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## LIST OF ACRONYMS AND ABBREVIATIONS

<b>AAR</b>	Association of American Railroads
<b>ABS</b>	Automatic Block System
<b>ACHP</b>	Advisory Council on Historic Preservation
<b>ACS</b>	Automatic Cab Signals
<b>ACSES</b>	Advanced Civil Speed Enforcement System
<b>ADT</b>	Average Daily Traffic
<b>Amtrak</b>	The National Railroad Passenger Corporation
<b>ANSI</b>	American National Standards Institute
<b>AoPE</b>	Area of Potential Effect(s)
<b>APL</b>	American Presidents Line
<b>APTA</b>	American Public Transit Association
<b>ARU</b>	Allied Rail Unions
<b>ASTM</b>	American Society for Testing and Materials
<b>ATC</b>	Automatic Train Control
<b>B&amp;O</b>	Baltimore & Ohio Railroad Company
<b>B&amp;OCT</b>	Baltimore & Ohio Chicago Terminal Railroad Company
<b>BIA</b>	Bureau of Indian Affairs
<b>BMP</b>	Best Management Practice
<b>Board</b>	Surface Transportation Board
<b>BOCT</b>	Baltimore & Ohio Chicago Terminal Railroad Company
<b>BRL</b>	The Cities of Bay Village, Rocky River, and Lakewood, Ohio
<b>CAA</b>	Clean Air Act of 1970
<b>CAAA</b>	Clean Air Act Amendments of 1990
<b>CEQ</b>	Council on Environmental Quality
<b>CERCLA</b>	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
<b>CERCLIS</b>	Comprehensive Environmental Response, Compensation, and Liability Information System
<b>CFR</b>	Code of Federal Regulations
<b>CO</b>	carbon monoxide
<b>Conrail</b>	Conrail, Inc. and Consolidated Rail Corporation
<b>CP</b>	Control Point
<b>CPR</b>	Canadian Pacific Railway
<b>CRC</b>	Comments and Requests for Conditions
<b>CSX</b>	CSX Corporation and CSX Transportation, Inc.



<b>CTC</b>	Centralized Traffic Control
<b>CZM</b>	Coastal Zone Management
<b>CZMA</b>	Coastal Zone Management Act of 1972
<b>dB</b>	decibel
<b>dBA</b>	A-weighted decibels
<b>DES</b>	Division of Endangered Species
<b>DOI</b>	U.S. Department of the Interior
<b>DOT</b>	U.S. Department of Transportation
<b>EA</b>	Environmental Assessment
<b>EDR</b>	Environmental Data Resources, Inc.
<b>EIS</b>	Environmental Impact Statement
<b>EJ</b>	Environmental Justice
<b>EO</b>	Executive Order
<b>EPA</b>	U.S. Environmental Protection Agency
<b>ERS</b>	Environmental Resource Score
<b>ESA</b>	Endangered Species Act of 1973
<b>FAA</b>	Federal Aviation Administration
<b>FEMA</b>	Federal Emergency Management Agency
<b>FHWA</b>	Federal Highway Administration
<b>FIRM</b>	Flood Insurance Rate Map
<b>FMEA</b>	Failure Mode and Effects Analysis
<b>FRA</b>	Federal Railroad Administration
<b>FRA ID</b>	Federal Railroad Administration Identification Number
<b>FTA</b>	Federal Transit Administration
<b>GIS</b>	Geographic Information System
<b>GPS</b>	Global Positioning System
<b>HABS</b>	Historic American Buildings Survey
<b>HAER</b>	Historic American Engineering Record
<b>HCM</b>	The Transportation Research Board's <i>Highway Capacity Manual</i>
<b>HMERP</b>	Hazardous Materials Emergency Response Plan
<b>HMIS</b>	Hazardous Materials Information System
<b>HUD</b>	Department of Housing and Urban Development
<b>ICC</b>	Interstate Commerce Commission
<b>ID</b>	Identification
<b>IHB</b>	Indiana Harbor Belt Railroad Company
<b>IR</b>	Inconsistent and Responsive [application]
<b>ISTEA</b>	Intermodal Surface Transportation Efficiency Act
<b>IT</b>	Information Technology
<b>LAL</b>	Livonia, Avon, and Lakeville Railroad Corporation
<b>L<sub>dn</sub></b>	day-night equivalent sound level
<b>L<sub>eq(h)</sub></b>	hourly energy-averaged sound level
<b>LOS</b>	Level of Service
<b>LUST</b>	Leaking Underground Storage Tank

<b>MARC</b>	Maryland Rail Commuter (Maryland's Mass Transit Administration's Commuter Rail Service)
<b>MBTA</b>	Massachusetts Bay Transportation Authority
<b>Metra</b>	Northeast Illinois Regional Commuter Railroad Corporation
<b>min./veh</b>	minutes per vehicle
<b>MNR</b>	Metro-North Railroad (Metro-North Commuter Railroad Company)
<b>MOA</b>	Memorandum of Agreement
<b>MOU</b>	Memorandum of Understanding
<b>mph</b>	miles per hour
<b>MRS</b>	Multiple Resource Score
<b>MRTA</b>	Metro Regional Transit Authority of Akron, Ohio
<b>MUTC</b>	Manual of Uniform Traffic Control Devices
<b>N/A</b>	Not Applicable
<b>NAAQS</b>	National Ambient Air Quality Standards
<b>NEC</b>	Northeast Corridor
<b>NEPA</b>	National Environmental Policy Act of 1969
<b>NFIP</b>	National Flood Insurance Program
<b>NHPA</b>	National Historic Preservation Act of 1966
<b>NHTSA</b>	National Highway Traffic Safety Administration
<b>NJT</b>	New Jersey Transit
<b>NORAC</b>	Northeast Operating Rules Advisory Committee
<b>NO<sub>x</sub></b>	nitrogen oxide
<b>NPDES</b>	National Pollutant Discharge Elimination System
<b>NPL</b>	National Priorities List
<b>NPS</b>	National Park Service
<b>NRC</b>	Nuclear Regulatory Commission
<b>NRCS</b>	Natural Resources Conservation Service
<b>NRHP</b>	National Register of Historic Places
<b>NS</b>	Norfolk Southern Railway Company and Norfolk Southern Corporation
<b>NWI</b>	National Wetlands Inventory
<b>NYCH</b>	New York Cross Harbor
<b>O<sub>3</sub></b>	ozone
<b>OAR</b>	Office of Air and Radiation (within Environmental Protection Agency)
<b>OHPO</b>	Ohio Historic Preservation Office
<b>OMS</b>	Office of Mobile Sources (within Environmental Protection Agency)
<b>OTR</b>	Ozone Transport Region
<b>PCB</b>	polychlorinated biphenyl
<b>PDEA</b>	Preliminary Draft Environmental Assessment
<b>PIH</b>	Poison Inhalation Hazard
<b>P.L.</b>	Public Law
<b>PM</b>	particulate matter
<b>PM<sub>10</sub></b>	particulate matter less than 10 microns in diameter
<b>POR</b>	Party of Record

<b>PSD</b>	Prevention of Significant Deterioration
<b>P&amp;W</b>	Providence & Worcester
<b>QA/QC</b>	Quality Assurance/Quality Control
<b>RCRA</b>	Resource Conservation and Recovery Act of 1976
<b>RCRIS</b>	Resource Conservation and Recovery Information System
<b>RER</b>	Responsive Environmental Report
<b>RQ</b>	Reportable Quantity
<b>SACP</b>	Safety Assurance and Compliance Program
<b>SARA</b>	Superfund Amendments and Reauthorization Act of 1986
<b>SCS</b>	Soil Conservation Service
<b>SEA</b>	Section of Environmental Analysis
<b>sec/veh</b>	seconds per vehicle
<b>SEL</b>	Sound Exposure Level
<b>SEPTA</b>	Southeastern Pennsylvania Transportation Authority
<b>SHPO</b>	State Historic Preservation Office
<b>SIPG</b>	Safety Implementation Plan Guidelines
<b>SPCCP</b>	Spill Prevention, Control, and Countermeasures Plan
<b>Stat.</b>	Statute
<b>STB</b>	Surface Transportation Board
<b>SO<sub>2</sub></b>	sulfur dioxide
<b>TCS</b>	Triple Crown Service
<b>TLCPA</b>	Toledo-Lucas County Port Authority
<b>TMACOG</b>	Toledo Metropolitan Area Council of Governments
<b>Tri-Rail</b>	Florida Tri-County Commuter Rail Authority
<b>USACE</b>	U.S. Army Corps of Engineers
<b>U.S.C.</b>	United States Code
<b>USCG</b>	U.S. Coast Guard
<b>USFWS</b>	U.S. Fish and Wildlife Service
<b>USGS</b>	U.S. Geological Survey
<b>VRE</b>	Virginia Railway Express
<b>WMATA</b>	Washington Metropolitan Area Transit Authority

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## **GUIDE TO VOLUME 2**

Volume 2 of the Proposed Conrail Acquisition Final EIS contains the following items:

- Contents of Chapter 4.
- Chapter 4, "Summary of Environmental Review".
- Guide to the Final EIS.
- Glossary of Terms.
- List of Acronyms and Abbreviations.
- Contents of the Final EIS.

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## **CHAPTER 4**

### **SUMMARY OF ENVIRONMENTAL REVIEW**

This chapter describes SEA's overall environmental review process, analysis methods, and the additional environmental analyses that the Section of Environmental Analysis (SEA) conducted since it issued the Draft Environmental Impact Statement (Draft EIS). In conducting these additional environmental analyses, SEA sought to refine the evaluation of potential environmental effects and the preliminary recommended environmental mitigation measures presented in the Draft EIS. The additional analyses described in this chapter complement and clarify the analysis SEA presented in the Draft EIS. This chapter also describes how SEA used the results of the additional analyses to develop its final recommended mitigation measures to address the adverse environmental impacts resulting from the proposed Conrail Acquisition.

Chapter 4 is organized by environmental issue area related to the proposed Conrail Acquisition (for example, noise, cultural resources, environmental justice). For each of these issue areas, this chapter summarizes the following:

- Analysis methods.
- Criteria of significance.
- Public comments.
- Additional evaluations that SEA conducted since the Draft EIS.
- Analysis results and impacts.
- Mitigation measures.

Section 4.22, "Anticipated Environmental Benefits," and Section 4.23, "Summary of Adverse Environmental Impacts," summarize the results of SEA's environmental analyses.

#### **4.1 BACKGROUND**

This section summarizes the framework of thresholds for analysis and criteria of significance that SEA applied to the potential environmental effects of the proposed Conrail Acquisition. It also discusses the Surface Transportation Board's (the Board's) and SEA's activities since issuing the Draft EIS that resulted in additional analyses and refinements to the proposed mitigation measures.

#### **4.1.1 Framework of SEA's Analysis**

The framework for SEA's environmental analysis is based on the concepts of "thresholds" and "criteria of significance." Although this framework consistently focused SEA's environmental analysis for both the Draft and Final EIS, SEA also reviewed communities with unique circumstances.

#### **Environmental Thresholds**

According to the Operating Plans CSX Corporation and CSX Transportation (CSX) and Norfolk Southern Railway Company and Norfolk Southern Corporation (NS) submitted with their June 23, 1997 Application, the proposed Conrail Acquisition would increase or decrease rail activities in various areas of the eastern United States. To identify activities likely to cause adverse environmental effects, SEA used thresholds that the Board had previously established for air quality and noise.

SEA also developed new thresholds, as necessary, for the proposed Conrail Acquisition. The Board's thresholds for environmental analysis (49 *Code of Federal Regulations* [CFR] 1105.7) mandate SEA to conduct an air quality and noise analysis based on increases in activity along rail line segments, at rail yards, and at intermodal facilities. The thresholds for air quality analysis depend on whether the increased activity is in an air quality attainment area or a nonattainment area. Table 4-1 shows the Board's thresholds for environmental analysis.

To identify activities that would require SEA's environmental analysis in issue areas other than air quality and noise, SEA developed thresholds appropriate to the magnitude of the proposed Conrail Acquisition, the type of potential environmental impact, and the type of rail activity. Chapter 2, Table 2-1, "SEA's Thresholds for Environmental Analysis," shows SEA's complete set of thresholds for environmental analysis by type of rail activity and environmental impact category.

#### **Communities With Unique Circumstances**

SEA did not rely solely on the thresholds to determine whether to evaluate the potential environmental impacts of increased rail activities associated with the proposed Conrail Acquisition. Where appropriate, SEA considered a community's unique circumstances to determine whether an environmental analysis of the potential effects of the proposed Conrail Acquisition would be necessary. SEA evaluated potential alternative train routes as possible mitigation in four areas (Greater Cleveland Area, Ohio; Erie, Pennsylvania; Lafayette, Indiana; and Four City Consortium in Indiana). SEA evaluated possible impacts on passenger rail service capacity for these alternatives. Section 4.19, "Community Evaluations," summarizes the results of these additional evaluations.



**TABLE 4-1**  
**SURFACE TRANSPORTATION BOARD**  
**THRESHOLDS FOR ENVIRONMENTAL ANALYSIS<sup>a</sup>**

Activity/ Site	Noise	Air Quality	
		Attainment and Maintenance Areas <sup>b</sup>	Nonattainment Areas <sup>b</sup>
Rail Line Segments	Increase of eight trains per day or increase of 100 percent in annual gross ton-miles.		Increase of three trains per day or increase of 50 percent in annual gross ton-miles.
Rail Yards	Increase of 100 percent in carload activity per day.		Increase of 20 percent in carload activity per day.
Intermodal Facilities	Increase of 50 trucks per day or increase of 10 percent in average daily traffic volume on any affected road segment.		

