Pacific Corporation, et al. -Control and Merger- Southern Pacific Rail Corporation, et al. 1995. Finance Docket No. 32760. Volume 6, Part 1, page 11.).

#### **3.3.2 Grade Crossings**

There are no grade crossings, other than the single private drive to the electrical substation, in the vicinity of the project area. However, the ADT for area roads is provided below.

- County Road 15, which is located 500 feet north of the proposed construction site between the UP rail line overpass and Highway 516, averaged 2,400 vehicles per day.
- County Road 15 which is located between Highway 516 and Highway 522 averaged 2,950 vehicles per day.

### **3.4 SAFETY**

#### **3.4.1 Hazardous Waste Sites**

Review of the appropriate environmental databases by Environment Data Resources, Inc. (EDR) did not identify any hazardous waste sites (e.g., National Priorities List (NPL); Comprehensive Environmental Response, Compensation, and Liability Information System (CECLIS); Treatment, Storage, or Disposal Sites (TSDS); Emergency Response Notification System (ERNS); State Priority List (SPL); State Inventory of Leaking Underground Storage Tanks (LUST); or State Inventory of Solid Waste Facilities (SWFLF) or other sites of environmental concern in the vicinity of the proposed rail line construction. The EDR database search revealed one unmappable site within the city limits of Sidney, Illinois. This site could not be located because of poor address or geocoding information provided to the state and/or Federal databases. No evidence of any hazardous waste sites was observed within the proposed construction area during a site visit.

#### **3.4.2 Transportation of Hazardous Materials**

Currently 5.6 percent of NS' system wide traffic consists of hazardous materials. More information on the transportation of hazardous materials is included in the following sections.



### 3.4.2.1 Carrier's Safety Practices

Train accidents involving damage as low as \$6,300 must be reported to the FRA. The number of FRA-reportable train accidents per million train-miles for NS for 1991 through 1995 are listed in Table 3-4.

**Table 3-4**  
**Norfolk Southern Train Accident Rates per Million Train Miles**

Year	Rate
1991	2.86
1992	2.65
1993	2.23
1994	1.97
1995	1.93

In 1995, NS' train accident rate was 1.93 accidents per million train miles, approximately half the national average rate of 3.71 accidents per million miles for Class I railroads.

Safe transportation protects the resources of the customers and communities served as well as the resources of the railroads. NS has independently adopted proactive programs to improve the safety of hazardous materials transportation. This action has resulted in superior safety records for NS compared to industry averages. As part of their efforts to continually improve safety performance in transportation, NS is involved in Responsible Care® Partners. The Responsible Care® program was established by the Chemical Manufacturers Association (CMA) in 1988 as a proactive self-regulating approach to improving health, safety and environmental performance.

The Responsible Care® Partnership program extends Responsible Care® requirements to non-CMA members including transportation companies which apply to join. Partners must align internal management practices to meet or continuously improve toward meeting established codes. The codes include: Community Awareness and Emergency Response; Process Safety; Pollution Prevention; Safe Distribution; Employee Health and Safety; and Product Stewardship. NS has committed to this proactive effort with its CMA customers to improve the safe transportation of chemicals and hazardous materials. NS would continue to transport all hazardous materials in compliance with the U.S. Department of Transportation Federal Hazardous Materials Regulations (49 CFR Parts 171 to 180).

NS' environmental policy requires employees to understand and comply with environmental requirements. To assure that NS employees are aware of individual and corporate responsibilities for protection of the environment, NS implemented environmental awareness training for all employees. NS regularly provides hazardous materials training for all employees with duties related to hazardous materials transportation. NS is involved with local communities in providing training for fire, police and emergency response departments. NS is also involved in community outreach programs. NS has received numerous safety and service awards, including the Harriman Gold Safety Award, the highest safety honor for railroads for the last eight years.

#### **3.4.2.2 Carrier's Safety Record Regarding Hazardous Materials**

As previously stated, currently, 5.6 percent of NS' system wide traffic consists of hazardous materials, representing a total of about 255,000 carloads in 1996. During the same year, NS had a company record low total of 90 Department of Transportation (DOT) F 5800.1 reportable incidents, mostly minor in nature. Over 99.96 percent of the hazardous materials shipments arrived at their destination without incident.

These hazardous material shipments move primarily on routes designated as key routes (NS defines these as routes with annual hazardous materials traffic exceeding 9,000 carloads. This definition is more restrictive than the Inter-Industry Task Force Recommendations). In 1995, NS key routes consisted of 6,423 miles.

The east/west-oriented NS rail line west of the City of Sidney is a NS key route transporting between 10,000 to 20,000 loads of hazardous materials annually. The UP line is also a key route.

#### **3.4.2.3 Emergency Action Plans**

NS developed and maintains corporate and divisional Emergency Action Plans based on the principles of Prevention, Preparedness, Response and Remediation. In the event of a hazardous material incident, NS implements its Emergency Action Plans. The proposed connection near Sidney, Illinois, and both the existing UP and NS rail lines, would be covered by the NS Emergency Action Plans.

##### ***Prevention***

Prevention of incidents is the primary challenge, with a goal of zero incidents. Prevention efforts include hazardous materials training of employees; compliance with regulations, operating rules, safety rules and industry recommended operating practices; maintenance of the railroad's infrastructure and equipment; and risk assessment to target and prioritize opportunities to improve performance.

##### ***Preparedness***

Preparedness to respond includes distribution and maintenance of the written response plans, instructions, guidelines and contact lists of agencies, personnel and contractors; training employees, fire departments and other public emergency response personnel how to handle hazardous materials incident responsibilities; conducting emergency response exercises; and conducting hazardous materials audits.

### ***Response***

Response efforts are taken to prevent or minimize any detrimental effects to health, safety and the environment. Response efforts include safe initial assessment of an incident; a structured system for reporting the response to government agencies, the shipper(s) and company personnel; and an established network of qualified emergency response contractors across the NS system which are mobilized as indicated by the location and nature of incidents. Ten full-time NS Environmental Operations Engineers are located strategically throughout the NS system to respond to incidents, supervise the response and remediation efforts of contractors, and coordinate with regulatory agencies.

### ***Remediation***

Remediation efforts bring the incident to a close and restore the environment in the area. Remediation tasks include assessment of the site, contamination and risks; development of a corrective action plan; corrective action; and confirmation assessment. Remediation of serious incidents is typically performed in cooperation with and under the supervision of regulatory authorities.

In addition to system wide and division Emergency Action Plans, NS has Spill Prevention Control and Countermeasure (SPCC) plans, Facility Response Plans (FRPs), and Hazardous Waste Management plans at numerous fixed facilities.

### **3.4.3 Electric Transmission Facilities**

An electrical substation is located about 300 feet from the proposed construction site, and electrical utility lines are east of the existing UP/NS intersection. These facilities are owned by Illinois Power and provide electricity to the area.

## **3.5 WATER RESOURCES**

### **3.5.1 Wetlands**

National Wetland Inventory (NWI) maps indicate that no wetlands are crossed or are adjacent to the proposed construction site. The nearest wetland indicated on the NWI map is located 1,500 feet west of where the existing NS track crosses over the UP track (see Figure 1.1). No other surface waters were observed.

### **3.5.2 Surface Waters**

No surface waters are found within 500 feet of the construction site. However, the existing UP rail line is located in a ravine that is prone to flooding from surface runoff and backwater from Salt Fork Creek at the UP/NS intersection. Warning devices to notify UP of water over their line are currently in place along the existing UP rail line.

### **3.5.3 Floodplain**

Federal Emergency Management Agency (FEMA) maps for the area show that the proposed project is not within the 100-year floodplain.

### **3.5.4 Groundwater**

Surficial aquifers in east central Illinois consist of unconsolidated glacial material in the form of Quaternary sand and gravel deposits. These surficial aquifer systems are approximately 100 to 200 feet thick and supply more than 50 percent of the fresh ground water withdrawn in east-central Illinois. In the vicinity of the proposed construction site, groundwater moves through the surficial aquifer systems from southern upland recharge areas toward northern discharge areas near Salt Fork Creek. Between the months of April and June groundwater can rise to within three feet of the surface. Well yields of up to 100 gallons per minute can be expected from the unconsolidated glacial material found in the area.

## **3.6 BIOLOGICAL RESOURCES**

### **3.6.1 Vegetation**

Corn and soybeans are the major crops grown in Champaign County. Secondary crops grown in Champaign County include wheat, oats, and hay. Roadside vegetation, fence-rows, and windbreaks consist of weeds, grasses, deciduous trees, and shrubs.

The proposed construction site and the surrounding vicinity consist mainly of cropland. A 1,200-foot long by 150-foot wide strip of woodland borders the western side of the UP track, approximately 300 feet south of the existing NS rail line. Deciduous trees that are expected to be in the wooded area include black walnut (*Juglans nigra*), northern red oak (*Quercus rubra*), white ash (*Fraxinus americana*), and eastern cottonwood (*Populus deltoides*). Other than the cropland and small wooded area, vegetation on the proposed site consists of grasses and weeds such as these species of vegetation found alongside the NS track: frost grape (*Vitis vulpina*), teasel (*Dipsacus sylvestris*), Queen Anne's Lace (*Daucus carota*), redtop (*Agrostis alba*), Timothy (*Pheleum pratense*), Kentucky bluegrass (*Poa pratensis*) and velvet grass (*Holcus lanatus*).

In summary, the project area and vicinity has limited biological diversity. Similar vegetation is abundant throughout the region.



### **3.6.2 Wildlife**

Wildlife habitat found on and adjacent to the proposed construction site is limited to the wooded area and to narrow strips of deciduous trees and shrubs adjacent to the existing NS and UP rail rights-of-way. This area provides suitable habitat for a limited variety of insects, birds, and mammals. Wildlife species that were seen during a site visit were the northern cardinal (*Cardinalis cardinalis*), blue jay (*Cyanocitta cristata*), American robin (*Turdus migratorius*), European starling (*Sturnus vulgaris*), field sparrow (*Spizella pusilla*), song sparrow (*Melospiza melodia*), mourning dove (*Zenaida macroura*), American crow (*Corvus brachyrhynchos*), red-tailed hawk (*Buteo camaicensis*), common sulfur butterfly (*Colias philodice*) and golden northern bumble bee (*Bombus fervidus*). Wildlife species that are expected to be found in this rural setting are the American goldfinch (*Carduelis tristis*), American kestrel (*Falco sparverius*), white-tailed deer (*Odocoileus virginianus*), coyote (*Canis latrans*), red fox (*Vulpes vulpes*), raccoon (*Procyon lotor*), opossum (*Didelphis virginiana*), eastern cottontail (*Sylvilagus floridanus*), striped skunk (*Mephitis mephitis*), house mouse (*Mus musculus*), and deer mouse (*Peromyscus maniculatus*).

### **3.6.3 Threatened and Endangered Species**

The U.S. Fish and Wildlife Service (USFWS) and the Illinois Department of Natural Resources (DNR) were contacted regarding threatened and endangered species within the area of the proposed rail line construction at Sidney. The USFWS stated that no Federally-listed threatened or endangered species are found within the project area. The Illinois DNR stated that no listed species, Illinois Natural Areas Inventory (INAI) sites or Nature Preserves are likely to be impacted as a result of the proposed project. Moreover, no threatened or endangered species were observed at the proposed construction site during a site visit.

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

No parks, forests, preserves or refuges are in or within 1,000 feet of the project area. The Champaign County Conservation Area is located approximately four miles northeast of the proposed construction site. Recreational opportunities in the project area are limited.

## **3.7 AIR QUALITY**

According to 40 CFR 81, Champaign County is in attainment with the National Ambient Air Quality Standards (NAAQS). Current sources of emissions in the project area include locomotives, vehicles and farm machinery.

In 1996, NS carried fewer than 800 loads, system wide, of commodities listed by the Clean Air Act as ozone-depleting. This represents less than 0.017 percent of total traffic, a negligible amount.



### **3.8 NOISE**

Rail, automobile and truck traffic are the primary sources of noise within the area of the proposed rail line construction. Average Daily Traffic (ADT) data collected in 1991 for roads in the project vicinity were provided by the Illinois Department of Transportation (DOT). The ADT data for County Road 15, which is located 500 feet north of the proposed construction site between the existing UP rail line overpass and Highway 516, averaged 2,400 vehicles per day. A total of 39 trains per day presently use the NS main line. Approximately 25 trains per day operate over the UP line.

The Ldn 65 dBA contour for the existing NS line extends 150 feet (550 feet at grade crossings) perpendicular to the centerline. The Ldn 65 dBA contour for the existing UP line extends 150 feet (250 feet at grade crossings) perpendicular to the centerline. Close to the intersection of the NS and UP rail lines, the Ldn 65 dBA contour extends out farther due to the cumulative effects of train operations on both rail lines. No residences are located within the Ldn 65 noise contour of the proposed construction site. No schools, churches, hospitals, nursing homes, retirement homes, libraries or other residences are within 500 feet of the proposed construction site.

### **3.9 CULTURAL RESOURCES**

Records at the Illinois State Historic Preservation Office (SHPO) were reviewed to determine if previously identified cultural resources are located in the project construction area. No historical sites listed on the National Register of Historical Places (NRHP) or archaeological sites were recorded in the vicinity of the proposed action. The Illinois SHPO states that there are no significant historic, archaeological, or architectural resources in the proposed project area. During a site visit, no unique or historical structures were observed in the project area.

### **3.10 ENERGY**

Potential impacts to energy consumption as a result of the proposed connection would primarily be related to (1) additional fuel consumption by construction equipment during the construction period; (2) changes in fuel consumption by trains using the proposed connection; (3) the effect of the proposed connection on the transportation of energy resources and recyclable commodities; (4) whether the proposed connection would result in an increase or decrease in overall energy efficiency; and (5) the extent to which the proposed connection would cause diversions from rail-to-motor carrier.

## **CHAPTER 4**

### **Potential Environmental Impacts**

This chapter provides an overview of the potential environmental impacts from the proposed rail line connection between NS' East-West and North-South main lines in Sidney, Illinois. This connection would involve the construction of a new rail line segment in new right-of-way to connect existing tracks to other existing rail lines, sidings, and/or yard facilities. 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 will vary depending on site conditions, most work would be completed within 250 feet of the new rail line.

In conducting its analysis, SEA considered the following environmental impact 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 Systems
- Safety
- Water Resources
- Biological Resources
- Air Quality
- Noise
- Cultural Resources
- Energy
- Cumulative Impacts

For detailed information about methodologies and evaluation criteria, refer to Appendix D.

#### **4.1 POTENTIAL ENVIRONMENTAL IMPACTS FROM THE PROPOSED ACTION**

##### **4.1.1 Land Use**

###### **4.1.1.1 Evaluation Criteria**

The following criteria were used to assess the significance of land use impacts:

###### Land Use Consistency and Compatibility

- The severity of visual, air quality and noise impacts on sensitive land uses.
- Interference with the normal functioning of adjacent land uses.
- Alteration of flood water flow that could increase flooding in adjacent areas.
- Consistency and/or compatibility with local land use plans and policies.

### Prime Agricultural Land

- Permanent loss of Natural Resource Conservation Service (NRCS)-designated prime farmland.

#### **4.1.1.2 Potential Impacts**

##### **Current Land Use and Zoning**

The proposed project would result in minimal impacts to land use. Approximately 5.3 acres of land would be acquired for the new connection, all of which would be used for right-of-way. The properties for which NS is negotiating rights to allow the proposed construction and operation are disturbed areas. The land that would be converted to rail use from outside existing rights-of-way is approximately 80 percent cropland. The remaining 20 percent contains weeds and grasses typical of disturbed areas, and woody vegetation. The proposed construction would not conflict with adjacent land uses, electric utility lines or zoning. NS communication lines along the south side of the NS right-of-way would be buried.

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

The proposed alternative does not conflict with any local or regional land use plans (Champaign County Department of Planning and Zoning, Exhibit 25, Appendix C).

##### **Prime Farmlands and Coastal Zones**

Loss of prime farmland within the right-of-way would be insignificant since the proposed construction site comprises only a small percentage of the land currently in agricultural production in the proposed project vicinity. Temporary construction impacts to adjacent farmland from excavation, such as mixing of soil profiles or soil compaction, are expected to be minor due to the small amount of land affected and because construction would be limited to the proposed new right-of-way. No construction activities would occur within a designated coastal zone.

#### **4.1.2 Socioeconomics and Environmental Justice**

##### **4.1.2.1 Evaluation Criteria**

The following criteria was used to determine impacts from the proposed project to socioeconomics and environmental justice:

- Reviewed demographic and income data from the 1990 Census to compare the population of the area of the proposed construction with that of the Village of Sidney.
- An environmental justice effect is determined to be significant if an adverse effect of the proposed construction falls disproportionately on low-income or minority populations.

#### **4.1.2.2 Potential Impacts**

No significant and adverse effects which have a high and disproportionate impact on minority and low-income communities are expected as a result of the proposed connection. The population in the area of the proposed construction has a lower percentage of minority residents than the county as a whole. Further, data on economic levels in the area indicate that the population of the relevant census block is more prosperous than that of the county as a whole. Moreover, since there would be no significant and adverse environmental effects as a result of the construction and operation of the proposed connection, concerns about potentially significant adverse environmental consequences would be eliminated, regardless of the composition of the surrounding population.

U.S. Census data indicates that both the proposed connection site, (as well as the alternative considered since they are in the same census block) contain substantially lower percentages of minority residents than Champaign County on average. These data indicate that construction and operation of the proposed connection would not have a high and disproportionate impact on minority groups. This conclusion is further supported by the absence of significant environmental impacts related to the proposed connection.

Data on economic levels in the area indicate that the population of the relevant census block is more prosperous than that of the county as a whole; census data indicate that the percentage of people living below the Federal poverty level in the census block is substantially lower than the county average and median household incomes in the same area are higher than the county average. These data indicate that construction and operation of the proposed connection would not have a high and disproportionate impact on minority groups. This conclusion is further supported by the absence of significant environmental impacts related to the proposed connection.

#### **4.1.3 Transportation Systems**

##### **4.1.3.1 Evaluation Criteria**

The evaluation criteria used to determine potential impacts on transportation includes:

- The need for new grade crossings.
- Modifications of existing grade crossings

##### **4.1.3.2 Potential Impacts**

###### **Grade Crossings**

The proposed connection would not cross any roads.



#### **4.1.4 Safety**

##### **4.1.4.1 Evaluation Criteria**

The following criteria was used to determine the effects of the proposed project on safety issues:

- The likelihood of encountering hazardous waste sites during construction.
- The likelihood of a hazardous material release during construction.
- The effect of the proposed connection on the transportation of hazardous materials.

##### **4.1.4.2 Potential Impacts**

###### **Hazardous Waste Sites**

Review of the EDR database indicated that no hazardous waste sites, e.g., NPL, CERCLIS, Resource Conservation and Recovery Information System - Treatment, Storage, or Disposal (RCRIS-TSD), ERNS, SHWS, LUST or SWFLF, were identified in the vicinity of the proposed rail line construction. The database search revealed one unmappable site within the city limits of Sidney, Illinois. This site could not be located because of poor address or geocoding information provided to the state and/or Federal databases.

During a site visit, no evidence of potential hazardous waste sites in the project area was observed. Three above-ground anhydrous ammonia tanks were observed bordering the north side of the NS right-of-way, approximately 400 feet northwest of the UP underpass. These tanks would be unaffected by the proposed construction. No hazardous waste sites are expected to be impacted by the proposed project.

###### **Hazardous Materials Release**

All necessary precautions will be taken to reduce the risk of a hazardous materials release during construction. The majority of the materials that are likely to be on the construction site include petroleum products for construction vehicles. As part of the National Pollution Discharge Elimination System, a plan for accidental releases of hazardous materials must be included in the Storm Water Pollution Prevention Plan.

###### **Transportation of Hazardous Materials**

Currently, 5.6 percent of NS' system wide traffic consists of hazardous materials, representing a total of about 255,000 carloads in 1996. During the same year, NS had a company record low total of 90 reportable incidents as defined under Department of Transportation (DOT) F 5800.1, mostly minor in nature. Over 99.96 percent of the hazardous materials shipments arrived at their destination without incident. These hazardous material shipments moved primarily on routes designated as key routes (NS defines these as routes with annual hazardous materials traffic exceeding 9,000 carloads. This definition is more restrictive than the Inter-Industry Task Force Recommendations). In 1995, NS key routes consisted of 6,423 miles of trackage.



Both the existing NS and UP rail lines are key routes. Petrochemical traffic is expected to operate over the proposed connection. The probability of a rail accident on the proposed connection is approximately one in two million. No significant adverse impact from transportation of hazardous materials is expected. The reduction in train-miles from using the shorter route over the connection would have a beneficial system impact on transportation safety.

No significant adverse impact from the transportation of hazardous materials is expected. The reduction in train-miles from using the shorter route over the connection would have a beneficial system impact on transportation safety.

### **Train Operation**

There is no potential for train-to-automobile accidents on the proposed connection due to the absence of grade crossings. The average train is expected to be 5,000 feet long.

Train operation always involves a possibility for train accidents or incidents. However, NS' track and equipment inspection and maintenance programs, employee training programs, and the low speed (25 mph) of trains on the proposed connection would minimize this potential. The approximate likelihood of an accident occurring is 0.004 accidents/year.

## **4.1.5 Water Resources**

### **4.1.5.1 Evaluation Criteria**

The following criteria were used to assess the potential impacts to surface water resources and wetlands that could result from the proposed construction project:

- 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.
- Alteration of water flow that could increase bank erosion or flooding, uproot or destroy vegetation, or affect fish and wildlife habitats.

The extent and duration of impacts to surface water resources and wetlands resulting from the project would depend primarily on the type of work to be completed and the size of the project. The overall effect could be lessened by avoiding important resources and minimizing impacts to the extent practicable, and by implementing the mitigation measures. Prior to initiating construction, regulatory agencies would be consulted regarding the need to obtain permits, such as U.S. Army Corps of Engineers' (COE) Section 404 permits, National Pollution Discharge Elimination System (NPDES) permits, and state-required permits or agreements, as appropriate.

