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 landclearing, 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.

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

DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
BOX 1027
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

184597
184598
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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)

Sub-6

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.

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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(SUB6) 12-4-97 K ID-FEDS

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

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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

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. 6) - CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company, and Conrail Inc., and Consolidated Rail Corporation - **NS/Conrail Rail Line Connection: City of Alexandria, Madison County, Indiana**

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 Alexandria, Indiana to permit traffic movements between the NS and Conrail systems. The proposed 1,052-foot connection is located in the City of Alexandria, Madison County, Indiana. The new connection would be located 250 feet northeast of the existing NS and Conrail intersection. The proposed construction site is located in the south-central part of the City of Alexandria, southwest of the intersection of Berry and Curve Streets. A map of the proposed connection and the surrounding area is attached.

The new connection would connect NS's current main line between Marion, Indiana and Anderson, Indiana to Conrail's main line between Muncie, Indiana and Lafayette, Indiana. The connection would provide a new, more efficient route between points in the upper Midwest and points in the southeastern United States, would increase rail traffic capacity, improve service to shippers, and reduce train delays in Chicago and rail traffic congestion in Fort Wayne, Indiana. NS anticipates that an average of 7 trains per day (single commodity, or unit trains and intermodal trains with an average length of 5,000 feet) 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 three (3) 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. Comments were also received from the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology pursuant to the review process for Section 106 of the National Historic Preservation Act (16 U.S.C. 470f., as amended). The Division of Historic Preservation and Archeology stated that construction should be limited to areas previously disturbed. Because rail line construction would be conducted in disturbed areas, SEA did not recommend additional mitigation. 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 but have been augmented as appropriate pursuant to the comments submitted. SEA recommends that any Board decision approving the proposed construction and operation of this connection be subject to the mitigation measures attached to this document.

Attachments

SEA RECOMMENDED FINAL MITIGATION

NS/CONRAIL RAIL LINE CONNECTION
ALEXANDRIA, INDIANA

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

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 of 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

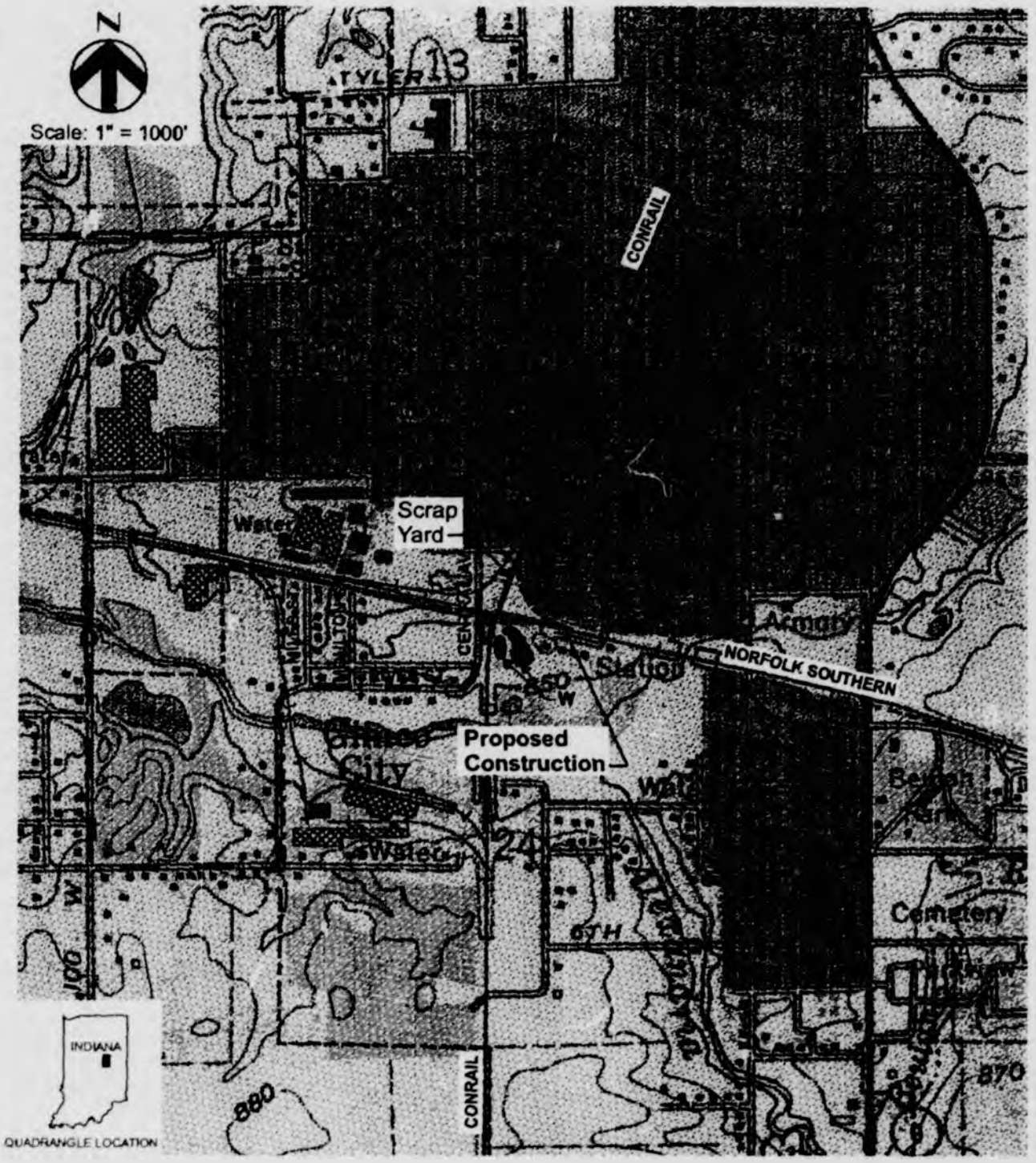
- If previously undiscovered archaeological remains are found during construction, NS shall cease work and immediately contact the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology within two business days to initiate the appropriate Section 106 process pursuant 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 Alexandria, Indiana. SEA does not recommend any specific mitigation measures for a decision in approving the construction waiver for the proposed rail connection construction in Alexandria, Indiana.



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

09-16-97

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,

David N Cow

for William W. Schenk
Regional Director

CENTRAL ADMINISTRATIVE UNIT
REC'D: 10/8/97 @ 5:35
DOCUMENT # _____

DNR

INDIANA DEPARTMENT OF NATURAL RESOURCES

LARRY D. MACKLIN, DIRECTOR

33388 (6)

Division of Historic Preservation
and Archaeology
402 W. Washington St., Rm. 274
Indianapolis, Indiana 46204
tel: 317-232-1646
fax: 317-232-0693

September 19, 1997

James R. Paschall
General Attorney
Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

Dear Mr. Paschall:

We have reviewed the proposed construction of a connecting track between existing lines of the Norfolk and Western Railway Company with current lines of the consolidated Rail Corporation near the intersection of Berry Street and Curve Street (Associated with the construction of two other connection tracks in Ohio and Illinois) in Alexandria, Madison County, Indiana [Project # STB FINANCE DOCKET #33388 (SUB NO. 6)]. This review has been conducted pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f) and implementing regulations found at 36 C.F.R. Part 800.

As long as the project remains within areas disturbed by previous construction, no known historical, architectural, or archaeological sites listed in or eligible for inclusion in the National Register of Historic Places will be affected by this project. Therefore, the Section 106 review process is complete. However, if any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that work must stop and that the discovery must be reported to the Division of Historic Preservation and Archaeology within two (2) business days. Additionally, in the event that artifacts or features are discovered during the implementation of the federally assisted project, activity, or program and a plan has not been developed, it is the federal agency's responsibility to contact the Advisory Council on Historic Preservation in accordance with 36 C.F.R. Section 800.11(b)(2). Thank you for your cooperation.

Very truly yours,

for Larry D. Macklin
State Historic Preservation Officer

LDM:SLW:MMD:smg

cc: Susan B. Cassidy, Arnold & Porter

3.10.4

SIDLEY & AUSTIN
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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

FOUNDED 1866

CHICAGO
DALLAS
LOS ANGELES

NEW YORK
LONDON
SINGAPORE
TOKYO

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

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 stastistic 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.)

28470 **SERVICE DATE - LATE RELEASE OCTOBER 9, 1997**

SURFACE TRANSPORTATION BOARD
Washington, DC 20423-0001

STB Finance Docket No. 33388 (Sub No. 1)[1]

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

Vernon A. Williams
Secretary

---

[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.

JOHN J PAYLOR
CONSOLIDATED RAIL CORP.
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PHILADELPHIA PA 19101-1416 US

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CHRISTOPHER A. MILLS
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WASHINGTON DC 20036 US

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FEDERAL ENERGY REGULATORY COMMISSION
888 - 1ST ST, N.E. STE 11F
WASHINGTON DC 20426 US

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JACKSONVILLE FL 32202 US

THOMAS M O'LEARY
OHIO RAIL DEVELOPMENT COMMISSION
50 W BROAD STREET 15TH FLOOR
COLUMBUS OH 43215 US

Records: 15

STB Decision ID # 28334

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

Environmental Assessment

Finance Docket No. 33388 (Sub No. 6)

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/Conrail Rail Connection–Alexandria, Indiana

Information Contact:

Elaine K. Kaiser, Chief
Section of Environmental Analysis
Surface Transportation Board
1925 K Street NW, Suite 500
Washington, DC 20423
888-869-1997

ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED CONNECTION AT ALEXANDRIA, INDIANA

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APPENDICES

EXECUTIVE SUMMARY

This Environmental Assessment (EA) was prepared by the Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) in accordance with the 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 connection between the existing Norfolk & Western Railway Company, a subsidiary of Norfolk Southern Railway Company (NS), and Conrail (CR) rail lines in Alexandria, Indiana to be constructed by NS (see Figure 1.1). The proposed connection would include approximately 1,052 feet of new rail line and would require 2.3 acres of urban land for the construction site. The proposed construction site is surrounded by existing CR and NS lines. Rail traffic on this connection is anticipated to average seven trains per day. According to NS, this connection would provide a new, more efficient train route between points in the upper Midwest and points in the southeastern United States, would increase rail traffic capacity, improve service to shippers, and reduce train delays in Chicago, Illinois and rail traffic congestion in Fort Wayne, Indiana.

After providing 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 proposed construction plan are discussed. Finally, a summary is provided of agency comments which relate to the project, along with NS' response to agency comments and explanations of 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. Overall transportation and energy efficiency of the NS system will be improved by the construction of the connection.

Any increase in noise levels during construction would be limited to normal work hours and would only occur during the three- to six-month construction period. Noise level increases related to future operation on the connection would be minor.

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 Section 5.3 as conditions in any final decision approving construction at Alexandria, Indiana.

Table ES-1
SUMMARY OF POTENTIAL ENVIRONMENTAL IMPACTS
PROPOSED RAIL CONNECTION AT ALEXANDRIA, INDIANA

Impact Type	Environmental Assessment Criteria	Evaluation of Criteria
Land Use	Length of Proposed Connection New Right-of-Way Required Effect on Prime Farmland Effect on Coastal Zone Management Areas Effect on Parks, Forest Preserves, Refuges and Sanctuaries	1,052 feet 1.3 acres None 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 or Endangered Species	None None
Air Quality	Impact to Air Quality due to Construction	Negligible
Affected Sensitive Noise Receptors	Affected Sensitive Noise Receptors Within Ldn 65 Noise Contour	20 Residences
Transportation and Safety	Train Movement Over Connection New At-Grade Crossings Effect on Transportation of Hazardous Materials	7 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	Changes 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 314,000 None Improved None
Environmental Justice	High and Disproportionate Impact on Minority and Low-Income Groups	None

SEA specifically invites comments on all aspects of this EA including the scope and adequacy of the recommended mitigation. SEA will consider all comments received in response to the EA in making its final recommendations to the Board. Comments (an original and 10 copies should be sent to: Vernon A. Williams, Secretary, Surface Transportation Board, 1925 K Street, NW, Suite 700, Washington, 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

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 Alexandria, Indiana is proposed to integrate the Conrail lines into the NS system. 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 environment.

1.1 OVERVIEW OF THE PROPOSED RAIL CONNECTION

1.1.1 Location and Description

Alexandria is approximately 74 miles northeast of Indianapolis. The new project would connect NS' current main line between Marion, Indiana and Anderson, Indiana to CR's main line between Muncie, Indiana and Lafayette, Indiana. The connection would provide a new, more efficient train route between points in the upper Midwest and points in the southeastern United States, would increase rail traffic capacity, improve service to shippers, and reduce train delays in Chicago and rail traffic congestion in Fort Wayne, Indiana. According to NS, without the proposed connection, the NS traffic would have to be routed via the CSX line from Muncie, through Anderson, Indiana, before reaching destinations in the upper Midwest, which is a more circuitous route that adds an additional 16 miles.

The proposed action at Alexandria, Indiana would involve the construction, operation, and maintenance of a new connection between existing CR and NS rail lines. The proposed design includes 1,052 feet of new rail line and would require approximately 2.3 acres of new land. Approximately 1.3[1] acres would be utilized by track.

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[1] Additional design work has been completed since submission of the initial Environmental Report on June 23, 1997. Some specific parameters such as acreage required have been updated in this EA.

The proposed Alexandria, Indiana connection would be located 250 feet northeast of the existing CR/NS intersection. The proposed construction site is located in the south-central part of the City of Alexandria, southwest of the intersection of Berry and Curve Streets (Figure 1.1). The site is bordered on the north by Berry Street, on the east by Curve Street, on the west by the existing CR Marion to Anderson line and on the south by NS' existing Frankfort to Muncie line.

The proposed construction site is primarily used today for a scrap yard operation. The west and south sides of the site are bordered by 30-foot strips of vegetation dominated by weeds and grasses, characteristic of disturbed areas. A buried AT&T fiber-optic cable is located along the east side of the CR line. A small woodland exists south of the proposed site along the south side of the NS line. An electrical substation, owned by Indiana & Michigan Electric, is located 500 feet west of the proposed construction. Residences are located to the north and south of proposed construction site. NS' objectives are to construct a connection which will permit safe and efficient train operations while maximizing safety and minimizing potential impacts on area residences.

1.1.2 Changes in Rail Traffic

The proposed track would connect two through routes that carry all general commodities. Since new territory is not being opened, any more specific traffic information is not available at this time. Traffic on the new connection would average 7 trains per day. Traffic is expected to predominantly consist of general merchandise trains, with one local train each day, each way, and one grain train once a week. The CR track north of the proposed connection will have an increase in trains per day from 5 to 7. The NS track east of the proposed connection will have an increase in trains per day from 3 to 12.