<sup>a</sup> 49 CFR 1105.7(e)

<sup>b</sup> Attainment areas are areas of the U.S. that meet National Ambient Air Quality Standards (NAAQS) as specified under the Clean Air Act (CAA). Maintenance areas are areas that the U.S. Environmental Protection Agency (EPA) had previously designated as nonattainment but has since redesignated as attainment because of improvement in air quality. Nonattainment areas do not meet NAAQS as specified under CAA.

### Criteria of Significance

To determine whether the environmental effects SEA identified through its analysis would be significant and adverse, SEA developed "criteria of significance" or mitigation criteria for each environmental issue area. The following discussions of environmental issues present the criteria of significance for each environmental issue area. As a result of additional analyses, SEA further refined the proposed mitigation measures in the Draft EIS for almost all of the environmental issue areas where it identified potentially significant effects. SEA also revised recommended mitigation measures based on the unique circumstances of individual communities. Chapter 7, "Recommended Environmental Conditions," presents detailed descriptions of SEA's final recommended mitigation measures.

#### 4.1.2 Additional Activities Resulting in Refinements to the Draft EIS

After SEA issued the Draft EIS and prior to its issuing this Final EIS, SEA and the Board undertook many additional activities to complete its environmental review of the proposed Conrail Acquisition. One of SEA's key activities during this time was to review and consider all public comments on the Draft EIS. In many cases, SEA chose to conduct additional environmental analyses and consult with communities and agencies to address issues raised by commentors. SEA conducted its review and consideration of public comments in accordance with the Council on Environmental Quality (CEQ) guidelines implementing the National

Environmental Policy Act (NEPA). Chapter 5, "Summary of Comments and Responses," presents SEA's responses to public comments on the Draft EIS.

The following list summarizes the activities and analyses that SEA undertook:

- The Board served a Correction Letter to the Draft EIS that (1) corrected the dates for filing rebuttals in support of Inconsistent and Responsive (IR) Applications and for submitting briefs, (2) clarified the organization of the Draft EIS, and (3) provided further instructions for filing comments on the Draft EIS.
- The Board served an errata document to clarify certain information in the Draft EIS and to correct certain data discrepancies.
- SEA conducted additional analyses of highway/rail at-grade crossing delays.
- The Board served a supplemental errata document to the Draft EIS to provide revised values for highway/rail at-grade crossing delays and the resultant changes in preliminary mitigation recommendations and related environmental justice analyses.
- SEA reanalyzed hazardous materials transport based on refined calculations and data that the Applicants provided.
- SEA refined the Draft EIS noise analysis by considerably extending its use of the geographic information system (GIS) modeling for this Final EIS because the complete set of aerial photographs was not available until after the preparation of the Draft EIS.
- SEA conducted additional analysis using screening modeling of ambient pollutant concentrations in response to public comments regarding rail line segments and highway/rail at-grade crossings.
- SEA placed a notice in the Federal Register to advise the public (1) of the availability of the revised hazardous materials transport and noise analyses, related environmental justice analysis, and preliminary mitigation recommendations; and (2) that SEA was seeking public comment on those issues.
- SEA conducted additional site visits and analyses in response to public comments received on the Draft EIS.
- SEA continued its public outreach activities, particularly with regard to minority and low-income populations that could experience disproportionately high and adverse impacts.
- SEA conducted further screening to refine the list of minority and low-income populations that could experience disproportionately high and adverse impacts.

- SEA considered and responded to public comments on the Draft EIS.
- SEA further analyzed the potential environmental effects of IR Applications and Comments and Requests for Conditions.
- SEA considered the potential environmental effects of Settlement Agreements and Negotiated Agreements.

## **4.2 SAFETY: HIGHWAY/RAIL AT-GRADE CROSSINGS**

The safety analysis for highway/rail at-grade crossings focuses on the safety implications to roadway users from increased train operations. SEA performed analyses in accordance with the Board's rules at 49 CFR 1105.7(e)(7), which required the Applicants to provide information on the effects of the proposed Conrail Acquisition on the local, regional, and national transportation systems. SEA conducted safety analysis of highway/rail at-grade crossings by predicting the accident frequency after the proposed Conrail Acquisition.

### **4.2.1 Analysis Methods**

#### **Accident Frequency Calculation**

As more fully described in Chapter 3 of the Draft EIS, "Analysis Methods and Potential Mitigation Strategies," SEA used databases, which the Federal Railroad Administration (FRA) maintains, containing information about train-vehicle accidents. SEA also reviewed CSX and NS's Environmental Report for information on anticipated changes in the level of activity on particular rail line segments. Using standard FRA methods and formulas, SEA calculated the accident frequency for highway/rail at-grade crossings on rail line segments where the number of trains would increase by eight or more per day as a result of the proposed Conrail Acquisition. SEA's analysis considered crossing-specific factors such as the type of warning device, the accident history at the highway/rail at-grade crossing, the daily number of trains, train speeds, and the roadway average daily traffic volumes.

SEA initially used roadway average daily traffic (ADT) volumes contained in the FRA database in order to have a consistent base of information for its analysis of highway/rail at-grade crossing safety. SEA then used updated ADT volumes at locations where state and local government agencies provided such information. At highway/rail at-grade crossings where other individuals or groups provided updated ADT volumes, SEA confirmed these figures with the appropriate government agencies before it utilized these data for the analysis.

#### **Criteria of Significance**

To identify possible candidates for site-specific mitigation measures, SEA established two levels of increases in accident frequency likely to result in a significant adverse environmental impact. SEA considered mitigation for those highway/rail at-grade crossings with a high accident



frequency estimated to have a predicted increase in accident frequency of five additional accidents every 100 years for crossings that are currently a high-accident frequency crossing. For other crossings, SEA used a more conservative measure based on vehicle traffic and railroad operations after the proposed Conrail Acquisition. For these crossings, SEA considered mitigation if the accident frequency would increase by one or more accidents every 100 years. A high-accident crossing would have an accident frequency following the proposed Conrail Acquisition of 15 accidents every 100 years or have an accident frequency at or above the state's 50<sup>th</sup> highest accident rate.

#### **4.2.2 Public Comments and Additional Evaluations**

##### **Public Comments**

SEA evaluated comments received during the 45-day Draft EIS comment period and, as appropriate, conducted additional analysis for safety at specific highway/rail at-grade crossings. Most of the comments received required SEA to respond or to clarify specific issues raised by the commentors but required no additional technical analysis. Chapter 5, "Summary of Comments and Responses," contains specific responses.

The Applicants stated that consultation with state departments of transportation is necessary because safety improvements at highway/rail at-grade crossings are the responsibility of state departments of transportation. SEA recognizes that the states are responsible for determining highway/rail at-grade crossing safety improvements. SEA further acknowledges that the Board is authorized to impose conditions to protect public health and safety in its decisions regarding actions such as the proposed Conrail Acquisition.

Some commentors requested that SEA include specific additional highway/rail at-grade crossings in the mitigation recommendations and disagreed with the level of the warning device upgrade proposed for certain crossings in the Draft EIS. Commentors also requested that SEA conduct investigations of potential rail-corridor impacts where highway/rail at-grade crossings are near to each other along a portion of a rail line segment. Other commentors stated that SEA did not consider high-profile crossings (where the track elevation is higher than the roadway at a crossing, also known as hump crossings) in its analysis of highway/rail at-grade crossings. Commentors also requested that SEA conduct analyses of pedestrian safety for school children. In response to these comments, SEA revised the recommended mitigation as warranted as a result of additional review of the specific crossing locations and rail corridors cited in the comments. High-profile crossings are an existing condition that is accounted for in the highway/rail at-grade crossing safety accident prediction formula by incorporation of accident history data. Where communities identified specific pedestrian safety issues, SEA recommends education and safety training by the Applicants through their Operation Lifesaver programs on a regular basis at the request of potentially affected schools.

SEA received a small group of comments that resulted in additional analyses. The Applicants commented that some highway/rail at-grade crossings already had the upgraded warning devices



proposed in the Draft EIS. Other commentors provided more recent highway traffic counts. Commentors also suggested revisions to assumed train operating speeds. SEA evaluated this information and performed additional analysis where it deemed appropriate. Some commentors noted concerns about the potential safety impacts of delays to emergency response vehicles. These issues are more fully discussed in Section 4.7.5, "Delay of Emergency Vehicles;" Chapter 5, "Summary of Comments and Responses;" and Chapter 7, "Recommended Environmental Conditions."

### **Additional Evaluations**

As a part of its overall environmental review process, SEA evaluated potential alternative train routes that SEA or the commentors proposed as possible mitigation in four areas (Greater Cleveland Area, Ohio; Erie, Pennsylvania; Lafayette, Indiana; and Four City Consortium in Indiana). Where appropriate, SEA evaluated possible impacts on highway/rail at-grade crossing safety for these alternatives. Section 4.19, "Community Evaluations," summarizes the results of these additional evaluations.

**Revised Crossing Data.** For safety at highway/rail at-grade crossings, SEA conducted site visits and determined that, in some cases, the FRA database utilized for the Draft EIS did not describe the current conditions at the crossings. SEA also conducted a field review and a data source review of the crossing data from the FRA database and obtained updated information from the Applicants and state and local departments of transportation. SEA revised its analysis of the potential changes in highway/rail at-grade crossing safety to reflect additional information. For some locations, SEA determined that state or local jurisdictions had recently upgraded the highway/rail at-grade crossing warning device. SEA recalculated projected accident rates that occurred based on the upgraded warning devices at the highway/rail at-grade crossings. In this recalculation, SEA used only the data on accidents that occurred since installation of the upgraded warning devices. If SEA determined that a warning device upgrade recommended in the Draft EIS was already in place, SEA decided not to recommend mitigation measures. See Appendix E, "Safety: Highway/Rail At-grade Crossing Safety Analysis," for the results of SEA's revised analysis.

**Summary of Updated Information.** Based upon comments and additional field visits, SEA developed the following categories of updated information:

- Physical setting including type of warning device, number of tracks, number of highway lanes, and the closure status of adjacent highway/rail at-grade crossings.
- Train volumes.
- Highway traffic volumes.
- Accident history.

### 4.2.3 Analysis Results and Impacts

Overall, SEA's recalculations in this Final EIS more accurately forecast the projected increases in accident frequency that would result at highway/rail at-grade crossings from the proposed Conrail Acquisition. Table 4-2 summarizes SEA's revised findings and recommendations.

**TABLE 4-2  
REVISED FINDINGS AND RECOMMENDATIONS  
FOR HIGHWAY/RAIL AT-GRADE CROSSING SAFETY**

Finding/Recommendation	Number of Locations That Warrant Mitigation
Draft EIS Recommendations	118
Mitigation in the Draft EIS That Is No Longer Recommended	19
New Locations Identified for Mitigation as a Result of Refined Analysis in the Final EIS	19
Locations with the Recommended Mitigation Already in Place	29
Final EIS Recommendations	89

Based on additional analyses for this Final EIS, SEA determined that 89 locations in the states of Illinois, Indiana, Maryland, Michigan, New York, Ohio, Pennsylvania, and Virginia would exceed the criteria of significance for highway/rail at-grade crossing safety. Table 4-7 of the Final EIS, "Summary of Adverse Environmental Impacts by State," lists the rail line segments and highway/rail at-grade crossings for which SEA recommends mitigation. Appendix E, "Safety: Highway/Rail At-grade Crossing Safety Analysis," provides the complete results of the analysis for this Final EIS.

### 4.2.4 Mitigation

#### Mitigation Strategies Considered

As more fully described in Chapter 3 of the Draft EIS, "Analysis Methods and Potential Mitigation Strategies," SEA has considered the following mitigation measures in other railroad mergers and acquisitions to enhance safety at highway/rail at-grade crossings:

- Installing or upgrading automatic gates and other warning devices.
- Adding or improving demarcation of "Stop" lines and other traffic control pavement markings.
- Installing new or additional warning signs, such as those stating, "Do not stop on the tracks."

- Constructing or installing a roadway median barrier to reduce the opportunity for vehicles to maneuver around a lowered gate.
- Establishing and posting a toll-free telephone number at crossings to enable drivers to report malfunctioning warning devices, stalled vehicles, or other dangerous conditions.
- Improving visibility at highway/rail at-grade crossings by clearing vegetation or installing lighting to illuminate passing or stopped trains.

#### **Mitigation Recommended in the Draft EIS**

As described in Chapter 4 of the Draft EIS, "System-wide and Regional Setting, Impacts, and Proposed Mitigation," SEA concluded that no system-wide mitigation was appropriate, except to recommend that CSX and NS prominently display a toll-free telephone number and a unique highway/rail at-grade crossing identifier for the public to call and report warning device problems. SEA's recommended site-specific mitigation measures from the Draft EIS for highway/rail at-grade crossings included:

- Upgrading existing warning devices at 105 highway/rail at-grade crossings.
- Relocating rail traffic to an alternative rail corridor to address safety impacts at 13 highway/rail at-grade crossings in Erie, Pennsylvania and Lafayette, Indiana.

#### **Final Recommended Mitigation**

Since issuing the Draft EIS, SEA reviewed the recommended mitigation strategies contained in the Draft EIS and determined the recommended mitigation measures for this Final EIS. Also, SEA tailored the recommended mitigation measures as appropriate for local conditions and included additional general conditions to ensure safety at highway/rail at-grade crossings.

Based on the additional analysis and SEA's review of public comments, SEA recommends that the Board require the Applicants to upgrade highway/rail at-grade crossing warning devices at 103 crossings in the states of Illinois, Indiana, Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, Tennessee, and Virginia as listed in Section 7.3.1, "Final Recommended System-wide Conditions" of Chapter 7, "Recommended Environmental Conditions," of this Final EIS. SEA includes with these recommendations the requirement that the Applicants install gates at crossings that warrant an upgrade from a passive warning device and that currently have two or more tracks to protect against collisions with trains traveling from two directions.