#### **4.1.5.2 Potential Impacts**

##### **Wetlands**

The National Wetland Inventory (NWI) map indicated that no surface waters are located within 500 feet of the construction site. According to the NWI map, the nearest wetland is 1,500 feet west of where the existing NS track crosses over the UP track. In addition, the existing UP rail line is located in a ravine that is prone to flooding from surface runoff.

##### **Surface Water**

No surface waters or wetlands would be crossed by the proposed connection. Storm water drainage patterns are not anticipated to be altered by the proposed project. Potential impacts from soil erosion resulting from cleared vegetation and disturbed soil would be insignificant because Best Management Practices (BMPs) would be used to control runoff and soil erosion. Additionally, the construction would be performed in compliance with the Illinois EPA Storm Water NPDES Permit, which is required for construction of the proposed connection. In addition, NS would restore disturbed areas of soil through reseedling.

##### **Floodplain**

Federal Emergency Management Agency (FEMA) maps for the area show that the proposed project is not within the 100-year floodplain.

##### **Groundwater**

Groundwater quality will not be affected by construction or normal operation of the proposed connection. The only potential impact could result from spill of hazardous material. Safety measures as well as emergency response methods are in place to protect against the results of a potential accident.

#### **4.1.6 Biological Resources**

##### **4.1.6.1 Evaluation Criteria**

The following evaluation criteria were utilized to assess the potential impacts to biological resources resulting from the proposed projects:

- Loss or degradation of unique or important vegetative communities.
- Harm to or loss of individuals or populations of rare, threatened or endangered plants or animals.
- Disturbance of nesting, breeding or foraging areas of threatened or endangered wildlife.
- Loss or degradation of areas designated as critical habitat.
- Loss or degradation of wildlife sanctuaries, refuges or national, state or local parks/forests.
- Alteration of movement or migration corridors for animals.
- Loss of large numbers of local wildlife or their habitats.

Sensitive animal species with potential to occur in the vicinity of the project may be impacted by construction activities. A determination as to the level of impact will depend on many factors including the availability of suitable habitat, previous surveys, and comments from agencies.

Parks, forest preserves, refuges and sanctuaries were identified within one mile of the proposed construction. Impacts to these areas were determined based on their distance from the proposed constructions and the degree to which rail construction, operation and maintenance would disturb or disrupt activities at these areas.

#### **4.1.6.2 Potential Impacts**

##### **Vegetation**

The proposed action would affect cropland, a narrow strip of weedy, grassy vegetation characteristic of disturbed wooded areas, and woody vegetation bordering the existing UP and NS rights-of-way. NS would reseed disturbed areas outside the subgrade slope of the new proposed connection. Approximately 80 percent of the project area is cropland and 20 percent of the project area consists of weeds, grasses and woody vegetation. Loss of prime farmland within the right-of-way would be insignificant since it comprises only a small percentage of the land currently in agricultural production in the project vicinity.

##### **Wildlife**

No adverse impacts to wildlife are anticipated. The construction site is small and contains only limited wildlife habitats. Wildlife within the project area would be subject to sporadic disturbance because of noise and human activity generated during construction activities, and subsequent train operations and maintenance activities. The minimal loss of habitat due to this proposed construction would be insignificant compared with the wildlife habitat available in the surrounding area.

Construction of the proposed connection may temporarily displace local terrestrial wildlife because of increased noise from construction equipment and the presence of humans. However, such disturbances would be temporary and are not anticipated to cause a major permanent redistribution of resident species. The width of the right-of-way and the low height of rail should not pose a significant barrier to the movement of wildlife. Some mortality of small animals may result during construction due to compaction of burrows and encounters with heavy equipment. Incidental train/animal collisions could result in mortality to some species.

The railroad right-of-way would require approximately 5.3 acres outside of NS' existing property. This area is primarily cropland. On NS property, rail right-of-way would include a maximum of two acres of potential wildlife habitat. These areas contain low-quality wildlife habitat and following construction, all cleared areas outside the right-of-way subgrade slope would be reseeded with grasses or other vegetation. Overall, minimal impact to wildlife would occur.

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

A site visit, as well as responses received from the USFWS and the Illinois DNR indicated that no known Federal or state listed species occur in the project area. Therefore, no impacts to threatened or endangered species are expected.

### **Parks, Forests Preserves, Refuges, and Sanctuaries**

There would be no impacts to parks, forests, preserves, refuges, conservation areas or sanctuaries from the construction of the proposed connection.

#### **4.1.7 Air Quality**

##### **4.1.7.1 Evaluation Criteria**

The following criteria were used to assess the potential impacts to air quality that could result from the proposed construction project:

- Increase in levels of pollutant emissions (e.g., hydrocarbons, carbon monoxide, sulfur dioxide, nitrogen oxide, and particulate matter) from the operation of construction equipment and vehicles.
- Effects related to train operations over the NS and UP line segments adjoining the connection, to the extent they meet the Board's thresholds for analysis.
- Evaluation of the potential for air quality effects from fugitive dust emissions.
- 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.

##### **4.1.7.2 Potential Impacts**

Champaign County is an air quality attainment area. Only minor effects on air quality are expected as a result of the construction, operation and maintenance of the proposed project. The operation of heavy equipment would be the primary source of pollutant emissions during construction activities. Such pollutants vary by the source as described below:

- Particulate matter, volatile organic compounds (VOCs), carbon monoxide (CO), and nitrogen oxide (NOx) resulting from the combustion of diesel fuel
- Fugitive dust along the right-of-way and unimproved roads resulting from the operation of heavy equipment.

### **Construction**

Air quality impacts due to construction are expected to be minimal. During the construction phase, grading, excavation and placement of ballast and subgrade could result in a temporary increase of fugitive dust. However, with appropriate mitigation measures, such effects are expected to be minimal. Mitigation measures would include spraying road surfaces with a water truck or covering truck beds with tarps as necessary. Emissions from construction and maintenance equipment engines would be localized and temporary during the construction period and during maintenance activities. They are not expected to reduce air quality.

### **Operation**

Because rail traffic over the proposed connection would meet STB thresholds for air quality, area emissions were quantified and are presented below in Table 4-1.



**Table 4-1**  
**Estimated Air Emissions for the Proposed Connection Near Sidney**  
**(tons per year)**

VOC	CO	NOx	SO <sub>2</sub>	PM	Pb
0.16	0.48	4.29	0.28	0.11	0.0000091

As previously stated, the proposed connection would shorten the route NS trains would have to travel by approximately 50 miles. The estimated system wide decreases in emissions as a result of the proposed connection near Sidney are presented below.

**Table 4-2**  
**Estimated System wide Decreases in Emissions as a Result of the**  
**Proposed Connection Near Sidney**  
**(tons per year)**

VOC	CO	NOx	SO <sub>2</sub>	PM	Pb
13.2	39.7	357.4	23.2	9.0	0.00076

No significant, if any, shipments of ozone-depleting commodities are expected over this proposed connection.

#### **Vehicle Emissions**

Emissions from heavy equipment and construction vehicles would occur during construction. The majority of these emissions would be limited to the period of construction. Minor additional impacts would include maintenance activities for the rail line that would occur sporadically for short periods throughout the year. Vehicle emissions can be minimized by proper vehicle maintenance.

#### **Fugitive Dust Emissions**

Increases in fugitive dust could occur due to grading and other earthwork necessary for rail bed preparation or removal activities. These impacts would only be temporary and would be minimized by good construction practices that would include dust control.

### **4.1.8 Noise**

#### **4.1.8.1 Evaluation Criteria**

The following criteria was used to determine potential impacts from the proposed project:

- Identification of noise-sensitive land uses where changes in operation could result in noise exposure increases.
- Identification of noise sensitive receptors (e.g. residences, schools, hospitals, libraries).



#### **4.1.8.2 Potential Impacts**

##### **Construction**

Noise levels in the project areas are expected to temporarily increase during construction. Temporary noise increases would be caused by operation of vehicles and heavy machinery during grading, rail construction, etc. The impacts would only be short-term, occurring from approximately 7:00 a.m. to 5:00 p.m. Because of the rural nature of the project area, no residences or other sensitive noise receptors would be within the Ldn 65 dBA contour of the proposed connection. Since construction noise would occur during daylight hours and would be short-term in nature, and because of the rural nature of the project area, noise impacts from construction are not expected to be significant.

##### **Operation**

Train operation over the proposed connection would not likely cause any significant increase in ambient noise levels. NS would lubricate the curve of the new connection. No residences or other sensitive noise receptors would be within the Ldn 65 dBA contour of the proposed connection. At a maximum operating speed of 25 miles per hour over the connection, increases in noise levels at any given location should not occur for more than approximately four minutes while a train passes.

Approximately nine trains per day are expected to travel over the proposed connection, which exceeds the STB thresholds for noise analysis. NS would regularly lubricate the 5 degree 30 minute curve of the proposed connection to minimize the friction which causes both rail wear and wheel squeal. Train traffic operating on the proposed connection would generate an Ldn 65 dBA contour approximately 50 feet perpendicular to the proposed rail line (approximately 250 feet at grade crossings). No residences are within the existing or post construction Ldn 65 dBA contour. No receptors would experience a significant increase in noise as a result of the new connection.

#### **4.1.9 Cultural Resources**

##### **4.1.9.1 Evaluation Criteria**

Impacts to historic and archaeological resources would be considered adverse (as defined in 36 CFR 800.9) if any site listed or eligible for listing on the NRHP would experience destruction of the site; alteration of site characteristics or setting; neglect resulting in deterioration or destruction; or transfer, lease, or sale of the property on which the site occurs if adequate restrictions or conditions are not included to ensure preservation of the property's significant historic features.

##### **4.1.9.2 Potential Impacts**

No documented archaeological sites or historic properties are on or near the proposed construction site. The Illinois SHPO stated in a letter that the Section 106 process is complete.

#### **4.1.10 Energy Resources**

##### **4.1.10.1 Evaluation Criteria**

The following criteria was used to evaluate the potential impacts of the proposed project on energy resources:

- The effect of the proposed project on energy consumption.
- The effect of the proposed project on the transportation of energy resources and recyclable commodities.
- The effect of the proposed project on diversions of shipments from rail to trucks.

##### **4.1.10.2 Potential Impacts**

The operation of construction equipment would require the consumption of diesel fuel, which cannot be quantified at this time, but is expected to be minimal due to the short duration of the project. An insignificant amount of fuel would be used by construction equipment. The routes provided by the proposed connection would be more direct (i.e., approximately 50 miles shorter) than would be possible without the proposed connection, thereby reducing fuel consumption (1.3 million gallons of fuel saved each year). No additional rail-to-truck diversions would result from the proposed connection. The amount of energy resources and recyclable commodities that would be transported over the proposed connection cannot be quantified but, the operational efficiencies expected to be realized from the operation of the proposed connection are expected to benefit the transportation of energy resources and recyclable commodities.

##### **4.1.11 Cumulative Impacts**

Cumulative impacts are impacts on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR Parts 1500-15-8, Section 1508.7).

The potential cumulative impacts related to the construction and operation of the proposed connection are insignificant or nonexistent. The proposed project is not expected to have any significant adverse impact on land use, water resources, biological resources, or air quality. Nor would the proposed project have significant adverse impacts on safety, electric transmission facilities or cultural resources. Any noise increases during construction would be limited to normal work hours and would only occur during the construction period. Increases in noise from ongoing operation on the connection would be minor.

There would not be any significant environmental impacts on any group regardless of race or economic status as a result of the proposed project. Consequently, there would not be any high and disproportionate environmental justice impacts as a result of the construction and operation of the proposed connection. This conclusion is further supported by the absence of significant environmental impacts related to the proposed connection.

The operation of the proposed connection would result in reduced fuel consumption of approximately 1.3 million gallons per year and associated reduction in air emissions.

## **4.2 POTENTIAL ENVIRONMENTAL IMPACTS 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 would result in less efficient rail service. The capacity constraints, delays, and slower operating speeds that would result without the new connection would 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. The alternative alignment that was evaluated would consume approximately 6.2 acres of prime farmland, be located within 500 feet of two residences, cross one private road, cross two large overhead transmission line corridors, and require the removal and relocation of a radio tower. The alternative alignment is in the same U.S. Census block as the preferred alternative. Thus, the same socioeconomic setting and environmental justice factors analyzed in this chapter would be applicable for this alternative.

## 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

Norfolk Southern's consultant, Burns & McDonnell, sent letters to various Federal, state and local agencies seeking their comments on the construction and operation of the proposed connecting track (See Appendix C, Exhibit 1 for the consultation letter and Exhibit 2 for the list of agencies contacted). The letters were distributed to these agencies in January and February, 1997. The agency responses to the letters are provided in Appendix C, Exhibits 3 through 25. This chapter summarizes substantive comments received from these agencies, including mitigation discussed and the mitigation proposed by the Petitioner NS.

##### 5.1.1 Land Use

**Comment:** A letter from the Illinois Department of Agriculture (Appendix C, Exhibit 21) stated that the area to be affected by the proposed Sidney, Illinois project is prime farmland currently in crop production. Agricultural issues of primary concern, which should be addressed in the Environmental Assessment, include:

- Soil erosion problems that may result from the construction of the connection.
- Access to the farmland isolated by the new rail connection.
- Whether borrow outside the designated right-of-way would be required for construction, and if so, how many acres would be involved.
- Whether Federal funds will be used for this project. If so, the USDA-Natural Resources Conservation Service (NRCS Form AD-1006, Farmland Conversion Impact Rating would need to be initiated with the local USDA-NRCS office in Champaign.
- The presence of any resulting uneconomical remnants or landlocked parcels. Any such parcels should be indicated on a map with their location, number, acreage and current land use.

**Petitioner's Response:** NS would comply with all NRCS requirements. Potential impacts from soil erosion resulting from cleared vegetation and disturbed soil would be insignificant because of the use of Best Management Practices (BMPs) to control runoff and soil erosion. An erosion control plan would be prepared, implemented and maintained until disturbed areas are revegetated. NS would restore disturbed areas of soil through reseedling. Landscaping and revegetation would utilize existing drainage patterns and trees, grasses and shrubs native to the immediate area. NS would provide access to the farmland isolated by the new connection. Borrow material would be obtained from local sources that presently have not been identified. A map indicating the location, number, acreage and current land use of any remnant or parcel would be provided.



**Comment:** A letter from the U.S. Department of the Army, Operations Division (Appendix C, Exhibit 6) stated that it does not appear that a Department of Army permit would be needed for the construction of the Sidney, Illinois construction project.

**Comment:** A letter from the Champaign County Soil and Water Conservation District (Appendix C, Exhibit 23) stated that the proposed connection for the Sidney, Illinois rail connection would transect prime farmland and consideration should be given to its preservation.

**Petitioner's Response:** Of the two alternatives, the preferred connection crosses the least amount of agricultural land. As mitigation to the farmer whose field would be crossed by the proposed connection, NS would provide a private crossing to the farmland isolated by the new connection.

**Comment:** A letter from the Champaign County Department of Planning and Zoning (Appendix C, Exhibit 25), states that the proposed change would have only minor impacts in Champaign County. It was stated that the connection would directly affect approximately 6 acres of prime farmland classified USDA Land Capability Class II and I respectively. These would probably no longer be used for agricultural production.

**Petitioner's Response:** Of the two alternatives, the preferred connection crosses the least amount of agricultural land. Prime farmland is abundant in the area. Only a small number of acres would be affected. NS would provide a private crossing to the farmland isolated by the new connection.

#### **5.1.2 Socioeconomics and Environmental Justice**

No comments were received concerning socioeconomics or environmental justice.

#### **5.1.3 Transportation**

**Comment:** A letter from the Champaign County Department of Planning and Zoning (Appendix C, Exhibit 25), included the following comment on the existing transportation system: The recent Conrail abandonment of the "Pekin Secondary" east of Urbana and the acquisition by NS of the line to Bloomington has already reduced the number of railroads serving the County. The proposed acquisition of Conrail by NS and CSX would not alter the competitive situation for local rail users. The proposed connection allows for new routing, improved service or otherwise lowers costs and results in more competitive pricing. Increased rail traffic on the NS line may increase the inconvenience experienced in some on-line communities at railroad grade crossings.

**Petitioner's Response:** No new public grade crossings would be created by this construction. A private farm road crossing would be created to mitigate impacts to the farmer whose field would be impacted by the proposed connection.



**Comment:** A letter from the Illinois Department of Transportation (Appendix C, Exhibit 19) stated that the Illinois DOT has no objection at this juncture. They stated as long as the connector ties back into the Chicago and Eastern line north of County Road 900N, it would not have an impact on either the state or local highway systems. Also, there are no highway or street projects planned in the affected area.

#### **5.1.4 Safety**

**Comment:** A letter from the Champaign County Department of Planning and Zoning (Appendix C, Exhibit 25), included the following comments on public health and safety: Local Accident Reference System (LARS) data for unincorporated Champaign County shows six vehicular grade crossing accidents with one fatality on the NS line between 1990 and 1995 and three accidents, including one fatality, on the UP during the same time period. Increased traffic on the NS line would result in a greater likelihood of grade crossing accidents. Again the significance of this depends on the time of day when the increase occurs. Increased traffic on the NS line would increase the potential obstruction of grade crossings to emergency vehicles for on-line communities (Ivesdale, Sadorus, Tolono, Philo, Sidney, and Homer). Increased rail traffic would also increase the exposure of on-line communities to the dangers imposed by hazardous materials spills related to railroad accidents.

#### **Hazardous Waste Sites**

No comments were received from governmental agencies concerning hazardous waste sites.

#### **Electric Transmission Facilities**

No comments were received from governmental agencies concerning electrical facilities.

#### **5.1.5 Water Resources**

**Comment:** A letter from the Illinois Department of Agriculture (Appendix C, Exhibit 21) stated that the issues of primary concern are the possible alteration of any sub-surface tile systems at the proposed construction site, and a potential wetland located near or in the path of the proposed connection.

**Petitioner's Response:** NS would preserve overall surface and subsurface drainage on the affected site and surrounding fields through proper engineering design. According to the Champaign County Soil and Water Conservation District, part of the 1,200 foot long by 150 foot wide wooded area adjacent to the western side of the UP line, exists on Drummer soils. This soil type may contain hydric components, providing conditions necessary for potential wetlands to occur. The proposed connection would traverse this wooded strip in a non-Drummer soil area. The existing UP line is below grade, lying in a cut slope to the east and west of the rail line. The wooded area on the cut slope cannot be considered a wetland because it is drained. Furthermore, the U.S. Army Corps of Engineers has jurisdiction over any potential wetland being converted to non-agricultural use. The U.S. Army Corps of Engineers responded that a permit would not be needed in this case.

**Comment:** A letter from the Champaign County Soil and Water Conservation District (Appendix C, Exhibit 23) stated that the existing drainage tile needs to be maintained or replaced with an adequate system to maintain natural drainage. They also stated that a potential wetland along the western edge of the existing NS railway would require appropriate permits should it be modified or manipulated. On September 2, 1997, Leon Wendte from the Champaign Soil and Water Conservation Service stated over the phone that the NS rail line referred to in the letter is actually the UP line. He mentioned that a wooded area exists on Drummer soils present along the western edge of the UP right-of-way. He was concerned that this wooded area, on a hydric soil, could potentially be a wetland. He suggested that any wetlands in the area be delineated. If wetlands are found within the proposed right-of-way, then proper permits should be obtained from the U.S. Army Corps of Engineers.

**Petitioner's Response:** Natural drainage patterns would be maintained where possible. If drainage tile is encountered, NS would maintain or replace the tiles with concrete pipes. The wooded area (potential wetland) along the western edge of the UP right-of-way exists on a sloping cut and is considered to be drained. Therefore, it is not considered a wetland. The proposed construction would not traverse the wooded area on the Drummer soil. Also, a letter received from the U.S. Army Corps of Engineers did not recognize any wetlands in the proposed right-of-way.

**Comment:** A letter from the Champaign County Department of Planning and Zoning (Appendix C, Exhibit 25) stated that preservation of the surface and subsurface drainage of the affected site and surrounding fields would have to be addressed by proper engineering design.

**Petitioner's Response:** Storm water drainage patterns are not anticipated to be altered by the proposed project. NS would preserve surface and subsurface drainage of the affected site and surrounding fields through proper engineering design.

#### **5.1.6 Biological Resources**

**Comment:** A letter from the Champaign County Department of Planning and Zoning (Appendix C, Exhibit 25) stated that:

- Neither the site nor the rest of the NS line is thought to abut any significant natural area in Champaign County. No designated Natural Areas in the INAI are located near this line (though there may be locally significant prairie remnants along the right-of-way).
- Although it is believed that no threatened or endangered species habitat is found within or near this site, consulting the Natural Heritage Division of the Illinois Department of Natural Resource is recommended.

**Petitioner's Response:** The Illinois Department of Natural Resources was contacted. A letter from the Illinois Department of Natural Resources stated that according to the Natural Heritage database no Federally-listed endangered or threatened species, Illinois Natural Areas Inventory sites or Nature Preserves are likely to be impacted because of the proposed project. During a site visit, no Federally-listed endangered or threatened species were observed.

**Comments:** Jake Hoogland of the National Park Service (Appendix C, Exhibit 15) stated in a phone conversation that no national parks are in the area of the proposed connection.

**Comment:** A letter from the Rock Island Illinois Office of the United States Fish and Wildlife Service (Appendix C, Exhibit 13) stated that the agency had no objection

#### **5.1.7 Air Quality**

**Comment:** A letter from the Champaign County Department of Planning and Zoning (Appendix C, Exhibit 25) stated that Champaign County is presently an Air Quality Attainment Area and while increased rail traffic on the NS and UP lines would not result in a significant decrease in truck traffic in Champaign County, the increase in rail traffic would most likely result in a negligible increase in locomotive emissions.