1.1.3 Construction Requirements

The proposed construction site is located in the south-central part of the City of Alexandria, Indiana. The proposed connection site is southwest of the Berry and Curve Street intersection, and would occupy approximately 2.3 acres. Berry Street crosses the northern portion of the proposed construction site. The site is bordered on the east by Curve Street and Black Street, on the west by the existing CR line and on the south by the existing NS line. The proposed construction site consists primarily of property used today for a scrap yard operation. The west and south sides of the site are bordered by 30-foot strips of vegetation dominated by weeds and grasses, characteristic of disturbed areas. A buried AT&T fiber-optic cable runs along the east side of the CR line. A small woodland exists south of the proposed site along the south side of the NS line. An electrical substation is 500 feet west of the proposed construction. Residential properties are located to the north and south of the project area.

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

09-16-97

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. New rails, ties, subgrade, subballast and ballast materials would be used for the roadbed. Recycled rail may be used where practical. 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 Alexandria, Indiana Connection

Maximum train speed	10 miles/hour
Maximum curvature	12 degrees, 0 minutes
Maximum grade	0.31 percent
Minimum weight of rail	136 pounds per yard
Tie lengths	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 : 1 foot vertical
Maximum cut	9.0 feet
Maximum fill	no fill

The topography along the proposed connection is level. Only general surface grading of the area would be necessary. In Alexandria, only minor grading would be required to construct the roadbed and side ditches. All required grading, drainage and erosion control permits would be obtained prior to work. Grading activities typically consist of the following:

- removal and disposal of vegetative and non-vegetative debris,
- excavation and compaction of existing material 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 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.

The property on which the proposed connection would be located is rectangular-shaped and is not a uniform right-of-way corridor. The proposed track right-of-way would utilize a strip approximately 40-feet wide, centered on the existing rail line in most areas.

The proposed connection would not cross any streams or wetlands, and no residences would need to be moved as a result of the proposed project. A scrap yard (or portions thereof) would need to be relocated. The at-grade crossing of Berry Street would be expanded to accommodate the proposed track and would be upgraded by adding gates and flashing lights. Black Street would not be impacted by the project.

Exact numbers for the labor force and duration of the construction period are not available, but the project is expected to require 10 to 15 people and three to six months to complete. It is expected that the work would be done during normal working hours. It is planned that the 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 would be 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 performed by NS' existing Maintenance of Way and Structures (MW&S) and Signal and Electrical Department maintenance and construction crews. No new NS positions are anticipated to be created specifically for this project.

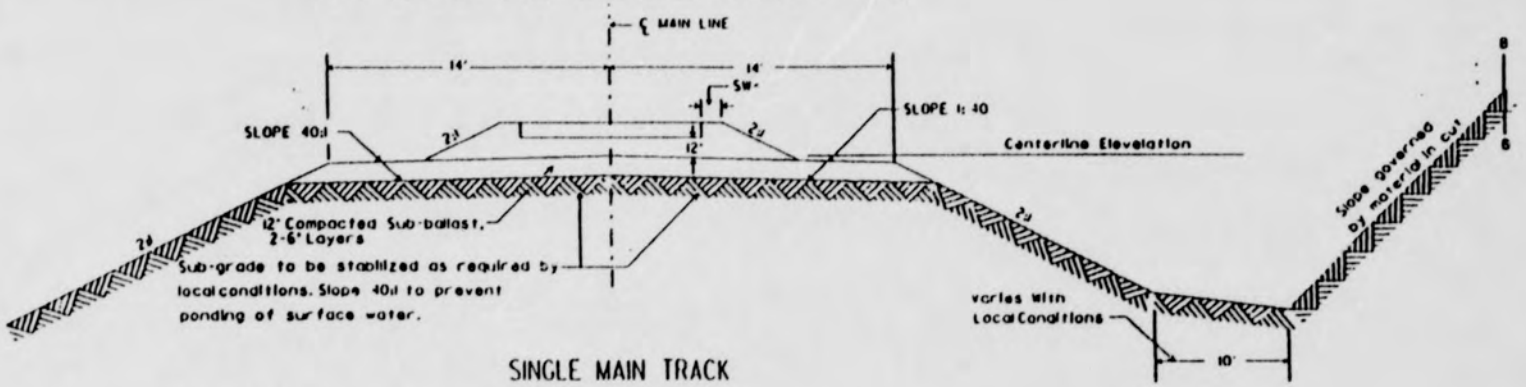
1.1.4 Operation

The proposed track would connect two through routes that carry all general commodities. Since new territory is not being opened, any more specific traffic information is not available at this time. Traffic on the new connection would average 7 trains per day. Traffic is expected to predominantly consist of general merchandise trains, with one local train each day, each way, and one grain train once a week.

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. According to the standards, all connections would be classified and maintained as main track, meaning they would be inspected at a minimum of two times per week as specified by the FRA. Additional inspections would be performed whenever specific conditions warrant. Track inspections would be performed only by qualified personnel who meet the requirements set forth by the FRA in section 213.7 of the Track Safety Standards. NS maintains its track so that it meets or exceeds all FRA safety standards. 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.

TYPICAL ROADBED SECTION



SINGLE MAIN TRACK

FILL SECTION

CUT SECTION

SHOULDER WIDTH (SW•)

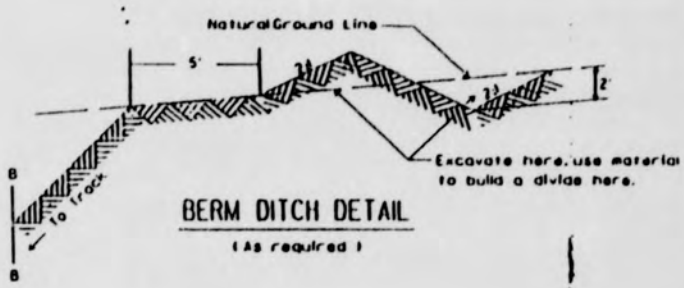
BALLAST WIDTH FROM END OF TIE TO EDGE EDGE OF SLOPE

	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.



BERM DITCH DETAIL

(As required)

TYPICAL CROSS-SECTION	Date: Sept. 1997
	Figure: 1.2

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

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 Alexandria, Indiana. 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 on 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 Surface Transportation Board's authorization for: (1) 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 Boards' decision on the acquisition and division of Conrail.

The seven constructions are each relatively short connections between two rail carriers and which 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 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 Conrail 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, in the absence of the proposed connection, trains from Chicago to the southeastern United States would have to be routed from Muncie through Anderson, Indiana which is a more circuitous route by 16 miles. 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, Alternative B, was analyzed, but rejected because of the need to remove 2 to 4 residences (Figure 2.1). Alternative B would also require 2 expanded grade crossings. 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 Conrail 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 B would diverge from the existing east/west NS track about 300 feet east of Alternative A and about 100 feet east of Black Street. This alternative would extend west across Black Street, creating an expanded grade crossing, and then curve northwest. This alignment would require displacing one residence while passing within 40 feet of other residences. Continuing northwest, this alignment would then cross the east side of the scrap yard before heading north and crossing Berry Street, resulting in yet another expanded grade crossing. It would then connect with the north/south CR line 250 feet north of Berry Street. Alternative B would pass under Indiana & Michigan Electric's transmission lines. Again, the lines are high enough to accommodate trains and would not need to be raised.

Alternative A, the preferred connection, would diverge from the existing east/west NS track approximately 115 feet west of Black Street. Alternative A would head west, passing through

a scrap yard where it would curve northwest. It would then cross Berry Street, creating an expanded grade crossing. This alignment, now heading north, would connect with the north/south oriented CR line approximately 250 feet north of Berry Street. Alternative A would pass under Indiana & Michigan Electric's transmission lines. However, the lines are high enough to accommodate trains and would not need to be raised.

2.3 SELECTION OF THE PROPOSED CONNECTION LOCATION

The purpose of the proposed project is to provide a more efficient route from Chicago to Cincinnati, Atlanta and the southeastern United States; to increase rail capacity; and to improve service to shippers. The project would also reduce rail congestion in Fort Wayne. The "no-build" alternative would not allow these benefits, and it was therefore eliminated from consideration. The "build" alternative is the preferred action.

Under the "build" alternative, two alternative alignments for rail construction were evaluated. Any other alternatives would have required acquiring a greater amount of land, crossing streams, clearing forested areas and directly impacting several residences. Preliminary studies determined that both alternatives were feasible from economic and engineering perspectives. The evaluation also addressed the social and environmental impacts of these 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.

The most significant differences between the two alternatives are the number of residences that would have to be removed and the number of grade crossings affected. No residences would have to be removed for Alternative A. Two to four residences would have to be removed for Alternative B. Alternative A would require only one expanded grade crossings, Alternative B would require two expanded grade crossings. As shown in Table 2-1 and Figure 2.1, the two alternatives differ relatively little in many other evaluation categories.

Table 2-1
Comparison of the "Build" Alternatives for Alexandria, Indiana Rail Connection

Feature	Unit	Alternative	
		A	B
Length of Alignment	feet	1,052	1,360

Legend

W = Wetland Areas

Alternative A

Alternative B

Scrap Yard

Source: US Geological Survey, Alexandria, IN. 1960

LOCATION OF ALTERNATIVE ALIGNMENTS

STB Construction Environmental Assessment

Alexandria, Indiana

Date: Sept. 1997

Figure: 2.1

(04-16-97)

Table 2-1
Comparison of the "Build" Alternatives for Alexandria, Indiana Rail Connection

Feature	Unit	Alternative	
		A	B
Land Use Crossed:			
Agricultural	feet	0	0
Woodland (including shrub/scrub habitat)	feet	0	0
Residential	feet	0	1,360
Industrial	feet	1,052	0
Private Property Crossed	acres	2.3	4.0
Prime Farmland Soil Crossed			
Prime in Native State	feet	0	0
Prime If Drained	feet	0	0
Waterway Crossings	number	0	0
	feet	0	0
Forested 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
New Grade Crossings:			
State Highways	number	0	0
County Roads			
two-lane paved roads	number	0	0
unimproved roads	number	0	0
Private Roads	number	0	0
Expanded Grade Crossings	number	1	2
Residences/Businesses			
Within right-of-way			
residences	number	0	2-4
businesses	number	1	1
50-100 feet from centerline			
residences	number	3	5
businesses	number	1	1
100-500 feet from centerline			
residences	number	34	38
businesses	number	5	5
Sensitive Noise Receptors Within the Extended Ldn 65 dBA Contour	number	20	22

Table 2-1
Comparison of the "Build" Alternatives for Alexandria, Indiana Rail Connection

Feature	Unit	Alternative	
		A	B
Traffic at Road Crossings Berry Street Black Street	 vehicles/day vehicles/day	 1,407 No Impact	 1,407 No Impact
Loaded School Bus Traffic at Crossings	number/day	4*	4*
Transmissions Corridor Crossings	number	2	2
Known Cultural Resource Sites	number	0	0
Nearest Recreational Area	feet	1,700	2,000
Nearest Residence	feet	60	40
Nearest Church	feet	700	800
Nearest School	feet	1,000	1,200
Nearest Hazardous Waste Site	miles	0.3	0.4

*City of Alexandria's Mayor's estimate.

Alternative A was selected as the preferred route for the following reasons:

- Alternative A would not require the relocation of any residences. Alternative B would require the relocation of two to four residences.
- Alternative A would affect fewer residential noise receptors than Alternative B.
- Alternative A is farther away from residences.
- Alternative A creates fewer expanded grade crossing (one for Alternative A, two for Alternative B), thus minimizing potential safety impacts.
- Alternative A crosses less private property (2.3 acres compared to 4.0 acres for Alternative B).

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

The proposed project would be located in the urban area of Alexandria, Indiana. The area around the proposed construction site is dominated by rail, transportation and utility uses to the south and west. Residences are to the north and east of the proposed construction area. A buried AT&T fiber-optic cable is located along the east side of the CR line. A scrap yard, owned by Azimow and Culbertson Scrap Company and used for recycling batteries, scrap and other metals, is on the property which is needed for the proposed right-of-way. Other existing land uses surrounding the proposed site include a mixture of commercial properties, interspersed with low density residential properties. A small undeveloped wooded area is located southeast of the intersection of the existing NS and CR rail lines.

3.1.2 Consistency with Local Plans

There was no response from Alexandria city or Madison county on planning conflicts that would arise with the construction of the preferred alignment.

3.1.3 Prime Farmlands and Coastal Zones

The proposed rail alignment would cross Fox silt loam (2 to 6 percent slopes) and Westland soils. The surface layer of the Fox silt loam is 9 to 12 inches thick with a brown clay loam subsoil 24 inches thick. This soil has a medium available moisture capacity and runoff is slow. The potential of erosion is slight to moderate. The Westland soil surface layer is 14 inches thick with a 35 inch thick underlay of dark-gray silty clay loam. Westland soil is considered a hydric soil and is found in low-lying depressions. The proposed project is in an urbanized area, therefore, the land does not meet criteria for prime farmland. (S.C.S. Madison County, 1967).

The project area is not in a coastal zone.

3.2 SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

Impacts to the local population will be minimal. No residences will be removed. Minor increases in revenues to local commercial businesses may occur during the short construction period. City services would not be affected and no school bus routes would cross the new connection.

There would be no significant adverse environmental effects as a result of the construction and operation of the proposed connection, eliminating concerns about potentially high adverse environmental impacts to the surrounding population. Moreover, the population in the area of the proposed construction has a lower percentage of minority residents than the City of Alexandria as a whole. Data on economic levels in the area are somewhat mixed. The population of the relevant census block is only slightly less prosperous than that of the city as a whole (census data indicates that median household incomes in the relevant census block are about two percent lower than the city average). A somewhat larger number of people in the census block than the city as a whole live below the Federal poverty level. However, since there would be no potentially significant adverse environmental effects as a result of the construction and operation of the proposed connection, no high and disproportionate impacts on minority or low-income communities would occur.

3.2.1 General County Information

The proposed project would be within the city limits of Alexandria, Indiana an incorporated city with a 1994 population of 6,004. Population data for Alexandria is provided below in Table 3-1. The population remained fairly constant from 1960-1994, increasing only 7.5 percent

Table 3-1
Population of Alexandria, Indiana

	1960	1970	1980	1990	1994
Population	5,582	5,600	6,028	5,715[1]	6,004[1]
[1] = Population Distribution and Population Estimates Branch, US Bureau of the Census					

Population, employment and income trends from 1970 to 1990 for Madison County and the State of Indiana are provided in Table 3-2. The population of Indiana increased 6.7 percent from 1970 to 1990. The population in Madison County decreased 5.6 percent during the same period. The average number of persons in each household in Madison County in 1990 was 3.06 (1990 US Census Data, Summary Level).

The 1994 median household income in Madison County was $18,719 (U.S. Department of Commerce News, November 7, 1996). In 1990, the unemployment rate in Madison County was 6.5 percent, slightly higher than the state unemployment rate of 5.9 percent.