To the extent practicable, the Applicants shall prioritize for improvement those highway/rail at-grade crossings that have the greatest level of projected train traffic increases. If the Applicants reach agreement with the affected local jurisdictions and the state department of transportation, they may implement alternate safety improvements in the vicinity of these identified highway/rail at-grade crossings that achieve at least an equivalent level of safety enhancement.



The Applicants shall complete these upgrades or improvements within 2 years of the effective date of the Board's decision and shall certify to the Board such completion on a quarterly basis during this 2-year period.

For the Final EIS, SEA identified 52 rail line segments as having an increase in traffic of 8 or more trains per day or a 100 percent increase in annual gross ton miles as a result of the proposed Conrail Acquisition. However, because some of those rail line segments do not have any highway/rail at-grade crossings, SEA is recommending mitigation at 44 of those 52 rail line segments. Therefore, SEA is recommending that the Applicants make Operation Lifesaver programs available to communities, schools, and organizations along these 44 rail line segments. In the Final EIS, SEA does not recommend mitigation at highway/rail at-grade crossings that SEA determined through field verification have been upgraded to the mitigation measure proposed in the Draft EIS.

Therefore, based on its independent environmental analysis of the proposed Acquisition, review of available information, and consideration of public comments, SEA recommends that any final Board decision approving the proposed Conrail Acquisition include as conditions the following mitigation measures for safety at highway/rail at-grade crossings.

- For each of the public highway/rail at-grade crossings on the 44 rail line segments, the Applicants shall provide and maintain permanent signs prominently displaying both a toll-free telephone number and a unique highway/rail at-grade crossing identification number.
- On the 44 rail line segments, the Applicants shall install temporary notification signs or message boards at each public highway/rail at-grade crossing clearly advising motorists of the impending increase in train traffic and displaying a crossing safety advisory message.
- At each of the public highway/rail at-grade crossings on the 44 rail line segments, the Applicants shall enhance crossing safety by promptly conducting the maintenance required to attain compliance with all applicable Federal, state, and local regulations.

Chapter 7, "Recommended Environmental Conditions," includes the proposed language for SEA's recommended mitigation measures for the enhancement of safety at highway/rail at-grade crossings.

#### **4.3 SAFETY: HAZARDOUS MATERIALS TRANSPORT**

SEA's primary safety concern pertaining to hazardous materials transport is the risk of a spill or release while moving hazardous materials from one point to another along a rail line segment, mainly from a train accident or derailment. Based on railroad industry statistics, the probability of a rail accident that involves hazardous materials is usually very low, and the Applicants'



historical rail accident rates are well below the industry average. Nevertheless, SEA realizes that the potential for a rail accident resulting in widespread environmental effects exists.

SEA assessed the potential safety-related effects of the proposed Conrail Acquisition, both site-specific and system-wide. In its analysis, SEA considered the Applicants' required compliance with the following laws and rules governing hazardous materials transport:

- U.S. Department of Transportation (DOT) regulations at 49 CFR 170 through 179 and FRA's enforcement.
- Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).
- Resource Conservation and Recovery Act of 1976 (RCRA).
- Superfund Amendments and Reauthorization Act of 1986 (SARA) Title III.
- FRA regulations covering track and signal safety standards, and locomotive and freight car safety standards.
- Railroad operating rules and practices.

#### **4.3.1 Analysis Methods**

SEA's analysis methods for hazardous materials transport remain unchanged from those described in Chapter 3 of the Draft EIS, "Analysis Methods and Potential Mitigation Strategies." SEA based its hazardous materials analysis on data from DOT's Hazardous Materials Incident Reporting System, anticipated changes in levels of activity from the Applicants' Environmental Report, and other published information on hazardous materials releases relating to rail transportation. After issuing the Draft EIS, SEA determined that additional analysis was not required for rail yards and intermodal facilities.

SEA determined that fewer than 5 percent of the Applicants' hazardous materials incidents involving a spill or release from 1992 to 1996 resulted from accidents or derailments. More than 95 percent of the accidents resulted from human error, package failure, or similar causes, and they occurred mainly in rail yards. However, SEA determined that rail line accidents or derailments result in incidents that are generally more serious (such as those that result in larger releases), and the potential for adverse environmental effects is much greater than for the other incidents.

After it issued the Draft EIS, SEA performed further analytical review using hazardous materials transport data that CSX had provided on October 3 and December 23, 1997, and on February 20, 1998. SEA used this information to refine the hazardous materials transport analysis for rail line segments. SEA evaluated the change in the volume of hazardous materials transported as the

most relevant indication of potential environmental impacts that might occur as a result of the proposed Conrail Acquisition. SEA evaluated all rail line segments upon which the volume of hazardous materials transported would increase as a result of the proposed Conrail Acquisition. SEA determined that calculating the increase in the probability of a release was not an appropriate analysis method. Fewer than 5 percent of hazardous materials incidents result from accidents or derailments.

### **Criteria of Significance**

SEA determined that a potential change in the volume of hazardous materials transported would be significant and warrant mitigation if it satisfied either of the following criteria:

- **A rail line segment would become a key route.** For the purposes of this EIS, SEA defines a key route as a rail line segment that carries at least 10,000 carloads of hazardous materials per year.
- **A rail line segment would become a major key route.** For the purposes of this EIS, SEA defines a major key route as a rail line segment that would carry a projected annual increase of at least twice the volume of hazardous materials currently transported on the rail line segment and also would exceed 20,000 hazardous materials carloads per year.

### **4.3.2 Public Comments and Additional Evaluations**

#### **Public Comments**

A number of parties expressed concern about the number of hazardous materials shipments, the increased volume of hazardous materials transported, and the potential consequences of a hazardous materials release. SEA shares these concerns and recognizes that safe hazardous materials transport is paramount. However, SEA did not receive any comments that required modification to the evaluation methodology. As part of their comments, the Applicants expressed concern about the preliminary recommended mitigation for hazardous materials transport at rail yards and intermodal facilities. See Chapter 5, "Summary of Comments and Responses," for a detailed summary of comments and responses related to hazardous materials transport.

#### **Additional Evaluations**

As a part of its overall environmental review process, SEA evaluated potential alternative train routes that SEA or the commentors proposed as possible mitigation in Greater Cleveland Area, Ohio; Erie, Pennsylvania; Lafayette, Indiana; and Four City Consortium in Indiana. Where appropriate, SEA evaluated possible impacts on hazardous materials transport for these alternatives. Section 4.19, "Community Evaluations," summarizes the results of these additional evaluations.

**Revised Applicant Data.** After SEA issued the Draft EIS, CSX provided revised data for the quantities of hazardous materials anticipated for rail car shipments by rail line segment. CSX stated that the data previously provided for the Draft EIS had generally overstated the volumes of hazardous materials that the Applicants would transport on rail line segments following the proposed Conrail Acquisition. In a letter to SEA, CSX revised its calculations of equivalent carloads for shipping containers and refined its data to avoid duplicate counting of hazardous materials carloads.

For this Final EIS, SEA evaluated the revised data and found them to be reasonable estimates of hazardous materials carloads transported. SEA revised its analysis based on these data to determine the potential for a release or spill of hazardous materials resulting from train accidents. Appendix F, "Safety: Hazardous Materials Transport Analysis," contains the calculations supporting this revised analysis.

**Transport of Ozone-Depleting Materials and Risk of Mixing Hazardous Materials.** In accordance with the Board's regulations at 49 CFR 1105.7, SEA assessed the potential environmental effects of transporting ozone-depleting materials following the proposed Conrail Acquisition. Based on 1996 data submitted by the Applicants, SEA tabulated the Applicants' combined number of carloads transporting ozone-depleting materials system-wide and assessed the changes in routing that would occur as a result of the proposed Conrail Acquisition. SEA used the results of the tabulation and assessment to determine the net effects of the transport of ozone-depleting materials as a result of the proposed Conrail Acquisition.

An additional concern associated with hazardous materials transport involves the transport of incompatible materials and the increased risk posed by the inadvertent mixing of these materials. In some instances, if two or more materials mix after their release, the combined hazard can be worse than the hazard posed by the release of the individual materials. For the proposed Conrail Acquisition, SEA reviewed the types of hazardous materials transported by the Applicants and determined that each Applicant transports nearly all classes of hazardous material. Also, SEA used the Applicants' hazardous materials release data to determine any changes in the risk of hazardous materials mixing during an accident following the proposed Conrail Acquisition.

#### **4.3.3 Analysis Results and Impacts**

##### **Rail Line Segments**

**Draft EIS Results.** In the Draft EIS, SEA determined that, system-wide, the Applicants would operate approximately 1 percent fewer rail car miles of hazardous materials following the proposed Conrail Acquisition because of more efficient routes. SEA also determined that this reduction would result in a small decrease in predicted hazardous materials releases and spills from derailments. SEA concluded that, system-wide, the proposed Conrail Acquisition would result in a slight safety improvement for hazardous materials transport. SEA also concluded that the proposed Conrail Acquisition would not cause any significant adverse impacts related to hazardous materials transport. SEA identified specific rail line segments where improved safety



measures were warranted as a result of proposed increases in the volume of hazardous materials transported.

**Final EIS Results.** The expanded CSX and NS rail systems resulting from the proposed Conrail Acquisition will allow CSX and NS to increase the length of their share of the rail line haul on many routes, especially with western U.S. railroads. For example, chemical traffic moving between northern New Jersey and the Texas gulf coast is moved by Conrail to Illinois and interchanged with the Union Pacific Railroad. If the Board approves the proposed Conrail Acquisition, that same traffic may be interchanged with the Union Pacific Railroad in Louisiana, yielding a longer haul for the Applicants. Therefore, in contrast to the rail car mile reduction that SEA identified in the Draft EIS, SEA determined in the Final EIS that the proposed Conrail Acquisition would cause hazardous materials rail car miles on the Applicants' rail lines to increase by approximately 2 percent and train miles to increase by 8 percent. These increases would cause a corresponding, modest increase in projected accidents on the Applicants' rail lines involving hazardous materials. However, the expected decrease in highway truck-miles resulting from the diversion of freight goods from trucks to trains and the decrease in activity at rail yards and intermodal facilities would also reduce the risk of accidents involving trucks transporting hazardous materials. Therefore, system-wide, SEA concludes that the proposed Conrail Acquisition would not cause any significant adverse impacts.

After evaluating the revised data from CSX, SEA modified its list of designated rail line segments that would warrant key route mitigation. SEA also revised the list of those segments identified as major key routes that would require emergency response mitigation. SEA evaluated a total of 247 rail line segments that would be used to transport increased volumes of hazardous materials following the proposed Conrail Acquisition and determined that 44 would become key routes and require mitigation and 20 would be major key routes. The segments that would require key route mitigation and would be major key routes are in the states of Alabama, Georgia, Illinois, Indiana, Kentucky, Maryland, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and the District of Columbia. Table 4-7 of the Final EIS, "Summary of Adverse Environmental Impacts by State," lists the rail line segments for which SEA recommends mitigation.

### **Rail Yards and Intermodal Facilities**

**Draft EIS Results.** In the Draft EIS, SEA determined that the proposed expansion of single-line rail service, which allows rail cars to be grouped for longer trips and fewer car-switching movements, would result in a 4 percent decrease in freight-car handling in rail yards system-wide. SEA determined that this overall decrease in freight car handling in rail yards would lead to an overall 14-percent decrease in the risk of a release or spill of hazardous materials arising from a rail yard accident. This would slightly reduce the system-wide risk of incidents involving hazardous materials and cause a corresponding decrease in the risk of a hazardous materials release. SEA concluded that, system-wide, the proposed Acquisition would result in a slight safety improvement for rail transport of hazardous materials and cause no significant adverse impacts related to hazardous materials transport.



**Final EIS Results.** On a system-wide basis, SEA concluded that the 4-percent reduction in the handling of hazardous materials at all of the rail yards would lead to increased safety. Although the system-wide risk of a release of hazardous materials at rail yards and intermodal facilities is anticipated to decrease as a result of the proposed Conrail Acquisition, certain rail yards and intermodal facilities will experience sharply increased activities that potentially increase the risk of an accident involving hazardous materials. On a site-specific basis, SEA concluded that at the 15 rail yards with activities exceeding SEA's threshold for environmental analysis, the changes proposed by the Applicants would increase the likelihood of an accidental hazardous material release at those rail yards by 56 percent. Similarly, at the 24 intermodal terminals with activities exceeding SEA's threshold for environmental analysis, SEA determined that the changes proposed by the Applicants would increase the likelihood of an accidental hazardous materials release by 75 percent. These increases are attributable to the increased activities at a small number of rail yards and intermodal facilities as a result of the proposed Conrail Acquisition. SEA concluded that this increased risk at these specific rail yards and intermodal facilities warrants mitigation. Table 4-7 of the Final EIS, "Summary of Adverse Environmental Impacts by State," lists the rail yards and intermodal facilities for which SEA recommends mitigation.

#### **Impacts from the Transport of Hazardous Materials**

On a system-wide basis, SEA concluded that the increased risk associated with hazardous materials transport resulting from increased hazardous materials car miles could be generally offset by the reduced risk resulting from the decreased rail yard activity and decreased risk from truck-to-rail diversions. However, SEA concluded that because of the increase in hazardous materials rail car miles, this projected increase in risk on all rail line segments warrants mitigation.

Regarding the transport of ozone-depleting materials, SEA determined that the total car miles and the rail yard handling of rail cars containing ozone-depleting materials would be reduced as a result of the proposed Conrail Acquisition and mitigation is not warranted. SEA determined the overall risk associated with hazardous materials mixing during an accident to be small as a result of the proposed Conrail Acquisition. Therefore, SEA determined that mitigation is not warranted for the potential of hazardous materials that could be mixed during a rail accident. Attachment F-1 in Appendix F, "Safety: Hazardous Materials Transport Analysis," compares the data and results from the Draft EIS with the data and results in the Final EIS.