#### **5.1.8 Noise**

**Comment:** A letter from the Champaign County Department of Planning and Zoning (Appendix C, Exhibit 25) stated that outside the urbanized areas of Champaign-Urbana and Rantoul, ambient noise levels in the county are generally low. Ambient noise levels in the area range between 36 and 52 dBA (*FAR Part 150 Noise Compatibility Study*, Coffman Associates, 1988). Increased traffic would tend to increase average noise levels. The magnitude of this impact would be directly proportional to the increase in traffic.

**Petitioner's Response:** This connection occurs in a rural part of Champaign County, and the nearest residence is approximately 450 feet away and would be outside of the Ldn 65 dBA contour. No other sensitive noise receptors would be within the Ldn 65 dBA contour for the proposed project.

#### **5.1.9 Cultural Resources**

**Comment:** A letter from the Champaign County Soil and Water Conservation District (Appendix C, Exhibit 23) stated that a Phase I archaeological survey may be needed to identify any cultural resources that may be on the site.

**Petitioner's Response:** The Illinois SHPO has identified no significant cultural resources on the site.

**Comment:** A letter from the Illinois State Historic Preservation Office (Appendix C, Exhibit 16) states that no significant historic, archaeological, or architectural resources in the proposed project area

### **5.1.10 Energy Resources**

**Comment:** A letter from the Champaign County Department of Planning and Zoning (Appendix C, Exhibit 25) stated that while railroads are significantly more energy efficient than other modes of ground transportation, the impact of the new connection on energy use in Champaign County is likely to be minimal since its potential for diverting highway traffic is not clear.

## **5.2 AGENCY SUGGESTED MITIGATION**

A list of the agencies consulted during the environmental review process and copies of agency correspondence related to this rail construction are provided in Appendix C.

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

- Petitioner would maintain all rail line warning devices according to Federal Railroad Administration standards.
- Petitioner would comply with all applicable Federal, state and local regulations regarding fugitive dust and open burning. Mitigation measures would include spraying surfaces with water or other dust suppressants.
- Petitioner will restore any adjacent properties that are disturbed during construction.
- Petitioner will use Best Management Practices (BMPs) to control erosion, runoff and surface instability during construction. After the new rail line is constructed, the petitioner will reseed outside the subgrade slope to provide permanent cover and prevent potential erosion.
- Petitioner will control temporary noise from construction equipment by ensuring all machinery has properly functioning muffler systems and by work hour controls.
- Petitioner will transport all hazardous materials in compliance with the U.S. Department of Transportation Hazardous Materials Regulations (49 CFR parts 171-174 and 177-179).
- In the case of a spill, the petitioner will follow appropriate emergency response procedures outlined in its emergency response plans.
- Petitioner will restore all roads disturbed during construction to the conditions required by state or local regulations.
- Petitioner would observe all applicable regulations for handling and disposing of waste materials, including hazardous waste.
- Petitioner would provide a private crossing so the property owner can reach farmland isolated by the proposed connection.



### **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 rail line connection construction in Sidney, Illinois.

#### **5.3.1 General Mitigation Measures**

SEA's recommendations include, but are not limited to, the following general mitigation conditions:

##### **Land Use**

1. NS shall restore any adjacent properties that are disturbed during construction activities to their pre-construction conditions.
2. Before undertaking any construction activities, NS shall consult with any potentially affected American Indian Tribes adjacent to, or having a potential interest in the right-of-way.

##### **Socioeconomics and Environmental Justice**

1. No impacts were identified so no mitigation will be required.

##### **Transportation Systems**

1. NS shall use appropriate signs and barricades to control traffic disruptions during construction.
2. NS shall restore roads disturbed during construction to conditions as required by state or local jurisdictions.

##### **Safety**

1. NS 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.
2. NS shall dispose of all materials that cannot be reused in accordance with state and local solid waste management regulations.
3. NS shall consult with the appropriate Federal, state and local agencies if hazardous waste and/or materials are discovered at the site.



4. NS shall transport all hazardous materials in compliance with U.S. Department of Transportation Hazardous Materials Regulations (49 CFR Parts 171 to 180). NS 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 for coordinated responses to incidents. In the case of a hazardous material incident, NS shall follow appropriate emergency response procedures contained in their Emergency Response Plans.

#### **Water Resources**

1. NS 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. NS shall use appropriate techniques to minimize impacts to water bodies and wetlands.

#### **Biological Resources**

1. NS 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 track is constructed, NS shall establish vegetation on the embankment slope to provide permanent cover and prevent potential erosion. If erosion develops, NS shall take steps to develop other appropriate erosion control procedures.
2. NS 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**

1. NS 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**

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

#### **Cultural Resources**

1. In those cases where historic resources would be adversely affected, NS shall not undertake construction activities until the Section 106 of the National Historic Preservation Act (16 U.S.C. 470f., as amended) review process is completed. If previously undiscovered archaeological remains are found during construction, NS shall cease work and immediately contact the SHPO to initiate the appropriate Section 106 process.

## **Energy**

1. No impacts were identified so no mitigation will be required.

### **5.3.2 Specific Mitigation Measures**

SEA does not identify any specific mitigation measures, in addition to the general mitigation measures identified above, that the Board impose for means of approval of the construction waiver for the proposed rail connection in Sidney, Illinois. SEA does not recommend any specific mitigation measures for a decision in approving the construction waiver for the proposed rail connection construction in Sidney, Illinois.

## **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, DC 20427. Mark the lower left corner of the envelope: Attention: Dana White, Environmental Comments, Finance Docket No. 33388 (Sub Nos. 1-7). You may also direct questions to Ms. White at this address or by telephoning (888) 869-1997.

Date made available to the public: October 7, 1997

Comment due date: October 27, 1997

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APPENDIX A

**APPENDIX A**  
**RAILROADS' REQUEST FOR EXPEDITED PROCESS**

CSX-1

EXPEDITED CONSIDERATION REQUESTED

BEFORE THE  
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 33388

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

PETITION FOR WAIVER OF  
49 C.F.R. § 1180.4(c)(2)(vi)

CSX Corporation ("CSXC"), CSX Transportation, Inc. ("CSXT"),<sup>1</sup>  
Conrail Inc. ("CRI") and Consolidated Rail Corporation ("CRC"),<sup>2</sup> hereby  
petition the Board, pursuant to 49 C.F.R. § 1180.4(f), for waiver of those  
provisions of 49 C.F.R. § 1180.4(c)(2)(vi) which might otherwise require that  
certain Notices or Petitions for Exemption that CSX and Conrail wish to file  
forthwith, for construction of certain connections, be delayed and filed  
concurrently with the filing of the Primary Application.

CSX has determined that it is necessary to construct four connections  
prior to a decision on the Primary Application. This construction must be  
completed and ready to operate immediately in order for CSXT to provide  
efficient service over its portions of Conrail and to compete effectively with  
Norfolk Southern Railway Company ("NSRC") if the application for joint control

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<sup>1</sup> CSXC and CSXT are referred to collectively as "CSX."

<sup>2</sup> CRI and CRC are referred to collectively as "Conrail."



of Conrail is approved. If the Board ultimately were to grant this Petition and the construction exemptions, CSXT would undertake to complete construction of these connections prior to the Board's decision on the Primary Application. As discussed more fully below, completion of these connections is essential if CSXT is to be able immediately to compete vigorously with NSRC at such time as the Board might grant the Primary Application. Without early authorization to proceed with such construction, CSXT would be severely limited in its ability to serve important customers.

Petitioners realize that such a request is not typical of the waivers routinely sought in major control transactions. For that reason, Applicants have limited the request as much as possible. If the Board agrees to waive the concurrent filing requirements of § 1180.4(c)(2)(vi), Petitioners initially would seek authority only to construct these essential connections. Petitioners would not operate over these connections unless and until the Board authorizes such operations pursuant to the Primary Application. Thus, the decision on operating authorization would depend on the Board's decision on the Primary Application.

If the Board grants this Petition for Waiver, CSX and Conrail will file, in separate dockets, a Notice of Exemption pursuant to 49 C.F.R. § 1150.36 for construction of a connection at Crestline, OH, and Petitions for Exemption pursuant to 49 U.S.C. § 10502 and 49 C.F.R. §§ 1121.1, 1150.1(a) for the construction of connections at Willow Creek, IN, Greenwich, OH, and Sidney, OH. CSX and Conrail expect to demonstrate that the standards for exemption set forth in 49 U.S.C. § 10502 are satisfied here: regulation of the proposed constructions is not necessary to carry out the national transportation policy or to protect shippers from abuse of market power. CSX would consult with appropriate federal, state and local agencies with respect to any potential

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environmental effects from the construction of their connections and would file environmental reports with SEA at the time that the notice and petitions are filed.

If CSXT must wait for approval of the Primary Application before it can begin construction of these four essential connections, its ability to compete effectively with NSRC upon the effectiveness of a Board order approving the Primary Application (the "Control Date") would be severely compromised; neither CSX nor the shipping public would be able to reap the full competitive benefits of the proposed transaction. Specifically, if CSXT could not offer competitive rail service from New York to Chicago and New York to Cincinnati using lines that it proposes to acquire from Conrail (including its new "Water Level Route" between New York and Cleveland), the achievement of effective competition between NSRC and CSXT -- one of the fundamental underlying bases for the transaction proposed in the Primary Application -- would be delayed significantly. This delay would adversely affect the shipping public, which would benefit from the anticipated vigorous competition between CSXT and NSRC. Moreover, if CSXT cannot compete effectively with NSRC "out of the starting blocks," this initial competitive imbalance could have a deleterious -- and long term -- effect on CSXT's future operations and its ability to compete effectively with NSRC even when the connections were ultimately built. For example, if only NSRC is able to offer direct service to Chicago and other major midwestern cities, shippers examining their new rail options may turn away from CSXT to NSRC -- or trucks. Customers lost as a result of less competitive service would be hard to win back when the connections are finally ready.

Waiver of the "related application" concurrent filing requirement of 49 C.F.R. § 1180.4(c)(2)(vi) with respect to exemptions for the construction of these connections would not require the Board to prejudge the Primary

Application. While the connections are essential to the prompt and full realization of the benefits of the Primary Application, exemption of their construction from regulation does not require the Board to make any assessment of the merits of the Primary Application itself. CSX is prepared to accept the risk that the Primary Application will not be granted and that CSXT will not benefit from the connections.

I. DESCRIPTION OF THE CONNECTIONS

Maps illustrating the locations of the proposed connections are included as Exhibits A-C. Exhibit A is a depiction of the proposed CSXT/NSRC rail lines in the Northeast. Exhibits B and C depict the location of the Willow Creek, IN, connection and its relationship to Chicago and Gibson Yard. A narrative description of the four proposed connections follows.

A. Crestline

Two main line tracks of Conrail cross at Crestline. Petitioners propose to construct a connection track between those two Conrail main lines in the NW Quadrant. The connection will extend approximately 1,142 feet between approximately Milepost 75.5 on Conrail's North-South main line between Greenwich, OH, and Indianapolis, IN, and approximately Milepost 188.8 on Conrail's East-West main line between Pittsburgh, PA, and Ft. Wayne, IN.

B. Greenwich

The lines of CSXT and Conrail cross each other at Greenwich, OH. Petitioners propose to construct connection tracks in the NW and SE Quadrants between CSXT's main line and Conrail's main line. The connection in the NW Quadrant will extend approximately 4,600 feet between approximately Milepost BG-193.1 on CSXT's main line between Chicago and Pittsburgh, and

approximately Milepost 54.1 on Conrail's main line from Cleveland to Cincinnati. A portion of this connection in the NW Quadrant will be constructed utilizing existing trackage and/or right-of-way of the Wheeling & Lake Erie Railway Company (W&LE). The connection in the SE Quadrant will extend approximately 1,044 feet between approximately Milepost BG-192.5 on CSXT's main line and approximately Milepost 54.6 on Conrail's main line.

C. Sidney

CSXT and Conrail lines cross each other at Sidney Junction, OH. Petitioners propose to construct a connection track in the SE Quadrant between CSXT's main line and Conrail's main line. The connection will extend approximately 3,263 feet between approximately Milepost BE-96.5 on CSXT's main line between Cincinnati, OH, and Toledo, OH, and approximately Milepost 163.5 on Conrail's main line between Cleveland, OH, and Indianapolis, IN.

D. Willow Creek

CSXT and Conrail cross each other at Willow Creek, IN. Petitioners propose to construct a connection track in the SE Quadrant between CSXT's main line and Conrail's main line. The connection will extend approximately 2,800 feet between approximately Milepost BI-236.5 on CSXT's main line between Garrett, IN, and Chicago, IL, and approximately Milepost 248.8 on Conrail's main line between Porter, IN, and Gibson Yard, IN (outside Chicago).

II. EARLY CONSTRUCTION OF THESE CONNECTIONS IS NECESSARY TO REALIZE THE PUBLIC BENEFITS OF THE TRANSACTION IN THE EVENT THE BOARD APPROVES THE PRIMARY APPLICATION

An essential feature of the proposed transaction is the creation of two competitive routes between New York and Chicago, and between New York and



other major midwestern cities such as Cincinnati. The proposed transaction would provide both CSXT and NSRC with competitive routes from New York to Chicago and other major midwestern cities through, among other things, the division of operating rights over the "Conrail X"<sup>3</sup> between them.

Under the terms of the Letter Agreement of April 8, 1997, between CSX and Norfolk Southern Corporation ("NSC"),<sup>4</sup> CSXT would acquire the rights to operate over the leg of the Conrail "X" that runs from New York and Boston, through Cleveland, to St. Louis. NSRC would acquire the rights to operate over the leg that runs from Philadelphia to Chicago, and both parties will reach the New York/Northern New Jersey area. While CSXT has acquired the right to operate the Water Level Route to Chicago from New York and Boston as far west as Cleveland, the remainder of that route, running to Chicago, will be operated by NSRC.

The proposed transaction is designed, *inter alia*, to give CSXT and NSRC each competitive routes from New York to Chicago (and through the Chicago gateway to the West). The creation of two competitive rail routes from New York to Chicago is one of the most important competitive public benefits to be created by the division of Conrail. CSXT must find an alternative or alternatives for the "missing part" of the Water Level Route between Cleveland and Chicago. In addition, an efficient service route from Cleveland to Cincinnati (and beyond, to the Memphis gateway) must be developed by connections with existing parts of CSXT's system. The connections that CSXT proposes to

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<sup>3</sup> The Conrail lines running diagonally from Boston and New York to St. Louis, through Cleveland, form one half of the formation commonly known as the "Conrail X." The other half of the "X" encompasses the Conrail lines from Chicago to the Philadelphia area.

<sup>4</sup> NSRC and NSC are referred to collectively as "NS."

construct on an expedited basis would facilitate the establishment of such efficient routes between the Northeast and Chicago over the Water Level Route and from New York to Cincinnati.

To reach Chicago, CSXT would route its New York-Chicago trains southwest from Cleveland on the Conrail line running through Greenwich and Crestline (which CSXT will operate under the proposed division). CSXT then would have two alternative routes to reach Chicago. At Greenwich, CSXT's Chicago-bound trains would be able to connect to the existing CSXT line (part of the former B&O line) from Greenwich to Chicago. At Crestline, these Chicago-bound trains would be able to connect to the Conrail line (which CSXT will operate under the proposed division) from Crestline, OH, to Chicago (via Lima, OH, and Fort Wayne, IN).<sup>5</sup> Neither connection exists today.

Of these two alternatives, the primary route to Chicago would be the former B&O line, which would be accessed at Greenwich, OH. CSX has committed itself to a multimillion dollar program of improvement of the B&O line to Chicago.<sup>6</sup> Yet, presently at Greenwich there is no connection at the only point where movement on and off the B&O line, coming off or going to the Water Level Route at Cleveland, can take place. Thus, a connection must be constructed.

The line from Crestline through Fort Wayne, IN, will handle less time-sensitive traffic. Again, there is no existing connection at the intersection of the

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<sup>5</sup> NS presently owns this line from Fort Wayne, IN, to Chicago. The Fort Wayne-Chicago line will be the subject of a like-kind exchange by NS with Conrail for another line.

<sup>6</sup> During the pendency of the Primary Application, CSX intends to make substantial improvements, which are not subject to STB jurisdiction, to various of its lines such as double tracking, the installation of side tracks and the rehabilitation of track.

Conrail northeast to southwest line with its Fort Wayne line at Crestline. A connection must be constructed.

Trains moving to Chicago over the CSXT (former B&O) line would have to switch to the Porter Branch of the Conrail line at Willow Creek, IN, in order to enter the IHB's Gibson Yard in Chicago. Again, there is no connection at Willow Creek. Construction of connections at Greenwich, Crestline, and Willow Creek therefore are essential to permit CSXT's trains to move efficiently between New York and Chicago (and vice versa).

Similarly, to operate trains efficiently between New York and Cincinnati via the Water Level Route to Cleveland, CSXT must be able to run its trains from the existing Conrail line between Cleveland and Sidney, OH, to the CSXT line segment between Sidney and Cincinnati.<sup>7</sup> Thus, construction of a connection at Sidney is essential to give CSXT the benefit of the competitive route it would acquire, and is necessary to effectuate the competitive purposes of dividing the "Conrail X."

It is critical that CSXT be able to complete construction of the connections at Greenwich, Crestline, Willow Creek, and Sidney before the decision on the Primary Application. Without these connections, CSXT would be unable to provide efficient, competitive service to the public on these important routes until several months after the Control Date.<sup>8</sup> If CSXT could not

<sup>7</sup> Cincinnati is important, not only as an originating/terminating area, but also as the location of CSXT's Queensgate Yard.

<sup>8</sup> The time needed for construction and signal work could delay competitive operations over these important segments of the proposed CSXT rail system for as long as six months after the Board took action on the Primary Application. CSXT needs to begin construction by September 1, 1997, to avoid delay that would result from the interruption of construction due to the onset of winter in northern Ohio.

immediately begin operation over its new competitive routes from New York to Chicago and New York to Cincinnati, the opportunity for shippers to have access to new head-to-head competition -- a primary benefit of the proposed transaction -- would be delayed.

CSXT's initial inability to link its lines to create competitive routes from the New York to Chicago-Cincinnati markets would place CSXT at a severe competitive disadvantage if NSRC is able to run on its lines from the start. This initial competitive disadvantage could have continuing effects well into the future, diminishing CSXT's strength as a competitor and detracting from the public benefits of the CSXT/NSRC competition anticipated by the Primary Application.

III. **APPROVAL OF THIS WAIVER WOULD NOT AFFECT BOARD CONSIDERATION OF THE PRIMARY APPLICATION OR OTHER RELATED APPLICATIONS**

A waiver of 49 C.F.R. § 1180.4(c)(2)(vi) would not compromise the Board's ability to consider independently the merits of the Primary Application. First, the waiver simply would permit Conrail and CSX to seek exemptions for construction of the connections. Any grant of authority for CSXT to operate over the connections with Conrail lines would be deferred until the Board's ruling on the Primary Application.

Second, CSX is willing to assume the financial risks associated with constructing these connections without any assurances that operating authority would be granted. If the Board does not approve the Primary Application, it need not approve operations over these connections; the Board also could entertain notices of exemption or other appropriate petitions to permit operations by the interested railroad or railroads over any of the four connections that would provide public benefits independent of the proposed transaction.

CSX's express acceptance of the financial risks attendant to constructing these connections prior to Board action on the Primary Application is intended to reassure the Board and the parties to Docket No. 33388 that CSX neither requests nor expects the Board to prejudge the Primary Application. Indeed, the costs and scope of these connections is quite small in comparison to the scope of the stock acquisition, construction and other expenditures associated with the transaction proposed in the Primary Application.

In the event that the Board rejects the Primary Application, the connections would remain the property of the railroad or railroads on which they are located. Some or all of the connections might later be determined to provide benefits to the national rail system independent of the proposed transaction. Or, the track materials could be removed and reused if needed elsewhere.

The Board has recognized, in other contexts, that conditionally approving construction projects before the Board completes its analysis of all issues related to those projects does not constitute prejudgment of any unresolved issues. For example, the Board has conditionally approved the construction of connections before it completed its environmental review, explaining that "[g]ranted the requested conditional exemption [would] not diminish [its] capacity to consider environmental matters when [it] issue[d] a final decision addressing environmental issues and making the exemption effective at that time." Hastings Indus. Link R.R. -- Constr. and Operation Exemption -- Hastings, NE, F.D. No. 32984, 1996 WL 706769 \*2 (I.C.C.) (decided Dec. 2, 1996); see also Jackson County Port Auth. -- Constr. Exemption -- Pascagoula, MS, F.D. No. 31536, 1990 WL 287815 \*2 (I.C.C.) (decided Aug. 6, 1990).

Permitting Conrail and CSX to file the requisite notice and petitions for exemptions for construction of the connections described herein prior to the filing



of the Primary Application would not affect the Board's ability to decide the Primary Application independently on its merits.

IV. NO ISSUE OF PREMATURE CONTROL IS PRESENTED

The construction of these connections in whole or in part on Conrail property would not involve any unauthorized or premature exercise of control over Conrail by CSX. The constructions would take place only with Conrail's consent, given by its present independent management, and on terms overwhelmingly favorable to Conrail. Construction would be entirely at CSX's expense. Steps would be taken to assure that there is no adverse impact on Conrail's train movements. Conrail would obtain title to the improvements made on its property. Appropriate indemnification of Conrail would be provided. If the Board does not approve the control transaction, Conrail would not be any the worse for having had new construction work done on its property, and may be benefited by it; it would own the constructed connections and, if it wishes, could seek authority from the Board to commence operations using them.

CONCLUSION

CSX and Conrail therefore request that the Board grant this Petition for Waiver of § 1180.4(c)(iv), so that the proposed Notice of Exemption and Petitions for Exemptions may be filed and acted upon separately from the

Primary Application. Further, to facilitate the environmental review process and achieve the benefits described herein in a timely manner, CSX and Conrail request that the Board act expeditiously on this petition.