Table 3-2
Population, Employment and Income Trends for Madison County and the State of Indiana

	Madison County			Indiana		
	1970[1]	1980[2]	1990[3]	1970[1]	1980[2]	1990[4]
Population	138,451	139,336	130,669	5,193,669	5,490,000	5,544,000
Labor Force	56,297	62,693	63,258	2,113,282	2,620,000	2,798,000[e]
Employed	53,200	54,812	59,046	2,016,365	2,368,000	2,632,000[e]
Unemployed	3,097	7,881	4,212	96,917	253,000	166,000[e]
Unemployment Rate	5.3	12.5	6.5	4.1	9.6	5.9[e]

[1] = County and City Data Book, 1972; [2] = State and Metropolitan Area Data Book, 1982, [3] = County and City Data Book, 1994; [4] = Statistical Abstract of the United States, 1992; [e] = 1991

Agricultural production is important to the economy of Madison County. About 77 percent of Madison County's total acr ge is farmland. The principal crops in Madison County are corn, wheat, oats, soybeans, hay-alfalfa and vegetables. Livestock consists mainly of beef cattle, swine and chickens. Manufacturing and service-oriented trades are also important to the economy of Madison County. Employment in the county by industry, in 1990, is listed below (Table 3-3)

Table 3-3
1990 Employment by Industry for Madison County, Indiana

Industry	Percent Employed
Manufacturing	14
Services	12
Trade	10
Construction	2
Finance, insurance and real estate	2
Transportation	1
Communications and public utilities	< 1
Agriculture, forestry and fisheries	< 1

• 1990 US Census Data, Summary Level

3.2.2 Information on the Area Surrounding the Proposed Connection

As seen in table 3-4 below, the area surrounding the proposed connection, i.e. on average, the relevant census block, has a lower percentage of minority residents than the City of Alexandria does on average. Data on economic levels in the area indicate that the population of the relevant census block is only slightly less affluent than that of the city as a whole; census data indicates that median household incomes in the relevant census block are about two percent lower than the city average and that there are a larger number of people living below the federal poverty level in the same area.

Table 3-4
1990 Racial and Economic Composition of the City of Alexandria and the Area Surrounding the Proposed Connection

		City of Alexandria	Proposed Connection
Racial data (percentages)	White	99.0	99.2
	Black	0.3	0.1
	Asian	0.3	0.3
	Native American	0	0.4
	Hispanic and other	0.4	0
Economic data	Median Household Income	$21,958	$21,531
	Percent below Federal poverty level	14.8	17.5

3.3 TRANSPORTATION SYSTEMS

3.3.1 Existing Rail Transportation Network

The existing rail transportation network consists of the NS and CR rail lines that intersect in Alexandria. Traffic on the existing CR line north of the NS/CR intersection is five trains per day. Traffic on the existing NS line east of the NS/CR intersection is three trains per day.

Major roads in Alexandria include State Highways 9 and 28 and some local roads. The proposed connection would cross Berry Street, creating an expanded crossing to accommodate a second track.

3.3.2 Grade Crossings

In the proposed project vicinity the CR line crosses Berry Street, north of the CR/NS intersection. The existing east/west NS line crosses Black Street, just east of the CR/NS intersection. Berry and Black Street are both single track crossings protected by cross bucks and stop signs. The Average Daily Traffic (ADT) for Berry Street is 1,407 vehicles per day. The ADT for Black Street was not available but is expected to be lower than the ADT on Berry Street because Black Street is a dead-end street on the south side of the existing NS rail line.

3.4 SAFETY

3.4.1 Hazardous Waste Sites

A database search by Environmental 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 (CERCLIS); Treatment, Storage, or Disposal Sites (TSD); Emergency Response Notification System (ERNS); State Priority List (SPL); State Inventory of Leaking Underground Storage Tanks (LUST); or State Inventory of Solid Waste Facilities (SWF/LF)) or other sites of environmental concern in the vicinity of the proposed rail line construction. The search revealed seven unmappable sites, two within the city limits of Alexandria and five within Madison County. These sites could not be located because of poor address or geocoding information provided to the state and/or federal databases. Based on observations made during the site visit, these sites are not in or adjacent to the proposed right-of-way.

The scrap yard on the proposed construction site was not listed in any of the searched environmental databases. However, the potential for environmental contamination at the site cannot be eliminated. The scrap yard accepts batteries for recycling, in addition to scrap steel and other metals. If contamination is encountered during construction, proper response and remediation would be implemented.

3.4.2 Transportation of Hazardous Materials

System-wide, approximately 5.6 percent of NS traffic is composed of hazardous materials. 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 of trains over the connection would minimize this potential.

3.4.2.1 Carrier's Safety Practices

Train accidents involving damage as low as $6,300 must be reported to the Federal Railroad Administration (FRA). The number of FRA-reportable train accidents per million train-miles for NS for 1991 through 1995 is listed in Table 3-5.

Table 3-5
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 average rate of 3.71 accidents per million miles for all Class I railroads combined. The probability of a train accident on the proposed connection is approximately one in four million.

Safe transportation protects the resources of the customers and communities served as well as the resources of the railroad. 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 its 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 in connection 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 as applicable).

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 also involved with local communities in providing training for fire, police and emergency response departments. In addition, NS is involved in community outreach programs. The railroad 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

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 (mostly minor in nature) as defined under Department of Transportation (DOT) F 5800.1. 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.

Neither the east/west oriented NS rail line nor the north/south oriented CR rail line through the Alexandria, Indiana is 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 at Alexandria, Indiana, and both the CR and NS existing 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 on 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, including one in Louisville, Kentucky, 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.

3.4.3 Electric Transmission Facilities

There is one electric transmission substation, owned by Indiana & Michigan Electric, 400 feet northwest of the existing NS/CR intersection. This Facility provides electricity to the area. A transmission line passes over the proposed construction site.

3.5 WATER RESOURCES

3.5.1 Wetlands

National Wetland Inventory (NWI) maps did not indicate the presence of wetlands within the proposed construction right-of-way. Two wetlands were indicated within 500 feet south of the proposed construction site and may potentially receive surface water runoff from the site. These wetland areas are in the southeast corner of the existing CR/NS intersection.

3.5.2 Surface Waters

No surface waters are found on the proposed construction site. The nearest surface water, Pipe Creek, is a small intermittent stream which is located approximately 1,000 feet south and slightly downgradient of the proposed construction site.

3.5.3 Floodplain

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

3.5.4 Ground Water

Surficial aquifers in north-central Indiana consist of unconsolidated glacial material in the form of Quaternary sand and gravel deposits (USGS, Groundwater Atlas of the U.S., #10, 1995). These surficial aquifer systems are approximately 100 to 200 feet thick and supply more than 50 percent of the fresh ground water withdrawn in north-central Indiana. In the vicinity of the proposed construction site, groundwater moves through the surficial aquifer system from northern upland recharge areas toward southern discharge areas near Pipe Creek, approximately 1,000 feet to the south. In rural areas surrounding Alexandria, a good supply of drinking water is supplied by shallow wells. Five deep wells used by the City of Alexandria had an average depth of 280 feet and yielded 1,180 gallons per minute (SCS, Madison County, 1967).

3.6 BIOLOGICAL RESOURCES

3.6.1 Vegetation

Most of the land in Madison County is in agricultural production. Approximately 77 percent of all land in Madison County is farmland with only about 2.3 percent being woodland (U.S. Bureau of the Census, USA Counties. 1996). Native vegetation has generally been replaced by agricultural crops. Currently, vegetation in Madison County is dominated by corn, wheat, soybeans and other cultivated crops. Uncultivated areas are limited to roadsides, drainage ditches, transportation and utility rights-of-way, fence-rows and windbreaks around residences. Vegetation observed at the site was typical of disturbed urban settings and included a cottonwood tree (*Populus deltoides*), Queen Anne's Lace (*Daucus carota*), Kentucky bluegrass (*Poa pratensis*), Indian grass (*Sorghastrum nutans*), velvet grass (*Holcus lanatus*) and other weedy annuals and grasses.

The area surrounding the proposed construction site is primarily industrial and residential. Land bordering the existing rail rights-of-way is vegetated by deciduous trees, weedy annuals, and grasses. Two strips of vegetation consisting of weedy annuals and grasses border the south and west edges of the site. Because the proposed site is within an area dominated by urban and railroad use, much of the area has previously been disturbed. A small undeveloped woodland is located 200 feet south of the proposed site on the south side of the NS rail line. Vegetation within existing transportation and utility rights-of-way and adjacent areas consists of weedy annuals, grasses, and early successional species. Deciduous trees, grasses, and annual and perennial garden species are planted and maintained on residential properties. This vegetation is not unique or limited to the area.

In summary, the proposed project area and vicinity has limited biological diversity and is similar to disturbed areas throughout the region.

3.6.2 Wildlife

Because most of the proposed construction is in a developed area used as a scrap yard, little wildlife habitat is available. The only existing habitat near the proposed construction site consists of weedy annuals, grasses, deciduous trees, and annual and perennial introduced species in railroad rights-of-way or residential yards. The potential for wildlife use of these areas is low. Wildlife would mainly be limited to the common species of birds and small mammals that have adapted to developed urban areas. Habitat for small mammals and birds is provided by the small (0.1 acre) woodland tract south of the site. Species identified during a site visit include fox squirrel (*Sciurius niger*), northern cardinal (*Cardinalis cardinalis*), blue jay (*Cyanocitta cristata*), American robin (*Turdis migratorius*), European starling (*Sturnus vulgaris*), and field sparrow (*Spizella pusilla*). Other species expected to occur include the deer mouse (*Peromyscus maniculatus*), house mouse (*Mus musculus*), eastern cottontail (*Sylvilagus floridanus*), and the American goldfinch (*Carduelis tristis*).

3.6.3 Threatened and Endangered Species

The U.S. Fish and Wildlife Service (USFWS) and the Indiana Department of Natural Resources (DNR) were contacted regarding threatened and endangered species in the area. The USFWS and the Indiana DNR did not identify any threatened or endangered species of concern in the project area. None are anticipated because the area is heavily disturbed.

There are no records of any state or Federally-listed threatened or endangered species in the project area. Nor are there any records of unique or sensitive natural communities in the area. However, Federally-listed species that could potentially be in the project vicinity include the Indiana bat (*Myotis sodalis*), peregrine falcon (*Falco peregrinus*), Karner blue butterfly (*Lycaeides melissa samuelis*), Mitchell's satyr butterfly (*Neonympha mitchellii*), dune thistle (*Cirsium pitcheri*) and the bald eagle (*Haliaeetus lucocephalus*) (US Department of Interior, letter). The proposed right-of-way and adjacent lands consist of disturbed land, most of which contains no vegetation. Therefore, it is highly unlikely that habitat for any of these threatened and endangered species is present in the project area. Additionally, none were observed during a site visit and none are expected to occur in this disturbed urban area.

3.6.4 Parks, Forest Preserves, Refuges and Sanctuaries

No forest, preserves, refuges, or sanctuaries are located within 1,000 feet of the proposed construction site. The nearest park is a city park that is approximately 0.5 miles east of the proposed construction. The park is adjacent to the existing NS rail line.

3.7 AIR QUALITY

According to 40 CFR 81, Madison County is classified as an "attainment area" with regard to the National Ambient Air Quality Standards (NAAQS). Automobiles, trucks and locomotives are the primary sources of emissions in the project area.

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

3.8 NOISE

Rail, automobile and truck traffic are also the primary sources of noise in the proposed project area. Noise-sensitive receptors are defined as residences, schools, churches, hospitals, retirement homes and libraries. In the vicinity of the proposed project, 15 residences currently are located within the Ldn 65 dBA noise contour for the existing NS and CR rail lines. The existing Ldn 65 dBA contour for the NS line extends 50 feet perpendicular from the centerline (150 feet at grade crossings). The existing Ldn 65 dBA contour for the NS line extends 115 feet perpendicular from the centerline (270 feet at grade crossings). No retirement homes, schools, churches, libraries or hospitals are within 500 feet of the site. An elementary school, a secondary school and a church are within 0.5 miles of the site.

3.9 CULTURAL RESOURCES

Records at the Indiana State Historic Preservation Office (SHPO) in Indianapolis were reviewed to determine if previously identified cultural resources are in the project area. No sites listed on the National Register of Historic Places (NRHP) or other archaeological or historical sites have been recorded in the vicinity of the proposed construction. The construction would cross a portion of a scrap yard. The structures associated with the scrap yard do not meet the criteria for inclusion on the NRHP. The STB initiated consultation with the Indiana SHPO in a meeting on July 18, 1997 where all of the pertinent cultural resources issues were discussed. Subsequently a letter dated July 24, 1997 was submitted to the SHPO requesting a finding of no historic properties. In a letter dated September 19, 1997, the Indiana SHPO (Appendix C, Exhibit 21) concurred with the STB's finding that no known properties listed in or eligible for the National Register of Historic Places would be affected by the proposed project. The Indiana SHPO also concluded that the Section 106 review process is complete; however, state law requires that work most be stopped if archaeological artifacts or human remains are uncovered during construction activities.

3.10 ENERGY

There is one electric transmission substation, owned by Indiana & Michigan Electric, 400 feet northwest of the existing NS/CR intersection. This facility provides electricity to the area. A transmission line passes over the proposed construction site.

CHAPTER 4
Potential Environmental Impacts

This chapter provides an overview of the potential environmental impacts from the proposed rail line connection between NS and CR in Alexandria, Indiana. 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 on the methods used in determining impacts, 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 NRCS-designated prime farmland.

4.1.1.2 Potential Impacts

Current Land Use and Zoning
The proposed connection would result in minimal impacts to land use. Approximately 2.3 acres of industrial land would be obtained for the connection, of which 1.3 acres would be converted to railroad right-of-way. The majority of the required acreage is scrap yard. The buried AT&T fiber-optic cable east of the CR line would potentially have to be relocated prior to construction. No other land use impacts are expected from the construction of the proposed connection.

Consistency with Local Plans
There was no response from the city of Alexandria or Madison County on planning conflicts that would arise with the construction of the preferred alignment.

Prime Farmlands and Coastal Zones
The proposed construction would be compatible with surrounding land uses and the soil at the site is not classified as prime farmland. Finally, the proposed site is not in a coastal zone management area

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 City of Alexandria
- A 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

Impacts to the local population will be minimal. No residences will be removed. Minor increases in revenues to local commercial businesses may occur during the short construction period. City services would not be affected and no school bus routes would cross the new connection.

There would be no significant adverse environmental effects as a result of the construction and operation of the proposed connection, eliminating concerns about potentially high adverse environmental impacts to the surrounding population. Moreover, the population in the area of

the proposed construction has a lower percentage of minority residents than the City of Alexandria as a whole. Data on economic levels in the area are somewhat mixed. The population of the relevant census block is only slightly less prosperous than that of the city as a whole (census data indicates that median household incomes in the relevant census block are about two percent lower than the city average). A somewhat larger number of people in the census block than the city as a whole live below the Federal poverty level. However, since there would be no potentially significant adverse environmental effects as a result of the construction and operation of the proposed connection, no high and disproportionate impacts on minority or low-income communities would occur.

U.S. Census data indicate that both the proposed connection site, as well as the alternative alignment considered (since it is in the same census block) contain a lower percentage of minority residents than the City of Alexandria 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 adverse environmental impacts related to the proposed connection.