#### **4.3.4 Mitigation**

##### **Mitigation Strategies Considered**

**Existing Safety Programs.** SEA considered mitigation strategies for safe hazardous materials handling related to the proposed Conrail Acquisition in the context of the Applicants' existing strong accident prevention programs. CSX and NS are members of the Chemical Manufacturers Association partnership program that focuses on accident prevention through its management

practices for safer chemical transport and handling. SEA reviewed the Applicants' current programs for emergency preparedness, accident prevention, and spill response plans and describes them in detail in Attachment B-9 of Appendix B of the Draft EIS, "Railroad Safety Programs." The following paragraphs summarize these existing safety provisions.

**CSX.** CSX's plans identify the individual responsibilities, specific notification, and resource mobilization actions to be performed in the case of a derailment, hazardous materials spill, or collision; and CSX reinforces these plans with periodic employee training. CSX's safety program includes its participation since 1988 in the Transportation Community Awareness and Emergency Response Program, under which it holds training sessions that include local emergency response units. CSX also employs private on-call contractors to provide specialized technical support, personnel, and equipment to supplement CSX's hazardous materials handling and spill response. These on-call resources can respond to the scene of a hazardous materials incident within 2 to 3 hours to support the immediate local first-responder agencies, such as a municipal fire department.

**NS.** NS addresses hazardous materials incidents through plans that emphasize finding and fixing deficiencies, containing and controlling hazardous materials releases, identifying and notifying appropriate agencies and officials of spills, and cleaning up and restoring after a spill. The NS plans define three risk levels for hazardous materials incidents and prescribe appropriate levels of response for each type. These plans include qualified emergency response contractors and special resources to limit potential safety and environmental impacts. NS requires annual training for all personnel involved with hazardous materials transport, and NS conducts audits to evaluate its response plans and training programs.

**Mitigation Measures.** To mitigate the potential effects of the proposed Conrail Acquisition on the safety of hazardous materials transport, SEA considered the specific measures listed under "Mitigation Recommended in the Draft EIS" and during the development of the "Final Recommended Mitigation" to supplement the Applicants' existing safety programs. Other additional mitigation measures SEA considered in the Draft EIS included requiring the Applicants to develop operating plans, which contain safety policies and procedures for the safe handling and transporting of hazardous materials as well as emergency preparedness, prevention, and response plans.

#### **Mitigation Recommended in the Draft EIS**

In Chapter 3, "Analysis, Methods and Potential Mitigation Strategies," of the Draft EIS, SEA recommended the following types of mitigation measures to improve the safety of hazardous materials transportation:

- For new key routes, require the Applicants to add rail car defect detectors, and implement other Association of American Railroads (AAR) key route practices.

- For major key routes, require the Applicants to conduct hazardous materials accident simulations, prepare emergency spill plans, and develop Hazardous Materials Emergency Response Plans.
- For all rail yards and intermodal facilities, require the Applicants to establish Failure Mode and Effects Analysis (FMEA) programs.

#### **Final Recommended Mitigation**

Based on the results of additional analysis of hazardous materials transport since the Draft EIS, SEA refined its recommended mitigation. SEA also refined the mitigation measures proposed for the Final EIS based on public comments from the Draft EIS.

Chapter 7 of the Final EIS, "Recommended Environmental Conditions," describes SEA's following recommendations to enhance the safety of hazardous materials transport as a result of the proposed Conrail Acquisition:

- System-wide, require the Applicants to comply with the AAR key train guidelines. A key train is defined as any train with five or more tank carloads of chemicals classified as a poison inhalation hazard or any train with a total of 20 rail cars with any combination of poison inhalation hazard, flammable gas, explosives, or environmentally sensitive chemicals. Key trains have a maximum operating speed of 50 miles per hour and must have a complete train inspection by the train crew whenever an emergency application of the train air brake causes the train to stop or a trackside defective bearing detector indicates a defect.
- On the 44 rail line segments that would become key routes as a result of the proposed Acquisition, require the Applicants to comply with AAR key route guidelines. These guidelines require internal rail defect inspections at least twice per year, annual employee training in hazardous materials handling and equipment inspection, and placing wheel bearing defect detectors at least every 40 miles along the key route.
- On the 20 rail line segments that would become major key routes, require the Applicants to develop and provide a Hazardous Materials Emergency Response Plan for each affected community's local emergency response organization or coordinating body along these rail line segments. Also, require the Applicants to implement real-time or desktop simulation emergency response drills with the voluntary participation of local emergency response organizations.
- On all of the rail line segments that would become new key routes or major key routes, require the Applicants to provide a dedicated toll-free telephone number to the emergency response organizations or coordinating bodies responsible for each community located along those rail line segments.



- On all of the rail line segments that would become new key routes or major key routes and at any rail yard or intermodal facility, require the Applicants to include the U.S. Fish and Wildlife Service (USFWS) and the appropriate state department of natural resources on notification lists prepared as part of the Applicants' Hazardous Materials Emergency Response Plans.
- For the 15 rail yards and 24 intermodal facilities where activity increases would meet or exceed the Board's threshold for environmental analysis, require the Applicants to establish a formal FMEA or an equivalent program to identify and prevent potential hazardous materials incidents. Attachment L-1, "Failure Mode and Effects Analysis (FMEA)" to Appendix L, "Natural Resources," describes the purpose and methods associated with FMEA programs.

#### **4.4 SAFETY: PASSENGER RAIL OPERATIONS**

SEA evaluated the potential impacts on passenger rail operations on the rail line segments with increases in freight train traffic resulting from the proposed Conrail Acquisition. SEA examined historical passenger and freight train accident rates and used this information to estimate accident rates that could result from the proposed Conrail Acquisition.

##### **4.4.1 Analysis Methods**

SEA's analysis methods, summarized in the following sections, remain unchanged from the Draft EIS. The Draft EIS Chapter 3, "Analysis Methods and Potential Mitigation Strategies," contains a detailed description of analysis methods.

SEA considered the effects of Acquisition-related changes in freight traffic on all 197 CSX, NS, and Shared Assets Areas rail line segments that would carry both passenger and freight trains following the proposed Conrail Acquisition. SEA's analysis showed that freight traffic would increase by an average of one train per day or more on 91 rail line segments also carrying passenger trains. SEA first calculated the historic accident rate from collisions involving freight and passenger trains on these rail line segments. SEA then calculated the change in accident rate based on the anticipated change in the number of freight trains that would operate on the segment if the Board approves the proposed Conrail Acquisition.

##### **Criteria of Significance**

To identify the rail line segments that would warrant passenger rail safety mitigation as a result of the Acquisition-related changes in freight train traffic, SEA determined whether the results of its analysis projected that the rail line segment would experience an accident more frequently than once every 150 years. This frequency reflects the historical experience for passenger train accidents along routes of the various passenger service providers. Passenger rail accidents are infrequent events and, according to FRA statistics, the national passenger train accident rate varies about 30 percent annually. SEA also determined whether the predicted change in the



projected accident rate was greater than 25 percent. SEA considered mitigation for the rail line segment if there was a likelihood of an accident occurring more frequently than once every 150 years; and the predicted change in accident rate was greater than 25 percent.

SEA's criteria of significance remain unchanged from the Draft EIS.

#### **4.4.2 Public Comments and Additional Evaluations**

##### **Public Comments**

DOT, NS, CSX, and several commuter operators expressed opposition to the recommended mitigation in the Draft EIS to establish passenger trains as "superior trains" with mandated time separation from all other trains. Their collective comments summarized the proposed mitigation as unnecessary, inappropriate, and costly in terms of lost rail line capacity, given modern communication and signal systems and FRA's plenary safety responsibility. SEA evaluated these comments and reviewed its recommended mitigation in the Draft EIS. Based on its review, SEA agrees that FRA's safety program and the U.S. railroads' modern signal systems and operating rules are effective in lowering passenger/freight train accident risk. Therefore, SEA modified its recommended mitigation as discussed in Section 4.4.4, "Mitigation," of this Final EIS.

NS and CSX also questioned the appropriateness of the data used in calculating the increased risk resulting from the additional freight trains. In response, SEA confirmed that the Draft EIS analyzed the potential for increase in accidents and accurately identified the rail line segments that would warrant mitigation.

Southeastern Pennsylvania Transportation Authority (SEPTA) expressed concerns regarding potential impacts from changes in freight operations on the commuter rail's present and planned commuter train service. In response, SEA requested further detail of CSX's proposed Operating Plan to evaluate the potential impacts of the changes in freight operations on commuter rail safety. Based on its evaluation, SEA confirmed that CSX's Operating Plan is operationally logical and would not affect the commuter rail's safety.

Chapter 5, "Summary of Comments and Responses," summarizes all public comments received on the Draft EIS and presents SEA's responses.

##### **Additional Evaluations**

In addition to the evaluations in response to the comments, SEA conducted other evaluations since issuing the Draft EIS, resulting from the potential alternative train routes in certain areas and changes in CSX's and NS's Operating Plans:

- **Community Evaluations.** SEA evaluated potential alternative train routes that SEA or the commentors proposed as possible mitigation in four areas (Greater Cleveland Area,

Ohio; Erie, Pennsylvania; Lafayette, Indiana; and the Four City Consortium in Indiana). Where appropriate, SEA evaluated possible impacts on passenger rail safety for these alternatives. Section 4.19, "Community Evaluations," summarizes the results of the additional evaluation.

- **N-063 (Campbell Hall-to-Port Jervis in Orange County, New York).** During preparation of the Final EIS, the Applicants informed SEA that NS had reduced the proposed number of trains on rail line segment N-063 (Campbell Hall-to-Port Jervis in Orange County, New York). As a result of the change, the number of freight trains per day would go from 7.9 to 9.0, if the proposed Conrail Acquisition is approved, for a total increase of 1.1 trains per day instead of the previous increase of 4.1 trains per day. In the Draft EIS, SEA had analyzed the rail line segment for potential impacts on passenger rail safety and determined the segment would experience impacts warranting mitigation. For the Final EIS, SEA revised its analysis on the rail line segment using the updated number of projected trains. Based on the analysis, SEA determined that the line segment would no longer experience impacts warranting mitigation to ensure passenger train safety.
- **Canadian Pacific Haulage Rights Issues.** During preparation of the Final EIS, the Applicants informed SEA that NS and Canadian Pacific have not negotiated a haulage rights agreement. Therefore, for the purpose of the Final EIS, SEA has determined that no increase in freight trains would result on the following NS rail line segments: N-120 (Jackson, Michigan-to-Kalamazoo, Michigan), N-121 (West Detroit, Michigan-to-Jackson, Michigan), and N-497 (Kalamazoo, Michigan-to-Porter, Indiana). In the Draft EIS, SEA had analyzed the rail line segments for potential impacts on passenger rail safety and determined the segments would experience impacts warranting mitigation. Because SEA determined that no increase in the number of freight trains would occur, the rail line segments would no longer experience passenger safety impacts warranting mitigation.

#### 4.4.3 Analysis Results and Impacts

Based on the analysis in the Draft EIS, modified as explained above, SEA has identified five passenger line segments located in Georgia, Maryland, North Carolina, Virginia, and the District of Columbia, where the increase in accident risk as a result of the proposed Conrail Acquisition would exceed SEA's criteria of significance and would warrant mitigation. Table 4-7, "Summary of Adverse Environmental Impacts by State," lists those five rail line segments. Chapter 5 in the Draft EIS, "State Settings, Impacts, and Proposed Mitigation," provides a detailed discussion of the passenger rail safety analysis in the applicable states.

#### **4.4.4 Mitigation**

##### **Mitigation Strategies Considered**

As Chapter 3 of the Draft EIS more fully describes, SEA considered several possible mitigation strategies that could reduce significant passenger train safety risk impacts for those individual rail line segments that exceeded the levels of significance previously noted. Specifically, SEA considered whether it would be appropriate to implement the following measures:

- Temporal separation (requiring freight trains to be clear of the main track a specified period of time before and after the scheduled arrival of a passenger train).
- Enhanced rail-safety programs such as closer spacing of rail car defect detectors along rail lines.
- Increased frequency of track inspections, freight car inspections, and highway/rail at-grade crossing signal inspections.
- Toll-free telephone numbers that community emergency response forces could use to contact railroad authorities.
- Training programs for community and emergency response personnel to enhance their ability to respond to rail-related emergencies.
- Head-hardened rail on track curves in mountainous territory to reduce the risk of broken rail and serious derailments.
- Improved rail signal systems to increase efficient and safe use of track capacity.

##### **Mitigation Recommended in the Draft EIS**

As the Draft EIS more fully discusses, SEA recommended temporal train separation, requiring all freight trains to be clear of the main track at least 15 minutes prior to the scheduled arrival of the passenger train for the nine rail segments. SEA further evaluated four NS line segments as previously described and determined that five CSX rail line segments remained to be the subject of recommended mitigation.

##### **Final Recommended Mitigation**

Based on its review of the public comments on the recommended passenger rail safety mitigation in the Draft EIS, SEA agrees that FRA's safety program and the U.S. railroads' modern signal systems and operating rules are effective in lowering passenger/freight train accident risk.



SEA modified its recommended mitigation; and for the Final EIS, SEA recommends that the Board require CSX to consult with FRA and the affected passenger service agencies to develop and refine operational strategies and technology improvements to ensure that passenger train safety is maintained, while operating on the same track as CSX freight trains, at or above pre-Acquisition levels following implementation of proposed Conrail Acquisition operations. This consultation shall be consistent with FRA's Final Rule on Passenger Train Emergency Preparedness, issued May 4, 1998 (49 CFR Parts 223 and 239). CSX shall report to the Board on the results of its consultations, with copies to FRA and the affected passenger service agencies, within 1 year of the effective date of the Board's final decision. Chapter 7, "Recommended Environmental Conditions," discusses the passenger rail safety mitigation measures detail.