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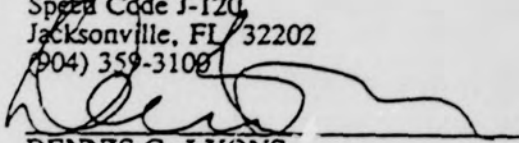
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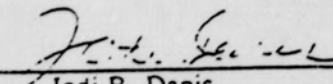
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Counsel for CSX Corporation and CSX  
Transportation, Inc.

May 2, 1997

CERTIFICATE OF SERVICE

I, Jodi B. Danis, certify that on May 2, 1997, I have caused to be served a true and correct copy of the foregoing CSX-1, Petition for Waiver of 49 C.F.R. § 1180.4(c)(vi), on all parties that have appeared in Finance Docket No. 33388, by first-class mail, postage prepaid, or by more expeditious means, as listed on the attached Service list.

  
\_\_\_\_\_  
Jodi B. Danis

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APPENDIX B



## APPENDIX B

### STB DECISION 9 DECISION 9 PRESS RELEASE

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#### SURFACE TRANSPORTATION BOARD

#### DECISION

STB Finance Docket No. 33388

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

Decision No. 9<sup>1</sup>

Decided: June 11, 1997

On April 10, 1997, CSX Corporation (CSXC), CSX Transportation, Inc. (CSXT), Norfolk Southern Corporation (NSC), Norfolk Southern Railway Company (NSR), Conrail Inc. (CRI), and Consolidated Rail Corporation (CRC)<sup>2</sup> filed their notice of intent to file an application seeking our authorization for: (a) the acquisition by CSX and NS of control of Conrail, and

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<sup>1</sup>This decision also embraces the following proceedings: STB Finance Docket No. 33388 (Sub-No. 1), *CSX Transportation, Inc., and Consolidated Rail Corporation--Construction--Crestline, OH*; STB Finance Docket No. 33388 (Sub-No. 2), *CSX Transportation, Inc., and Consolidated Rail Corporation--Construction--Willow Creek, IN*; STB Finance Docket No. 33388 (Sub-No. 3), *CSX Transportation, Inc., and Consolidated Rail Corporation--Construction--Greenwich, OH*; STB Finance Docket No. 33388 (Sub-No. 4), *CSX Transportation, Inc., and Consolidated Rail Corporation--Construction--Sidney Junction, OH*; STB Finance Docket No. 33388 (Sub-No. 5), *Norfolk Southern Railway Company and Consolidated Rail Corporation--Construction--Colson/Bucyrus, OH*; STB Finance Docket No. 33388 (Sub-No. 6), *Norfolk Southern Railway Company and Consolidated Rail Corporation--Construction--Alexandria, IN*; and STB Finance Docket No. 33388 (Sub-No. 7), *Norfolk Southern Railway Company--Construction--Sidney, IL*.

<sup>2</sup>CSXC and CSXT are referred to collectively as CSX. NSC and NSR are referred to collectively as NS. CRI and CRC are referred to collectively as Conrail. CSX, NS, and Conrail are referred to collectively as applicants.

(b) the division of Conrail's assets by and between CSX and NS. In Decision No. 5, served and published in the *Federal Register* on May 13, 1997, at 62 FR 26352, we invited comments from interested persons respecting the CSX-1 and NS-1 petitions filed May 2, 1997, by applicants CSX and NS, wherein applicants seek, for seven construction projects, waivers of our otherwise applicable "everything goes together" rule.<sup>3</sup> The requested waivers, if granted, would allow CSX and NS to begin construction on the seven projects following the completion of our environmental review of the constructions, and our issuance of further decisions exempting or approving construction, but in advance of a final ruling on the primary application.

Seven construction projects, more fully detailed below, are the focus of the two petitions. Applicants contend that it is important that these projects (all of which involve relatively short connections between two rail carriers and which have a total length of fewer than 4 miles) be constructed prior to a decision on the primary application. Applicants claim that these connections must be in place prior to a decision on the primary application so that, if and when we approve the primary application, CSXT (with respect to four of the connections) and NSR (with respect to the other three) will be immediately able to provide efficient service in competition with each other. Applicants contend that, without early authorization to construct these connections, both CSXT and NSR would be severely limited in their ability to serve important (though different) customers. At the same time, applicants recognize that there can be no construction until we complete our environmental review of each of these construction projects and we issue a decision approving the construction, or an exemption from our otherwise applicable construction approval criteria, and impose whatever environmental conditions that we find appropriate.

**The CSX Connections.** If we grant its waiver request, CSXT will file, in four separate dockets,<sup>4</sup> a notice of exemption pursuant to 49 CFR 1150.36 for construction of a connection at Crestline, OH, and petitions for exemption pursuant to 49 U.S.C. 10502 and 49 CFR 1121.1 and 1150.1(a) for the construction of connections at Greenwich and Sidney, OH, and Willow Creek, IN. CSXT indicates that it would consult with appropriate federal, state, and local agencies with respect to any potential environmental effects from the construction of these connections and would file environmental reports with our Section of Environmental Analysis (SEA) at the time that the notice and petitions are filed. The connections at issue are as follows:

- (1) Two main line CRC tracks cross at Crestline, and CSXT proposes to construct in the northwest quadrant a connection track between those two CRC main lines. The connection would extend approximately 1,507 feet<sup>5</sup> between approximately

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<sup>3</sup>Our regulations provide that applicants shall file, concurrently with their 49 U.S.C. 11323-25 primary application, all "directly related applications, e.g., those seeking authority to construct or abandon rail lines, \* \* \* ." 49 CFR 1180.4(c)(2)(vi). Our regulations also provide, however, that, for good cause shown, we can waive a portion, but not all, of the requirements otherwise imposed by our regulations. 49 CFR 1180.4(f)(1).

<sup>4</sup>These dockets will be sub-dockets 1, 2, 3, and 4 under STB Finance Docket No. 33388.

<sup>5</sup>CSXT's correction, filed May 21, 1997, modified the length of this connection from 1,142 feet at MP 75.5 to 1,507 feet at MP 75.4.

MP 75.4 on CRC's North-South main line between Greenwich, OH, and Indianapolis, IN, and approximately MP 188.8 on CRC's East-West main line between Pittsburgh, PA, and Ft. Wayne, IN.

- (2) CSXT and CRC cross each other at Willow Creek, and CSXT proposes to construct a connection track in the southeast quadrant between the CSXT main line and the CRC main line. The connection would extend approximately 2,800 feet between approximately MP BI-236.5 on the CSXT main line between Garrett, IN, and Chicago, IL, and approximately MP 248.8 on the CRC main line between Porter, IN, and Gibson Yard, IN (outside Chicago).
- (3) The lines of CSXT and CRC cross each other at Greenwich, and CSXT proposes to construct connection tracks in the northwest and southeast quadrants between the CSXT main line and the CRC main line. The connection in the northwest quadrant would extend approximately 4,600 feet between approximately MP BG-193.1 on the CSXT main line between Chicago and Pittsburgh, and approximately MP 54.1 on the CRC main line between Cleveland and Cincinnati. A portion of this connection in the northwest quadrant would be constructed utilizing existing trackage and/or right-of-way of the Wheeling & Lake Erie Railway Company. The connection in the southeast quadrant would extend approximately 1,044 feet between approximately MP BG-192.5 on the CSXT main line and approximately MP 54.6 on the CRC main line.
- (4) CSXT and CRC lines cross each other at Sidney Junction, and CSXT proposes to construct a connection track in the southeast quadrant between the CSXT main line and the CRC main line. The connection would extend approximately 3,263 feet between approximately MP BE-96.5 on the CSXT main line between Cincinnati, OH, and Toledo, OH, and approximately MP 163.5 on the CRC main line between Cleveland, OH, and Indianapolis, IN.

CSXT argues that, if it cannot begin the early construction of these four connections, its ability to compete with NSR will be severely compromised. CSXT claims that, if it could not offer competitive rail service from New York to Chicago and New York to Cincinnati using lines that it proposes to acquire from CRC, the achievement of effective competition between CSXT and NSR would be delayed significantly. CSXT adds that, if it cannot compete effectively with NSR "out of the starting blocks," this initial competitive imbalance could have a deleterious and long-term effect on CSXT's future operations and its ability to compete effectively with NSR, even when the connections are ultimately built. CSXT claims that, if its waiver was not granted, the time needed for construction and signal work could delay competitive operations for as long as 6 months after we take final action on the primary application.

**The NS Connections.** If we grant its waiver request, NSR will file, in three separate dockets,<sup>6</sup> petitions for exemption pursuant to 49 U.S.C. 10502 and 49 CFR 1121.1 and 1150.1(a)

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<sup>6</sup>These dockets would be sub-dockets 5, 6, and 7 under STB Finance Docket No. 33388.



for the construction of connections at Alexandria, IN, Colson/Bucyrus, OH,<sup>7</sup> and Sidney, IL. NSR indicates that it would consult with appropriate federal, state, and local agencies with respect to any potential environmental effects from the construction of these connections and would file environmental reports with SEA at the time that the petitions are filed. The connections at issue are as follows:

- (1) The Alexandria connection would be in the northeast quadrant between former CRC Marion district lines to be operated by NSR and NSR's existing Frankfort district line. The new connection would allow traffic flowing over the Cincinnati gateway to be routed via a CRC line to be acquired by NSR to CRC's Elkhart Yard, a major CRC classification yard for carload traffic. This handling would permit such traffic to bypass the congested Chicago gateway. NSR estimates that the Alexandria connection would take approximately 9.5 months to construct.
- (2) The Colson/Bucyrus connection would be in the southeast quadrant between NSR's existing Sandusky district line and the former CRC Ft. Wayne line. This new connection would permit NSR to preserve efficient traffic flows, which otherwise would be broken, between the Cincinnati gateway and former CRC northeastern points to be served by NSR. NSR estimates that the Colson/Bucyrus connection would take approximately 10.5 months to construct.
- (3) The Sidney connection would be between NSR and Union Pacific Railroad Company (UPRR) lines. NSR believes that a connection would be required in the southwest quadrant of the existing NSR/UPRR crossing to permit efficient handling of traffic flows between UPRR points in the Gulf Coast/Southwest and NSR points in the Midwest and Northeast, particularly customers on CRC properties to be served by NSR. NSR estimates that the Sidney connection would take approximately 10 months to construct.

**Comments.** Four comments opposing applicants' waiver requests were filed. Steel Dynamics, Inc. (SDI) filed comments (SDI-3) on May 6, 1997; The Allied Rail Unions (ARU)<sup>8</sup> filed comments (ARU-3) on May 15, 1997; American Trucking Associations, Inc. (ATA) filed comments on May 16, 1997; and The Council on Environmental Quality, Executive Office of the President (CEQ) late-filed comments on June 4, 1997.<sup>9</sup> On June 4, 1997, CSX filed a reply

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<sup>7</sup>Although NSR in its petition describes this connection as Colson/Bucyrus, the correct designation is Colson/Bucyrus. See diagram attached to NS-1.

<sup>8</sup>ARU's membership includes American Train Dispatchers Department/BLE; Brotherhood of Locomotive Engineers; Brotherhood of Maintenance of Way Employees; Brotherhood of Railroad Signalmen; Hotel Employees and Restaurant Employees International Union; International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers; International Brotherhood of Electrical Workers; The National Conference of Firemen & Oilers/SEIU; and Sheet Metal Workers' International Association.

<sup>9</sup>As indicated in Decision No. 5, the comments filed by CEQ were due no later than June 2, 1997. We have accepted and considered CEQ's comments, and have permitted applicants to reply to the comments by June 6, 1997.

(CSX-3) to the comments of ARU and ATA; and NS filed a reply (NS-3) to the comments of SDI, ARU, and ATA. On June 6, 1997, CSX and NS filed a joint reply (CSX/NS-16) to the comments of CEQ.

*Steel Dynamics, Inc.* SDI asks us to deny NSR's waiver petition and to require NSR to file any construction application or exemption with its primary application.<sup>10</sup> SDI believes that NSR's three proposed construction connections are intertwined with the issues involved in the primary application. Creating separate dockets for these connections, according to SDI, will not be an efficient use of the Board's resources nor permit an adequate review of the issues involved in the Midwest region. SDI contends that the proposed transfer of NSR's Fort Wayne line to CRC, followed by CRC's transfer of the line, under a long-term operating agreement, to CSXT, see Decision No. 4, slip op. at 6-7, is intended to disguise the asserted fact that the acquisition of Conrail will create duplicate Chicago-bound lines only about 25 miles apart, running through Waterloo and Fort Wayne, IN. SDI maintains that our consideration of issues as complex as NSR's proposed connections and the possible divestiture of duplicate lines should not precede our review of the primary application.<sup>11</sup>

*The Allied Rail Unions.* ARU opposes the CSX-1 and NS-1 waiver petitions as inconsistent with our review of the primary application. ARU argues that, by requesting the waivers, CSXT and NSR seek leverage for our ultimate approval of the application, while allegedly evading public scrutiny and comment on the transaction as a whole. ARU maintains that the construction projects are directly related to, and are dependent on, our approval of the primary transaction, and that the construction projects should be authorized only if the transaction itself is authorized. ARU argues that our merger regulations already confer a significant advantage on the applicants because they may immediately file for related abandonments and line transfers, even though they do not currently own the affected lines. ARU avers that, as a consequence, CSXT and NSR have no basis to seek additional advantage through their waiver requests. ARU contends that applicants offered no evidence to support their "competitive disadvantage" or "delay of public benefits" arguments. According to the unions, the applicants' arguments on competitive disadvantage are inherently inconsistent because both carriers assert that they will be disadvantaged unless their respective petitions are granted. Accordingly, ARU believes that a reasonable competitive balance can be maintained by denying both waiver petitions.

*American Trucking Associations, Inc.* ATA asks us to reserve judgment on the seven

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<sup>10</sup>SDI did not address the merits of CSXT's waiver petition.

<sup>11</sup>SDI also asserts that NS has not sought waiver of our requirement that waiver petitions be filed at least 45 days prior to the filing of the primary application. See 49 CFR 1180.4(f)(2). SDI therefore asks us to clarify that NS may not file its application before June 16, 1997, regardless of whether NS-1 is granted. We note that, in accordance with the procedural schedule adopted in Decision No. 6 (served and published on May 30, 1997) applicants may not file their primary application until 30 days after the filing of applicants' Preliminary Environmental Report, which was filed on May 16, 1997. The primary application, therefore, may be filed only on or after June 16, 1997. SDI's request in this regard is moot.



construction projects until the primary application is filed and reviewed by the parties. ATA contends that our approval of the waivers, despite any disclaimer to the contrary, could be interpreted by the public as tacit support for the primary application and inadvertently stifle full debate on the relevant issues. According to ATA, early consideration of the construction projects will unreasonably burden the parties and the Board's staff by requiring incremental participation in the transaction approval process. ATA also maintains that the competitive impact of the seven construction projects could not be adequately determined in the absence of consideration of the primary application.

*The Council on Environmental Quality, Executive Office of the President.* CEQ believes that the construction and operation aspects of applicants' track connection projects should be assessed at the same time so that the environmental impacts of operating these rail lines can be properly evaluated. CEQ cites its regulations at 40 CFR 1508.25(a)(1) that, when actions are "closely related," they "should be discussed in the same impact statement." CEQ also maintains that bifurcation of the related decisions appear to conflict with 40 CFR 1506.1(c)(3), which prohibits agencies from taking actions that will prejudice the ultimate decision in a programmatic environmental impact statement (EIS). In this regard, CEQ contends that, even though the proposed merger does not involve a programmatic EIS, if we grant the proposed waivers, the likelihood that we will subsequently deny the merger tends to decrease.

According to CEQ, courts have recognized the need to prepare a comprehensive EIS when actions are functionally or economically related in order to prevent projects from being improperly segmented. CEQ argues that the fact that applicants are willing to risk our eventual disapproval of the merger does not remove the interdependence of these individual decisions.

## DISCUSSION AND CONCLUSIONS

Applicants' waiver petitions will be granted. It is understandable that applicants want to be prepared to engage in effective, vigorous competition immediately following consummation of the control authorization that they intend to seek in the primary application.<sup>12</sup> We are not

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<sup>12</sup>In this regard, we note that ARU is simply wrong in its assertion that a reasonable competitive balance can be maintained by denying both waiver petitions, so that neither carrier would face unanswered competition from the other. In their original petitions requesting waiver, both CSX and NS separately explained that these connections would permit each carrier to be able, as soon as possible following any Board approval of the primary application, to link its expanded system and compete with the other carrier in areas in which the other carrier's infrastructure would already be in place. As CSX has further explained (CSX-3 at 8):

CSX and NS have requested permission to construct connections that largely address different markets. Three of CSX's connections are intended to allow it to provide competitive services on routes linking Chicago and New York and the fourth on Northeast-Southeast routes served via Cincinnati. These are routes that NS will be able to serve immediately upon any Board approval of the Acquisition. NS's proposed connections, on the other hand, are focused on allowing it to compete with CSX in serving southwestern markets and to make use of an important Chicago-area yard used for interchanging traffic with western carriers. Denying the waiver petitions will only assure that inequality (12 continued) in competition, and the potential long term problems created by such inequality, will occur.

inclined to prevent applicants from beginning the construction process simply to protect them from the attendant risks. We emphasize what applicants acknowledge--that any resources they expend in the construction of these connections may prove to be of little benefit to them if we deny the primary application, or approve it subject to conditions unacceptable to applicants, or approve the primary application but deny applicants' request to operate over any or all of the seven connections. Nonetheless, given applicants' willingness to assume those risks, we will grant the waivers they seek in CSX-1 and NS-1.

ARU maintains in its comments that applicants have no basis for seeking the waivers. Our rules, however, specifically provide for such requests, and we have entertained numerous waiver and clarification petitions in previous rail merger cases, as well as this one. *See, e.g.* Decision No. 7 (STB served May 30, 1997). ATA and SDI argue that the competitive effect of the involved connections should be considered as part of the primary application. We agree. Applicants' *operations* over these connections are interdependent with the primary application, and we will consider the competitive impact of the projects and the environmental effects of those operations along with our consideration of the primary application. Without authority to operate over the seven track connections for which the waivers are sought, applicants' construction projects alone will have no effect on competition. We emphasize that the waiver petitions that we are granting here are restricted to the construction of, and not the operation over, the seven connection projects described above.

The commenters complain that granting the waivers constitutes a prejudicial "rush to judgment" with respect to the primary application. However, as we emphasized in our May 13, 1997 request for comments, our grant of these waivers will not, in any way, constitute approval of, or even indicate any consideration on our part respecting approval of, the primary application. We also found it appropriate to note that, if we granted the waivers sought in the CSX-1 and NS-1 petitions, applicants would not be allowed to argue that, because we had granted the waivers, we should approve the primary application. We affirm those statements here.

**Environmental considerations.** CEQ has advised us not to consider the proposed construction projects separately from the operations that will be conducted over them. CEQ's recommendation is based upon its regulations at 40 CFR 1508.25(a)(1)(i)-(iii), and upon various court decisions, indicating that "when a given project effectively commits decisionmakers to a future course of action [] this form of linkage argue[s] strongly for joint environmental evaluation." *Coalition of Sensible Transp. v. Dole*, 826 F.2d 60, 69 (D.C. Cir. 1987). We believe, however, that we have the authority to consider the proposed construction projects separately, and agree with the applicants that permitting the construction proceedings to go forward now would be in the public interest and would not foreclose our ability to take the requisite hard look at all potential environmental concerns.

After reviewing the matter, we do concur with CEQ that regulatory and environmental issues concerning both the construction and operating aspects of these seven small construction

projects should be viewed together.<sup>13</sup> Thus, in reviewing these projects separately, we will consider the regulatory and environmental aspects of these proposed constructions and applicants' proposed operations over these lines together in the context of whether to approve each individual physical construction project.<sup>14</sup> The operational implications of the merger as a whole, including operations over the 4 or so miles embraced in the seven construction projects, will be examined in the context of the EIS that we are preparing for the overall merger. That EIS may result in further environmental mitigating conditions. No rail operations can begin over these seven segments until completion of the EIS process and issuance of a further decision.

We believe that CEQ may have misconstrued the merger project as consisting of just two roughly equivalent elements: construction and operation. In fact, these seven construction projects, including the operations over them, are but a tiny facet of an over \$10 billion merger project. To put matters in perspective, the construction projects together amount to fewer than 4 miles of connecting track for a 44,000-mile rail system covering the eastern half of the United States.<sup>15</sup> Our approval of the construction exemptions will in no way predetermine the outcome of our merger decision. As was the case in *North Carolina v. City of Virginia Beach*, 951 F.2d 596, 602 (4th Cir. 1991) (*North Carolina*), segmentation of one phase of a larger project prior to completion of environmental review will not have "direct and substantial probability of influencing [the agency's] decision" on the overall project. *Accord, South Carolina ex. rel. Campbell v. O'Leary*, 64 F.3d 892, 898-99 (4th Cir. 1995). Approval of the constructions will not make approval of the merger any more likely, and we have made that clear to the railroads in advance. *Compare Thomas* (where the Forest Service committed substantial public funds to a road project that could not be recovered absent its approval of related logging projects) with *North Carolina*, 951 F.2d at 602 (where, as here, the facts reflect that the city proposing the project accepted the risk that funds expended or constructed could be lost if the overall project were not approved).

Nor will separate consideration and approval of these small construction projects in any way undermine our ability to give meaningful and thorough consideration to all environmental issues surrounding the larger merger proposal. We have not, by segmenting these construction projects, broken down the environmental impacts of the merger into insignificant pieces escaping environmental review. *See Swain v. Brinegar*, 542 F.2d 364 (7th Cir. 1976). Indeed, we are

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<sup>13</sup>The applicable statute for both construction and operation of new rail lines is 49 U.S.C. 10901, which requires us to permit such actions unless they are shown to be inconsistent with the public convenience and necessity.