Data on economic levels in the area indicate that the population of the relevant census block is only slightly less affluent than that of the city as a whole (median household incomes in the same area are only two percent lower than the city average and the percentage of people living below the federal poverty level in the census block is higher than the city average).

These data indicate that construction and operation of the proposed connection would not have a high and disproportionate impact on low income groups. This conclusion is further supported by the absence of significant adverse 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

Train Operation

Neither the east/west oriented NS rail line nor the north/south oriented CR rail line through the City of Alexandria is a key route. The potential for train-automobile or train-truck accidents on the proposed connection is expected to be minimal because of the low train speed (approximately 10 miles per hour), the low level of rail traffic (7 trains per day) and the minimal number of at-grade crossings (one expanded crossing at Berry Street). 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 of trains would minimize this potential. The probability of a train accident on the proposed connection is approximately 1 in 4 million.

Grade Crossings
No new grade crossings are associated with the proposed project; however, the crossing at Berry Street would be modified to accommodate double tracks. The modifications would include upgrading of protective devices to include gates and flashing lights. Some temporary vehicular delays could result from the construction and operation of the proposed connection. The ADT at the Berry Street crossing is 1,407 vehicles per day.

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

4.1.4.2 Potential Impacts

Hazardous Waste Sites
The database search by Environmental Data Resources, Inc. (EDR) did not identify any hazardous waste sites or other sites of environmental concern in the vicinity of the proposed connection. The database search did reveal seven unmappable sites, two within the city limits of Alexandria and five within Madison County. However, these sites could not be located because of poor address or geocoding information provided to the state and/or Federal databases. No evidence of these sites was observed within or adjacent to the proposed construction area during the site visit.

A portion of a scrap yard is located within the proposed construction site. The scrap yard accepts used batteries, scrap steel and other metals. Observations of the scrap yard could not be made during the site visit because the yard is surrounded by a high fence. The site is not listed on any of the databases searched by EDR. However, the potential for environmental contamination cannot be eliminated. If any contamination is excavated or disturbed during construction activities, such contamination would be properly contained and disposed of in accordance with regulatory requirements.

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 (mostly minor in nature) as defined under Department of Transportation (DOT) F 5800.1. 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. Neither the east/west oriented NS rail line nor the north/south oriented CR rail line through the City of Alexandria is a key route.

With the low probability of a train accident and small percentage of hazardous material shipments, no significant impact is expected.

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 of Alexandria, Indiana was used to identify potential wetlands in the project area. According to the NWI map, two wetlands 500 feet south of the proposed construction site could potentially receive surface water runoff from the site. NS does not anticipate impacting these wetland areas because of their relative distance from the construction site and their location in the southeast corner of the existing CR/NS intersection.

Westland and Fox silt loam soils are crossed by the proposed construction. The Westland soil is classified as a hydric soil (SCS Crawford County, 1979). While hydric soils indicate the potential for wetlands, no indications of wetlands were noted on the proposed construction site during the site visit.

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. Pipe Creek, a small intermittent stream approximately 1,000 feet south and slightly down gradient from the proposed construction site, is not anticipated to be impacted by runoff and soil erosion. Any surface water runoff will drain to storm inlets in the project vicinity and, therefore, will not affect the wetland area. Potential impacts from soil erosion resulting from cleared vegetation and disturbed soil would be insignificant with Best Management Practices (BMPs) used to control runoff and soil erosion. In addition, NS would restore disturbed areas of soil through reseeding.

Floodplain

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

Groundwater

The construction of the proposed rail line would not have any adverse impacts on groundwater resources. Only a small amount of fuels and oils would be present on the site during construction activities. Potential leaks or spills would involve only small amounts and would be cleaned up immediately.

Groundwater quality could only be affected if a sufficient amount of a contaminant from a potential spill were released and if it were able to leach to the aquifer prior to implementation and completion of clean-up procedures. The circumstances under which this could happen would be unusual considering the low speed of the trains, the low level of rail traffic, the depth to groundwater (greater than 250 feet) and NS' transportation safety performance record, emergency action procedures, inspections and maintenance programs. (The probability of a train accident on the proposed connection is approximately one in four million.) Response to a contaminant release is expected to be timely and sufficient to clean up the release. Any spill or contaminant release would be reported and cleaned up in accordance with all Federal and state statutes and regulations.

4.1.6 Biological Resources

4.1.6.1 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 construction and the degree to which rail construction, operation and maintenance would disturb or disrupt activities at these areas.

4.1.6.2 Potential Impacts

The following sections discuss potential impacts to wildlife and vegetation within the proposed project area.

Vegetation

Vegetation that would be lost due to construction of the proposed project would include primarily common grasses and weeds. This vegetation is typical of disturbed urban areas and common along the existing rail rights-of-way. The loss of this vegetation is not considered significant because this vegetation is not unique or limited in the area. No cropland would be disturbed during the construction or operation of the proposed line. Following construction, NS would reseed bare soils outside the subgrade slope.

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

Outside of NS' property, the construction site would require approximately 2.3 acres. This area is occupied by the scrap yard. These areas contain poor-quality wildlife habitat. 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 result from construction and operation of the proposed connection.

Threatened and Endangered Species
The USFWS and the Indiana DNR did not identify any threatened or endangered species of concern in the project area. There are no records of any state-or Federally-listed threatened or endangered species in the proposed project area. Nor are there any records of unique or sensitive natural communities in the area. No threatened or endangered species or their potential habitat were observed during the site visit. None are anticipated because the area is heavily disturbed.

Parks, Forest, Preserves, Refuges and Sanctuaries
The nearest park is a city park approximately 0.5 mile east of the proposed connection, immediately adjacent to the existing NS rail line. No forest, preserves, refuges or sanctuaries are within 500 feet of the proposed connection. Construction of the proposed connection would not have significant impacts on the park. No significant increase in noise at the city park would result from the additional trains on the proposed connection.

4.1.7 Air Quality

4.1.7.1 Evaluation Criteria

The following criteria were used to assess the potential effects on 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 CR 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

Madison County is an air quality attainment area. No significant, if any, shipments of ozone-depleting commodities are expected over the proposed connection. Only minor impacts to air quality are expected as a result of construction, operation and maintenance of the proposed project, many of which would be temporary. 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 (NO) resulting from the combustion of diesel fuel
- Fugitive dust along the right-of-way and unimproved roads resulting from the operation of heavy equipment.

The train traffic on the proposed rail line would not meet or exceed STB thresholds for air quality analysis, and thus air impacts were not required to be quantified. Any air quality impacts are not expected to be significant.

Vehicle Emissions

Because rail traffic over the proposed connection would not meet STB thresholds for air quality, air emissions were not quantified. As previously stated, the proposed connection would shorten the route NS trains would have to travel by approximately 16 miles and save as much as 314,000 gallons of fuel per year. The estimated System-wide decreases in emissions as a result of the proposed connection in Alexandria, Indiana are presented below in Table 4-1.

Fugitive Dust Emissions

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.

Table 4-1
Estimated System-wide Decreases in Emissions as a Result of the Proposed Connection in Alexandria, Indiana (tons per year)

VOC	CO	NOx	SO_2	PM	Pb
3.3	9.9	88.9	5.8	2.2	0.0002

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 increase temporarily during construction. Temporary noises would be generated by operation of vehicles and heavy machinery used for grading, rail construction, etc. The duration of these impacts would only be short-term, lasting from approximately 7 a.m. to 5 p.m. and occurring only during the three- to six-month construction period. Since construction noise would occur during daylight hours and would be short-term in nature, 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. In the vicinity of the line, the potential noise receptors are mainly urban residences. No schools, libraries, hospitals, retirement homes or churches are within 500 feet of the proposed alignment. At a maximum operating speed of 10 miles per hour, increases in noise levels at any given location should not occur for more than approximately 5.7 minutes while the train passes.

Approximately 7 trains per day are expected to travel over the proposed connection. This increase does not meet or exceed STB thresholds for noise analysis. Available noise data does show, however, that 20 residential noise receptors would be within the post construction Ldn 65 dBA contour, which extends 50 feet perpendicular from the centerline (250 feet at grade crossings). Fifteen of the 20 residential noise receptors are within the existing Ldn 65 dBA contour created by current train operations on the existing NS and CR rail lines. After train operations over the proposed connection begin, the 5 additional residences within the post construction Ldn 65 dBA contour would experience an increase in noise levels of only two dBA, while the 15 residences already within the existing Ldn 65 dBA contour would experience an increase in noise levels of only three dBA. NS would regularly lubricate the 12 degree curve of the proposed connection to minimize the friction which causes both rail wear and wheel squeal.

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

The Indiana DNR, Division of Historic Preservation and Archeology (Division), stated that no known historical or architectural sites would be impacted by the proposed construction. In a letter to the Division dated July 24, 1997, the STB requested a finding of no historic properties. In a letter dated September 19, 1997, the Indiana SHPO (Appendix C, Exhibit 21) concurred with the STB's finding that no known properties listed in or eligible for the National Register of Historic Places would be affected by the proposed project. The Indiana SHPO also concluded that the Section 106 review process is complete; however, state law requires that work most be stopped if archaeological artifacts or human remains are uncovered during construction activities.

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

Construction of the proposed connection would have no impacts to Indiana & Michigan Electric's transmission lines or power substation.

As previously stated, the proposed connection would shorten the route NS trains would have to travel by approximately 16 miles and save as much as 314,000 gallons of fuel per year.

4.1.11 Cumulative Impacts

Cumulative impacts are those impacts on the environment which result 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.

As shown above, potential environmental 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, electrical 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. The proposed expanded grade crossing (at Berry Street) would be protected by flashing lights and gates to mitigate potential safety concerns. There would not be any significant environmental impacts on any group regardless of race or economic status as a result of the proposed project. The community potentially affected has a lower percentage of minority residents than the city average and is only slightly less prosperous than the city as a whole. Consequently, and because of the absence of significant adverse environmental impacts related to the proposed connection; there would not be any high and disproportionate environmental justice impacts as a result of the construction and operation of the proposed connection.

The operation of the proposed connection would result in a reduced fuel consumption of approximately 314,000 gallons per year and associated reductions in air emissions.

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

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. Potential environmental 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, electrical 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. The proposed expanded grade crossing (at Berry Street) would be protected by flashing lights and gates to mitigate potential safety concerns. There would not be any significant environmental impacts on any group regardless of race or economic status as a result of the proposed project. The community potentially affected has a lower percentage of minority residents than the city average and is only slightly less prosperous than the city as a whole. Consequently, and because of the absence of significant adverse environmental impacts related to the proposed connection, there would not be any high and disproportionate environmental justice impacts as a result of the construction and operation of the proposed connection.

The operation of the proposed connection would result in a reduced fuel consumption of approximately 314,000 gallons per year and associated reductions in air emissions.

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

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 2 for the list of agencies that were contacted and Appendix C, Exhibit 1 for a sample of the letter). The letters were distributed to these agencies in January and February, 1997. The agency responses to the letter are provided in Appendix C, Exhibits 3 through 19. This chapter summarizes comments received from these agencies and the mitigation proposed by NS.

5.1.1 Land Use

Comments: The United States Department of the Interior, Bureau of Indian Affairs (Appendix C, Exhibits 10 and 11) stated that there are no federally-recognized Indian tribes or Indian reservation trust lands in Indiana.

Comments: The United States Department of Agriculture (Appendix C, Exhibit 8) stated that the Alexandria construction would not impact resources within their area of concern.

Comments: The Indiana Department of Natural Resources (Appendix C, Exhibit 16) stated this proposal will require the formal approval of their agency.

5.1.2 Socioeconomic and Environmental Justice.

No comments were received from governmental agencies concerning socioeconomic and or environmental justice issues.

5.1.3 Transportation

Comments: The Mayor of the City of Alexandria (Appendix C, Exhibit 20) commented on his concerns regarding blockage of crossings in the city and regarding the desire for upgraded warning devices at Washington Street, Broadway and Berry Street.

Petitioner's Response: NS is evaluating various options related to operation of the rail crossing to address the Mayor's concerns regarding blockage of grade crossings.

5.1.4 Safety

Comments: The Indiana Department of Environmental Management, Office of Solid and Hazardous Waste Management (Appendix C, Exhibit 17) does not believe the site is or represents an environmental problem, based on information provided.

Comments: The Mayor of the City of Alexandria (Appendix C, Exhibit 20) commented on his concerns regarding blockage of crossings in the city and regarding the desire for upgraded warning devices at Washington Street, Broadway and Berry Street. The Mayor stated that if NS can address these public safety concerns, then he believes that the proposed connection track project would improve the overall operation of city functions and address public safety concerns of its citizens.

Petitioner's Response: NS would upgrade the crossing at Berry Street and is considering signal upgrades at other streets. NS is also evaluating various options related to operation of the rail crossing to address the Mayor's concerns regarding blockage of grade crossings.

5.1.5 Water Resources

Comments: The Louisville Corps of Engineers (Appendix C, Exhibit 5) stated that a Department of The Army permit does not appear to be needed. If any dredged or fill material would be discharged in any waters or wetlands, plans should be submitted for their review.

Comments: The Office of Water Management (Appendix C, Exhibit 17) does not anticipate any unacceptable water quality problems.

Petitioner's Response: No construction in or on waterways is anticipated.

5.1.6 Biological Resources

Comments: The Indiana Department of Natural Resources (Appendix C, Exhibit 16) stated the Natural Heritage Program's data have been checked and, to date, no plant or animal species listed as state or federally threatened, endangered or rare have been reported to occur in the project vicinity.

Comments: No significant direct impacts on fish and wildlife resources are anticipated from the U.S. Fish and Wildlife Service (Appendix C, Exhibit 13).

5.1.7 Air Quality

Comments: The Indiana Department of Environmental Management (Appendix C, Exhibit 17) stated that the project must comply with all Indiana Air Pollution Control Board rules.

Petitioner's Response: NS would comply with all Indiana Air Pollution Control Board rules.

5.1.8 Noise

No comments were received from governmental agencies concerning noise issues.

5.1.9 Cultural Resources

Comments: The Indiana Department of Natural Resources, Division of Historic Preservation and Archeology (Appendix C, Exhibit 14), stated that no known historical or architectural sites would be impacted by the proposed construction.

Comments: In a letter dated September 19, 1997, the Indiana SHPO (Appendix C, Exhibit 21) concurred with the STB's finding that no known properties listed in or eligible for the National Register of Historic Places would be affected by the proposed project. The Indiana SHPO also concluded that the Section 106 review process is complete; however, state law requires that work most be stopped if archaeological artifacts or human remains are uncovered during construction activities.

5.1.10 Energy Resources

No comments were received from governmental agencies concerning energy resources.

Electric Transmission Facilities
No comments were received from governmental agencies concerning Indiana & Michigan Electric's transmission facilities.

5.1.11 Cumulative Impacts

No comments were received from governmental agencies concerning cumulative impacts.