## **4.5 SAFETY: FREIGHT RAIL OPERATIONS**

SEA evaluated the potential changes in freight train accidents that could occur as a result of the proposed Conrail Acquisition both system-wide and on individual rail line segments. SEA used accident data from DOT, Association of American Railroads, and FRA to analyze potential freight rail safety issues. The Applicants supplemented these materials with certain physical facility information, including the number of main tracks, classes of track, and signal systems.

### **4.5.1 Analysis Methods**

The following discussion summarizes SEA's freight rail safety impacts analysis methods. Chapter 3 of the Draft EIS, "Analysis Methods and Potential Mitigation Strategies," describes the analysis methods in detail. SEA's analysis methods and criteria of significance remain unchanged from the Draft EIS.

#### **System-wide Analysis**

To assess potential system-wide freight rail safety effects, SEA calculated the probability of accidents occurring before and after the proposed Conrail Acquisition based on the projected train data that both CSX and NS provided in their Operating Plans. SEA also calculated the potential reduction in truck accidents based on the projected reduction in truck vehicle miles as a result of truck-to-rail diversions stemming from the proposed Conrail Acquisition. SEA reviewed and used data that CSX and NS provided on the vehicle miles traveled. SEA calculated the potential accident rates using the accident rates published by DOT's National Highway Traffic Safety Administration.

#### **Segment-specific Analysis**

In the Draft EIS, SEA evaluated the potential change in the risk of freight train accidents for the 53 rail line segments that would have an increase of 8 or more trains per day as a result of the proposed Conrail Acquisition. SEA estimated the average annual accident rate for each specific



rail line segment from calculations based on the FRA train accident/incident database for freight operations before and after the proposed Conrail Acquisition.

### **Criteria of Significance**

Accident risk predictions are best expressed in terms of the elapsed time expected between any two consecutive events. Based on FRA statistics, the current national average for a mainline freight train accident is one accident every 117 years on each railroad route mile. To be conservative, SEA applied an interval of one accident per 100 years as the criterion of significance for determining when mitigation is warranted.

### **4.5.2 Public Comments and Additional Evaluations**

#### **Public Comments**

Several commentors, including FRA and the Applicants, expressed concerns about the potential confusion that would result if the Board imposed a condition similar to FRA's Proposed Rule for ton-mile-based track inspections (49 CFR Part 213.237, Docket No. RST-90-1) as SEA recommended in the Draft EIS. SEA concludes that early adoption of FRA's Proposed Rule would present no significant problems to FRA and the Applicants. SEA also concludes that adoption of the rule would significantly improve the level of safety on the seven rail line segments SEA identified in the Draft EIS as warranting mitigation. Therefore, SEA has not changed its recommended mitigation regarding FRA's Proposed Rule.

The Applicants objected to additional required training for inspectors, citing their corporate safety records and the lack of correlation between accidents and inspector training on freight rail safety presented in the Draft EIS. SEA no longer recommends the proposed mitigation measure requiring increased training for track and mechanical inspectors because CSX and NS have committed, as part of the Safety Integration Planning process, to implement effective inspection training programs.

Chapter 5, "Summary of Comments and Responses," summarizes public comments received on the Draft EIS and presents SEA's responses.

#### **Additional Evaluations**

As a part of its overall environmental review process, SEA evaluated potential alternative train routes that SEA or the commentors proposed as possible mitigation in Greater Cleveland Area, Ohio; Erie, Pennsylvania; Lafayette, Indiana; and the Four City Area in Indiana. Where appropriate, SEA evaluated possible impacts on freight rail safety for these alternatives. Section 4.19, "Community Evaluations," of the Final EIS summarizes the results of these additional evaluations.

### 4.5.3 Analysis Results and Impacts

#### System-wide Results

As the Draft EIS describes, SEA determined that the Applicants would experience a slight increase in projected rail line accidents as a result of the increases in the freight train miles and gross ton-miles from the estimated diversion from trucks and other railroads. In addition, based on the Applicants' projected decrease in the volume of cars switched in rail yards, SEA estimated that the number of potential accidents would decrease in the rail yards. The cumulative change in projected freight traffic on rail line segments and freight activity in rail yards would result in a small overall decrease in the likelihood of freight rail accidents. Although the changes following the proposed Conrail Acquisition might not affect overall accident frequency, the shifts in train traffic from one line to another and the changes in yard operations might cause the locations of accidents to change.

SEA also noted that the Applicants have stated that the projected number of highway traffic accidents would decrease. The Applicants estimated that the competition resulting from the proposed Acquisition could divert 782 million truck-miles of freight to rail service. Based on accident rates from the U.S. Bureau of Transportation Statistics, this reduction in truck-miles could result in 1,600 fewer highway accidents annually.

Based on the analysis, SEA concluded that the proposed Conrail Acquisition would cause no measurable increase in the risk of freight rail accidents for the overall system.

#### Segment-specific Results

As the Draft EIS describes, SEA determined that the projected accident frequency would increase for all 53 rail line segments that meet or exceed the Board's thresholds for environmental analysis. Those line segments are in 13 states (Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia). However, during preparation of the Final EIS, CSX informed SEA that it had reduced the proposed number of trains on rail line segment C-21 (Evansville, Indiana-to-Amqui, Tennessee) and C-25 (Vincennes, Indiana-to-Evansville, Indiana). As a result of the changes, the number of freight trains on the two rail line segments would no longer meet the threshold of 8 or more trains per day for freight rail safety analysis. SEA had analyzed the rail line segments for potential impacts on freight rail safety in the Draft EIS, and the rail line segments had not warranted mitigation. Because of the changes in number of trains, for the Final EIS, SEA no longer considered the two rail line segments for freight rail safety impacts.

Also, during the preparation of the Final EIS, NS provided its "Mitigation Proposal for Train Frequencies in Greater Cleveland and Vicinity," to SEA, which proposed to change rail traffic levels, in Cleveland and the surrounding area. The Addendum to this Final EIS discusses these proposed changes in more detail. As a result, two rail line segments SEA previously analyzed for freight rail safety would no longer meet the threshold of eight or more trains per day.

However, three rail line segments for which SEA had not previously analyzed would now meet this threshold. For these reasons, 52 rail line segments were analyzed for freight rail safety impacts for this Final EIS.

Of the total 52 rail line segments it analyzed, SEA identified eight rail line segments in three states (Indiana, Ohio, and Pennsylvania) that would warrant mitigation as a result of the proposed Conrail Acquisition. Table 4-7, "Summary of Adverse Environmental Impacts by State," in Section 4.23, "Summary of Adverse Environmental Impacts," lists the rail line segments for which SEA recommends mitigation. Chapter 5 of the Draft EIS, "State Settings, Impacts, and Proposed Mitigation," provides a detailed discussion of the site-specific freight rail safety analysis in the applicable states.

#### **4.5.4 Mitigation**

##### **Mitigation Strategies Considered**

As the Draft EIS describes, SEA considered several possible mitigation strategies that could reduce significant freight train safety risk impacts on individual rail line segments that exceeded the criteria of significance previously noted. Specifically, SEA considered whether the following measures would be appropriate:

- Implement FRA's proposed rule for ton-mile-based track inspections.
- Enhance rail-safety programs, such as closer spacing of rail car defect detectors along rail lines.
- Increase the frequency of track, tank car, and highway/rail at-grade crossing signal inspections.
- Provide toll-free telephone numbers for community emergency response forces to contact railroad authorities.
- Provide training programs for community and emergency response personnel to enhance their ability to respond to rail-related emergencies.
- Install head-hardened rail on track curves in mountainous territory to reduce the risk of broken rail and serious derailments.
- Replace defective rails to reduce the risk of derailment.
- Install new track to reduce the potential for train collisions and increase the capacity of certain rail line segments.
- Improve rail signal systems to increase efficient and safe use of track capacity.



### **Recommended Mitigation from the Draft EIS**

In the Draft EIS, SEA recommended that the Applicants comply with the requirement in FRA's proposed rule for "ton-mile-based" inspection and train its mechanical and track inspectors annually at locations that dispatch trains on the seven rail line segments warranting mitigation.

In their comments on the Draft EIS, CSX and NS objected to SEA's recommended mitigation, which required additional training for inspectors. CSX and NS cited their corporate safety records and the lack of correlation between accidents and inspector training on freight rail safety presented in the Draft EIS. SEA noted that CSX and NS have committed, as part of the Safety Integration Planning process, to implement effective inspection training programs. Therefore, SEA does not recommend specific environmental mitigation for inspection training.

### **Final Recommended Mitigation**

To reduce the risks of accidents and derailments, SEA recommends that the Board require CSX and NS to comply with FRA's Proposed Rule for "gross ton-mile-based" inspection on the seven rail line segments warranting mitigation. If FRA's Final Rule imposes a different inspection standard, then SEA recommends that the Board require CSX and NS to comply with the standard in the Final Rule. See Chapter 7, "Recommended Environmental Conditions," for a detailed description of the final recommended freight rail safety mitigation measures.

## **4.6 TRANSPORTATION: PASSENGER RAIL SERVICE**

SEA evaluated potential impacts of the proposed Conrail Acquisition on the capability of the freight rail line segments to accommodate existing passenger rail service and new or expanded passenger rail service. To analyze passenger rail service capability, SEA identified and evaluated the impacts of the proposed Conrail Acquisition on all existing and future passenger rail operations, including Amtrak intercity trains and commuter rail trains operated by eight separate operating authorities in 12 states and the District of Columbia.

### **4.6.1 Analysis Methods**

The following discussion summarizes SEA's analysis methods for the Final EIS. The methods remain unchanged from the Draft EIS. Chapter 4 in the Draft EIS, "Analysis Methods and Potential Mitigation Strategies," contains a detailed description of the analysis methods.

On an average weekday, Amtrak operates more than 80 intercity passenger trains on the CSX, NS, and Conrail rail lines. In addition, over 500 daily commuter trains use rail line segments owned by CSX, NS, and Conrail. Conversely, CSX, NS, and Conrail also operate on rail lines owned by Amtrak and various commuter agencies.

As a first step in analyzing passenger rail service, SEA identified rail line segments where freight operations share the line with passenger rail operations and where the shared line would



experience an increase of one or more freight trains per day after the proposed Conrail Acquisition. SEA used existing intercity and commuter passenger rail schedules to identify the existing passenger service. For segments that have existing passenger service and would have additional freight traffic after the proposed Conrail Acquisition, SEA assumed that the existing levels of freight and passenger rail traffic sharing the same rail line segments would currently operate in accordance with existing agreements between freight railroads and the passenger service operators.

Freight train schedules vary, depending on factors such as shippers' requirements and other variables. In addition, freight train operations on principal freight routes generally occur throughout a 24-hour day. The exception is Amtrak's Northeast Corridor, where through (line haul) freight trains operate almost entirely during the night to avoid conflict with heavy daytime passenger operations. SEA analyzed the potential effect of additional freight train traffic on current passenger train volumes and on any planned and funded additional passenger train operations on the affected segments. SEA considered the following factors among others that can affect rail operations:

- Number of main tracks.
- Train control system.
- Passing siding spacing and capacity.
- Cross-over tracks.
- Times and frequency of freight service.
- Times and frequency of commuter service.
- Uniformity of freight train speeds, relative to passenger train speeds.

Based on review of the information obtained for the analysis, SEA examined the capacity of each affected rail line segment. SEA then added the anticipated increases in freight train traffic that would result from the proposed Conrail Acquisition to determine the ability of the rail line segments to accommodate these higher volumes.

### **Criteria of Significance**

SEA determined that impacts of freight operations on passenger rail service would be significant if the anticipated increases in freight operations after the proposed Conrail Acquisition resulted in the need to reduce passenger service by one or more trains per day. The current operating agreements between the passenger service operators and the freight railroads preclude reduction in passenger service. Thus, any significant impact from increased freight operations after the proposed Conrail Acquisition could occur only after expiration of a current agreement and as a result of negotiations between the passenger service operator and the host freight railroad company. SEA's criteria of significance remain unchanged from the Draft EIS.

#### **4.6.2 Public Comments and Additional Evaluations**

##### **Public Comments**

Several transit agencies provided comments on potential delays of passenger rail services and potential inaccuracies in the methodology and analysis in determining line capacities. SEA concluded that its assessment of line capacity was appropriate and that the legal and contractual provisions of the operating agreements between the passenger service operators and the freight railroads provided both a framework and enforceable means to protect each party's interests. In addition, the Rail Passenger Service Act, as amended, provides Amtrak and DOT with substantial legal powers to ensure that Amtrak trains receive dispatching preference outside the Northeast Corridor. Chapter 5, "Summary of Comments and Responses," summarizes all public comments received on the Draft EIS and presents SEA's responses.

##### **Additional Evaluations**

As a part of overall environmental review process, SEA evaluated potential alternative train routes that SEA or other commentors proposed as possible mitigation in four areas (Greater Cleveland Area, Ohio; Erie, Pennsylvania; Lafayette, Indiana; and Four City Consortium in Indiana). Where appropriate, SEA evaluated possible impacts of the alternative train routes on passenger rail service capacity. Section 4.19, "Community Evaluations," summarizes the results of these additional evaluations.

#### **4.6.3 Analysis Results and Impacts**

Based on the analysis from the Draft EIS, SEA determined that all of the rail line segments that Amtrak uses for passenger rail service have sufficient capacity not only to accommodate the projected increased numbers of freight trains but also to meet concurrent contractual commitments to Amtrak. SEA concluded that each of the rail line segments with commuter trains could accommodate the increase in freight traffic related to the proposed Conrail Acquisition.