<sup>14</sup>We will have the information we need to do this because applicants' environmental report that will accompany the application will address the environmental impacts of both the construction and proposed operation of these projects. In addition, as discussed below, applicants will be required to file a detailed preliminary draft environmental assessment (PDEA) for each of the seven projects.

<sup>15</sup>Applicants point out that much of the construction on these short segments will take place within existing rights-of-way, suggesting that they will be unlikely to have significant environmental impacts. *Compare Thomas v. Peterson*, 753 F.2d 754 (9th Cir. 1985) (*Thomas*) (where the Forest Service proposed to construct a road through a pristine wilderness). Applicants also suggest that there are no alternative routings for these projects. That issue, however, has not yet been determined; it will be examined in the environmental assessments (EAs) or other environmental documents that will be prepared for each of these construction projects.



preparing an EIS for the overall merger, and we will undertake appropriate environmental documentation for each of the seven individual construction projects. Our approach is appropriate because the environmental impacts of these constructions tend to be localized, whereas the impacts of the merger will affect a much larger area (quite likely the Eastern United States).

In sum, separate consideration of the seven construction projects and their environmental impacts should not be precluded by 40 CFR 1508.25 because: (1) approval of the construction projects will not automatically trigger approval of the merger; moreover, we have already determined to do an EIS for the merger and separate approval of these construction projects will in no way affect that decision; and (2) these appear to be "garden-variety connection projects" that will proceed at the railroads' financial risk, independent of the much larger merger proposal.

Having decided to grant the petitions for waiver, we will now set out some details of how we plan to proceed. In order to fulfill our responsibilities under the National Environmental Policy Act (NEPA) and related environmental laws, we will require applicants to submit certain information on the environmental effects of the construction and operation of the seven proposed connections. As noted, the applicants will file an environmental report with the primary application that will address all of the construction projects associated with the proposed merger, including the seven connections discussed in this decision.

In addition, we will require that applicants provide a specific PDEA for each individual construction project covered by this decision. Each PDEA must comply with all of the requirements for environmental reports contained in our environmental rules at 49 CFR 1105.7. Also, the PDEA must be based on consultations with our Section of Environmental Analysis (SEA) and the federal, state, and local agencies set forth in 49 CFR 1105.7(b), as well as other appropriate parties. The information in the PDEA should be organized as follows: Executive Summary; Description of Each Construction Project Including Proposed Operations; Purpose and Need for Agency Action; Description of the Affected Environment; Description of Alternatives; Analysis of the Potential Environmental Impacts; Proposed Mitigation; and Appropriate Appendices that include correspondence and consultation responses. If a PDEA is insufficient, we may require additional environmental information or reject the document. We advise the applicants to consult with SEA as soon as possible concerning the preparation and content of each PDEA.

As part of the environmental review process, SEA will independently verify the information contained in each PDEA, conduct further independent analysis, as necessary, and develop appropriate environmental mitigation measures. For each project, SEA plans to prepare an EA, which will be served on the public for its review and comment. The public will have 20 days to comment on the EA, including the proposed environmental mitigation measures. After the close of the public comment period, SEA will prepare Post Environmental Assessments (Post EAs) containing SEA's final recommendations, including appropriate mitigation. In making our decision, we will consider the entire environmental record, including all public comments, the EAs, and the Post EAs.

Should we determine that any of the construction projects could potentially cause, or contribute to, significant environmental impacts, then the project will be incorporated into the EIS for the proposed merger and will not be separately considered. In order to provide SEA with adequate time to incorporate the proposed connections into the draft EIS, if warranted, applicants must file the PDEAs no later than Day F+75 under the procedural schedule established in Decision No. 6.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

*It is ordered:*

1. The CSX-1 and NS-1 petitions for waiver are granted.

2. NSR and CSXT must serve copies of this decision on the Council on Environmental Quality, the Environmental Protection Agency's Office of Federal Activities, and the Federal Railway Administration, and certify that they have done so within 5 days from the date of service of this decision.

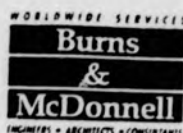
3. This decision is effective on the date of service.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams  
Secretary



APPENDIX C



May 22, 1997

National Forest Service  
 Region 9 - Eastern  
 Robert Jacobs, Regional Forester  
 310 W. Wisconsin Ave., Rm. 500  
 Milwaukee, WI 53203

Norfolk Southern Corporation  
 Proposed Norfolk Southern Construction Projects  
Project No. 96-678-4-100

Dear Mr. Jacobs:

This letter is to notify you of two construction projects proposed by Norfolk Southern Railway Company (NS): (1) a connection between two rail lines in Bucyrus, Ohio, and (2) a connection between two rail lines in Sidney, Illinois. The Bucyrus connection would be 2,400 feet long and occupy 5.5 acres. The Sidney connection would be 3,200 feet long and occupy 7.3 acres. Six trains per day are expected to be operated over the proposed Sidney tracks and eleven trains per day are expected to be operated over the proposed Bucyrus tracks. This letter also requests your agency's input regarding environmental issues related to the proposed construction projects. A map of each of the proposed projects is enclosed. We request your comments or concerns on these projects. Any information you can provide relating to the following issues would be helpful:

- local land use
- existing transportation system
- ambient noise levels
- air emissions and ambient air quality
- energy use
- historic or archaeological sites
- public health and safety
- socioeconomics (population, employment and development)
- water resources
- biological resources (wildlife, fisheries, T & E species, critical habitat, parks and refuges)
- wetlands
- coastal areas

CSX Corporation (CSX), NS, and Conrail, Inc. (Conrail) have notified the Surface Transportation Board (STB) that they intend to file in June 1997 a joint application seeking authorization for CSX and NS to acquire control of Conrail and for the subsequent division of Conrail's assets between CSX and NS (the Conrail Acquisition).

**Burns  
&  
McDonnell**

Mr. Jacobs  
May 22, 1997  
Page 2

This joint application supercedes the earlier separate proposals of CSX and NS to merge with Conrail. (Earlier this year you may have received requests for your comments on the separate CSX and NS merger proposals.)

NS has asked the STB to review its application for construction of these to proposed projects on an expedited basis so that, if approval to construct is granted, NS will be ready immediately to operate over the connections in the event that the STB grants authorization for the Conrail acquisition.

Again, please let us know of any specific issues your agency thinks should be addressed in our report.

Your comments are needed by June 5, 1997 to ensure inclusion in NS's submittal to the Surface Transportation Board. Your assistance is greatly appreciated. Due to the restricted schedule, we will contact you to make sure you have received this letter and to obtain any initial information you may have. If a visit to your office would help facilitate your response, we will make an appointment and come in to meet with you.

If you have any questions about these projects, please call me at (816) 822-3840. Thank you for your assistance.

Sincerely,

*Truman E. Louderback*  
Truman E. Louderback  
Associate

Enclosure

**List of Agency Contacts for the Sidney, Illinois Connection**

Mr. Wayne A. Fischer  
Fish and Wildlife Service  
Rock Island Field Office  
4469 - 48th Avenue Court  
Rock Island, Illinois 61201

U.S. Army Corps of Engineers  
Louisville District  
Mr. William Christman, Branch Chief  
600 Martin Luther King, Jr. Place  
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Louisville, Kentucky 40201-0059

Department of Agriculture  
Natural Resources Conservation Service  
Gary Kobylski, State Conservationist  
1902 Fox Drive  
Champaign, IL 61820

U.S. Fish and Wildlife Service  
Ecological Service Field Office  
Benjamin Tuggle, Supervisor  
1000 Hart Rd., Suite 180  
Barrington, IL 60010

U.S. Army Corps of Engineers  
North Central Division  
Roy Deda, Chief of Regulatory Division  
111 N. Canal St., 12th Floor  
Chicago, IL 60606-7205

U.S. Army Corps of Engineers  
Chicago District  
Jay Semmler, Chief  
111 N. Canal St., Suite 600  
Chicago, IL 60606-7206

U.S. Army Corps of Engineers  
Rock Island District  
Steven J. Vander Horn, Chief  
Clock Tower Building  
Rodman Ave.  
Rock Island, IL 61204-2004



Department of Agriculture  
Becky Doyle, Director  
State Fairgrounds  
800 E. Sangamon Ave.  
Springfield, IL 62702

Department of Commerce and Community Affairs  
Rich Funderburk, Director  
620 E. Adams  
Springfield, IL 62701

Department of Conservation  
Brent Manning, Director  
Lincoln Tower Plaza  
524 S. 2nd St.  
Springfield, IL 62701-1787

Department of Transportation  
Kirk Brown, Secretary  
2300 S. Dirksen Parkway  
Springfield, IL 62764

Historic Preservation Agency  
Susan Mogerman, Director  
500 E. Madison St.  
Springfield, IL 62701

Illinois Environmental Protection Agency  
Mary A. Gade, Director  
1340 N. 9th St.  
Springfield, IL 62702

Nature Preserves Commission  
Tom Donnelley, Chairperson  
Lincoln Tower Plaza  
524 S. Second St.  
Springfield, IL 62701-1787

State Single Point of Contact  
Department of Commerce and Community Affairs  
Virginia Bova, Coordinator  
100 W. Randolph, Suite 3-400  
Chicago, IL 60601

Champaign County  
Jackie White, County Administrator  
1776 East Washington  
Urbana, IL 61802

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U.S. Department  
of Transportation  
**Federal Highway  
Administration**

EXHIBIT 3

400 Seventh St., S.W.  
Washington, D.C. 20590

JUN 24 1987

Refer to: HPD-1

Mr. Truman E. Louderback  
Burns & McDonnell  
9400 Ward Parkway  
Kansas City, MO 64114

RECEIVED  
JUN 30 1987  
EUGENE A. McFARLAND  
F.C. OFFICE

Dear Mr. Louderback:

Thank you for your May 22 letter to former Federal Highway Administrator Rodney E. Slater, who is now Secretary of Transportation, regarding two proposed Norfolk Southern Railway Company projects. Your letter was forwarded to the Federal Highway Administration for comment. I am happy to reply on behalf of the Secretary.

In a June 4 response to an identical letter from you, the Federal Railroad Administration (FRA) responded to your request for comment. We concur with the FRA's response, which requested several actions on the part of your client, Norfolk Southern Railway Company (NS). The FRA asks the NS to proactively consider the safety impacts on the citizens of Bucyrus, Ohio, with regard to the proposed high increase in train traffic through the town. It asks the NS to work closely with State and local officials, as they are in the best position to assist the NS with details of its proposals. Finally, the FRA requests the NS officials to contact Mr. Robert Martin, in the FRA Office of Policy at (202) 632-3150 if they have further questions.

Additionally, based on contacts with our Division offices in Illinois and Ohio, the following State rail officials were identified as contacts for further discussion of proposed NS projects. Mr. Gerald Isenberg, Illinois Department of Transportation Rail Program Planning Chief, can be reached at telephone number (217) 782-4132. Mr. Louis Jannazo, Chief Planner for the Ohio Rail Development Commission, can be reached at telephone number (614) 644-0309.

Through our Division Office in Illinois and Ohio, I will provide a copy of your letter to IDOT and ODOT officials so they may also be aware of our correspondence.

Sincerely yours,

*David A. Price*

*for*

Dwight A. Home, Chief  
Federal-aid and Design Division





U.S. Department  
of Transportation  
**Federal Railroad  
Administration**

**Administrator**

EXHIBIT 4

**400 Seventh St., S.W.  
Washington, D.C. 20590**

**MM - 4 1997**

Mr. Truman E. Louderback  
Associate  
Burns and McDonnell  
9400 Ward Parkway  
Kansas City, MO 64114

Dear Mr. Louderback:

Thank you for the opportunity to comment on two construction projects proposed by Norfolk Southern Railway Company (NS). These projects would permit NS to operate over the connections in the event that the Surface Transportation Board (STB) grants authorization for the Conrail acquisition.

In the case of Bucyrus, Ohio, we note that the map appears to indicate that a new grade crossing would be created. While we have not had the opportunity to examine the situation in detail, the Federal Railroad Administration (FRA) believes that creating a new grade crossing, with the attendant increase in safety risk and congestion, will have a negative impact on the citizens of Bucyrus, especially if, as is expected, train traffic is increased by eleven trains a day.

We strongly recommend that NS work with the City of Bucyrus, the State of Ohio and other appropriate officials to reach a solution that does not put the safety of the citizens in greater jeopardy. At a minimum, we suggest that the railroad and the community find another grade crossing to close, so that there is no net negative impact on community safety.

While we appreciate the need of the NS to work expeditiously on this project, we would hope that in the Conrail acquisition application, the railroad takes a proactive approach to reducing safety impacts, especially in areas, such as Bucyrus, where it is proposing to increase train traffic. We will review that application and comment on the impacts identified in it at the appropriate time.

We would be pleased to discuss this issue with you. If you have any questions, please contact Mr. Robert Martin, FRA Office of Policy at (202) 632-3150.

Sincerely,

Jolene M. Molitoris  
Administrator

**To:** T. Louderbach, Burns & McDonnell  
**From:** R. Leonard, Chief, Environmental Analysis Section, US Army Corps  
of Engineers-Buffalo District  
**Re:** Proposed Norfolk Southern Construction, Project No. 96-678-4-100  
**Date:** June 4, 1997

- The US Army Corps of Engineers-Buffalo District has no comments on the proposed project at this time.

*Richard P. Leonard*

**M - E - M - O**



DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE  
CORPS OF ENGINEERS  
P.O. BOX 59  
LOUISVILLE, KENTUCKY 40201-0059  
FAX: (502) 582-5072  
June 2, 1997

Operations Division  
Regulatory Branch (South)  
ID No. 199700780-mkm

Mr. Truman Louderback  
Burns & McDonnell  
9400 Ward Parkway  
Kansas City, Missouri 64114

Dear Mr. Louderback:

This is in regard to your letter of May 27, 1997, on behalf of Norfolk Southern Corporation, concerning a proposal to construct a 3,200 foot section of railroad near Sidney in Champaign County, Illinois (Project No. 96-678-4-100).

Based on the information provided by you, it does not appear that a Department of the Army permit will be needed. If the project would necessitate the discharge of dredged or fill material into "waters of the United States," including wetlands, plans should be submitted for our review.

Our comments on this project are limited to only those effects which may fall within our area of jurisdiction. Lack of comments on other environmental aspects should not be construed as either concurrence or nonconcurrence with stated environmental effects.

If we can be of any further assistance, please contact us by writing to the above address, ATTN: CEORL-OP-FS, or by calling Mr. Mike Meyer at (502) 582-5452.

Sincerely,

Doug Shelton  
Acting Chief, Regulatory Branch  
Operations Division





United States  
Department of  
Agriculture

Forest  
Service

Eastern  
Region

310 W. Wisconsin Ave.  
Milwaukee, WI 53203

File Code: 7720  
Route To: \*

Date: June 4, 1997

Subject: Railroad Realignment

To: Burns and McDonnell  
ATTN: Truman Lauderbach, Associate  
P.O. Box 419173  
Kansas City, MO 64141-6173

Thank you for the opportunity to comment on the impacts to the National Forest of railroad reconstruction in Bucyrus, Ohio and Sidney, Illinois. The two short sections of construction will connect crossing railroad lines and permit trains to traverse between the lines.

These sections of construction are located a minimum of 75 miles from National Forest lands and are minor in nature. Therefore, no impacts to the National Forests management or operations are expected from your proposed activity.

If you have any questions, please contact me at (414) 297-1374.

*William Rees*

WILLIAM REES  
Transportation Engineer

cc:  
B.Rees





UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL OCEAN SERVICE  
National Geodetic Survey  
Silver Spring, Maryland 20910-3282

June 4, 1997

Mr. Truman E. Louderback  
Burns and McDonnell  
9400 Ward Parkway  
Kansas City, Missouri 64114

Dear Mr. Louderback:

The areas in question on the maps that are part of the construction projects proposed by Norfolk Southern Railway Company: (1) a connection between two rail lines in Bucyrus, Ohio, and (2) a connection between two rail lines in Sidney, Illinois, have been reviewed within the scope of National Geodetic Survey (NGS) responsibility and expertise and in terms of the impact of the proposed actions on NGS activities and projects.

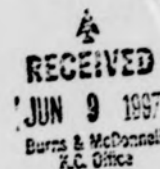
As a result of this review, we have verified that none of our geodetic station markers is endangered by the proposed construction. As you requested, this response is being telefaxed to you at 816-333-3690 prior to your June 5 deadline. If other information is needed, please contact me at anytime.

Sincerely,

*Edward J. McKay*

Edward J. McKay  
Chief, Spatial Reference  
System Division

cc: Kaiser - STB







IN REPLY REFER TO

## United States Department of the Interior

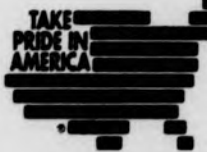
## BUREAU OF INDIAN AFFAIRS

Eastern Area Office

Suite 260

3701 North Fairfax Drive

Arlington, Virginia 22203



Trust Services  
Natural Resources

JUN - 3 1997

Mr. Truman E. Louderback  
Associate  
Burns & McDonnell  
9400 Ward Parkway  
Kansas City, Missouri 64114

Dear Mr. Louderback:

Thank you for your letter of May 22, 1997, notifying the Department of the Interior (DOI) and Bureau of Indian Affairs (BIA) of the two construction projects proposed by Norfolk Southern Railway Company (NS).

The Assistant Secretary of Indian Affairs, Ada E. Deer, has asked our office to respond to your May 22nd letter wherein you requested our agency's review and comments on any environmental issues pertaining to the proposed construction projects in the States of Illinois and Ohio.

In responding to your request, we reviewed the topographic maps of the two construction projects and compared the project(s) general site information to our BIA **Indian Land Areas Map (See Attachment)**. Our analysis revealed that there are no Federally-recognized Indian tribes and/or Indian reservation trust lands (under BIA jurisdiction) in Illinois and Ohio. As such, the BIA does not have any trust interest(s) in the lands which will be impacted by the construction of the rail-line connections in each of these respective states. In light of these findings, we do not have any substantive comments on any environmental, historic and/or cultural issues that might affect Indian trust lands, tribal cultures, and American Indian tribes/populations.

With regard to compliance with NEPA/47CFR 1.1307 (a)(5) - Indian Religious Sites, we are unaware of any existent Indian religious sites and/or sacred Indian burial grounds in the immediate vicinity of the proposed construction sites which might be adversely affected by the construction of these new connecting rail-lines.

In order to ensure that there are no Indian religious sites and/or sacred Indian burial grounds located on State-owned or privately-owned Indian or non-Indian lands, we suggest that you contact the State Historic Preservation Officer (SHPO) of the States of Illinois and Ohio for assistance in identifying any sites (outside BIA jurisdiction) that may be considered religious or sacred by State-recognized Indian tribes and, therefore, subject to the NEPA requirements of 47 CFR 1.1307 (a)(5).

For your information, there are two other Congressional and Presidential policy mandates concerning the protection, preservation, and enhancement of American Indian tribes. First of all, there is the Native American Graves Protection and Repatriation Act (P.L. 101-601) which provides for the protection, handling, and repatriation of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony. This legislation imposes harsh penalties and fines for all violations of the law. Second, there is President Clinton's Policy Memorandum of April 24, 1994, which directs all Federal executive departments and agencies to consult with tribal governments prior to taking actions that affect Federally-recognized tribal governments. Executive departments and agencies are also directed to assess the impact of Federal government plans, projects, programs, and activities on tribal trust lands and natural resources and to assure that tribal government rights and concerns are considered during the development of such plans, projects, programs, and activities.

If we can be of further assistance to you concerning this matter, please do not hesitate to contact Leroy V. Clifford, Environmental Protection Specialist, in the Eastern Area Office. Mr. Clifford can be reached by telephone at Area Code (703) 235-3044.

Sincerely,

*for Brenda L. Bennett*  
Franklin Keel  
Eastern Area Director

JUN 9 1997  
EASTERN AREA OFFICE



IN REPLY REFER TO:

Transportation  
MS-4058-MIB

# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Washington, D.C. 20240

JUN - 6 1997

Mr. Truman E. Louderback  
Burns & McDonnell  
9400 Ward Parkway  
Kansas City, Missouri 64114

Dear Mr. Louderback:

Reference is made to your letter May 22, 1997, requesting our comments on two construction projects proposed by Norfolk Southern Railway Company (NS): (1) a connection between two rail lines in Bucyrus, Ohio, and (2) a connection between two rail lines in Sidney, Illinois.

We have no comments on these two projects.

Thank you for the opportunity to comment. If we can be of further assistance in this matter, you may call the Division of Transportation, telephone number (202) 208-4359.

Sincerely,

ACTING Director, Office of Trust  
Responsibilities



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# United States Department of the Interior

## FISH AND WILDLIFE SERVICES

Ecological Services  
6950-H Americana Parkway  
Reynoldsburg, Ohio 43068

IN REPLY REFER TO:

(614) 469-6923/FAX (614) 469-6919  
May 30, 1997

Mr. Truman E. Louderback  
Burns & McDonnell  
9400 Ward Parkway  
Kansas City, MO 64114

RE: Norfolk Southern Corp., Proposed Norfolk Southern Construction Projects,  
Bucyrus Connection, Crawford County, Ohio  
Project No. 96-b78-4-100

Dear Mr. Louderback:

This responds to your May 22, 1997 telefax requesting our comments on your proposal referenced above. We can only address the Bucyrus project since it is within our area of responsibility. To obtain comments on the Sidney, Illinois connection we recommend you contact our office in Rock Island, Illinois (tel: 309-793-5800, or Fax: 309-793-5804).

As Proposed, the Bucyrus connection would be approximately 2,400 feet long and occupy 5.5 acres. We have no site specific information on the site. However, our records do not indicate that any Federal parks, forest or wildlife areas are located in the area.

ENDANGERED SPECIES COMMENTS: The proposed project lies within the range of the Indiana bat, a Federally listed endangered species. Summer habitat requirements for the species are not well defined but the following are thought to be of importance:

1. Dead trees and snags along riparian corridors especially those with exfoliating bark or cavities in the trunk or branches which may be used as maternity roost areas.
2. Live trees (such as shagbark hickory) which have exfoliating bark.
3. Stream corridors, riparian areas, and nearby woodlots which provide forage sites.