5.2 AGENCY SUGGESTED MITIGATION

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

- 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 B.
  The Berry Street road crossing, currently protected by cross bucks, would be expanded to a double track crossing as a result of the proposed construction. The protection at this crossing would be upgraded to include flashing lights and gates.

- Petitioner would maintain all rail line and warning devices according to Federal Railroad Administration standards.

- Petitioner would restore any adjacent properties that are disturbed during construction.

- Petitioner would use Best Management Practices (BMP's) to control erosion, runoff and surface instability during construction. After the new rail line is constructed, the petitioner would reseed outside the subgrade slope to provide permanent cover and prevent potential erosion.

- Petitioner would control temporary noise from construction equipment by ensuring all machinery has properly functioning muffler systems and by work hour controls.

- Petitioner would 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 would follow appropriate emergency response procedures outlined in its emergency response plans.

- Petitioner would restore all roads disturbed during construction to the conditions required by state or local regulations.

- Petitioner would comply with all applicable Federal, state, and local regulations regarding fugitive dust and open burning.

- Petitioner would observe all applicable regulations for handling and disposing of waste materials, including hazardous waste.

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/connection construction in Alexandria, Indiana.

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, no mitigation.

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. CSX/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. CSX/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, CSX/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, no mitigation.

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 construction in Alexandria, Indiana. SEA has no other specific mitigation measure for the Board.

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 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

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"),[1] Conrail Inc. ("CRI") and Consolidated Rail Corporation ("CRC"),[2] 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

[1] CSXC and CSXT are referred to collectively as "CSX."

[2] 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

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-191.1 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"[3] between them.

Under the terms of the Letter Agreement of April 8, 1997, between CSX and Norfolk Southern Corporation ("NSC"),[4] 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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[3] 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.

[4] 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).[5] 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.[6] 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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[5] 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.

[6] 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.[7] 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.[8] If CSXT could not

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

[8] 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]ranting 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 adverseimpact 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.

Respectfully submitted,

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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

APPENDIX B

APPENDIX B

STB DECISION 9
DECISION 9 PRESS RELEASE

27896
EB

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[1]

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.

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[1]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*.

(CRI), and Consolidated Rail Corporation (CRC)[2] 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 (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.[3] 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,[4] 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

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[2]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.

[3]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).

[4]These dockets will be sub-dockets 1, 2, 3, and 4 under STB Finance Docket No. 33388.

(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[5] between approximately 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

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[5]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.

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,[6] 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 Alexandria, IN, Colson/Bucyrus, OH,[7] 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.

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[6]These dockets would be sub-dockets 5, 6, and 7 under STB Finance Docket No. 33388.

[7]Although NSR in its petition describes this connection as Colsan/Bucyrus, the correct designation is Colson/Bucyrus. *See* diagram attached to NS-1.

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)[8] 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.[9] On June 4, 1997, CSX filed a reply (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.[10] 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.[11]

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

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[8]ARU's membership includes American Train Dispatchers Department/BLE; Brotherhood of Locomotive Engineers; Brotherhood of Maintenance of Way Employes; 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.

[9]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.

[10]SDI did not address the merits of CSXT's waiver petition.

[11]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.

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 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.[12] We are not 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.

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[12]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.

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.[13] 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.[14] 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

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[13]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.

[14]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.

States.[15] 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. Brineger*, 542 F.2d 364 (7th Cir. 1976). Indeed, we are 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

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[15] 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.

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

EXHIBIT 1

Burns & McDonnell

January 17, 1997

Stan Smith
Commissioner
Indiana Department of Transportation
100 N. Senate Ave., Rm. N755
Indianapolis, IN 46204

Norfolk Southern Corporation
Norfolk Southern's Proposed Acquisition of Conrail
(Finance Docket 33286)
Project No. 96-678-4

Dear Mr. Smith:

In our recent mailing to you concerning the Environmental Report we are preparing for Norfolk Southern's proposed acquisition of Conrail, we stated that we would inform you of any changes in proposed activites. This purpose of this letter is to inform you of construction and abandonment projects proposed in Indiana. In addition to your input regarding the traffic increases mentioned in our previous letter, we request your agency's input regarding any environmental issues related to these proposed construction and abandonment projects. Additionally, any information you can provide relating to the following issues would be helpful:

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

The abandonments are denoted on the enclosed state map. A site map for each proposed construction is also enclosed. Final plans are still being made. If any additional activities are proposed we will submit a request for information on these projects as well.

Burns & McDonnell

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

Your comments are needed by January 31, 1997 to ensure inclusion in Norfolk Southern'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 received this letter and to get any initial information you may have. If a visit to your office would help expedite your response, we will make an appointment and come in to meet with you.

If you have any questions about this project, please call Gabe Hernandez at (816) 333-9400. Thank you for your assistance.

Sincerely,

Julie Sanford
Project Manager

Enclosures

U.S. Army Corps of Engineers
Ohio River Division
Mr. John Furry
Biologist
Federal Bldg., Rm. 10008
550 Main St.
Cincinnati, OH 45201-1159

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

Department of Agriculture
Natural Resources Conservation Service
Mr. Robert Eddleman
State Conservationist
6013 Lakeside Blvd.
Indianapolis, IN 46278

NEPA Compliance Coordinator
EPA-Region 5
Mr. Mike McMullen
77 West Jackson Blvd.
Chicago, IL 60604-3507

U.S. EPA, Office of Federal Activities
Ms. Pat Haman
Director
Ariel Rios Bldg., Rm. 7235
1200 Pennsylvania Ave. N.W.
Washington, D.C. 20044

U.S. EPA-Research Triangle Park
Mr. Dave Stonefield
Director
411 W. Chapel Hill St.
Durham, NC 27701

Department of Environmental Management
Mr. Michael O'Connor
Commissioner
100 N. Senate Ave., 13th Floor, Rm. 1301
Indianapolis, IN 42606

U.S. Fish and Wildlife Service
Region 3
Mr. William F. Hartwig
Regional Director
One Federal Drive, Federal Bldg.
Fort Snelling, MN 55111

Indiana Department of Natural Resources
Mr. Michael Kiley
Indiana Government Center South
402 W. Washington St., Rm. W256
Indianapolis, IN 46204-2748

U.S. Fish and Wildlife Service
Ecological Service Field Office
Mr. David Hudak
Supervisor
620 S. Walker St.
Bloomington, IN 47403

Indiana Department of Natural Resources
Division of Historic Preservation and Archaeology
Mr. Danial Fogerty
Director
402 W. Washington St., Rm. W274
Indianapolis, IN 46204

Indiana Department of Natural Resources
Division of Water
Mr. John Simpson
Director
Indiana Government Center South
402 W. Washington St., Rm. W264
Indianapolis, IN 46204

Indiana Department of Transportation
Mr. Curt Wiley
Commissioner
100 N. Senate Ave., Rm. N755
Indianapolis, IN 46204

Madison County
Mr. Patria Dillon
Auditor
16 E. 9th St.
Anderson, In 46018

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EXHIBIT 3

U.S. Department
of Transportation
Federal Highway Administration

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

Refer to: HEP-30

FEB 10 1997

Ms. Julie Sanford
Burns and McDonnell
9400 Ward Parkway
Kansas City, Missouri 64114

Dear Ms. Sanford:

The Federal Highway Administration would like to thank you for the opportunity to comment on Norfolk Southern's proposed acquisition of Conrail. We understand that the impact analysis is at the early stages of development and will involve other opportunities for additional comments. To provide you with substantive comments, we need specific information on the anticipated social, economic, and environmental impacts of this proposal. You should continue to solicit information from the State Departments of Transportation and units of local government to help determine these impacts. If you have additional questions, feel free to contact Fred Skaer at (202) 366-0106.

Once again, thanks for the opportunity to review your proposal.

Sincerely yours,

for Eugene W. Cleckley, Chief
Environmental Operations Division

EXHIBIT 4

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE, KENTUCKY 40201-0059

February 12, 1997

Operations Division
Regulatory Branch (North)
ID No. 199700151-bkc

Ms. Julie Sanford
Project Manager
Burns & McDonnell
9400 Ward Parkway
Kansas City, Missouri 64114

Dear Ms. Sanford:

This is in response to your letter dated February 1, 1997, concerning Norfolk Southern's proposed acquisition of Conrail. The proposal would involve construction activities within the states of Ohio and Indiana.

The Corps of Engineers exercises regulatory authority under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344). The data you furnished indicates an authorization under one or both of these Sections of law may be required before you begin the work. However, the information given is insufficient for us to be certain of the need for a permit on this particular proposal. We will need additional detail on the project's design, scope, construction methods and purpose in order to determine whether a permit is required.

We have found it is usually in the applicant's best interest to submit that data in a formal permit application. Should an individual permit be required, we can then begin processing your request immediately.

Enclosed is a packet which contains the information and forms needed to apply for a DA permit. Currently, the processing time for noncontroversial applications requiring individual review takes approximately 90 days. Please allow sufficient time in your preconstruction schedule for the processing of a DA permit application.

For the sites outside of the Wabash River, Little Miami River, and the Great Miami River drainage basins, I suggest you contact the following Corps District:

For the state of Indiana, the Detroit District; ATTN: NCECO-L; P.O. Box 1027; Detroit, Michigan 48231-1027; and

For the state of Ohio, the Buffalo District; ATTN: NCBCO-S; 1776 Niagara Street; Buffalo, New York 140207-3199; or the Huntington District; ATTN: ORHOP-F; 502 8th Street; Huntington, West Virginia 25701-2070.

If we can be of any further assistance, please contact us by writing to the above address, ATTN: CEORL-OP-FN, or by calling Ms. Brenda Carter at (502) 582-5607.

Sincerely,

Doug Shelton
Chief, North Section
Regulatory Branch

Enclosures

EXHIBIT 5

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

August 15, 1997

Operations Division
Regulatory Branch (North)
ID No. 199701220-bkc

Ms. Mindy Krouch
Burns & McDonnell
9400 Ward Parkway
Kansas City, Missouri 64114

Dear Ms. Krouch:

This is in regard to your letter of August 8, 1997, concerning a proposal to construct a section of railroad in Alexandria, Madison County, Indiana.

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-FN, or by calling Ms. Brenda Carter at (502) 582-5607.

Sincerely,

Doug Shelton

Doug Shelton
Acting Chief, Regulatory Branch
Operations Division

RECEIVED
AUG 26 1997

EXHIBIT 6

United States Department of Agriculture | Forest Service | Eastern Region | 310 W. Wisconsin Ave. Milwaukee, WI 53203

File Code: 7720

Date: January 29, 1997

Burns & McDonnell
ATTN: Julie Sanford, Project Manager
9400 Ward Parkway
Kansas City, MO 64114

We have reviewed the documents and maps enclosed with your January 17 letter concerning the impacts of proposed actions which may occur with Norfork Southern's acquisition of Conrail. The maps reviewed covered the states of Ohio, Delaware, Illinois, Indiana, Pennsylvania, Massachusetts, Michigan, Missouri, New Jersey, New York, and West Virginia. There are no National Forest lands in Delaware, Massachusetts, or New Jersey, therefore, your proposed actions in those states would have no impact on the National Forest management or environment.

In all the remaining states reviewed, we found there were no proposed sections of new construction, abandonment, proposed increased or decreased activities, on or adjacent to National Forest lands. Based on the information we received, it is our conclusion that the minor amounts of change on, or adjacent to National Forest lands resulting from Norfork Southern's acquisition of Conrail will cause no significant impacts to our land management activities or the National Forest environment.

We thank you for the opportunity to comment on your proposed activities. If you have any questions, please call Bill Rees at (414) 297-1374.

/s/ Mary Beth Walk

ROBERT T. JACOBS
Regional Forester

Enclosure

cc:
B.Rees

EXHIBIT 7

United States Department of Agriculture | Forest Service | Eastern Region | 310 W. Wisconsin Ave. Milwaukee, WI 53203

File Code: 2500

Date: February 11, 1997

Ms. Julie Sandford, Project Manager
9400 Ward Parkway
Kansas City, MO 64114

Dear Ms. Sandford:

We have reviewed the Environmental Report for Norfolk Southern's proposed acquisition of Conrail you sent to Regional Forester, Robert Jacobs. None of the proposed changes affect National Forest lands.

Thank you for the opportunity to review this report.

Sincerely,

Bonnie L. Ilhardt

BONNIE L. ILHARDT
Program Leader, Watershed and Riparian Management
Natural Resources Team

EXHIBIT 8

USDA

United States
Department of
Agriculture

Natural
Resources
Conservation
Service

6013 Lakeside Blvd.
Indianapolis, IN
46278-2933
(317) 290-3200
FAX 290-3225

January 23, 1997

Julie Sanford, Project Manager
Burns & McDonnell
9400 Ward Parkway
Kansas City, Missouri 64114

Dear Ms. Sanford,

In response to your "request for comments", the construction of railroad connections in Claypool, Kosciusko County would adversely impact prime farmland. The soil types at the site are Whitaker loam and Rensselaer loam. This is considered a prime farmland soil, if drained. To comply with the Farmland Protection Act, please complete Parts I & III of Form AD-1006 and return it to our office.

The construction of railroad connections in Alexandria, Madison County and Butler, DeKalb County will not impact resources within our area of concern.

If you Need additional information, contact Phil Bousman at (317) 290-3200 extension 385.

Sincerely,

Robert L Eddleman

ROBERT L. EDDLEMAN
State Conservationist

enclosure

RECEIVED
JAN 28 1997
Burns & McDonnell
K.C. Office

EXHIBIT 9

United States Department of Agriculture

Natural Resources Conservation Service

Suite 340
One Credit Union Place
Harrisburg, PA 17110-2993

January 21, 1997

Julie Sanford, Project Manager
Burns & McDonnell
9400 Ward Parkway
Kansas City, Missouri 64114

Re: Norfolk Southern Corporation
Project #96-678-4

Dear Ms. Sanford:

Regarding you letter dated January 7, 1997, on the above named project, we have no comments on this project.

Barry Frantz/pd

BARRY FRANTZ
Soil Conservationist

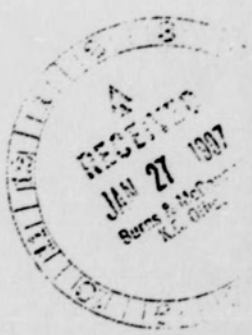

EXHIBIT 10

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Eastern Area Office
Suite 260
3701 North Fairfax Drive
Arlington, Virginia 22203

IN REPLY REFER TO

Trust Services
Natural Resources

FEB - [illegible] 1997

Ms. Julie Sanford
Project Manager
Burns & McDonnell
9400 Ward Parkway
Kansas City, Missouri 64114

Dear Ms. Sanford:

We would like to thank the officers and staff of Burns & McDonnell for the opportunity to provide comments on the potential environmental impacts of Norfolk Southern's proposal to acquire Conrail.