As described more fully in the Draft EIS, SEA determined that intercity passenger rail service would not have any significant impacts as a result of the proposed Conrail Acquisition. In addition, SEA concluded that no significant system-wide, regional, or local capacity impacts would occur on commuter rail service after the proposed Conrail Acquisition.

#### **4.6.4 Mitigation**

##### **Mitigation Recommended in the Draft EIS**

Based on its analysis, SEA determined that no significant impacts on passenger rail service capability would occur as a result of the proposed Conrail Acquisition and concluded that mitigation was not warranted.

### **Final Recommended Mitigation**

Based on SEA's analysis and review of public comments, SEA determined that no significant impacts on passenger rail service capability would result from the proposed Conrail Acquisition. Therefore, for this Final EIS, SEA has concluded that mitigation is not warranted for passenger rail service capability.

#### **4.7 TRANSPORTATION: HIGHWAY/RAIL AT-GRADE CROSSING DELAY**

SEA evaluated changes in vehicle traffic delays that would result from the proposed Conrail Acquisition because the delays stemming from increased train traffic, proposed abandonments, and rail operations on new rail line connections would affect roadway users. SEA limited its assessment of vehicle delay to highway/rail at-grade crossings on those rail line segments that met SEA's thresholds for environmental analysis. SEA did not analyze rail line segments that pass over or under roadways because rail traffic and vehicle traffic do not intersect at such grade-separated crossings.

Sections 4.7.1 through 4.7.4 address the overall subject of delay at highway/rail at-grade crossings, and Section 4.7.5 addresses delays of emergency vehicles, in particular, which are of special concern in many communities. Appendix G of the Final EIS, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," and Appendix C of the Draft EIS, "Traffic and Transportation," present detailed information about the analysis (including methods) of vehicle delay at highway/rail at-grade crossings.

##### **4.7.1 Analysis Methods**

SEA's analysis methods, including methods used for additional analysis since the Draft EIS, remain unchanged from those described in Chapter 3 of the Draft EIS, "Analysis Methods and Potential Mitigation Strategies." SEA performed analyses in accordance with the Board's rules for environmental analysis at 49 CFR 1105.7(e)(7). After reviewing and verifying available data, SEA identified the rail line segments that meet or exceed SEA's thresholds for environmental analysis. On the rail line segments that meet or exceed SEA's thresholds, SEA evaluated only those that have highway/rail at-grade crossings. SEA analyzed potential changes in vehicle delay at all highway/rail at-grade crossings with an ADT count of 5,000 or more vehicles. As more fully described in the Draft EIS, SEA believes that its use of this traffic volume threshold is reasonable and conservative and that the effects of any additional vehicle delay at highway/rail at-grade crossings with lower traffic volumes would be minimal.

For the Final EIS, 123 rail line segments met the Board's thresholds for environmental analysis. SEA evaluated 278 highway/rail at-grade crossings on 61 segments that have crossings with roadways where the average daily traffic is at least 5,000 vehicles.



### Measures of Vehicle Delay

For Section 3.7.1, "Methods for Highway/Rail At-grade Crossing Delay Analysis," of the Draft EIS, SEA developed the following five measures to compare roadway vehicle delay before and after the proposed Conrail Acquisition:

- Highway/rail at-grade crossing delay time per stopped vehicle.
- Maximum number of vehicles in a queue.
- Number of vehicles delayed per day.
- Average delay time for all vehicles (expressed as level of service [LOS]).<sup>1</sup>
- Traffic LOS.

### Revised Vehicle Delay Calculations

On January 21, 1998, SEA issued a Supplemental Errata to the Draft EIS located in Appendix B, "Draft Environmental Impact Statement Correction Letter, Errata, Supplemental Errata and Additional Environmental Information, and Board Notices to Parties of Record," of this Final EIS to correct an error in the formula used to calculate vehicle delay. As a result of the error, SEA had overstated the vehicle delay and the number of crossings that would have significant impacts in the Draft EIS. SEA used the corrected formula in all calculations presented in both the Supplemental Errata and in this Final EIS. In the Draft EIS, SEA had assumed that all roadways evaluated for vehicle delay have two-way operations and that they have an equal number of lanes in both directions. In the Final EIS, the calculations incorporated the actual conditions at some crossings that have one-way roadway operations or have an unequal number of directional approach lanes.

### Criteria of Significance

SEA used the delays caused by a single-train event and average daily delay as the two measures for determining impacts of the proposed Conrail Acquisition. SEA considered the following vehicle traffic delay effects at highway/rail at-grade crossings to be significant:

- An increase of 30 seconds or more in average delay per stopped vehicle. (SEA considers this increment to represent a driver's threshold for perception of increased delay.)
- An increase for all vehicles in average delay that (1) lowers the LOS at the highway/rail at-grade crossing from C or better to D, or (2) regardless of the condition before the proposed Conrail Acquisition, results in a LOS E or F. (SEA considers LOS D to be the level at which traffic congestion becomes unacceptable to drivers.)

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<sup>1</sup> Level of Service is a measure of the operational efficiency of a roadway vehicle traffic stream using procedures that consider factors such as vehicle delay, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.



#### **4.7.2 Public Comments and Additional Evaluations**

##### **Public Comments**

This section summarizes the key public comments relating to vehicle delay at highway/rail at-grade crossings. Chapter 5, "Summary of Comments and Responses," summarizes all public comments received on the Draft EIS and presents SEA's responses to those comments.

**Delay of Emergency Vehicles.** Commentors in 41 communities expressed concern about potential delays to emergency vehicles. SEA undertook additional evaluation in the commentors' communities to determine potential increased delays of emergency vehicles. Where appropriate, SEA is recommending steps to mitigate such delays. SEA describes this additional evaluation in Section 4.7.5, "Delay of Emergency Vehicles," of the Final EIS.

**Communities with Special Circumstances.** Some communities in northwestern Ohio requested evaluation and/or mitigation at highway/rail at-grade crossings that do not exceed SEA's ADT threshold of 5,000 vehicles per day. The increased delay to emergency vehicles, in addition to longer and more frequent delays for all vehicles, was a concern of these communities. Because many of these communities would experience substantial increases in train traffic, SEA performed additional analysis. See Section 4.7.3, "Analysis Results and Impacts."

**Use of State and Federal Funds for Mitigation.** The Applicants and commentors from Ohio and Kentucky indicated that vehicle delay at highway/rail at-grade crossings is more appropriately addressed through state and Federal programs, in accordance with state priorities. In response, SEA points out that any mitigation measures it recommends would not take the place of, but would supplement, state and Federal crossing improvements. Consequently, any such SEA-recommended mitigation would result in a benefit allowing the states to reallocate state and Federal funds for other traffic-related improvements. SEA acknowledges that, where it is not feasible for SEA to mitigate increased crossing delay, communities should rely upon state and Federal agencies to develop solutions and obtain funding.

**Unwanted Grade Separations.** Regarding grade crossing separation in the cities of Madisonville and Hopkinsville, Kentucky, commentors expressed opposition to SEA's recommended mitigation in the Draft EIS. SEA had proposed a grade separation as a mitigation measure at the W. Noel Avenue crossing in Madisonville and the E. 9<sup>th</sup> Street crossing in Hopkinsville. However, from its revised calculations of vehicle delay, as described in the Supplemental Errata, SEA determined that the average delays at these crossings are less than the Draft EIS reported and no longer meet SEA's criteria of significance for grade separations. Therefore, for this Final EIS, SEA is not recommending grade separations at the two crossings.

## **Other Additional Evaluations**

**Community Evaluations.** As a part of its overall environmental review process, SEA evaluated potential alternative train routes that SEA or the commentors proposed as possible mitigation in four areas (Greater Cleveland Area, Ohio; Erie, Pennsylvania; Lafayette, Indiana; and Four City Consortium in Indiana). Where appropriate, SEA evaluated possible impacts on highway/rail at-grade crossing delay for these alternatives. Section 4.19, "Community Evaluations," summarizes the results of these additional evaluations.

**Updated Data and Methodology.** After preparation of the Draft EIS, SEA reviewed its data sources and recalculated potential vehicle traffic delays through the following activities:

- SEA conducted site visits of the highway/rail at-grade crossings and identified changes in the number of highway traffic lanes, presence of grade separations, and other physical characteristics that were either not included or incorrectly described in the original data sources used for the Draft EIS.
- SEA received updated highway traffic volume information from state and local departments of transportation or planning offices since issuing the Draft EIS. SEA initially utilized roadway ADT volumes contained in the FRA database in order to have a consistent base of information for its analysis of highway/rail at-grade crossing safety. SEA then utilized updated ADT volumes at locations where state and local government agencies provided such information. At highway/rail at-grade crossings where other individuals or groups provided updated ADT volumes, SEA confirmed these figures with the appropriate government agencies before it utilized these data for the analysis.
- Since issuing the Draft EIS, SEA has received updated information from the Applicants on the train traffic volumes on certain rail line segments and updated information on train speed limits from the Applicants, government agencies, and other data sources.

### **4.7.3 Analysis Results and Impacts**

#### **Draft EIS and Supplemental Errata**

In the Draft EIS, SEA determined that the effects of the proposed Conrail Acquisition on vehicle delay at highway/rail at-grade crossings would be local and site-specific rather than regional or system-wide. Chapter 5 of the Draft EIS, "State Settings, Impacts, and Proposed Mitigation," and the Supplemental Errata in Appendix B of the Final EIS present the analysis results for these local and site-specific traffic delays.

#### **Additional Analysis**

**Revised Calculations and Results.** SEA's refined analysis and revised calculations in this Final EIS more accurately forecast the potential changes in vehicle delay at highway/rail at-grade

crossings that would result from the proposed Conrail Acquisition. However, SEA's refined analysis for the Final EIS determined that 13 highway/rail at-grade crossings in the states of Illinois, Indiana, Kentucky, Ohio, and Pennsylvania would meet or exceed SEA's criteria of significance.

In northwestern Ohio, SEA conducted an analysis of vehicle delay at closely spaced highway/rail at-grade crossings along rail line segments cited by commentors. To conduct the analysis, SEA used the same methods described in Chapter 3, "Analysis Methods and Potential Mitigation Strategies," of the Draft EIS. However, for this specialized analysis, SEA considered all crossings in the group of closely spaced highway/rail at-grade crossings, not just those with ADT of 5,000 vehicles or greater. Appendix G, "Transportation: Highway/rail At-grade Crossing Traffic Delay Analysis," of this Final EIS presents the results of this additional analysis. SEA concludes that the proposed Conrail Acquisition would have no significant effect on vehicle delays along the roadway corridors associated with the closely spaced highway/rail at-grade crossings in northwestern Ohio. SEA also conducted similar analyses of vehicle delay at closely spaced highway/rail at-grade crossings in the Greater Cleveland Area and in Lafayette, Indiana.

#### **4.7.4 Mitigation**

##### **Mitigation Strategies Considered**

To mitigate significant adverse vehicle delay at highway/rail at-grade crossings, SEA considered the following strategies:

- Implementing railroad operational improvements that would reduce the amount of time a freight train blocks a crossing on a rail line segment.
- Constructing a grade separation.
- Rerouting train traffic to other existing railroad rights-of-way.
- Requiring the Applicants to consult with state and local officials to develop alternative mitigation measures.

##### **Mitigation Recommended in the Draft EIS**

In the Supplemental Errata of the Draft EIS, SEA made the following preliminary recommendations to mitigate vehicle delay at 25 highway/rail at-grade crossings:

- In Erie, Pennsylvania, SEA recommended that NS implement its proposed mitigation plan to relocate train traffic away from the 19<sup>th</sup> Street corridor.
- In Garrett, Indiana, construct a grade separation at one location.



- In areas where it may not be feasible to increase train speeds, eliminate highway/rail at-grade crossings, or construct grade separations, the Applicants should consult with local and state officials to develop alternative mitigation at nine locations in Illinois, Indiana, Kentucky, and Ohio.
- In Lafayette, Indiana, consult with local and state officials to develop strategies to fully implement the Rail Relocation Project.

To assist SEA in its mitigation recommendations for this Final EIS, SEA solicited specific comments from the public and the Applicants on the Draft EIS about appropriate locations for separated grade crossings.

#### **Changes in Recommended Mitigation Since the Draft EIS**

- In Erie, Pennsylvania, SEA recommends that CSX comply with its agreement with NS and that NS comply with the terms of the Negotiated Agreements executed between NS and the City of Erie, whereby NS will relocate its rail traffic from the 19<sup>th</sup> Street tracks to the 14<sup>th</sup> Street CSX facility. This relocation would eliminate the four crossings for which SEA identified significant traffic delay impacts.
- In Lafayette, Indiana, none of the highway/rail at-grade crossings, as a result of the revised traffic delay analysis, would exceed the criteria of significance for traffic delay. In addition, the roadway corridor analysis does not indicate a projected significant change in aggregated traffic delay to warrant mitigation. SEA notes, however, that 42 crossings would be eliminated with the completion of the Rail Relocation Project in Lafayette, Indiana.
- SEA determined that two crossings in Alexandria, Indiana, would exceed the criteria of significance for traffic delay. However, SEA determined that operational improvements were not practicable and the expense of grade separation was not reasonable. For these reasons, SEA did not recommend mitigation for these crossings.