Considering the above items, we recommend that if trees with cavities or exfoliating bark (which could be potential roost trees) are encountered in the project area, they and surrounding trees should be saved wherever possible. If they must be cut, they should not be cut between April 15 and September 15.

RECEIVED  
JUN 5 1997  
ECOLOGICAL SERVICES  
REYNOLDSBURG, OHIO

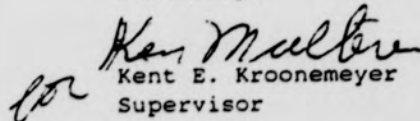


If desirable trees are present, and if the above time restriction is unacceptable, mist net or other surveys should be conducted to determine if bats are present. The survey should be designed and conducted in coordination with the endangered species coordinator for this office, Mr. Buddy Fazio. The survey should be conducted in June or July since the bats would only be expected in the project area from approximately May 1 to August 31.

ADDITIONAL COMMENTS

Two divisions of the Ohio Department of Natural Resources, the Division of Wildlife (614-265-6300) and the Division of Natural Areas and Preserves (614-265-6472), maintain lists of plants and animals of concern to the State of Ohio. If you have not already done so, please contact each of the above two agencies to obtain project comments or site-specific information on State listed species. In addition, the Ohio Environmental Protection Agency (OEPA; 614-728-3393; 614-644-2001) will sometimes make available lists of fish and invertebrate species found in many of Ohio's rivers and streams.

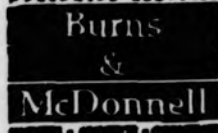
Sincerely,

  
Kent E. Kroonemeyer  
Supervisor

cc: DOW, Wildlife Environmental Section, Columbus, OH  
ODNR, Division of Real Estate and Land Management, Columbus, OH  
Ohio EPA, Water Quality Monitoring, Attn: C. Crook, Columbus, OH  
US EPA, Office of Environmental Review, Chicago, IL

EXHIBIT 12

WORLDWIDE SERVICES



## FAX MESSAGE

Date May 23, 1997 Time 7:53 amTo: Wayne Fischer FAX No. 309-793-5804Representing: Fish & Wildlife Service Info. Acct. 8092From: Truman E. Louderback TEL No. (816) 822-3840Number of Pages (Including this cover sheet): 4Project Name: Proposed Norfolk Southern Construction Project No. 96-678-4-100

9400 Bldg. 353A - 24 Hour Automatic FAX No. 816 333-3690 - FAX Operator; Voice 816 333-9400, ext. 5714

The following letter is to notify you of a proposed construction of a connection between two rail lines by Norfolk Southern Railway Company in Sidney, Illinois and to request your comments or concerns on this project.

*Champaign Co*

Your comments are needed by June 5, 1997. To facilitate your response, you may telefax your comments to (816) 333-3690.

Thank you for your cooperation.

*Historical - E. prairie finger  
actual  
potential for E. & W. of actual  
made wetland*

*No known Federal T & E occurrences - Potential for E. & W. of actual  
Soil survey indicates majority of affected area is farmed  
No NHT in our collection, possibly forested wetland in  
Southern portion of construction area*

*Spoke w Mr. Louderback  
5/29/97 relayed the  
above info*

*No obj stamp  
WT*

Signed Truman E. Louderback Operator \_\_\_\_\_

TEL: 816 333-9400 Internet: www.burnsmcd.com

U.S. Mail Address: P.O. Box 419173, Kansas City, Missouri 64141-8173

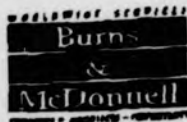
BURNS &amp; MCDONNELL

C-16

FAX 816 822 3434 18:38 05/28/97

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EXHIBIT 13



**NO OBJECTION**  
 U.S. Fish & Wildlife Service  
 Rock Island, Illinois  
 J. J. Miller  
 Supervisor Date 5/29/97

May 28, 1997

Mr. Wayne A. Fischer  
 Fish and Wildlife Service  
 Rock Island Field Office  
 4469 - 48th Avenue Court  
 Rock Island, Illinois 61201

Norfolk Southern Corporation  
 Proposed Norfolk Southern Construction Project  
 Project No. 96-678-4-100

Dear Mr. Fischer:

This letter is to notify you of a proposed construction by Norfolk Southern Railway Company (NS) of a connection between two rail lines in Sidney, Illinois and to request your agency's input regarding environmental issues related to the proposed construction. The Sidney connection would be 3,200 feet long and occupy 7.3 acres. Six trains per day are expected to be operated over the proposed track. A map of the proposed construction project in Sidney is enclosed. We request your comments or concerns on this project. Any information you can provide relating to the following issues would be helpful:

- local land use
- existing transportation system
- ambient noise levels
- air emissions and ambient air quality
- energy use
- historic or archaeological sites
- public health and safety
- socioeconomics (population, employment and development)
- water resources
- biological resources (wildlife, fisheries, T & E species, critical habitat, parks and refuges)
- wetlands
- coastal areas

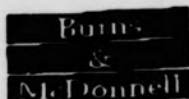
CSX Corporation (CSX), NS, and Conrail, Inc. (Conrail) have notified the Surface Transportation Board (STB) that they intend to file in June 1997 a joint application seeking authorization for CSX and NS to acquire control of Conrail and for the subsequent division of Conrail's assets between CSX and NS (the Conrail Acquisition). This joint application supercedes the earlier separate proposals of CSX and NS to merge with Conrail. (Earlier this year you may have received requests for your comments on the separate CSX and NS merger proposals.)

9400 Ward Parkway  
 Kansas City, Missouri 64114  
 Tel: 816 333-9400  
 Fax: 816 333-3690

C-17

BURNS &amp; MCDONNELL

05/29/97 15:39 FAX 816 822 3434



Mr. Fischer  
May 28, 1997  
Page 2

NS has asked the STB to review its application for construction of this connection on an expedited basis so that, if approval to construct is granted, NS will be ready immediately to operate over the connection in the event that the STB grants authorization for the Conrail acquisition.

Again, please let us know of any specific issues your agency thinks should be addressed in our report.

Your comments are needed by June 5, 1997 to ensure inclusion in NS's submittal to the Surface Transportation Board. Your assistance is greatly appreciated. Due to the restricted schedule, we will contact you to make sure you have received this letter and to obtain any initial information you may have. If a visit to your office would help facilitate your response, we will make an appointment and come in to meet with you.

If you have any questions about this project, please call me at (816) 822-3840. Thank you for your assistance.

Sincerely,

*Truman E. Louderback*  
Truman E. Louderback  
Associate

Enclosure





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

EXHIBIT 14

(REPLY TO THE ATTENTION OF:  
(AR-18J)

JUN 04 1997

Truman E. Louderbach, Associate  
Burns and McDonnell  
9400 Ward Parkway  
Kansas City, Missouri 64114

Dear Mr. Louderbach:

This is in response to your letter to Mr. Dave Stonefield dated May 22, 1997, regarding two proposed construction projects by the Norfolk Southern Railway Company. Your letter was referred to the Region 5 office of the United States Environmental Protection Agency since our office is responsible for the States where the projects are planned for construction. The two proposed projects are located in Sidney, Illinois and Bucyrus, Ohio. These areas are currently in attainment of the national ambient air quality standards. Because these areas are in attainment of the air quality standards, the projects are not required to do an assessment for general conformity (40 Code of Federal Regulations Part 93).

Mr. Michael MacMullen, Manager of the Region 5 Federal Activities Program, has also advised us that implementation of the project described in your letter is unlikely to result in any significant adverse impacts on the environment. If you wish to contact Mr. MacMullen on this matter, please feel free to call him at (312) 886-7342.

Sincerely yours,

*Patricia Morris*

Patricia Morris, Environmental Scientist  
Air and Radiation Division

cc: Mike Rogers  
Illinois Environmental Protection Agency

Che Brewer-Coon  
Ohio Environmental Protection Agency

# Telephone Call Memo

EXHIBIT 15

Person X Called      Calling Jake Hoogland

Date 6/04/97

Representing National Park Service

Info. Acct. 8092

Project Name NSCRM-PN

Project No. 96-678-4-100

Contract Name                     

Contract No.                     

File Code                     

RE: Jake Hoogland stated there were no national parks in the area of the proposed projects. He stated that he will fax comments by 6/5.

Signed

Truman E. Luderbach

Page 1 of 1

cc:

080382

**Burns & McDonnell**

C-20

Form GCO-19



# Illinois Historic Preservation Agency

EXHIBIT 16

1 Old State Capitol Plaza • Springfield, Illinois 62701-1507 • (217) 782-4836 • TTY (217) 524-7128

CHAMPAIGN COUNTY  
Sidney - Norfolk Southern Corporation  
BURNS #96-678-4-100  
Connect rail lines

PLEASE REFER TO:  
IHPA LOG #970523001PCH

May 28, 1997

Mr. Truman E. Louderback  
Burns & McDonnell  
Associate  
9400 Ward Parkway  
Kansas City, Missouri 64114

Dear Sir:

Thank you for requesting comments from our office concerning the possible effects of the project referenced above on cultural resources. Our comments are required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties".

Our staff has reviewed the specifications and assessed the impact of the project as submitted by your office. We have determined, based on the available information, that no significant historic, architectural or archaeological resources are located within the proposed project area.

Please retain this letter in your files as evidence of compliance with Section 106 of the National Historic Preservation Act of 1966, as amended.

Sincerely,

Anne E. Haaker  
Deputy State Historic  
Preservation Officer

AEH:JSP





ILLINOIS  
DEPARTMENT OF  
**NATURAL RESOURCES**

524 South Second Street, Springfield 62701-1787

Jim Edgar, Governor ● Brent Manning, Director

June 2, 1997

Truman E. Lauderback  
Burns & McDonnell  
9400 Ward Parkway  
Kansas City, Missouri 64114

Re: Proposed Norfolk Southern Construction Project

Dear Mr. Lauderback:

Thank you for your May 22 letter to Brent Manning regarding the Norfolk Southern Construction project in Sidney, Illinois and possible environmental impacts. Because my office deals with environmental impact assessments, he has asked that I respond.

This project is subject to only one State statute administered by the Illinois Department of Natural Resources: the Endangered Species Consultation Process. The project location has been checked against the Natural Heritage Database for the presence of endangered and threatened species, Illinois Natural Area Inventory (INAI) sites and dedicated Illinois Nature Preserves. No listed species, INAI sites or Nature Preserves are likely to be impacted as a result of the proposed project. The consultation requirement has therefore been met.

Many of the issues for which you requested comments should be directed to the appropriate local officials within Sidney and Champaign County, as well as the Illinois Historic Preservation Agency, U.S. Army Corps of Engineers (if wetlands are present) and possibly the Illinois Environmental Protection Agency and Illinois Department of Transportation.

If I can be of further assistance, please do not hesitate to contact me at (217) 785-5500.

Sincerely,

Tom Flattery  
Director  
Office of Realty and Environmental Planning

TF:kr

cc: Brent Manning



Illinois  
Department of Commerce and Community Affairs

Dennis R. Whetstone  
*Director*

Jim Edgar  
*Governor*

Bob Kustra  
*Executive Director*

May 23, 1997

Mr. Truman E. Louderback  
Burns & McDonnell  
9400 Ward Parkway  
Kansas City, MO 64114

Dear Mr. Louderback:

This is in response to your letter on Project #96-678-4-100 proposing a construction connection of two rail lines in Sidney, Illinois.

The Illinois Department of Commerce and Community Affairs is an economic development agency and we have no regulatory control over any of the issues listed in this letter. There are several Illinois regulatory agencies that are involved in these issues and we would be glad to assist you in locating those agencies if you have not already done so.

This agency, however, deals strictly in economic development projects and if your project is helping provide better service to Illinois businesses then we have no concerns at all except that your project moves forward as long as all other required regulatory agencies are involved.

Sincerely,

Harold R. Funderburk  
Senior Economic Development Advisor

C-23

Internet Address: <http://www.idcca.com/dcca/>

620 East Adams Street  
Springfield, Illinois 62701

James R. Thompson Center  
100 West Randolph Street, Suite 1-400  
Chicago, Illinois 60601

125 West Adams Street, 3rd Floor  
Springfield, Illinois 62704-1892

2109 West Main  
Marion, Illinois 62959

217/782-7500  
Fax: 217/785-6454 • TDD: 800/785-6055

312/314-7179  
Fax: 312/314-6712 • TDD: 800/419-0667

217/785-2800  
Fax: 217/785-7618 • TDD: 312/314-7179

616/997-4394  
Fax: 616/997-1816 • TDD: 616/997-4394





## Illinois Department of Transportation

Office of the Secretary  
2300 South Dirksen Parkway / Springfield, Illinois / 62764  
Telephone 217/782-5597

June 16, 1997

Mr. Truman E. Louderback  
Associate  
Burns & McDonnell  
9400 Ward Parkway  
Kansas City, Missouri 64114

RE: Norfolk Southern Corporation  
Proposed Norfolk Southern Construction Project  
Project No. 96-678-4-100

Dear Mr. Louderback:

Thank you for your letter of May 22, 1997 requesting the Illinois Department of Transportation's input to the proposed construction by Norfolk Southern Railway Company (NS) of connecting track in Sidney, Illinois. Please be informed that the department has no objection at this juncture. As long as the connector ties back into the Chicago and Eastern line north of County Road 900N, it will not have an impact on either the state or local highway systems. Also, there are no planned highway or street projects planned in the affected area.

We will be able to provide a more definitive response subsequent to our review of a published environmental report. We trust that you have contacted Illinois state agencies responsible for environmental programs to solicit their concerns or concurrence.

Again, thank you for your letter.

Sincerely,

Kirk Brown  
Secretary



State of Illinois

ENVIRONMENTAL PROTECTION AGENCY

EXHIBIT 20

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

217-782-0547

June 6, 1997

Mr. Truman E. Louderback  
Associate  
Burns & McDonnell  
9400 Ward Parkway  
Kansas City, Missouri 64114

Re: Norfolk Southern Corporation  
Proposed Norfolk Southern Construction Project  
Project No. 96-678-4-100

Dear Mr. Louderback:

Thank you for providing information regarding the proposed construction of the above referenced project.

The Agency has no objection to the project; however, a storm water NPDES Permit will be required for the project if the construction will disturb five acres or more of land. Tim Kluge of our Bureau of Water can be reached at 217-782-1654 for assistance.

Sincerely,

*Bernard P. Killian*

Bernard P. Killian  
Deputy Director

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Bureau of Land and Water Resources • State Fairgrounds • P.O. Box 19281 • Springfield, IL 62794-9281  
217/782-6297 • TDD 217/524-6858 • Fax 217/524-4882

June 5, 1997

Mr. Truman E. Louderback  
Burns & McDonnell  
9400 Ward Parkway  
Kansas City, Missouri 64114

Re: Norfolk Southern Corporation  
Proposed Norfolk Southern Construction Project  
Sidney, Illinois  
Project No. 96-678-4-100

Dear Mr. Louderback:

The Illinois Department of Agriculture has examined the proposed rail line construction project for its potential impact to agricultural land and submits the following comments.

The project involves the construction of a connection between two rail lines near Sidney, Illinois. The connection will be 3,200 feet long and require 7.3 acres. This constitutes an approximate 100 ft. right-of-way width. The area to be affected is Prime farmland currently in crop production.

Agricultural issues of primary concern which should be addressed in the Environmental Assessment include:

- Soil erosion problems which may result from the construction of the spur.
- Access to the farmland isolated by the new railroad connection. Will a crossing be provided to the farmer? Safety is of utmost importance. If a crossing is constructed, who is responsible for its upkeep?
- Will borrow outside the designated right-of-way be required for construction? If so, how many acres are involved? A topographic map showing the borrow pit location should be included as well delineating the site on the appropriate Champaign County Soil Survey sheet.
- Will any uneconomical remnants or landlocked parcels be created? If so, please indicate on a map their location, the number of such parcels, the acreage of the parcels, and their current land use.

Mr. Louderback

Page 2

June 5, 1997

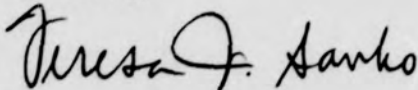
- Will any uneconomical remnants or landlocked parcels be created? If so, please indicate on a map their location, the number of such parcels, the acreage of the parcels, and their current land use.
- Will any sub-surface (tile) systems be affected? Drainage is a top priority so that existing drainage patterns are maintained for adjacent land owners.
- The Champaign County Soil and Water Conservation District indicates a wetland exists near or in the path of the connector spur. How will the wetland mitigation issue be addressed? Be sure to include a site map and plan.

If wetland mitigation is required, the IDOA would request that Prime farmland be avoided in selecting a compensation site. If this is not possible, then the IDOA requests that we be included in the compensation site selection process to ensure that farmland conversion impacts are minimized.

- Will federal funds be used for this project? If so, the USDA-Natural Resources Conservation Service (NRCS) Form AD-1006, Farmland Conversion Impact Rating, must be initiated with the local USDA-NRCS office in Champaign.

We ask that these topics be covered in the project's Draft Environmental Assessment. Should you have any questions regarding our comments about information that is needed for our review, please call me at 217-782-6297.

Sincerely,



Teresa J. Savko  
Bureau of Land and Water Resources

/TJS

cc: Champaign Co. SWCD



## Illinois Nature Preserves



## Commission

524 SOUTH SECOND STREET  
LINCOLN TOWER PLAZA  
SPRINGFIELD, IL 62701-1767  
217/785-8686

May 27, 1997

Truman E. Louderback  
Burns & McDonnell  
9400 Ward Parkway  
Kansas City, MO 64114

RE: Norfolk Southern Corporation  
Proposed Norfolk Souther Construction Project  
Project No. 96-678-4-100

Dear Mr. Louderback:

This letter is in response to your letter of May 22, 1997 regarding the above named project located near Sidney, Illinois. A review of our files indicate that the project will have no impact on areas dedicated as state nature preserves under the Illinois Natural Areas Preservation Act (525 ILCS 30).

Thank you for contacting the Commission and providing an opportunity to comment on the above project. Please contact me at the above phone number or address if you have further questions.

Sincerely,

*Carolyn T. Grosboll*  
Carolyn Taft Grosboll  
Director





**Champaign County Soil and Water Conservation District**  
2110 W. Park Ct., Suite C - Champaign, IL 61821 - Phone (217) 398-5212

June 4, 1997

Truman E. Louderbach  
Burns and McDonnell  
P.O. Box 419173  
Kansas City, Missouri  
64141-6173

Mr. Louderbach:

This letter is in response to your request for comments pertaining to the proposed construction by Norfolk Southern Railway Company (NS) outside of Sidney, Illinois. Comments are as follows:

The land in question is presently being cropped. Prime and important farmland has always been an important resource of the Champaign County Soil and Water Conservation District. The proposed spur construction will transect land that consists of Drummer, Flanagan, and Dana soil types. These soil types are classified as prime farmland and consideration should be given to the preservation of these types of farmland.

As well as prime, the soils in question are naturally wet. Drainage tile almost certainly exist within the proposed construction site. These tiles need to be maintained or replaced with an adequate system to maintain the natural drainage.

There appears to be a wetland on site. This wetland runs along the western edge of the existing NS railway. Proposed construction of the spur may transect this wetland. Appropriate permits will be needed to modify or manipulate this wetland.

A Phase 1 Archaeological review may be needed to identify any cultural resources that may be on site.

We thank you for the opportunity to comment on this project and your consideration of the natural resources in Champaign County.

Sincerely;

Kenneth Kesler, Board Chairman

cc: Becky Doyle, IDOA  
Jim Hartwig, IDOA  
James Johnson, NRCS

RECEIVED  
JUN 6 1997  
Burns & McDonnell  
J.L. Givens

# Telephone Call Memo

EXHIBIT 24

Date September 2, 1997 Time 3:00 A.M. PM

Person was Called      Calling Leon Wendte Phone No. 217-398-5212

Representing Champaign County Soil & Water Conservation District Info. Acct. 8092

Project Name NSCRM Project No. 96-678-4100

Contract Name                      Contract No.                      File Code                     

RE: Potential wetland west of the existing NS right-of-way and within the proposed new construction right-of-way.

The initial purpose of the phone call was to clarify a statement regarding a wetland that was made in a Champaign County Soil Conservation District letter. In it, the Champaign County Soil Conservation District, indicated that a potential wetland was west of the existing NS line and in the proposed construction right-of-way. Mr. Wendte stated that the reference to the NS line was a mistake. The Champaign County Soil Conservation Service was actually referring to the wooded area west of the UP right-of-way. Burns & McDonnell faxed a current map that explained the general area surrounding the wooded area, the proposed construction, and the NS and UP rights-of-way.

The Champaign County Soil and Water Conservation District stated that the Drummer soils being cross by the proposed right-of-way may potentially contain hydric components. He was particularly concerned about the 150' wide wooded area to the west of the UP line. He stated that there may be a potentially wetland where the wooded area crossed Drummer soils (soil No. 152, map sheet 111 of the Champaign County Soil Survey). Burns & McDonnell informed Mr. Wendte that the proposed connection would not traverse the portions of the wooded area on Drummer soils, that the UP line was below grade and that there was a cut slope (with a wooded area) to the east and west of the UP rail line. Mr. Wendte also stated that cut slopes would not be considered a wet land because they are drained. If a cut is "high and dry" then it has no hydrology.

Signed Brian R. Roh

Page 1 of 2

cc:

C-30

080382

Burns & McDonnell

Form GCO-19

According to the 1985 Farm Bill, any potential wetlands that are being converted to agricultural uses fall under the Soil and Water Conservation's jurisdiction and any potential wetlands that are being converted to non-agricultural uses fall under the Army Corps of Engineers jurisdiction. This boundary was set so that the two agencies' jurisdictions would not overlap. The Champaign County Soil and Water Conservation District recommends that wetland delineations be completed per the Army Corps of Engineers decision.