As you may already be aware, the Bureau of Indian Affairs (BIA) operates within a government-to-government relationship with federally-recognized American Indian Tribes and Alaska Natives (Indian tribes) and has a special trust responsibility to protect and manage Indian trust lands, natural resources, and trust assets in accordance with the highest fiduciary standards.

Within these broad parameters, the BIA/Eastern Area Office has jurisdiction over those Indian tribes and/or Indian trust lands located in various states east of the Mississippi River. Conversely, Indian tribes located west of the Mississippi River, with the exception of the Coushatta and Chitimacha Tribes of Louisiana, fall under the jurisdiction of other Area Offices and/or Agencies assigned to those respective tribes and/or geographical locations. State-recognized Indian tribes and/or State Indian reservations, on the other hand, fall under the jurisdiction of the respective state(s) and are not under the purview of the Federal government.

In your letter dated January 17, 1997, you requested comments on any environmental issues related to the Norfolk-Conrail merger that might affect Indian trust lands, tribal cultures, and American Indian tribes/populations. Specifically, you asked for comments on the proposed constructions and abandonments planned for Illinois, Indiana and Ohio.

In response to your request, we have reviewed the maps of the proposed projects in these three

states and have checked the locations of the construction and/or abandonment sites against our **Indian Land Areas Map** and other internal real estate records to determine if the BIA/Eastern Area Office might have any Indian trust interests in lands within the states of Illinois, Indiana and Ohio which might be adversely affected by these proposed changes. Our analysis revealed that there are no federally-recognized Indian tribes and/or Indian reservations located in these states. As such, we do not have any Indian trust interests in the projects planned for these states and, therefore, no comments to offer at this time concerning these anticipated site-specific changes.

We have also noted that there are no federally-recognized Indian tribes and/or Indian reservations in the states of Delaware, Georgia, Kentucky, Maryland, Missouri, New Jersey, Pennsylvania, Tennessee, Virginia and West Virginia. Since the BIA/Eastern Area Office does not have any Indian trust interests in lands in these states, we have no comments to offer on American Indian tribes/populations, lands, and cultures that might be affected by the proposed Norfolk Southern - Conrail merger.

With reference to the states of Alabama, Louisiana, Massachusetts, Mississippi, North and South Carolina, there are federally-recognized Indian tribes and/or Indian reservations located in all of these states. However, the geographical locations of these Indian tribes and/or Indian reservations are far removed from the proposed traffic changes, constructions and abandonments such that there are no environmental, historic, or cultural impacts whatsoever on these particular Indian tribes and/or Indian reservation trust lands. As such, we do not have any trust interests in lands within these states which will be affected by the proposed traffic increases, constructions and abandonments.

In the State of Florida, we have two Indian tribes (Miccosukee and Seminole) and/or Indian reservations under our jurisdiction that are located within a reasonable commuting distance of the City of Miami. The Miccosukee Tribe is located on the Miccosukee Indian Reservation which is a strip, 500 feet wide and five miles long, adjacent to the Tamiami Trail. The reservation is approximately 40 miles west of Miami. We do not anticipate any adverse environmental, historic, and/or cultural impacts on the Miccosukee Tribe or its Indian reservation trust lands. However, we suggest that you contact the Honorable Billy Cypress, Tribal Chairman of the Miccosukee Tribe, for any comments the tribe might have from an environmental, historic, and cultural perspective. Mr. Cypress' address is: P.O. Box 440021, Tamiami Trail, Miami, Florida 33144. Tribal Chairman Cypress can be reached by phone at Area Code (305) 223-8380.

The Seminole Tribe of Florida is located on five reservations in South Florida. The Hollywood site in Hollywood, Broward County; the Brighton site in rural Glades County; the Big Cypress site in rural Hendry County; the Immokalee site in rural Collier County; and the Tampa site in Metropolitan Tampa, Hillsborough County. Because of the distance between these five reservations and the location of the proposed Intermodal Facilities planned for Miami, Florida, it is not likely that the proposed changes to these facilities is likely to harm the health, safety and welfare of the Seminole Tribe and its members. As such, we do not have any environmental, historic and cultural comments to offer at this time. However, we suggest that you contact the Honorable James Billie, Tribal Chairman of the Seminole Tribe, for any environmental, historic

and cultural comments that the tribe might have concerning these changes/alterations. Mr. Billie's address is: 6037 Stirling Road, Hollywood, Florida 33024. Tribal Chairman Billie can be reached by phone at Area (305) 584-0400.

In reference to the State of New York, there are federally-recognized Indian tribes and/or federal Indian reservations, state-recognized Indian tribes and/or state Indian reservations, and federal Indian groups without reservation lands dispersed throughout the state. Within the State of New York, the BIA/Eastern Area Office maintains jurisdiction over all of the federally-recognized Indian tribes with or without Indian reservation trust lands. However, we do not have jurisdiction over state-recognized Indian tribes and/or state reservations. Jurisdiction over state-recognized Indian tribes rests with the State of New York.

Our analysis of the proposed traffic increases/decreases, constructions and abandonments for the State of New York revealed that there are no federally-recognized Indian tribes and/or Indian reservation trust lands near or close to the proposed project sites. In view of these findings, we do not have any environmental, historic or cultural comments concerning the proposed construction and/or abandonment sites. However, we did note a traffic decrease on the railroad line between Buffalo, New York and the Pennsylvania state line (Ripley, NY/North West, PA). We might point out that the Cattaraugus Indian reservation, which is a state-recognized Indian reservation, lies directly in the path of the railroad line between these two points within the system/network. We suggest that you contact the tribal leaders of the Cattaraugus Indian Tribe to obtain their environmental, historic and cultural comments on the proposed traffic decrease on that particular line or segment between Buffalo, New York and the Pennsylvania state line.

With regard to the State of Michigan, the Eastern Area Office does not have any jurisdiction over the Indian tribes in Michigan. We suggest that you contact the Area Director of the Minneapolis Area Office in Minneapolis, Minnesota. Federally-recognized Indian tribes in the State of Michigan fall under the jurisdiction of the Minneapolis Area Office. Their address is: Area Director, BIA Minneapolis Area Office, 331 Second Avenue South, Minneapolis, Minnesota 55401. The Area Director can be reached by phone at Area Code (612) 373-1000.

Based on our review of the map and the proposed activities in Michigan, it does not appear that there are any federally-recognized Indian tribes and/or Indian reservation trust lands located on or in close proximity to the proposed project sites. However, it would be appropriate for you to contact the Minneapolis Area Director to obtain their comments on the proposed activities within the State of Michigan.

In all cases, we suggest that you contact the State Historic Preservation Officers of each of the twenty-two (22) states for assistance in identifying any/all state-recognized Indian tribes and/or state Indian reservations that might be adversely affected by the proposed traffic increases/decreases, constructions and abandonments. The state historical society staff can also help in identifying any Indian religious sites/sacred Indian burial grounds and/or sensitive resources (historic, cultural or archaeological) considered important to such tribes and thus subject to Federal or State environmental, historic and cultural preservation laws.

If we can be of further assistance to you or your client with this project, please do not hesitate to contact my office.

Sincerely,

Franklin Keel
Eastern Area Director (Acting)

EXHIBIT 11

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Eastern Area Office
Suite 260
3701 North Fairfax Drive
Arlington, Virginia 22203

IN REPLY REFER TO:

Trust Services
Natural Resources

MAR - 5 1997

Ms. Julie Sanford
Project Manager
Burns & McDonnell
9400 Ward Parkway
Kansas City, Missouri 64114

Dear Ms. Sanford:

Thank you for your letter of February 1, 1997, notifying the Department of the Interior (DOI) and Bureau of Indian Affairs (BIA) of changes in the proposed activities related to Norfolk Southern's planned acquisition of Conrail.

The Assistant Secretary of Indian Affairs and Deputy Commissioner of Indian Affairs have asked our office to respond to your letter wherein you requested a review of the proposed changes and comments on any environmental, historic and/or cultural issues that might affect Indian trust lands, tribal cultures, and American Indian tribes/populations.

In responding to your request, we checked the general site information and topographic maps of the proposed changes against our **Indian Land Areas Map** and have determined that there are no federally-recognized Indian tribes and/or Indian reservation trust lands in Indiana, Ohio, and Pennsylvania. As such, the BIA does not have any Indian trust interest(s) in those lands that will likely be affected by the proposed traffic increases/decreases, constructions and abandonments within these states. Consequently, we do not have any environmental, historic and/or cultural comments to offer concerning the proposed activities in these states. We suggest that you contact the State Historic Preservation Officer (SHPO) in each of these states for assistance in identifying any/all state Indian reservations and/or state-recognized Indian tribes which may wish to comment on the proposed changes. The SHPO should be able to help you identify any/all state-recognized Indian tribes that should be contacted for comments concerning the proposed Norfolk Southern-Conrail merger.

In the State of New York, there are seven (7) federally-recognized Indian tribes which are under the jurisdiction of the BIA/Eastern Area Office. They are as follows: (1) Cayuga Indian Tribe, Versailles, New York (2) Oneida Indian Tribe, Oneida, New York (3) Tonawanda Band of Senecas, Basom, New York (4) Onondaga Nation, Nedrow, New York (5) Seneca Nation, Salamanca, New York (6) St. Regis Mohawk Tribe, Hogansburg, New York, and (7) Tuscarora Nation, Lewiston, New York. These Indian tribes are dispersed throughout the state with the St. Regis Mohawk Tribe located in the northern part of the state and the remaining six tribes located in the central and western part of the state.

With regard to the Indian tribes in the State of New York, it does not appear that any of these seven tribes will be adversely affected by the proposed changes stemming from the Norfolk Southern-Conrail merger. None of these tribes are located close enough to any of the proposed project sites to experience any adverse environmental impacts from the traffic increases/decreases, constructions and abandonments.

Our analysis of the proposed changes also revealed that there will be traffic increases/decreases on the segment between Buffalo, New York and the Pennsylvania state line (Ripley, NY/North East, PA) which goes directly (north to south) across the Cattaraugus Indian reservation. The Cattaraugus/Seneca Nation is a state-recognized Indian tribe and is not under BIA jurisdiction. In light of this finding, we suggest that you contact the tribal leaders of the Cattaraugus/Seneca Nation to obtain their input and comments on the proposed traffic increases and/or decreases on that particular segment between Buffalo, New York and the Pennsylvania state line.

In addition to complying with the requirements of the National Environmental Policy Act (NEPA) and other related cultural, historic and environmental laws, it is important that your clients be fully aware of the legislative and/or regulatory requirements of the Native American Graves Protection and Repatriation Act (P.L. 101-601) which provides for the protection and repatriation of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony. Public Law 101-601 provides for the preservation and protection of Native American human remains and other related objects and prescribes harsh fines and penalties for any/all violations of the law. You and your clients should also be familiar with President Clinton's Memorandum of April 29, 1994 (See Attachment) which requires, among other things, that federal agency conduct activities in a knowledgeable, sensitive manner, respectful of tribal sovereignty and assures that tribal government's rights and concerns are considered during the development of such plans, projects, programs, and activities.

If we can be of further assistance to you or your client, please do not hesitate to contact Leroy V. Clifford, Environmental Protection Specialist, at Area Code (703) 235-3044.

Sincerely,

Franklin Keel
Eastern Area Director

Federal Register
Vol. 59, No. 85
Wednesday, May 4, 1994

Presidential Documents

Title 3—

The President

Memorandum of April 29, 1994

Government-to-Government Relations With Native American Tribal Governments

Memorandum for the Heads of Executive Departments and Agencies

The United States Government has a unique legal relationship with Native American tribal governments as set forth in the Constitution of the United States, treaties, statutes, and court decisions. As executive departments and agencies undertake activities affecting Native American tribal rights or trust resources, such activities should be implemented in a knowledgeable, sensitive manner respectful of tribal sovereignty. Today, as part of an historic meeting, I am outlining principles that executive departments and agencies, including every component bureau and office, are to follow in their interactions with Native American tribal governments. The purpose of these principles is to clarify our responsibility to ensure that the Federal Government operates within a government-to-government relationship with federally recognized Native American tribes. I am strongly committed to building a more effective day-to-day working relationship reflecting respect for the rights of self-government due the sovereign tribal governments.

In order to ensure that the rights of sovereign tribal governments are fully respected, executive branch activities shall be guided by the following:

(a) The head of each executive department and agency shall be responsible for ensuring that the department or agency operates within a government-to-government relationship with federally recognized tribal governments.

(b) Each executive department and agency shall consult, to the greatest extent practicable and to the extent permitted by law, with tribal governments prior to taking actions that affect federally recognized tribal governments. All such consultations are to be open and candid so that all interested parties may evaluate for themselves the potential impact of relevant proposals.

(c) Each executive department and agency shall assess the impact of Federal Government plans, projects, programs, and activities on tribal trust resources and assure that tribal government rights and concerns are considered during the development of such plans, projects, programs, and activities.

(d) Each executive department and agency shall take appropriate steps to remove any procedural impediments to working directly and effectively with tribal governments on activities that affect the trust property and/or governmental rights of the tribes.

(e) Each executive department and agency shall work cooperatively with other Federal departments and agencies to enlist their interest and support in cooperative efforts, where appropriate, to accomplish the goals of this memorandum.

(f) Each executive department and agency shall apply the requirements of Executive Orders Nos. 12875 ("Enhancing the Intergovernmental Partnership") and 12866 ("Regulatory Planning and Review") to design solutions and tailor Federal programs, in appropriate circumstances, to address specific or unique needs of tribal communities.

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EXHIBIT 13

United States Department of the Interior

FISH AND WILDLIFE SERVICE
BLOOMINGTON FIELD OFFICE (ES)
620 South Walker Street
Bloomington, Indiana 47403-2121
(812) 334-4261 FAX 334-4273

IN REPLY REFER TO:

February 10, 1997

Ms. Julie Sanford
Burns and McDonnell
9400 Ward Parkway
Kansas City, Missouri 64114

Dear Ms. Sanford:

This responds to your letters of January 7, 1997 and February 1, 1997 requesting U.S. Fish and Wildlife Service (FWS) review of the proposed Norfolk Southern Corporation acquisition of Conrail, as it applies to railways in Indiana.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

We do not anticipate any significant direct impacts on fish and wildlife resources resulting from the proposed acquisition and construction at 3 sites. Regarding the proposed abandonments, we recommend the following measures to minimize environmental impacts:

1. Avoid disturbance to wetlands and other water resources, including but not limited to: construction of access roads, disposal of trackage debris, runoff of pollutants, filling, and alteration of drainage patterns.

2. If bridges over waterways are proposed for removal, minimize disturbance of bank vegetation and avoid work in the stream channel during the fish spawning season (April 1 - June 30).