#### **Final Recommended Mitigation**

For the Final EIS, SEA evaluated possible mitigation measures for the significant traffic delay impacts resulting from the proposed Conrail Acquisition at 13 highway/rail at-grade crossings. SEA determined that the delay impacts at four crossings in Erie, Pennsylvania, would be addressed by relocating the NS rail line to the CSX corridor. SEA also determined that a grade separation would be warranted at CSX's Randolph Street highway/rail at-grade crossing in Garrett, Indiana, and is recommending that CSX continue negotiations with De Kalb County, Indiana; the City of Garrett, Indiana; and the Indiana Department of Transportation for the expeditious implementation of the grade separation. SEA is also recommending railroad operational improvements to address traffic delays at five crossings: in Blue Island, Illinois (two



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crossings); Madison, Indiana (two crossings); Madisonville, Kentucky (one crossing); Hamilton, Ohio (one crossing); and Cincinnati, Ohio (one crossing). For the one crossing in Sandusky, Ohio, SEA determined that operational improvements were not feasible and a grade separation was not reasonable. SEA did not recommend mitigation measures for traffic delay at this crossing. SEA recommended mitigation as described for the other 12 highway/rail at-grade crossings. Table 4-7 of the Final EIS, "Summary of Adverse Environmental Impacts by State," lists the rail line segments and highway/rail at-grade crossings for which SEA recommends mitigation.

Chapter 7, "Recommended Environmental Conditions," of this Final EIS describes in detail SEA's recommended mitigation measures for vehicle delay at highway/rail at-grade crossings. Section 4.7.5, "Delay of Emergency Vehicles," of this Final EIS describes SEA's recommendations for mitigating delays of emergency vehicles.

#### **4.7.5 Delay of Emergency Vehicles**

In many communities, a train blocking the road at a highway/rail at-grade crossing may delay fire, police, and emergency medical service vehicles. To anticipate such delays, communities may provide emergency response services on both sides of the tracks, construct grade-separated crossings, and/or develop techniques to inform dispatching centers about approaching trains so that an emergency vehicle can avoid a blocked crossing.

Because local conditions vary, SEA cannot predict, from a system-wide perspective, impacts on emergency vehicle response related to the proposed Conrail Acquisition. Neither can SEA predict actual site-specific delays because both emergencies and freight train occurrences are random events. SEA knows of no national standards for measuring emergency vehicle delay or the significance of delay impacts. Therefore, SEA considered the change in possibility of a traffic delay on a site-specific basis.

SEA's analysis encompassed crossings at 41 locations about which SEA received comments regarding emergency vehicle delay. For the Final EIS, SEA evaluated delay of emergency vehicles at highway/rail at-grade crossings on those rail line segments with an anticipated increase of 8 trains or more per day if the proposed Conrail Acquisition is approved. SEA determined that train traffic increases less than 8 trains per day would not have a significant impact on emergency response vehicle delay.

#### **Analysis Methods**

**Draft EIS.** Because emergency response vehicle delay is determined by specific local conditions, SEA completed a system-wide analysis of potential delay for the Draft EIS and relied on public comments to identify local concerns for evaluation in the Final EIS. For the Draft EIS, SEA measured potential emergency vehicle delay time at highway/rail at-grade crossings in two ways:

- Crossing delay per stopped vehicle.
- Total daily blocked crossing time.

On a system-wide basis, SEA evaluated the following two factors:

- The sensitivity of blocked crossing time to the speed and length of a train.
- The sensitivity of total daily blocked crossing times to the train speed and number of trains per day for different train lengths.

SEA compared the vehicle delays before and after the proposed Conrail Acquisition for 53 rail line segments and facilities. The Supplemental Errata to the Draft EIS and Chapter 5 of the Draft EIS, "Setting, Impacts, and Proposed Mitigation," present the results.

**Final EIS.** For the Final EIS, SEA addressed specific local emergency vehicle response impacts on communities along rail line segments that would experience an increase of eight trains or more per day following the proposed Acquisition. For its additional analysis, SEA used information received in the public comments and contacted the appropriate local jurisdictions and emergency service providers for detailed information on their areas and service requirements. SEA also reviewed area maps to determine service provider locations and existing transportation conditions. Specifically, SEA obtained the following information for the specific areas:

- Geographical layout of the area, including locations of populations in the emergency response service areas, and locations of hospitals and police and fire stations.
- Existing highway systems and local roadway networks.
- Locations of nearby, grade-separated crossings.
- Types of emergency services provided.
- Service area covered by emergency service providers.
- Emergency dispatch procedures.
- Available communications technology.
- Number of emergency vehicles that cross tracks on a typical day.
- Emergency service routes.
- Typical procedure when an emergency vehicle driver arrives at a blocked crossing.

- Typical train speeds (high-speed, slow-moving, or stopped).

### **Public Comments**

SEA received numerous comments from individuals and communities concerned about delays to emergency vehicles. For this Final EIS, SEA conducted additional analyses in these communities that provided comments concerning potential emergency vehicle delay impacts.

Chapter 5 of this Final EIS, "Summary of Comments and Responses," provides more detailed information about the comments and responses summarized here.

### **Analysis Results and Impacts**

**Draft EIS.** SEA concluded in the Draft EIS that no significant system-wide impact on emergency vehicle response would occur because the system-wide change in total rail traffic is small.

**Final EIS.** For the Final EIS, SEA conducted refined analyses of Acquisition-related delay of emergency vehicles at highway/rail at-grade crossings in response to public comments on the Draft EIS in which 41 communities specifically noted such delay concerns.

SEA analyzed the area-specific information, together with the train volumes and operations data (before and after the proposed Conrail Acquisition) for the relevant rail line segment, to determine the potential effects of the proposed Conrail Acquisition on emergency vehicle response delay at specific highway/rail at-grade crossings. SEA's analysis revealed that the local conditions that influence potential delays of emergency vehicles at highway/rail at-grade crossings vary substantially. These conditions include the configurations of the roadways and rail line segments, the location of emergency response facilities, and the time available to predict and avert a potential delay. Based on the information in the public comments and SEA's additional analysis of local emergency response conditions, SEA concluded that six local areas in Ohio warrant consideration for local emergency response mitigation.

### **Mitigation**

**Mitigation Strategies Considered.** SEA considered the following options to mitigate for delay of emergency vehicles at the highway/rail at-grade crossings in the 41 communities that submitted public comments on emergency vehicle delay:

- Notifying Emergency Services Dispatching Centers electronically of train movements and crossing blockages.
- Notifying local emergency response teams in advance of train arrivals and activities such as switching and stopping maneuvers that block crossings for a time longer than the time it takes for a through-train to pass.



- Minimizing disruptions of emergency vehicle traffic, in accordance with local ordinances and maintaining communication with local emergency response centers.
- Constructing grade separations.
- Providing additional emergency response facilities or vehicles.

**Mitigation Recommended in the Draft EIS.** In the Draft EIS, SEA concluded that no system-wide emergency response impacts would occur and, therefore, did not recommend any system-wide mitigation. For specific communities, SEA recommended the same mitigation for emergency vehicle delay that it recommended for other vehicle delay. However, since the Draft EIS, SEA has refined its approach to respond to the unique settings in local communities and is recommending specific mitigation to address emergency vehicle delay.

**Final Recommended Mitigation.** To reduce the effects of emergency vehicle delays following the proposed Conrail Acquisition, SEA recommends mitigation measures in Ashtabula, Berea, Fostoria, Conneaut, Oak Harbor, and Vermilion, Ohio. As described in Chapter 7, "Recommended Environmental Conditions," of this Final EIS, SEA recommends that the Board require the Applicants to provide, install, and maintain real-time train location monitoring systems in those cities. The purpose of the monitoring systems is to alert emergency response dispatchers to the location of trains passing through the community and a real-time indication of where trains are blocking highway/rail at-grade crossings. These systems would assist dispatchers in recommending the fastest route for vehicles responding to an emergency. Based on knowing the location, speed, and length of a passing train, a dispatcher may, for example, direct an emergency vehicle to take an alternative route to avoid blocked crossings.

## **4.8 TRANSPORTATION: ROADWAY SYSTEMS**

SEA evaluated the potential impact on the local roadway systems of additional truck traffic that would result from increased railroad activity at existing, expanded, or new intermodal facilities or from proposed new rail line construction or rail line abandonment activities if the proposed Conrail Acquisition is approved and implemented. SEA also evaluated effects on the national and regional highway systems that would result from the availability of new or expanded intermodal facilities.

### **4.8.1 Analysis Methods**

SEA's analysis methods for the Final EIS, summarized in the following sections, remain unchanged from the Draft EIS. A detailed description of analysis methods, criteria of significance, and mitigation strategies is found in the Draft EIS in Chapter 3, "Analysis Methods and Potential Mitigation Strategies."

SEA performed analyses in accordance with the Board's rules at 49 CFR 1105.7(e)(5), which required the Applicants to describe the effects of the proposed Conrail Acquisition on the local, regional, and national transportation systems.

### **Intermodal Facilities**

SEA evaluated increases in rail and truck activity related to the proposed Conrail Acquisition at several existing, expanded, and new intermodal facilities. SEA identified 24 intermodal facilities that would meet or exceed the Board's thresholds for environmental analysis in the states of Georgia, Illinois, Kentucky, Louisiana, Maryland, Michigan, Missouri, New Jersey, Ohio, Pennsylvania, and Tennessee.

SEA studied 24 intermodal facilities and assumed that each additional truck would make a round trip and, therefore, added two truck trips to the average daily traffic volume on affected surrounding roadways. For the analysis, SEA conducted site visits, identified truck routes on area roadways, calculated the number of trucks expected to use each roadway, supplemented average daily traffic data from CSX and NS's Environmental Report by collecting information from local and state transportation and planning agencies or by performing traffic counts, and calculated percentage increases in average daily traffic for each affected roadway based on projected additional daily truck trips. Based on this information, SEA measured the extent of the impact on local and regional roadways of the additional truck activity that would result if the proposed Conrail Acquisition is approved and implemented.

### **New Rail Line Construction**

New rail line connections can result either in physical changes to existing highway/rail at-grade crossings or in the construction of new highway/rail at-grade crossings. Since new rail line connection proposals have effects on highway/rail at-grade crossing delay similar to those on existing line segments, SEA used the same analysis method to calculate transportation impacts resulting from new rail line connections. Section 4.7, "Transportation: Highway/Rail At-Grade Crossing Delay," discusses this method.

### **Rail Line Abandonments**

The primary environmental roadway systems impacts that arise in connection with a proposed rail line abandonment project are diversions of freight transportation from rail to trucks or to other rail lines. The Board's rules require railroads to provide a description of the effects of proposed abandonments on regional and local transportation systems. To be conservative, SEA assumed that if the proposed abandonment projects are approved, the freight currently hauled on the rail lines would be moved by truck.

CSX and NS identified the number of freight carloads that would be diverted to trucks for each rail line segment proposed for abandonment. CSX and NS converted freight carloads to four trucks per rail carload. SEA reviewed the Applicants' data and analyses for estimating rail-to-

truck diversions. SEA found these procedures and the results reasonable. Using CSX and NS estimates, SEA determined the number of additional truck trips that would result from each proposed abandonment per year on the local, regional, and national transportation systems. SEA then converted the additional yearly truck trips to a daily rate to determine whether the additional truck trips would have a measurable impact on the daily traffic patterns on nearby roads.

### **Criteria of Significance**

SEA established standards for studying potential impacts of increased truck activity at existing, expanded, and new intermodal facilities and from rail line abandonments that would result from the proposed Conrail Acquisition. In setting appropriate standards, SEA determined that it would examine any roadway where a 10 percent increase in traffic would result from the proposed Conrail Acquisition. Because local conditions vary, SEA did not establish one uniform standard to identify where the impacts would be significant enough to justify mitigation. Rather, on a case-by-case basis, SEA compared the average daily traffic on roadways that would experience an increase of 10 percent or greater with the traffic volume capacity determined by the number of travel lanes. SEA used this volume-to-capacity analysis method to determine the ability of the affected roadway to accommodate additional traffic and whether mitigation might be warranted.

### **4.8.2 Public Comments and Additional Evaluations**

#### **Public Comments**

SEA received extensive comments from individuals and agencies in the New York City/Northern New Jersey Metropolitan Area. The comments addressed the perceived increase in truck traffic east of the Hudson River as a result of the proposed Conrail Acquisition. The commentors included the Connecticut Department of Transportation, the Southwestern Regional Planning Agency of Connecticut, the Tri-State Transportation Campaign, and U.S. Representative Jerrold Nadler and 23 members of Congress from the states of New York and Connecticut. Based on the extent of these comments, SEA conducted detailed additional evaluation focused on expanding the truck traffic analysis presented in the Draft EIS to more directly address and respond to commentors' concerns. SEA's expanded analysis of the proposed truck trips illustrates that any environmental impacts as a result of increased truck traffic in the New York City/New Jersey Metropolitan Area and southern New England would be negligible and insignificant both individually and cumulatively. SEA also evaluated the potential impact of Congressman Nadler's request for trackage rights over Conrail's Hudson Line so a second railroad would provide service for New York City. This discussion is included in Section 4.20, "Inconsistent and Responsive Applications and Requests for Conditions." SEA concluded that no significant impacts would occur if the Board approves the proposed Conrail Acquisition with or without imposing the commentors' proposed conditions. Appendix H, "Transportation: Roadway Systems Analysis," presents the detailed analysis SEA conducted of transportation systems in the New York City/Northern New Jersey Metropolitan Area.



### **Additional Evaluations**

**New NS Sandusky Triple Crown Service Facility, Erie County, Ohio.** After issuing the Draft EIS, SEA performed additional evaluation as a result of new information regarding the new intermodal facility proposed by NS in Sandusky, Ohio. On March 3, 1998, NS confirmed its plans to establish a new intermodal facility in Sandusky, Ohio, instead of using the Conrail Crestline, Ohio, intermodal facility. NS proposes to build a new Triple Crown Service (TCS) facility at the northwest side of an existing NS rail yard approximately 2 miles southwest of downtown Sandusky. The analysis shows that the total daily increase in truck traffic as a result of the proposed Conrail Acquisition would be less than 7 percent of the average daily traffic for all of the study area roadways. SEA determined that these increases in truck traffic would not have significant impacts on the area roadways. A detailed description of the additional evaluation of the Sandusky intermodal facility is found in Appendix H, "Transportation: Roadway Systems Analysis."