Mr. Wendte informed Burns & McDonnell that east/west-oriented drainage tile could be present in Drummer soils to the southwest of the NS-UP crossing. The Champaign County Soil and Water Conservation District recommends that a back-hoe be used to test for the presence of any buried drainage tiles. If the proposed right-of-way would encounter buried drainage tile, The Champaign County Soil and Water Conservation District recommends that it be replaced with a more durable concrete pipe of the same diameter and an inspection well be sunk on sight.

Signed Brian R. Koh

Page 2 of 2

cc:

C-31

080382

**Burns & McDonnell**

Form GCO-19

Champaign  
County  
Department of  
**PLANNING &  
ZONING**

Brookens  
Administrative Center  
1776 E. Washington Street  
Urbana, Illinois 61802

(217) 384-3708  
TDD (217) 384-3864  
FAX (217) 328-2426

June 11, 1997

EXHIBIT 25

Truman E. Louderback  
Burns & McDonnell  
9400 Ward Parkway  
Kansas City, Missouri 64114

RE: Norfolk Southern Corporation Proposed Construction Project No. 96-678-4-100

Dear Mr. Louderback:

I have reviewed the proposed connection between the Norfolk Southern Railway and the Union Pacific Railroad near Sidney, Illinois. As I mentioned on the telephone the proposed change would have only minor impacts in Champaign County. What impacts would occur would arise from construction of the connection itself and changes or increases in train operations that result from new operating patterns that the connection makes possible. According to Dave Becker, Senior Design Engineer for Norfolk Southern the connection likely will lead to some increase in traffic on the railroad's mainline through Champaign County. The comments below assume that will be some minor to moderate increase in NS train operations (a related increase in operations by Union Pacific is also anticipated and the comments apply to that increase as well).

#### Impacts Due to Construction

The connection will directly affect approximately six acres of farmland comprised of Drummer & Flanagan soils. These soils are extremely productive and are assigned USDA Land Capability Class IIw and I respectively. Additionally, the construction will divide approximately 26 acres from the existing farm although a private grade crossing will be provided. The irregular boundaries created by the curving connection will impair the efficiency with which the isolated parcel and the remainder of the farm can be cultivated. The impact of this is offset somewhat by the fact that the existing parcel comes to an acute angle formed by the intersection of the two rail lines in this location already. In any case somewhat more than 6 acres is likely to be taken out of agricultural production as a result of this project.

Soils in Champaign County including Drummer and Flanagan soils although highly productive, are generally wet and require artificial drainage. Preservation of the surface and subsurface drainage of the affected site and surrounding fields is important. This can be addressed by proper engineering design.

To the best of my knowledge neither the subject site nor the rest of the NS line abuts any significant natural area in Champaign County. No designated Natural Areas in the Illinois Natural Areas Inventory are located near this line in Champaign County (although there may be locally significant prairie remnants along the ROW).

I am not aware of any threatened or endangered species habitat in or near this site or located along this line but we do not possess the necessary information for me to make a determination in this regard. It may be prudent to consult the Natural Heritage Division



of the Illinois Department of Natural Resources in this regard.

## **Impacts Related to New or Increased Train Operations**

### **1. Ambient Noise Levels**

Outside the urbanized areas of Champaign-Urbana and Rantoul ambient noise levels in the County are generally low. The *F.A.R. Part 150 Noise Compatibility Study* (Coffman Associates, 1988) prepared for Willard Airport found ambient noise levels in the area between 36 and 52dB. These values are reasonably representative of areas surrounding the NS Railroad. Ambient noise levels along the Union Pacific are somewhat lower. Increased traffic will tend to increase average noise levels. The magnitude of this impact is directly proportional to the increase in traffic. The significance of the impact depends on the time of day experiencing the increased traffic. Additional railroad traffic noise in the evening or at night is more significant in terms of its potential to disturb human activity than the same increase during the day.

### **2. Public Health & Safety**

Local Accident Reference System (LARS) data for unincorporated Champaign County shows six vehicular grade crossing accidents with one fatality on the NS Railroad and three including one fatality on the Union Pacific between 1990 and 1995. These records do not reflect accidents involving pedestrians and do not include accidents that may have been reported by municipal police forces and so may under count the actual number of such accidents. Increased traffic on the NS and UP lines will result in a greater likelihood of grade crossing accidents. Again the significance of this depends on the time of day when the increase occurs. Increases in the daytime when there are generally higher levels of vehicular and pedestrian traffic will have a greater impact on the potential for accidents than increases at night.

Increased traffic on the NS line will increase the potential obstruction of grade crossings to emergency vehicles for on-line communities (Ivesdale, Sadorus, Tolono, Philo, Sidney & Homer). Increases on the UP will directly affect only the Village of Royal in Champaign County.

Increased rail traffic will also increase the exposure of on-line communities to the dangers posed by hazardous materials spills related to railroad accidents.

### **3. Energy Use**

While railroads are significantly more energy efficient than other modes of ground transportation the impact of the new connection in Champaign County is likely to be minimal. To the extent that increased efficiency, lower costs or improved service that may be realized by the proposed connection diverts traffic from highways to the railroad energy savings will obtain. It is not clear where traffic would be diverted so the impact on Champaign County is unclear but is likely to be negligible.

### **4. Existing Transportation System**

The recent Conrail abandonment of the "Pekin Secondary" east of Urbana and the acquisition by NS of the

line to Bloomington has already reduced the number of railroads serving the County. The proposed acquisition of Conrail by NS and CSX will not alter the competitive situation for local rail users. To the extent that the proposed connection allows new routing, improved service or otherwise lowers costs and results in more competitive pricing, local rail users that have access to NS may benefit.

Increased rail traffic on the NS Railroad may increase the inconvenience experienced in some on-line communities at railroad grade crossings. Increases on the UP would have less impact as the line traverses rural areas almost exclusively in Champaign County.

5. Air Emissions and Ambient Air Quality

Champaign County is presently an Air Quality Attainment Area. As noted above, increased rail traffic on the NS and UP will not result in a significant decrease in truck traffic in Champaign County. The increased rail traffic will most likely result in a negligible increase in emissions (from the locomotives) but this will not be significant.

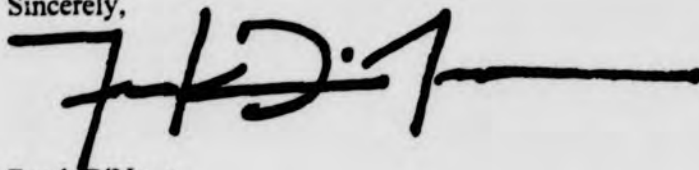
6. Other Issues

- A. The NS line crosses the Kaskaskia Ditch and the Embarras River and the UP crosses the Salt Fork of the Vermilion River in Champaign County. Increased traffic on these lines creates an increased chance of pollution from a hazardous material or other spill that might occur due to a railroad accident. Some of these streams flow into public water supplies, albeit at some considerable distance downstream.
- B. To the extent that local rail users (grain elevators) benefit from improved services the market for local agricultural commodities may be enhanced.

Altogether the environmental, economic and public health and safety impacts of the proposed new connection appear to be insignificant. To some extent potential negative impacts are offset by potential positive impacts but the affects are dissimilar in nature and cannot be directly equated. If the connection were to result in a large increase in traffic on both the NS and the UP certain impacts might be of concern, particularly with respect to grade crossing safety.

I hope these comments are useful. If you should have any questions please feel free to contact me at any time.

Sincerely,



Frank DiNovo  
Director

xc.: Environment & Land Use Committee, Champaign County Board  
Jacquie White, Champaign County Administrator

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APPENDIX D

STB FD 33388 (Sub 5) 10-7-97 K 28333 3/3



## **APPENDIX D**

### **METHODOLOGIES**

The following environmental impact areas were evaluated for the proposed Sidney connection project: land use, socioeconomics and environmental justice, transportation systems, safety, water resources, biological resources, air quality, noise, cultural resources, and energy. The methods utilized in the assessment of impacts for each of these categories, with an explanation of the significance criteria, are provided below.

Environmental scientists visited the site to assess land use, vegetation and other characteristics of the area. Cultural resource specialists also visited the site. During the site visits the scientists and cultural resource specialists took photographs of the proposed construction site and surrounding area. Information was also obtained from published reference materials and from federal, state and local agencies.

#### **LAND USE**

Land use information was obtained from site visits, U.S. Geological Survey (USGS) topographic maps and from aerial photographs. Land use within and adjacent to the proposed construction area was determined. Buildings (such as residential and commercial buildings, schools and churches) near the proposed construction site were also noted due to possible sensitivity to noise disturbance or incompatibility with construction. Contacts were made with the county planning agency to obtain information on local planning and zoning requirements to determine if rights-of-way would be consistent with any such requirements. Contacts were made with the U.S. Bureau of Indian Affairs to determine the presence of any officially recognized Native American tribes or reservations near the site.

#### **USGS Topographic Maps**

USGS topographic maps were utilized during the site visits for notation of land use, and for preparation of the figures presented. Proper place names of roads, creeks, and water bodies not readily evident during the site visits were developed from information on these maps.

#### **NRCS Maps**

The United States Department of Agricultural Natural Resources Conservation Service (NRCS, formerly known as the Soil Conservation Service) has created a national database of prime farmland. The local NRCS office was contacted and requested to provide soil surveys, maps or drawings indicating the location of prime farmland at or in the vicinity of the project. These maps or drawings were reviewed, and the areas of prime farmland adjacent to or within 500 feet of the center line of the railway were inventoried to determine approximate areas or lengths of prime farmland in the area.

## **Flood Zone Maps**

The Federal Emergency Management Agency (FEMA) publishes maps showing areas subject to flooding. These maps were previously published and distributed by the U.S. Department of Housing and Urban Development (USDHUD) and are periodically updated and revised. Maps that cover each proposed project area were obtained and reviewed to determine which portions of the line would be located within the 100-year and 500-year flood plains.

## **Evaluation Criteria**

The following criteria were used to assess the significance of land use impacts:

### Land Use Consistency and Compatibility

- The severity of visual, air quality and noise impacts on sensitive land uses.
- Interference with the normal functioning of adjacent land uses.
- Alteration of flood water flow that could increase flooding in adjacent areas.
- Consistency and/or compatibility with local land use plans and policies.

### Prime Agricultural Land

- Permanent loss of NRCS-designated prime farmland.

## **SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE**

Executive Order 12898, entitled "Federal Actions to Address Environmental Justice in Minority Population and Low-Income Populations," directs federal agencies to analyze the environmental effects of their actions on minority and low-income communities. Significant and adverse effects which have a high and disproportionate impact on these communities should be identified and addressed.

In this EA, potential impacts of the proposed construction of a rail line connection in Sidney, Illinois on minority and low-income communities were considered, along with the potential impacts associated with an alternative alignment. One of the primary goals in selecting alternative alignments for the proposed project was to minimize impacts on surrounding residents. Information was obtained through site visits and demographic research. While the "no-build" alternative would have no change in potential impacts on the community in the vicinity of the proposed connection, neither would it provide any of the anticipated benefits of the connection described.

In order to study the effects of the proposed construction on the population in the vicinity of the project, information on racial composition and average income level in the area was obtained from the U.S. Census Bureau TIGER/Line files and other statistical sources. From the Census files, the proposed construction was determined to be located in one census block. Using the census block number, Summary Tape Files were utilized to determine and analyze the poverty status, race and income for the relevant block.

The proposed project area and an alternative alignment for the project were studied to determine the number of new residences and other sensitive receptors within the Ldn 65 dBA contour around the connection affected by an increase of two dBA, since noise would be the predominant potential impact on nearby sensitive receptors. The assessment also considered whether any of these sensitive receptors would be subject to additional noise from the proposed connection, and whether they are currently affected by equal or greater noise from existing operations. Safety concerns were also taken into consideration. Potential increases in the number of grade crossings were examined, as were the nature and operation of the proposed grade crossings and the potential traffic they would experience.

### **Evaluation Criteria**

The following criteria was used to determine impacts from the proposed project to socioeconomic and environmental justice:

- Reviewed demographic and income data from the 1990 Census to compare the population of the area of the proposed construction with that of the Village of Sidney.
- An environmental justice effect is determined to be significant if an adverse effect of the proposed construction falls disproportionately on low-income or minority populations.

### **TRANSPORTATION SYSTEMS**

Potential impacts on local transportation systems for the proposed project included increased delays at grade crossings.

The evaluation criteria used to determine potential impacts on transportation includes:

- The need for new grade crossings.
- Modifications of existing grade crossings

### **Grade Crossings**

Delays at grade crossings are a function of the number of trains per day passing over a crossing, the time it takes for a train to pass the crossing, and the type of crossing warning device. Delays at grade crossings will only be quantified if the ADT exceeds 5,000 vehicles.

## **SAFETY**

Safety impacts are discussed in the following general categories:

- Train accidents, derailments, and other incidents;
- Shipments of hazardous commodities; and
- Hazardous waste sites and hazardous material releases.
- Railroad safety precautions during construction.

### **Evaluation Criteria**

The following criteria was used to determine the effects of the proposed project on safety issues:

- The effect of the proposed connection on the transportation of hazardous materials.
- The likelihood of encountering hazardous waste sites during construction.
- The likelihood of a hazardous material release during construction.

### **Public Health and Safety**

Railroad operations affect public health and safety when accidents occur. Delays also occur at grade crossings (which could affect the time required to respond to an emergency, or affect the judgment of motorists concerning their ability to cross the tracks safely); and releases of hazardous materials sometimes occur.

### **Transportation of Hazardous Materials**

The existing lines were evaluated to determine if they are hazardous material key routes. NS' current train accident ratio (1.93 train accidents per million train miles) was applied to the annual number of trains projected to operate over the connection and the length of the connection to calculate the probability of a train accident on the connection.

### **Hazardous Waste Sites**

Railroad records or information databases were examined to determine if there are known hazardous waste sites or sites where there have been hazardous materials spills at the proposed construction site. The information searches of federal and state environmental databases were used to identify known sites of environmental concern within 500 feet of the proposed construction. EDR searched the following databases:

- National Priority List (NPL)
- Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS)
- Resource Conservation and Recovery Information System - Treatment, Storage, or Disposal (RCRA-TSD) sites
- Emergency Response Notification System (ERNS) spill sites
- State Priority List (SPL)



- State Licensed Solid Waste Facilities (SWF/LF)
- State Inventory of Leaking Underground Storage Tanks (LUST)
- State Inventory of reported spills (SPILLS)
- Orphan or unmappable sites list

The reports were reviewed to determine if any of these sites would be impacted by the proposed construction. Site visits noted any obvious indications of potential hazardous waste sites within the construction area.

## **WATER RESOURCES**

Identification of the types and extent of surface water features occurring within 500 feet of the center line along the proposed Sidney construction was completed using a variety of information sources.

Surface water resources were primarily identified from site inspection and interpretation of hydrologic features delineated on USGS topographical and NWI maps. The other information sources described below were used to confirm and/or refine the locations of these features.

### **USGS Topographic Maps**

USGS topographic maps indicate, among other items, the types and extent of water features on the landscape. These features include permanent and intermittent streams, water bodies, wetlands, tidal channels, mudflats, sewage-treatment ponds, channels, culverts, and ditches. Water resources located within and immediately adjacent to the railroad right-of-way were assessed for this project. Each crossing of a water resource was counted as required by 33 CFR Section 330.2 (I).

### **National Wetlands Inventory Maps**

NWI maps show various water features with a focus on wetland resources. The inventory was completed by USFWS through a stereoscopic analysis of high altitude aerial photography and delimitation of wetland types on USGS topographical maps. Wetlands are classified by USFWS in accordance with *Classification of Wetlands and Deepwater Habitats of the United States*. A particular wetland is located and classified in detail on NWI maps by a sequence of alphabetical and numerical symbols based on the attributes of the wetland. A comprehensive explanation of the classification system is provided in the map legend. This classification system includes a broad range of the types and extent of wetland resources, as well as other water features. However, for this evaluation, wetlands were identified as rivers, lacustrine (reservoirs, lakes) or palustrine (any vegetated wetland). Palustrine wetlands were further identified as forested, shrub/scrub, or emergent (containing herbaceous vegetation) wetlands. There are often differences between the USFWS definition of a "wetlands" and the definitions of various federal, state, and local regulatory agencies. All NWI wetlands that occur within 500 feet of the proposed construction are depicted on figures.



## **Soil Survey Maps**

Soil surveys have been completed by NRCS for a large number of counties in the United States. Maps have been prepared for each survey that show the types and extent of soil types. A subset of the soils mapped by NRCS is classified as "hydric;" that is, soils subjected to prolonged periods of flooding, ponding or saturation. The occurrence of a hydric soil provides an indication that an area may be a wetland. Information from the soil survey maps was used to cross-reference other sources of information to better understand the soils and hydrologic conditions at select locations.

## **Site Visits**

The proposed construction site was inspected and reviewed in the field by environmental scientists. Information about surface water resources and other areas of interest was collected during the inspections. Field notes and photographs taken during the inspections were retained for later review and utilized to amend and refine information derived from other sources.

## **Evaluation Criteria**

The following criteria were used to assess the potential impacts to surface water resources and wetlands that could result from the proposed construction project:

- 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.
- Alteration of water flow that could increase bank erosion or flooding, uproot or destroy vegetation, or affect fish and wildlife habitats.

The extent and duration of impacts to surface water resources and wetlands resulting from the project would depend primarily on the type of work to be completed and the size of the project. The overall effect could be lessened by avoiding important resources and minimizing impacts to the extent practicable, and by implementing the proposed mitigation measures. Prior to initiating construction, regulatory agencies would be consulted regarding the need to obtain permits, such as U.S. Army Corps of Engineers' (COE) Section 404 permits, National Pollution Discharge Elimination System (NPDES) permits, and state-required permits or agreements, as appropriate.

## **BIOLOGICAL RESOURCES**

Information regarding biological resources potentially occurring at, or in the immediate vicinity of, the proposed project (within 500 feet of the center line) was collected from a variety of sources, including USGS topographic maps, NRCS soil survey maps, lists of threatened and endangered species, reference books on regional flora and fauna, and information databases. In addition, federal and state agencies such as the U.S. Fish and Wildlife Service and Illinois Department of Natural Resources were consulted, and specific information concerning the potential occurrence of sensitive plants and animals in the vicinity of the proposed project was solicited.

Site visits were conducted at the project site to evaluate biological resources. These evaluations included determinations as to the occurrence or potential occurrence of sensitive species and habitat for sensitive species, overall value to wildlife, and use of the area as a migration corridor for animals.

### **Evaluation Criteria**

The following significance criteria were utilized to assess the potential impacts to biological resources resulting from the proposed projects:

- Loss or degradation of unique or important vegetative communities.
- Harm to or loss of individuals or populations of rare, threatened or endangered plants or animals.
- Disturbance of nesting, breeding or foraging areas of threatened or endangered wildlife.
- Loss or degradation of areas designated as critical habitat.
- Loss or degradation of wildlife sanctuaries, refuges or national, state or local parks/forests.
- Alteration of movement or migration corridors for animals.
- Loss of large numbers of local wildlife or their habitats.

Sensitive animal species with potential to occur in the vicinity of the project may be impacted by construction activities. A determination as to the level of impact will depend on many factors including the availability of suitable habitat, previous surveys, and comments from agencies.

Parks, forest preserves, refuges and sanctuaries were identified within one mile of the proposed construction. Impacts to these areas were determined based on their distance from the proposed constructions and the degree to which rail construction, operation and maintenance would disturb or disrupt activities at these areas.

## AIR QUALITY

Emissions from trains have the potential to impact air quality. STB regulations contain thresholds for air quality evaluations related to rail traffic increases. If STB thresholds would be met or exceeded, the effects on air pollutant emissions must be analyzed. The air quality methodologies contained in this section were used to calculate the air pollutant emissions from the proposed construction. Analyses were conducted for areas with activity increases above the following STB thresholds, as specified in 49 CFR 1105.7(e):

Activity	Threshold
<b>Attainment Areas (49 CFR 1105.7(e)(5)(I))</b>	
Rail line segment	Increase of 8 trains/day or 100% as measured in gross tons miles annually

### Evaluation Criteria

The following criteria were used to assess the potential impacts to air quality that could result from the proposed construction project:

- Increase in levels of pollutant emissions (e.g., hydrocarbons, carbon monoxide, sulfur dioxide, nitrogen oxide, and particulate matter) from the operation of construction equipment and vehicles.
- Effects related to train operations over the NS and UP line segments adjoining the connection, to the extent they meet the Board's thresholds for analysis.
- Evaluation of the potential for air quality effects from fugitive dust emissions.
- 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.

## Air Quality Methodology

The increase in emissions for the proposed connection was calculated using the total gross ton increase expected on the connection and the length of the connection. These values, when multiplied together, will provide the gross ton-mile increase for that connection. Next, the increase in total gallons of diesel fuel consumed for the connection will be obtained by dividing the gross ton-mile increase by the fuel efficiency factor 702.9 gross ton-miles per gallon on the NS system. The corresponding annual emission increases will be estimated by multiplying the annual fuel consumption for the connection by emission factors. Criteria pollutant emission factors were obtained from emission rates provided in USEPA's "Emission Standards for Locomotives and Locomotive Engines; Proposed Rule"<sup>1</sup> dated February 11, 1997. This proposed rule provides emission rates for line haul and switch locomotives which were used by USEPA to determine the emission standards in the proposed rule. The emission rates for line haul locomotives were converted to units of pounds of pollutant per 1000 gallons of diesel fuel consumed, and are provided below:

Hydrocarbons (HC) <sup>1</sup>	21.0
Carbon Monoxide (CO) <sup>1</sup>	62.9
Nitrogen Oxides (NO <sub>x</sub> ) <sup>1</sup>	566.4
Sulfur Dioxide (SO <sub>2</sub> ) <sup>2</sup>	36.7
Particulate Matter (PM <sub>10</sub> ) <sup>1</sup>	14.3
Lead (Pb) <sup>3</sup>	0.0012

This methodology will be employed for all criteria pollutants on this proposed connection since it will experience an increase in activity equal to or greater than the STB thresholds.