Endangered Species

The proposed project is within the range of the federally endangered Indiana bat (Myotis sodalis), peregrine falcon (Falco peregrinus), Karner blue butterfly (Lycaeides melissa samuelis), Mitchell's satyr butterfly (Neonympha mitchellii and dune thistle (Cirsium pitcheri), and federally threatened bald eagle (Haliaeetus leucocephalus). Indiana bat foraging habitat (forested waterways) probably exists at several locations along the affected rail corridors, but the project should not have significant impacts on that habitat type. Karner blue butterflies have an ecological obligate asociation with the wild lupine plant (Lupinus perennis). This species is often found on railway corridors, but the butterfly's distribution in Indiana is limited to Lake and Porter Counties. It does not appear from the information you provided that

any construction or abandonments will occur in those counties. Based on current information, the proposed project is not likely to adversely affect any of these listed species.

This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. If, however, new information on endangered species at the site becomes available or if project plans are changed significantly, please contact our office for further consultation.

For further discussion, please contact Mike Litwin at (812) 334-4261 ext. 205.

Sincerely yours,

Michael A. Litwin acting

David C. Hudak
Supervisor

cc: IDEM, Office of Water Management (Compliance), Indianapolis, IN
Steve Jose, Indiana Division of Fish and Wildlife, Indianapolis, IN
Regional Director, FWS, Twin Cities, MN (ES-TE)

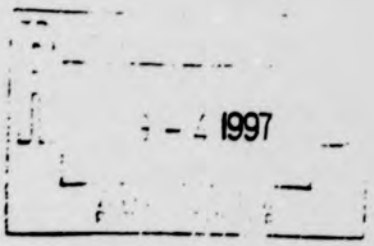
EXHIBIT 14

DNR

INDIANA DEPARTMENT OF NATURAL RESOURCES

LARRY D. MACKLIN, DIRECTOR

Division of Historic Preservation
and Archaeology
402 W. Washington St., Rm. 274
Indianapolis, Indiana 46204
tel 317-232-1646
fax 317-232-0693



July 29, 1997

Richard A. Allen
Zuckert, Scoutt & Rasenberger, L.L.P.
888 Seventeenth Street, N.W.
Washington, D.C. 20006-3939

Dear Mr. Allen:

We have reviewed the proposed construction of a railroad connection east and south of the Berry Street and Curve Street intersection in Alexandria, Madison County, Indiana. This review is being conducted pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f) and implementing regulations found at 36 C.F.R. Part 800.

As long as no buildings or structures will be demolished or altered and the project remains within areas disturbed by previous construction, no known historical, architectural or archaeological sites listed in or eligible for inclusion in the National Register of Historic Places will be affected by this project. Therefore, the Section 106 review process is complete. However, if any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that work must stop and that the discovery must be reported to the Division of Historic Preservation and Archaeology within two (2) business days. Additionally, in the event that artifacts or features are discovered during the implementation of the federally assisted project, activity, or program and a plan has not been developed, it is the federal agency's responsibility to contact the Advisory Council on Historic Preservation in accordance with 36 C.F.R. Section 800.11(b)(2). Thank you for your cooperation.

Very truly yours,

for Jon C. Smith
Larry D. Macklin
State Historic Preservation Officer

LDM:SLW:MMD:smg

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EXHIBIT 15

DNR

INDIANA DEPARTMENT OF NATURAL RESOURCES

~~PATRICK R. RALSTON~~, DIRECTOR
Larry D. Macklin

Division of Historic Preservation
and Archaeology
402 W. Washington St., Rm. 274
Indianapolis, Indiana 46204
317-232-1646

February 28, 1997

Julie Sanford
Project Manager
Burns & McDonnell
9400 Ward Parkway
Kansas City, Missouri 64114

Dear Ms. Sanford:

We have reviewed the proposed anticipated traffic increases and decreases, construction, and abandonments in connection with the proposed acquisition of Conrail by Norfolk Southern Corporation in Indiana [Finance Docket 33286; Project # 96-678-4; DNR 5228].

No known historical or architectural sites listed in or eligible for inclusion in the National Register of Historic Places will be affected by the proposed establishment of the intermodal facility south of Avon, in Hendricks County, Indiana. However, based on the information provided, we are unable to determine if any archaeological sites will be affected by this aspect of your project. Please provide our office with a more detailed site map and a site plan showing where all construction or associated activities will take place. Please also provide a more detailed explanation of the scope of work needed to establish the new intermodal facility.

No known historical, architectural or archaeological sites listed in or eligible for inclusion in the National Register of Historic Places will be affected by the proposed increase in rail activity at the following segments:

1) Ohio state line (Butler) to Fort Wayne to Lafayette to the Illinois state line (Newell) - [Norfolk Southern]
2) Muncie to Alexandria - [Norfolk Southern]
3) Ohio state line (Edgerton, OH/Butler, IN) to Goshen to Elkhart to Gary to the Illinois state line (Chicago) - [Conrail]
4) Ohio state line (Union City) to Muncie to Indianapolis to Avon - [Conrail]
5) Goshen to Alexandria to Muncie - [Conrail]
6) Indiana Harbor to the Illinois state line (Schneider, IN/Illinois, IL) - [Conrail]

No known historical, architectural or archaeological sites listed in or eligible for inclusion in the National Register of Historic Places will be affected by the proposed decrease in rail activity at the following segments:

1) Fort Wayne to the Illinois state line (Chicago) - [Norfolk Southern]
2) Fort Wayne to Muncie - [Norfolk Southern]
3) Michigan state line (Three Rivers, MI/Elkhart, IN) to Elkhart - [Conrail]
4) Avon to the Illinois state line (Terre Haute) - [Conrail]

In regards to the railroad abandonments, our office has the following comments. Our office is unable to evaluate the effect of the abandonments on potential historical buildings or structures without additional information. Please explain whether or not any railroad depots or associated structures may be vacated or demolished as a result of the railroad abandonments and provide photographs and a map showing the location of any such buildings or structures. Please also provide site map showing where the following abandonments will occur:

1) Dillon to South Bend - [Norfolk Southern]
2) Dillon to Michigan City - [Norfolk Southern]
3) Frankfort to Clermont - [Conrail]
4) Alexandria to Anderson - [Conrail]
5) Marion to Hartford City - [Conrail]
6) Dunkirk to Hartford City - [Conrail]

As long as the abandonments remain within areas disturbed by previous construction, no known **archaeological** sites listed in or eligible for inclusion in the National Register of Historic Places will be affected. However, if any archaeological artifacts or human remains are uncovered during construction, federal law and regulations (16 USC 470, et seq.; 36 CFR 800.11, et al.) and, additionally, state law (Indiana Code 14-21-1), require that work must stop and that the discovery must be reported to the Division of Historic Preservation and Archaeology within two (2) business days.

In regards to the construction of new rail lines our office has the following comments. As long as no buildings or structures will be demolished or removed, no known historical or architectural sites listed in or eligible for inclusion in the National Register of Historic Places will be affected by the construction or railroad track in Claypool, Kosciusko County, in Butler, DeKalb County, and in Alexandria, Madison County.

However, a review of our records indicates that the proposed constructi n areas in Alexandria, Butler, and Claypool have not been assessed by a professional archaeologist. Based on our

knowledge of the region, the proposed project areas are physiographically suitable to contain archaeological resources. Moreover, one archaeological site (12-Ko-371) has already been recorded within one mile of your project area in Claypool. In order to determine the effects of this project on archaeological resources and as part of the Federal Agency Official's responsibilities to identify historic properties, pursuant to 36 CFR 800.4, we will need an archaeological reconnaissance level survey for all three areas of construction. The survey should concentrate on the areas of your projects that have not been disturbed by previous construction. The survey must be done in accordance with the Secretary of the Interior's "Standards and Guidelines for Archaeology and Historic Preservation" (48 FR 44716). A description of the survey methods and results must be submitted to the Division of Historic Preservation and Archaeology for review before we can comment further. Please refer to the enclosed list of qualified archaeologists.

If you have any questions regarding the archaeological aspects of these projects, please call Jim Mohow at (317) 232-1646. If you have any questions regarding the aspects of the project that may affect historical buildings or structures, please call Michelle M. Daleiden at (317) 232-1646. Once the above requested information pertaining to the railroad abandonments, the construction of new track has been received, and the establishment of the new intermodal facility, the review process will continue. Thank you for your cooperation.

Very truly yours,

for Patrick R. Ralston
State Historic Preservation Officer

PRR:SLW:MMD:slw

Enclosure

cc: Steven Jose, Indiana Department of Natural Resources, Division of Fish and Wildlife

Archaeologists
Qualified Professional List

According to federal regulations, an archaeologist who undertakes or supervises archaeological investigations must meet minimum professional qualifications established by the Department of the Interior. The following individuals and institutions meet the Department of the Interior requirements for archaeological work (an * denotes institutions which hold archaeological records):

*Archaeological Resources Management Service
Ball State University
Muncie, Indiana
Donald R. Cochran, Director
317-285-5328

*Glenn A. Black Laboratory of Archaeology
Bloomington, Indiana
Christopher S. Peebles, Director
General Inquiries 812-855-9544

Gray and Pape Cultural Resources Consultants
Cincinnati, Ohio
Marlesa A. Gray and Kevin Pape
513-287-7700

*Indiana State University
Anthropology Laboratory
Terre Haute, Indiana
C. Russell Stafford, Director
812-237-3997

*Indiana University - Purdue University at Fort Wayne
Department of Anthropology
Fort Wayne, Indiana
Robert Jeske, Director
219-481-6676

Landmark Archaeological and Environmental Services
Lebanon, Indiana
Thomas C. Beard, President
317-758-9301

*Notre Dame University
Department of Anthropology
Notre Dame, Indiana
James O. Bellis
219-239-5645

3D/Environmental Services
Cincinnati, Ohio
Jane Stone, Principal Investigator
513-922-8199

Algonquin Archaeological Consultants, Inc.
Cincinnati, Ohio 45220
Rebecca Hawkins
513-861-3313

Archaeological Resources Consultant Services, Inc.
Louisville, Kentucky
Joseph Granger, President
502-266-6789

Pamela A. Schenian, Consulting Archaeologist
Louisville, Kentucky
502-495-1628

Golder Associates
Mississauga, Ontario, Canada
Scarlett Janusas, Senior Archaeologist
416-567-4444

Espey, Huston, and Associates, Inc.
Austin, Texas
Michael Nash, Senior Archaeologist
512-327-6840

NES, Inc.
Cincinnati, Ohio
Jeannine Kreinbrink, Principal Investigator
513-651-3300

Program of Archaeology
University of Louisville
Louisville, Kentucky
Phil DiBlasi, Principal Investigator
502-852-6724

Louis Berger and Associates, Inc.
Marion, Iowa
Derrick J. Marcucci, Senior Archaeologist
319-373-3043

Allied Archaeology
Aurora, Illinois
Douglas Kullen, Senior Archaeologist
708-896-9375

Midwest Environmental Consultants, Inc.
Toledo, Ohio
William Rutter, Group Manager
419-865-6324

There may be other archaeologists qualified to do archaeological investigations in Indiana, however, such individuals must first submit their professional credentials to the Division of Historic Preservation and Archaeology to determine that they meet the standards.

Department of Natural Resources
Division of Historic Preservation and Archaeology
402 West Washington Street, Room W274
Indianapolis, Indiana 46204
Phone #317-232-1646 Fax #317-232-8036
E-mail: dhpa_at_dnrlan@ima.isd.state.in.us

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Revised 02/96

EXHIBIT 16

DNR

INDIANA DEPARTMENT OF NATURAL RESOURCES — LARRY D. MACKLIN, DIRECTOR

Executive Office
402 W. Washington St., Rm. W-256
Indianapolis, IN 46204-2748

April 7, 1997

Ms. Julie Sanford, Project Manager
Burns & McDonnell
9400 Ward Parkway
Kansas City, Missouri 464114

Re: DNR #6228 - Proposed acquisition of Conrail by Norfolk Southern; North and Central Indiana

Dear Ms. Sanford:

Per your request in accordance with the National Environmental Policy Act of 1969, the Indiana Department of Natural Resources has reviewed the above referenced project and offers the following comments for your information.

This proposal will require the formal approval of our agency pursuant to the Flood Control Act (IC 14-28-1) if any construction, excavation, or fill will occur in or on the floodway of a stream, river, ditch, or other flowing water body that drains over one square mile. A copy of this letter should be included with permit application materials.

The Natural Heritage Program's data have been checked and, to date, no plant or animal species listed as state or federally threatened, endangered, or rare have been reported to occur in the project vicinity.

Right-of-way maintenance concerns the Division of Fish and Wildlife. Wildlife species utilize railroad rights-of-ways due to the generally undisturbed vegetation and soil conditions found in these areas. The division recommends the use of burning during early spring months to control vegetation along railroad rights-of-ways rather than mowing or herbicide treatment. This method minimizes impacts to wildlife and botanical resources. As long as no construction is anticipated, this project will have minimal effects on fish, wildlife, and botanical resources. Please re-coordinate with our agency if future construction is proposed.

We appreciate the opportunity to be of service and apologize for not being able to respond sooner in this matter. If we can be of further assistance, please do not hesitate to contact Steve Jose at (317) 232-4080.

Sincerely,

David L. Herbst, Deputy
for Larry D. Macklin, Director
Department of Natural Resources

LDM:SHJ

Indiana
EXHIBIT 17

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Frank O'Bannon
Governor

Michael O'Connor
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114

Dear Ms. Sanford:

Re: Increased rail traffic Norfolk Southern's proposed acquisition of Conrail

The Indiana Department of Environmental Management (IDEM) has reviewed the above-noted project with consideration to potential effects on the environment at or about the project location.

The following topics were considered during our review process:

WATER AND BIOTIC QUALITY

This project does not involve channel realignment, placement of fill in wetland, extensive bank work, or wastewater discharge to a stream. The Office of Water Management (OWM) does not anticipate any unacceptable water quality problems.

AIR QUALITY

The project should be designed to minimize any impact on ambient air quality in or about the project area. The project must comply with all Indiana Air Pollution Control Board rules.

Consideration should be given to the following:

1. What disposal method is being used for organic debris from land clearing? Open burning is generally prohibited but if burning is being considered, evaluate the economic and technical feasibility of non-combustion disposal options, for example removal, mulching, and burial. Open burning variances may be granted for certain projects from the Office of Air Management. 326 IAC 4-1 Open Burning Rule should be taken into consideration.

2. Reasonable precautions must be taken to minimize fugitive dust emissions from construction and demolition activities. Example precautions are wetting the area with water, constructing wind barriers, or treating the area with chemical stabilizers (such as calcium chloride or several other commercial products). Dirt tracked out from unpaved areas should be minimized. Please refer to 326 IAC 6-4 Fugitive Dust Rule for details.

3. Ensure that asphalt paving plants are permitted and operate properly. The use of cutback asphalt, or asphalt emulsion containing more than seven percent (7%) oil distillate, is prohibited during the months April through October. Please refer to 326 IAC 8-5 Asphalt Paving Rule for details.

4. If demolition or renovation of a structure will take place, asbestos rules may apply. An inspection should be performed by an accredited asbestos inspector to determine if asbestos containing materials are present. If asbestos is present, rules governing project notification, asbestos handling and disposal, and contractor licensing will apply. Notification rules and set schedules apply to renovation projects above a certain size and all demolition projects. The following rules may apply.

   326 IAC 14-2 Emission Standard for Asbestos;
   326 IAC 14-10 Emission Standard for Asbestos; Demolition and Renovation Operations, and
   326 IAC 18-1 and 18-3 Asbestos Personnel Accreditation Rules.

5. If this project is the construction of a new source of air emissions or modification of an existing source of air emissions, it may need to be reviewed for an air emissions permit or registration according to 326 IAC 2-1 Permit Review Rules. Applications for permit review can be obtained by calling 317/232-8369.

SOLID AND HAZARDOUS WASTE

1. The Office of Solid and Hazardous Waste Management (OSHWM) does not believe the site is or represents an environmental problem, based on the information provided. However, OSHWM reserves the right to reassess the site if new or additional information becomes available.

2. If the site is found to contain any areas used to dispose of solid or hazardous waste, you shall contact the OSHWM at 317/232-3210.

3. If any contaminated soils are discovered during this project, they may be subject to disposal as either special or hazardous waste. Please contact the OSHWM at 317/232-4473 to obtain information on proper disposal procedures.

4. There may be PCB issues related to this site. Please contact the Special Waste Section of OSHWM at 317/232-3111 for information regarding management of any PCB wastes from this site.

5. There may be asbestos issues related to this site. Please contact the Special Waste Section of OSHWM at 317/232-3111 for information regarding management of any asbestos wastes from this site.

ENVIRONMENTAL RESPONSE

The Office of Environmental Response is making file information pertaining to the Environmental Impact Statement Early Coordination program available to the public. These files are open to the public during regular business hours. The file room is located at 2525 N. Shadeland on the second floor.

If you need any additional information or have any questions, please contact one of the following persons:

Ms. Anne Black 317/308-3040

FINAL REMARKS

We reserve the right for further review if the scope of the project, or any of its aspects, should change significantly from that which has been proposed, or we are made aware of factors which could have detrimental environmental effects.

Please note that this letter does not constitute a permit, license, endorsement or any other form of approval on the part of either the Indiana Department of Environmental Management or any other Indiana state agency.

Should you have any questions relating to our review, please contact the following program area people responsible for this review:

Water and Biotic Quality
Steve Hall 317/308-3204

Air Quality 317-233-0178

Solid & Hazardous Waste Management
Debby Baker 317/232-0066

Review Coordinator
Gary Starks 317/232-8795

Sincerely,

T.P. Chang
Chief, Compliance Branch
Office of Water Management

cc: Ms. Debby Baker
Mr. Steve Hall

Project No. 2475

EXHIBIT 18

Indiana Department of Transportation

Indiana Government Center North, Room N755
100 N. Senate Avenue, Indianapolis, IN 46204

January 31, 1997

Julie Sanford
Project Manager
Burns & McDonnell
9400 Ward Parkway
Kansas City, Missouri 64114

Dear Ms. Sanford:

Thank you for the January 17th mailing providing information about Norfolk Southern's upcoming acquisition filing before the Surface Transportation Board. The potential changes that could occur in Indiana with an NS acquisition of Conrail are substantial. The Indiana Department of Transportation (INDOT) has been closely following the situation and has maintained close communication with all railroads that are involved. Because there are still so many uncertainties with regard to the outcome of such plans, it seems preliminary to spend lengthy amounts of staff time and resources to provide detailed answers to all of the information you are requesting.

The types of environmental and historical information you are requesting are usually investigated by staff of the Indiana Department of Environmental Management and the Indiana Department of Natural Resources, State Historic Preservation Office. Impacts to businesses and communities that could be effected by the abandonment of lines or new construction would be investigated by the INDOT Rail Section. In reviewing the impacts of these types of changes to the state rail network, INDOT would look at possible ways to preserve the rail corridor based upon the needs of existing businesses or on the potential future transportation needs that the corridors might be able to fulfill.

At this time, with many questions still to be answered about how the potential merger activity will play out, INDOT wishes only to provide general responses to some of the changes that are anticipated. As negotiations progress and the Surface Transportation Board reviews the proposals, we believe the future picture of the Indiana rail network and the Eastern U.S. rail network will begin to come more clearly into focus.

Currently INDOT is most concerned about the potential abandonments between Indianapolis and Frankfort and Alexandria and Anderson. Businesses on the Frankfort line will need to be contacted about their continued service needs and the best way for them to be handled. The abandonment of the segment between Anderson and Alexandria would eliminate rail access for a shortline carrier which connects to Conrail between these two points. The potential abandonment also is questionable in that it removes a direct corridor from Anderson northward, instead requiring a

more congested and circuitous movement through Muncie. This letter should not be considered a complete response to all of the potential changes as there may be other concerns that will arise at a future time. At this time, INDOT is not ready to thoroughly investigate each of them and wishes to wait until the complicated acquisition and merger discussions begin to more clearly show how the scenario will play out.

A copy of your January 17th mailing will be forwarded to the Indiana Department of Natural Resources and the Indiana Department of Environmental Management to allow them to begin reviewing the scenarios that may possibly occur. You may contact them to find out if they are willing to provide responses to the listed items. If you have any further questions about the views of the Indiana Department of Transportation, please do not hesitate to contact Mr. Matt Brooks at (317) 232-1491.

Sincerely,

Debra Simmons Wilson
Deputy Commissioner
INDOT Office of
Intermodal Transportation and Planning

DSW/tjb

EXHIBIT 19

Indiana Department of Transportation

Indiana Government Center North, Room N755
100 N. Senate Avenue, Indianapolis, IN 46204

February 7, 1997

Julie Sanford
Project Manager
Burns & McDonnell
9400 Ward Parkway
Kansas City, Missouri 64114

Dear Ms. Sanford:

Thank you for the January 17th and February 1st mailings providing information about Norfolk Southern's upcoming acquisition filing before the Surface Transportation Board. The potential changes that could occur in Indiana with an NS acquisition of Conrail are substantial. The Indiana Department of Transportation (INDOT) has been closely following the situation and has maintained close communication with all railroads that are involved. Because there are still so many uncertainties with regard to the outcome of such plans, it seems preliminary to spend lengthy amounts of staff time and resources to provide detailed answers to all of the information you are requesting.

The types of environmental and historical information you are requesting are usually investigated by staff of the Indiana Department of Environmental Management and the Indiana Department of Natural Resources, State Historic Preservation Office. Impacts to businesses and communities that could be effected by the abandonment of lines or new construction would be investigated by the INDOT Rail Section. In reviewing the impacts of these types of changes to the state rail network, INDOT would look at possible ways to preserve the rail corridor based upon the needs of existing businesses or on the potential future transportation needs that the corridors might be able to fulfill.

At this time, with many questions still to be answered about how the potential merger activity will play out, INDOT wishes only to provide general responses to some of the changes that are anticipated. As negotiations progress and the Surface Transportation Board reviews the proposals, we believe the future picture of the Indiana rail network and the Eastern U.S. rail network will begin to come more clearly into focus.

In reviewing the potential service modifications, INDOT initially was concerned about the abandonment listing for the corridors between Indianapolis and Frankfort and Alexandria and Anderson. We were glad to see that the Alexandria to Anderson abandonment was reconsidered and is no longer identified in your second letter as a potential candidate. With regard to the Frankfort line, businesses along that segment will need to be contacted about their continued service needs and

the best way for them to be handled. This letter should not be considered a complete response to all of the potential changes as there may be other concerns that will arise at a future time. At this time, INDOT is not ready to thoroughly investigate each of them and wishes to wait until the complicated acquisition and me.ger discussions begin to more clearly show how the scenario will play out.

A copy of your January 17th and February 1st mailings will be forwarded to the Indiana Department of Natural Resources and the Indiana Department of Environmental Management to allow them to begin reviewing the scenarios that may possibly occur. You may contact them to find out if they are willing to provide responses to the listed items. If you have any further questions about the views of the Indiana Department of Transportation, please do not hesitate to contact Mr. Matt Brooks at (317) 232-1491.

Sincerely,

Debra Simmons Wilson
Deputy Commissioner
INDOT Office of
Intermodal Transportation and Planning

DSW/tjb

EXHIBIT 20

OFFICE OF THE MAYOR

City of Alexandria

INDIANA

James R. Wehsollek
Mayor

INCORPORATED FEBRUARY 4, 1893

August 18, 1997

Mr. Clifford J. DeLaCroix
Resident Vice President
Norfolk Southern Corporation
P.O. Box 82069
One American Square
Indianapolis, IN 46282-0004

Dear Mr. DeLaCroix:

It has come to my attention as the Mayor of the City of Alexandria, Indiana that Norfolk Southern is planning to build a connecting track between the Conrail and Norfolk Southern lines which pass through Alexandria. While the project is being designed, I would like for Norfolk Southern to consider the following public safety requests from the City of Alexandria.

1. Blockage of crossings in the city - CR trains heading south from Goshen sometimes have to wait north of the rail intersection until they receive a "green" or "clear" signal from NS to cross NS's mainline. When this occurs the CR train can block up to eight crossings from Berry Street to SR 28. This effectively divides the City of Alexandria in half and prevents efficient and timely responses by emergency vehicles to residents west of the CR tracks. I would request that the connection track be designed that when NS acquires the Goshen to Alexandria line from CR that the switches be aligned so that NS trains going to or coming from Goshen have the standard right of way over NS trains going to and from Frankfort. This would greatly reduce the possibility of trains blocking crossings in Alexandria north of the rail intersection. I would also request, if possible, that any NS train coming from Goshen which would have to stop for an NS train going to or coming from Frankfort be required to stop north of SR 28.

2. Crossing Signals: I believe that Washington St. crossing which is a main street should have flashing lights and gates as well as the Berry St. crossing which only has crossbuck signs. The presence of two tracks in the crossing after the completion of the connection track. I feel that this is needed for public safety. In addition, I believe that Broadway, which currently only has crossbuck signs, should also have flashing lights and gates for the same reason.

125 N. Wayne Street • Alexandria, Indiana 46001 • (765) 724-4633 • Fax (765) 724-7373

As Mayor of the City of Alexandria I feel that if NS can address the above public safety concerns, then I believe that the proposed connection track project would improve the overall operation of city functions and address public safety concerns of its citizens.

Please advise me of Norfolk Southern's opinions regarding the requests of the City of Alexandria.

Sincerely,

James R. Wehsollek

Honorable James R. Wehsollek
Mayor, City of Alexandria

JRW/lk

cc: Senator Lugar
Senator Coats
Congressman McIntosh

EXHIBIT 21

INDIANA DEPARTMENT OF NATURAL RESOURCES

LARRY D. MACKLIN, DIRECTOR

Division of Historic Preservation
and Archaeology
402 W. Washington St., Rm. 274
Indianapolis, Indiana 46204
tel: 317-232-1646
fax: 317-232-0693

September 19, 1997

Elaine K. Kaiser, Chief
Section of Environmental Analysis
Surface Transportation Board
Washington, D.C. 20423

Dear Mr. Kaiser:

We have reviewed the proposed construction of railroad connections at Alexandria and Willow Creek associated with the Norfolk Southern, CSX, and Conrail railroad acquisition project in Alexandria, Monroe Township, and Portage, Portage Township, Madison and Porter counties, Indiana [FINANCE DOCKET #33388]. This review has been conducted pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f) and implementing regulations found at 36 C.F.R. Part 800.

As long as no buildings or structures will be demolished or altered and the project remains within areas disturbed by previous construction, no known historical, architectural or archaeological sites listed in or eligible for inclusion in the National Register of Historic Places will be affected by this project. Therefore, the Section 106 review process is complete. However, if any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that work must stop and that the discovery must be reported to the Division of Historic Preservation and Archaeology within two (2) business days. Additionally, in the event that artifacts or features are discovered during the implementation of the federally assisted project, activity, or program and a plan has not been developed, it is the federal agency's responsibility to contact the Advisory Council on Historic Preservation in accordance with 36 C.F.R. Section 800.11(b)(2). Thank you for your cooperation.

Very truly yours,

for Larry D. Macklin
State Historic Preservation Officer

LDM:SLW:MMD:smg

cc: Richard Starzak, Myra L. Frank & Associates, Inc.

APPENDIX D

APPENDIX D

METHODOLOGIES

The following environmental impact areas were evaluated for the proposed Alexandria connection project: land use, socioeconomics environmental justice, transportation, safety, surface water resources, wetlands, 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.

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 identifies and addressed.

In this EA, potential impacts of the proposed construction of a rail line connection in Alexandria, Indiana 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 between 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.

TRANSPORTATION AND SAFETY

Potential impacts on local transportation systems are discussed for the proposed project. Railroad safety precautions during construction work are also discussed. Safety impacts are discussed in the following general categories:

- Increased delays at grade crossings;
- Train accidents, derailments, and other incidents;
- Shipments of hazardous commodities; and
- Hazardous waste sites and hazardous material releases.

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.

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 vehicle.

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.

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.

WATER RESOURCES

Identification of the types and extent of surface water features occurring within 500 feet of the center line along the proposed Alexandria 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 topos 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 topos. 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 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 Indiana 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 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.

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

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"[2] 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)[1]	21.0
Carbon Monoxide (CO)[1]	62.9
Nitrogen Oxides (NO_x)[1]	566.4
Sulfur Dioxide (SO_2)[2]	36.7
Particulate Matter (PM_{10})[2]	14.3
Lead (Pb)[3]	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.

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[2]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.

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

$$[16.0\ miles\ (segment\ length)]\ x\ \left[\frac{45.17\ x\ 10^6\ gross\ tons\ (increase)}{year}\right]\ x$$

$$\left[\frac{1\ gallon}{702.9\ gross\ ton\ miles}\right] = 1.03\ x\ 10^6\ \frac{gallons\ diesel\ fuel\ consumption\ (increase)}{year}$$

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

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_x and PM_{10} 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.
- Lead emissions are based on the AP-42 emission factor of 8.9 lbs of lead per 10^{12} Btu.

Potential impacts to air quality are discussed below.

Construction

During construction, the air quality in the vicinity of the proposed construction could be effected 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 pollutant emission 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.

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 ¼ 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.

The 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:

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

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	145	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
Average:	**20**	**185**	**2**	**73**	**78.6**	**74.8**	**72.3**	**70.7**
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

Table N-1

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
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
Average:	**33**	**99**	**2.3**	**74**	**82.6**	**78.7**	**75.9**	**73.8**
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
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
Average:	**46**	**78**	**2.9**	**87**	**86.2**	**82.9**	**79.4**	**77.0**

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

Event Time	Speed (mph)	Duration (sec)	No. of Loco-motives	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	3	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 (Ldn) of 65 decibels or greater was determined.

CULTURAL RESOURCES

In order to evaluate the potential impacts to historic and cultural resources, the Indiana 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

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Finance Docket No. 33388 (Sub No. 6)
Norfolk Southern / Conrail Rail Connection --
Alexandria, Indiana

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