The following sample calculation for a rail line segment illustrates the emission estimation procedure for hydrocarbons:

$$\begin{aligned} & [16.0 \text{ miles (segment length)}] \times \left[ \frac{45.17 \times 10^6 \text{ gross tons (increase)}}{\text{year}} \right] \times \\ & \left[ \frac{1 \text{ gallon}}{702.9 \text{ gross ton miles}} \right] = 1.03 \times 10^6 \frac{\text{gallons diesel fuel consumption (increase)}}{\text{year}} \end{aligned}$$

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<sup>1</sup>United States Environmental Protection Agency, February 11, 1997. 40 CFR Parts 85, 89 and 92. Emission Standards for Locomotive and Locomotive Engines; Proposed Rule. The emission factors incorporate a fuel efficiency of 0.37 lbs of fuel per HP-hr and a density of 7.05 lbs per gallon.

<sup>2</sup>SO<sub>2</sub> emissions are based on a fuel sulfur content of 0.26 percent by weight and a density of 7.05 lbs per gallon.

<sup>3</sup>Lead emissions are based on Table 1.3-11 of AP-42 (8.9 lbs Pb/10<sup>12</sup> Btu.) The heat content of the fuel is 140,000 Btu per gallon.



$$\left[ 1.03 \times 10^6 \frac{\text{gallons}}{\text{year}} \right] \times \left[ \frac{21 \text{ lbs (HC)}}{1000 \text{ gallons}} \right] \times \left[ \frac{1 \text{ ton}}{2000 \text{ lb}} \right] = 10.80 \frac{\text{tons(HC)}}{\text{year}}$$

#### Emission Calculation Assumptions:

- A fuel efficiency factor of 702.9 gross ton-miles per gallon will be used on the NS system.
- The density of the fuel is 7.05 lbs per gallon.
- The fuel sulfur content is 0.26 percent by weight.
- The fuel heat content is 140,000 Btu per gallon.
- The fuel efficiency factor is 0.37 lbs of fuel per HP-hr.
- Emission factors for HC, CO, NO<sub>x</sub> and PM<sub>10</sub> are based on emission rates provided in USEPA's proposed rule on locomotive emission standards. It is conservatively assumed that all particulate matter emissions represent PM<sub>10</sub>.
- Lead emissions are based on the AP-42 emission factor of 8.9 lbs of lead per 10<sup>12</sup> Btu.

Potential impacts to air quality are discussed below.

#### Construction

During construction, the air quality in the vicinity of the proposed construction could be affected by fugitive dust and vehicle emissions. Increases in fugitive dust could occur due to grading and other earthwork necessary for rail bed preparation or removal activities. Emissions from heavy equipment and construction vehicles would also occur. These effects on air quality would be temporary and limited to the period of construction or abandonment. Additionally, the emissions from the small number of vehicles and equipment would be insignificant compared to the overall train and vehicle emissions in the project areas. Potential impacts would be minimized by good construction practices that would include dust control and vehicle maintenance measures.

#### Operation

The amount of train traffic operating over the proposed project site meets or exceeds STB thresholds for air quality; therefore air pollutant emissions were evaluated.

#### Maintenance

Right-of-way maintenance activities would result in emissions from vehicles and equipment used to perform maintenance activities. Maintenance activities would be confined to the rail line and occur sporadically for short periods throughout the year. Emissions during maintenance activities would be insignificant compared to the existing emissions in the area and would not significantly impact air quality.



## NOISE

### Construction

The proposed project would consist of construction activities that last for, at most, a few months. Temporary increases in noise level would occur during these operations, but the noise level would be similar to that of normal track maintenance procedures. Thus, the construction activities are not expected to result in significant adverse noise impacts.

### Noise Level Thresholds

The STB regulations specify that noise studies be done for all connections where traffic will increase by at least 100% as measured by annual gross tons miles or at least 8 trains per day.

The noise increase is to be quantified for all sensitive receptors (schools, libraries, residences, retirement communities and nursing homes) that are in the project area where these thresholds will be surpassed.

The Day-Night Sound Level, abbreviated  $L_{dn}$  or DNL, represents an energy average of the A-weighted noise levels occurring during a complete 24-hour period. An increase in  $L_{dn}$  of 3 dBA could result from a 100 percent increase in rail traffic, a substantial change in operating conditions, changed equipment, or a shift of daytime operations to the nighttime hours. Nighttime noise often dominates  $L_{dn}$  because of a weighting factor added to nighttime noise to reflect most people being more sensitive to nighttime noise. In calculating  $L_{dn}$ , the nighttime adjustment makes one event, such as a freight train passby, occurring between 10 p.m. and 7 a.m., equivalent to ten of the same events during the daytime hours.

There are some track segments where the STB threshold for a noise study is exceeded, but the total change in noise exposure would be insignificant. The approach taken was to analyze those areas where the projected increase in train volume or change in train mix would be expected to cause: (1) more than a marginal change in noise exposure, and (2) cause a significant increase in the number of noise sensitive receptors within the  $L_{dn}$  65 contour. For this study, any increase in  $L_{dn}$  less than 2 dBA was considered insignificant. A 2 dBA threshold was selected because:

1. Near railroad facilities, a plus or minus 2 dBA variation in  $L_{dn}$  is common because of the normal variation in factors such as: operating condition, operating procedures, weather, time of day, and equipment maintenance.
2. In most cases, a 2 dBA increase in noise exposure would cause only a small change (approximately 10%) in the number of residences within the  $L_{dn}$  65 contour. This is because noise impacts from train operations tend to be localized to the residences closest to the tracks. The acoustic shielding provided by the first row or two of residences is usually sufficient to keep noise exposure below  $L_{dn}$  65 at residences that are farther away.

3. Although a 2 dBA increase in noise exposure is often considered an insignificant change, it was selected as a conservative screening level for this study and for previous studies.

### **Evaluation Criteria**

The following criteria was used to determine potential impacts from the proposed project:

- Identification of noise-sensitive land uses where changes in operation could result in noise exposure increases.
- Identification of noise sensitive receptors (e.g. residences, schools, hospitals, libraries).

### **Approach**

The overall goal of the noise study is to identify noise sensitive land uses where the projected change in operations could result in noise exposure increases that meet or exceed the STB thresholds. This assessment provides estimates of the number of noise-sensitive receptors where there will be a significant increase in noise exposure and the STB thresholds will be exceeded.

Following is an outline of the approach that has been used for the assessment of potential noise impacts:

1. Develop noise models: Models for estimating rail line noise have been defined for significant noise sources. For connections, the dominant noise sources are the normal noise from freight and passenger train operations and the audible warning signals at grade crossings. Curves with small enough radii for substantial wheel squeal are normally lubricated to control wear and noise.
2. Identify sensitive receptors and existing noise conditions: Noise sensitive land uses were identified through review of USGS maps, aerial photographs and site visits.
3. Project existing and future noise exposure: Information on distances and propagation paths to sensitive receptors and existing and future operation plans have been used to estimate noise exposure in terms of the  $L_{dn}$ . Instead of doing noise projections for each sensitive receptor,  $L_{dn}$  65 contours were drawn on the maps or aerial photographs. For all of the rail segment noise projections, the average train was assumed to be 5000 feet long.

It was assumed that train horns are sounded starting  $\frac{1}{4}$  mile before all grade crossings and continuing until the locomotive is through the grade crossing.

4. Count noise sensitive receptors: Approximate counts were made of the number of residences, schools, and churches within the  $L_{dn}$  65 contour for both the pre- and post-construction train volumes using site visits. The final result of this analysis is an estimate of the total number of sensitive receptors likely to be affected by increased noise exposure by projected NS operations.

#### Measurement Data Used for Noise Models

Noise measurements of existing NS equipment were taken to provide a solid basis for the noise projections. The measurements included train noise from line-haul rail lines, and noise near grade crossings to document noise levels due to sounding train horns prior to grade crossings.

Controlled noise tests were conducted on NS using a level stretch of track in China Grove, NC. This single track has high freight traffic and is located next to an open level field. Noise measurements were made over a four-day period while trains were operated at a speed specified for the day, i.e., 20, 35, and 50 mph. Speeds were verified with a radar gun for each train.

Measurements were made at a second location on the fourth day to measure the influence of grade. Engineers were allowed to operate their trains at their normal speed and a radar gun was used to clock the train speed.

All instruments are state-of-the-art. The entire measurement setup was properly field calibrated prior to measurements.

Noise levels of the entire train were measured at four perpendicular distances from the track using an array of microphones at 50, 100, 150, & 200 feet from the track centerline. Microphones were mounted on tripods and their AC outputs were cabled to a nearby trailer where a four-channel Hewlett Packard Dynamic Analyzer was used to measure the  $L_{eq}$  of each train. This microphone array was used to determine the wavefront spreading rate [rate of noise reduction versus distance]. This rate was used in conjunction with a reference location to predict the distance from the track to the  $L_{dn}$  65 dBA contour.

This microphone array was supplemented with two precision sound level meters that measured the  $L_{eq}$ s and SELs of the locomotives and also of the cars at 150 feet from the track. This was a supplementary measurement that was not used in the model but it was used for cross-checks on the train noise data.

The definition of the SEL is:

$$SEL = L_{eq} + 10\log(t)$$

where:

SEL = Single Event Level, dBA

$L_{eq}$  = Equivalent Energy Level, dBA

t = time, seconds

The  $L_{eq}$  represents the average sound pressure level that contains the same equivalent energy as the fluctuating sound level of the event. In simple terms, the high and lows of the fluctuating noise are characterized by a single average number. For example, as a train passes by, the noise will vary as the locomotives and cars go by. This fluctuating noise is characterized by a single sound level that is representative for the entire train. This averaging process is done on a logarithmic basis since decibels are involved.

The SEL represents the total energy contained in the event. For example, a train can be characterized by the  $L_{eq}$  and the amount of time that it takes to pass a measurement point. When the SEL is computed, it represents the total energy of the train. For example if two otherwise identical trains passed by, but one was longer than the other, the longer one would have a larger SEL. If one train was twice the length of another train, the SEL would be 3 dBA larger. This assumes that all locomotives and individual cars produce the same noise level. Again, the logarithmic averaging process is involved, i.e., a doubling produces a 3 dBA change.

The  $L_{eq}$  corresponds to the loudness of the event whereas the SEL does not. The effects of speed, loudness, time duration, and fluctuating level are conveniently represented by a single number. The SEL is convenient for the computation of the  $L_{dn}$ . Alternately, the  $L_{eq}$  and time duration could be used with equal ease and their combination would yield the same  $L_{dn}$  result.

Measurements were made by the firm of William R. Thornton, Ph.D., P.E. in association with Earshen & Angevine Acoustical Consultants Inc. All work was done by two noise control engineers who are full members of the Institute of Noise Control Engineers, INCE.

Horn noise was measured at a rail crossing in another part of China Grove at a distance of 150 feet from the track. Measurements were made at the midpoint between the ¼-mile marker and the rail crossing. The SEL and  $L_{eq}$  of the horn were measured as the train approached and departed this measurement station. This situation represents the worst case for noise for a person living near a crossing.

Measurements were also made at a nearby section of 0.9 percent grade to determine the effects of grade on noise emissions.

The detailed results of the train passby noise measurements at the four microphone positions are given in Table N-1. Measurement results of the 0.9 percent grade train passbys and the train horn measurements are listed in Tables N-2 and N-3, respectively. Finally, all measured NS noise levels are summarized in Table N-4, energy-averaged and normalized to a distance of 100 feet from track centerline.

The results from the noise survey of NS trains showed that the average attenuation rate was 4.8 dBA per doubling of distance. In other words, the noise level from a train passby 200 feet from the track would be 4.8 dBA less than the noise level 100 feet from the track. This represents the attenuation of noise caused by the dissipating effects of the atmosphere and ground. This is consistent with the attenuation rate that would be expected for train noise propagating over soft ground.



Noise from train horns were found to be relatively consistent for the six trains that were measured. At 150 feet from the track, the average  $L_{eq}$  was 93 dBA, the average duration was 15.6 seconds, and the energy average SEL was 108 dBA.

**Table N-1**  
**Noise Data for NS Trains**

Event Time	Speed (mph)	Duration (seconds)	No. of Loco-motives	No. of Rail Cars	Measured $L_{eq}$ at Distance from Tracks (dBA)			
					50 ft	100 ft	150 ft	200 ft
919	20	60	2	14	79.8	75.7	73.1	70.9
1023	19	207	2	93	81.2	77.6	75.2	73.9
1053	20	202	??	100	79.8	76.0	73.3	72.0
1214	20	166	3	61	72.8	69.4	66.9	65.7
1243	20	58	2	24	73.1	69.7	67.2	66.4
1353	18	14	2	67	80.3	76.9	73.8	72.1
1624	20	316	2	128	77.9	74.8	72.1	70.9
1731	19	239	2	85	78.4	74.6	72.6	70.4
1752	20	269	3	97	78.9	74.7	72.6	71.0
1802	20	167	2	45	71.5	67.8	65.8	64.3
1913	18	160	2	86	79.7	76.0	73.2	71.9
--	20	240	2	80	79.3	74.2	72.9	70.1
<b>Average:</b>	<b>20</b>	<b>185</b>	<b>2</b>	<b>73</b>	<b>78.6</b>	<b>74.8</b>	<b>72.3</b>	<b>70.7</b>
1035	25	90	2	38	76.0	71.8	68.8	67.2
1204	33	163	3	127	84.0	79.9	76.5	74.7
1226	32	50	2	36	74.6	70.6	67.3	65.8
1307	30	92	2	37	81.6	77.8	74.8	73.0
1326	34	39	2	39	79.6	75.8	72.6	70.9
1424	34	30	3	69	84.9	81.5	79.2	77.1
1453	33	101	2	97	81.2	76.8	73.3	71.2
1610	34	119	2	91	84.8	80.9	78.3	76.5
1724	35	143	2	124	82.9	78.9	76.4	74.1
1949	35	130	2	76	80.8	77.4	74.9	72.7
2000	35	104	3	57	84.8	80.7	78.2	75.9
2027	33	130	3	97	84.0	79.7	76.3	73.6
<b>Average:</b>	<b>33</b>	<b>99</b>	<b>2.3</b>	<b>74</b>	<b>82.6</b>	<b>78.7</b>	<b>75.9</b>	<b>73.8</b>
1036	50	54	2	71	84.0	80.5	77.1	75.0
1154	43	122	4	136	87.2	84.0	80.2	77.7
1301	42	102	4	110	88.1	85.2	82.0	79.3
1322	47	23	3	28	85.6	82.4	78.8	76.5



Event Time	Speed (mph)	Duration (seconds)	No. of Locomotives	No. of Rail Cars	Measured $L_{eq}$ at Distance from Tracks (dBA)			
					50 ft	100 ft	150 ft	200 ft
1339	47	38	2	47	86.7	82.8	77.8	74.8
1347	45	80	4	76	82.4	79.5	76.7	74.7
1447	44	76	5	92	87.3	84.2	81.1	79.4
1503	48	41	2	33	85.3	81.7	78.2	74.9
1523	49	51	1	56	80.7	77.2	73.8	71.6
1535	45	111	4	121	89.5	86.2	82.6	79.7
1910	45	80	2	70	83.2	79.4	76.6	74.1
1921	41	154	2	138	87.1	83.1	80.1	78.1
<b>Average:</b>	<b>46</b>	<b>78</b>	<b>2.9</b>	<b>87</b>	<b>86.2</b>	<b>82.9</b>	<b>79.4</b>	<b>77.0</b>

**Table N-2**  
**Noise Data from NS Trains on a 0.9 Percent Grade**

Event Time	Speed (mph)	Duration (sec)	No. of Locomotives	No. of Rail Cars	Direction of Travel	Measured $L_{eq}$ at Distance from Tracks (dBA)			
						50 ft	100 ft	150 ft	180 ft
1019	30	120	1	95	--	80.2	78.1	76.0	75.8
1226	53	70	3	44	--	76.8	75.5	73.1	73.0
1257	48	50	2	42	--	79.0	78.7	76.0	75.4
1315	27	166	3	59	--	78.3	76.7	74.6	73.9
1406	33	106	2	59	uphill	78.9	77.7	75.9	77.2
1636	31	161	2	87	uphill	81.3	80.3	76.9	77.2
1450	43	72	3	70	downhill	80.0	77.5	75.4	75.5
1722	42	164	2	132	downhill	79.6	77.6	74.9	74.6

**Table N-3**  
**Horn Noise Data from NS Trains**  
(all measurements taken 150 ft from track centerline)

Time	Direction	$L_{eq}$ (dBA)	$L_{max}$ (dBA)	SEL (dBA)	Duration (seconds)
1030	South	93.0	99.0	105.0	16.0
1049	North	91.5	99.5	103.5	15.7
1222	South	92.0	101.0	104.0	16.0
1238	North	94.7	100.9	107.0	17.0
1304	South	91.2	96.6	101.1	9.3
1400	South	95.4	102.3	108.3	19.6

**Table N-4**  
**Average Values Calculated from NS Train Noise Data**  
(all sound levels normalized to 100 ft from track centerline)

Source	# of Trains	Energy Average Sound Level, dBA	
		Noise Metric	Average Level
Train Horns	6	$L_{max}$	103
		SEL	108
		$L_{eq}$	96
Train Passby on level track, 20 mph (no horn)	12	$L_{eq}$	75
Train Passby on level track, 35 mph (no horn)	12	$L_{eq}$	78
Train Passby on level track, 50 mph (no horn)	12	$L_{eq}$	82
Train Passby up 0.9% grade, 31 mph (no horn)	2	$L_{eq}$	79
Train Passby down 0.9% grade, 45 mph (no horn)	2	$L_{eq}$	78

The NS noise model was based on SEL and  $L_{dn}$  levels measured in the field at different speeds, train lengths, numbers of locomotives, different grades, and train horns.

Noise from rail line construction and operation has the potential to impact noise receptors along the rail line. Sensitive noise receptors include residences, schools, churches, libraries and hospitals. Residences within 500 feet and other sensitive noise receptors (schools, churches, hospitals, libraries) within 1,250 feet (0.25 mile) of the proposed project were identified since these would be the most likely affected by noise from construction activities and any subsequent rail operations. For construction projects expected to exceed STB noise thresholds, the number of noise receptors experiencing average daily noise levels ( $L_{dn}$ ) of 65 decibels or greater was determined.

## CULTURAL RESOURCES

In order to evaluate the potential impacts to historic and cultural resources, the Illinois State Historic Preservation Officer (SHPO) was sent a letter requesting information on known historic properties or archaeological sites potentially affected by the project. The SHPO was asked to indicate whether further actions are needed to identify historic properties. Documentation of historic and cultural resources in the project area was requested and a determination of the potential impacts of the project on any NRHP eligible structures was requested.

In accordance with 49 CFR 1105.8, the proposed construction is shown on USGS topographic maps on which urban or rural characteristics of the surrounding areas are depicted, as well as the location, if available, of documented historic properties.

## **Evaluation Criteria**

Impacts to historic and archaeological resources would be considered adverse (as defined in 36 CFR 800.9) if any site listed or eligible for listing on the NRHP would experience destruction of the site; alteration of site characteristics or setting; neglect resulting in deterioration or destruction; or transfer, lease, or sale of the property on which the site occurs if adequate restrictions or conditions are not included to ensure preservation of the property's significant historic features.

## **ENERGY**

The proposed project would allow NS to use shorter rail routes between destinations, increasing the efficiency of their systems. Shorter, more direct routes would reduce the overall fuel consumption of locomotives. The tonnage expected to operate over the connection was estimated assuming 5400 trailing tons per train. This was multiplied by the reduction in route length that would be realized from the connection to determine the reduction in ton miles. Multiplying ton miles by the fuel consumption per ton-mile provides the number of gallons of fuel saved. The proposed project would have an overall positive impact on energy use and encourage diversion of truck traffic to more fuel efficient rail transport.

APPENDIX E

## **APPENDIX E REFERENCES**

- Cowardin, Lewis M., 1979. Classification of Wetlands and Deepwater Habitats of the United States. Office of Fish and Wildlife Service, U.S. Department of the Interior, FWS/OBS-79.
- National Wetlands Inventory. 1987. St. Joseph Quadrangle, Champaign County, IL. U.S. Department of the Interior, Fish and Wildlife Service, Washington D.C.
- Soil Conservation Service (now the Natural Resources Conservation Service). 1982. Soil Survey of Champaign County, IL. United States Department of Agriculture.
- U.S. Bureau of the Census. 1972. County and City Data Book: 1972. Washington, D.C. USGPO.
- U.S. Bureau of the Census. 1994. County and City Data Book: 1994. Washington, D.C. USGPO.
- U.S. Bureau of the Census. 1982. State and Metropolitan Area Data Book: 1982. Washington, D.C. USGPO.
- U.S. Bureau of the Census. 1992. Statistical Abstract of the United States. Washington, D.C. USGPO.
- U.S. Bureau of the Census. "Time Series of Resident Population of Places: April 1, 1990 to July 1, 1994." Population Distribution and Population Estimates Branches. Washington, D.C. USGPO.
- U.S. Bureau of the Census. 1990 US Census Data. Database: C90STF3A. Summary Level: State--County. Washington, D.C. USGPO.
- U.S. Bureau of the Census. 1990 US Census Data. Database: C90STF1A. Summary Level: State--Place. Washington, D.C. USGPO.
- U.S. Bureau of the Census. 1996. USA Counties 1996, Geographic Area: Champaign County, IL, General Profile. Washington, D.C. USGPO.
- U.S. Department of the Interior Geological Survey. 1968. St. Joseph Quadrangle, Champaign Co., IL, 7.5 Minute Series (Topographic). Washington, D.C.



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Finance Docket No. 33388 (Sub No. 5)  
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Service Date: October 7, 1997

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