**New AmeriPort/South Philadelphia Intermodal Facility, Philadelphia County, Pennsylvania.** On March 20, 1998, NS informed SEA that it no longer plans to expand the Morrisville Intermodal facility (analyzed in the Draft EIS). NS plans instead to construct a new intermodal facility in south Philadelphia at the northeast corner of the former Philadelphia U.S. Naval Station. SEA notes that the Morrisville facility would continue to experience an increase in truck traffic above the Board's threshold for environmental analysis but less than stated in the Draft EIS. The proposed intermodal facility would be a key component of the planned redevelopment of a large portion of the Naval Station no longer used for military purposes. This proposed intermodal facility would handle new NS intermodal traffic as well as some former Conrail intermodal traffic that currently uses the Port of Philadelphia and Camden's Delaware River Port Authority's existing AmeriPort intermodal facility. The analysis shows that the total daily increase in truck traffic as a result of the proposed Conrail Acquisition would be less than 2 percent of the average daily traffic for all the study area roadways. SEA determined that these increases in truck traffic would not have significant impacts on the area roadways. A detailed description of the additional evaluation of the new AmeriPort/South Philadelphia Intermodal Facility is found in Appendix H, "Transportation: Roadway Systems Analysis."

**Community Evaluations.** As a part of its overall environmental review process, SEA evaluated potential alternative train routes that SEA or the commentors proposed as possible mitigation in Greater Cleveland Area, Ohio; Erie, Pennsylvania; Lafayette, Indiana; and the Four City Consortium, Indiana. Where appropriate, SEA evaluated possible impacts on roadway systems for these alternatives. Section 4.19, "Community Evaluations," summarizes the results of these additional evaluations.

### **4.8.3 Analysis Results and Impacts**

Based on the analysis in the Draft EIS and the results of additional evaluations for the Final EIS, SEA determined that the local roadways can adequately handle the increased truck traffic that would result from increased railroad activity at existing, expanded, or new intermodal facilities



or from proposed new rail line construction or rail line abandonment activities. SEA also determined that the proposed Conrail Acquisition will benefit the national and regional highway systems by reducing truck traffic on major state, regional, and U.S. highways. According to the Applicants, shippers would divert their freight from trucks on these major roadways to trains on the expanded CSX and NS systems, in part, because of the availability of new or expanded intermodal facilities. CSX and NS estimate that the proposed Conrail Acquisition would result in annual diversions of almost 438,000 truckloads of freight to the CSX system<sup>2</sup> and 589,000 truckloads to the NS system.<sup>3</sup> In addition, the Applicants state that the proposed Conrail Acquisition would provide many shippers with more efficient direct long-haul rail service.

Based on the analysis in the Draft EIS and the results of additional evaluations for the Final EIS, SEA concluded that on a system-wide level, no adverse environmental impacts would result from the reduction in truck traffic because of the proposed Conrail Acquisition. SEA determined that the reduction in truck traffic would result in system-wide beneficial effects on air quality, energy consumption, and transportation. Section 4.22, "Anticipated Environmental Benefits," also discusses the beneficial aspects of the proposed Conrail Acquisition on the roadway systems.

#### 4.8.4 Mitigation

##### Mitigation Recommended in the Draft EIS

For the Draft EIS, SEA identified no significant adverse impacts on roadway systems from additional truck traffic that would result from increased railroad activity at existing, expanded, or new intermodal facilities or from proposed rail line abandonment activities of the proposed Conrail Acquisition. SEA also identified no adverse impacts on roadway systems as a result of the reduction of truck traffic on major state, regional, and U.S. highways. However, SEA identified potential adverse impacts to roadway traffic associated with the construction of two new rail line connections in Vermilion and Oak Harbor, Ohio. SEA recommended that NS ensure that construction activities minimize the differences in elevation between the roadway and the railroad tracks at these connections.

##### Final Recommended Mitigation

Based on SEA's analysis of roadway systems impacts in the Draft EIS, review of public comments, and additional evaluations, SEA determined that no additional significant impacts on roadway systems would result and concluded that no mitigation is warranted for inclusion in

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<sup>2</sup> Bryan, G. B., 1997, Verified Statement in *Railroad Control Application*, Volume 2A.

<sup>3</sup> Krick, Patrick J., 1997, Verified Statement in *Railroad Control Application*, Volume 2B.

the Final EIS. SEA continues to recommend mitigation for the construction projects in Vermilion and Oak Harbor, Ohio.

#### **4.9 TRANSPORTATION: NAVIGATION**

The proposed Conrail Acquisition could affect waterborne transportation by increasing traffic on rail line segments that have movable bridges crossing navigable waters. To evaluate the impact of the proposed Conrail Acquisition on navigation for the Draft EIS, SEA reviewed the proposed activities that could affect navigable waters of the United States and thus would be subject to regulations of the U.S. Coast Guard (Coast Guard) and the U.S. Army Corps of Engineers (USACE).

##### **4.9.1 Analysis Methods**

SEA's analysis methods for the Final EIS, summarized in the following sections, remain unchanged from the Draft EIS. A detailed description of analysis methods is found in the Draft EIS, Chapter 3, "Analysis Methods and Potential Mitigation Strategies."

Using FRA data on all existing railroad bridges over navigable waters under the jurisdiction of the Coast Guard, SEA identified 181 movable bridges on CSX, NS, and Conrail lines. SEA then compared the locations of these bridges with those rail line segments that would meet or exceed the Board's thresholds for environmental analysis. SEA also determined whether the proposed rail constructions and abandonments would affect waterborne navigation. For those bridges located on a segment meeting the Board's thresholds for environmental analysis, SEA verified CSX's and NS's Operating Plans and contacted the appropriate district office of the Coast Guard.

##### **Criteria of Significance**

Coast Guard regulations state that waterborne navigation has the right-of-way in all instances. Accordingly, any operating constraints warranted as a result of the proposed Conrail Acquisition are placed on the railroad and not on the waterborne users at the location of movable bridges across navigable waterways. Because Coast Guard rules determine that waterborne navigation has the right-of-way at movable bridges, no impact on waterborne navigation would result from Acquisition-related changes in train traffic. Therefore, SEA did not establish a criterion of significance.

##### **4.9.2 Public Comments and Additional Evaluations**

###### **Public Comments**

The Coast Guard concurred with SEA's approach and conclusions in the Draft EIS. In addition, the Coast Guard stated that Federal regulations governing operation of the Lehigh Valley Bridge across Newark Bay in New Jersey require that trains delay the operation of this drawbridge no more than 5 minutes. The Coast Guard stated that Conrail has used this bridge in the past for

building trains, which caused the bridge to be inoperable for several hours. The Coast Guard commented that it has assessed civil penalties for past violations and will continue to enforce the regulations. SEA's evaluations for the Draft EIS determined that the rail line segments containing the Lehigh Valley Bridge across Newark Bay did not meet or exceed the Board's environmental analysis thresholds. The bridge is on rail line segments S-220 and S-222, which will not experience any Acquisition-related increase in train traffic. The only New Jersey rail line segments with movable bridges that exceed the Board's thresholds for environmental analysis are N-050 and S-032. The delay conditions the Coast Guard described are apparently the result of present train operations and not a result of the proposed Conrail Acquisition. Considering that the situation on this bridge is an existing condition and Coast Guard enforcement measures are in place, SEA does not recommend additional mitigation.

For a detailed review of comments and responses, see Chapter 5, "Summary of Comments and Responses."

### **Additional Evaluations**

As a part of its overall environmental review process, SEA evaluated potential alternative train routes that SEA or the commentors proposed as possible mitigation in Greater Cleveland Area, Ohio; Erie, Pennsylvania; Lafayette, Indiana; and the Four City Consortium in Indiana. SEA evaluated possible impacts on navigation for these alternatives and determined that no additional evaluation or consultation with the Coast Guard was necessary as a result of the alternative train routes developed for these communities.

### **4.9.3 Analysis Results and Impacts**

For the Draft EIS, SEA evaluated 13 movable bridges on 11 rail line segments where increases in railroad traffic would meet or exceed the Board's thresholds for environmental analysis. These bridges are located in the states of Indiana, New Jersey, Ohio, Pennsylvania, Tennessee, and the District of Columbia.

SEA determined that the proposed abandonment of the Toledo Pivot Bridge over the Maumee River in Lucas County, Ohio, would provide beneficial impacts for navigation due to the elimination of train traffic. On March 4, 1998, NS advised the Board that, pursuant to an agreement dated February 18, 1998, with the Toledo-Lucas County Port Authority (TLCPA) and Toledo Metropolitan Area Council of Governments (TMACOG), NS wishes to seek authorization only for discontinuance of operations over the Toledo Pivot Bridge, not for abandonment of the Bridge. NS has agreed to leave the bridge open and provide proper warning lighting so that navigation on the waterway will not be affected. NS does not plan to have an operator manning the bridge after discontinuance. In the agreement with TLCPA and TMACOG, NS agrees not to seek authorization for abandonment of the Toledo Pivot Bridge for a 4-year period from the date of the Board's final decision on the proposed Conrail Acquisition. In addition, NS, TLCPA, and TMACOG may mutually agree to request authorization for abandonment of the Pivot Bridge prior to the expiration of the 4-year period. If abandonment



is approved, NS will offer to sell the Toledo Pivot Bridge for \$1.00 to TMACOG or another agency for public use. SEA has informed the Coast Guard of NS's change in operation and request for authorization for discontinuance. The Coast Guard requested that NS or TLCPA and TMACOG discuss the agreement with the Coast Guard. SEA has advised NS to consult with the Coast Guard regarding the agreement.

Because the Coast Guard has jurisdiction over movable bridges and because, under Coast Guard regulations, ships have the right-of-way at all times over trains, SEA determined that no system-wide or site-specific adverse impacts on navigation, including service to coastal and inland ports, would result from the proposed Conrail Acquisition.

#### **4.9.4 Mitigation**

Because no potential impacts of the proposed Conrail Acquisition would occur on waterborne navigation, SEA concluded that mitigation is not warranted.

### **4.10 ENERGY**

SEA evaluated the system-wide impacts of the proposed Conrail Acquisition on diesel fuel consumption. In the eastern United States, both railroads and trucks transport freight. Both modes use diesel fuel as their primary fuel source but transport freight at different levels of efficiency. Based on the verified statements of CSX and NS and on SEA's analysis of available data, SEA estimated the changes in fuel consumed to transport freight, primarily because of the CSX and NS estimated truck-to-rail diversions. SEA also analyzed rail yards and intermodal facilities' proposed changes in operations that could affect energy resources.

Additionally, SEA considered the effect of the proposed Conrail Acquisition on the transportation of energy resources and recyclable commodities. SEA also considered the consumption of energy resources resulting from vehicular traffic delays at highway/rail at-grade crossings.

#### **4.10.1 Analysis Methods**

SEA's analysis methods for the Final EIS, summarized in the following sections, remain unchanged from the Draft EIS. A detailed description of analysis methods, criteria of significance, and mitigation strategies is found in the Draft EIS in Chapter 3, "Analysis Methods and Potential Mitigation Strategies." Appendix D of the Draft EIS, "Energy Methods," describes the assumptions, methods, and formulas for estimating anticipated system-wide fuel consumption changes that would result from the proposed Conrail Acquisition.

SEA based its analysis of system-wide energy impacts anticipated from the proposed Conrail Acquisition on the Board's environmental rules at 49 CFR 1105.7(e)(4), which require Applicants to describe the following:



- The effect of the proposed Conrail Acquisition on transportation of energy resources, such as coal or oil.
- The effect of the proposed Conrail Acquisition on recyclable commodities, such as aluminum, plastic, and paper.
- The degree to which the proposed Conrail Acquisition would result in an increase or decrease in overall energy efficiency.
- The change in energy consumption that would result from rail-to-truck diversions if the proposed Conrail Acquisition caused rail-to-truck diversions of more than 1,000 rail carloads per year or more than an average of 50 rail carloads per mile per year for any part of the affected rail line segment. If this occurs, the rules require that SEA quantify the resulting change in energy consumption and show the data and methods it used to obtain the results. Projected rail-to-truck diversions did not meet these thresholds and SEA did not analyze the diversions for change in energy consumption.

Because coal is the dominant energy resource transported by CSX and NS, SEA reviewed CSX and NS's Environmental Report, Operating Plans, and Verified Statements to assess the effect of the proposed Conrail Acquisition on the quantities of coal that CSX and NS would transport. SEA also reviewed the Operating Plans to determine whether CSX or NS would change the quantities of recyclable commodities transported as a result of the proposed Conrail Acquisition. SEA does not anticipate substantial changes in the quantities of energy resources or recyclable commodities transported.

SEA conducted a quantitative assessment of the effect of the proposed Conrail Acquisition on overall energy efficiency in terms of fuel consumption by the following:

- Estimating system-wide changes in fuel consumption from truck-to-rail diversions and operational changes at rail yards and intermodal facilities, within the context of overall changes in freight traffic.
- Estimating changes in fuel consumption resulting from vehicular traffic delays at highway/rail at-grade crossings.

### **Criteria of Significance**

SEA considered the following energy resource impacts to be significant:

- An increase in system-wide fuel consumption.
- An operational change that would reduce the quantities of energy resources and/or recyclable commodities transported by rail.

- Vehicular traffic delays at highway/rail at-grade crossings that would result in an average increase in fuel consumption of at least 500 gallons of gasoline per day per highway/rail at-grade crossing studied.

#### **4.10.2 Public Comments and Additional Evaluations**

##### **Public Comments**

The Applicants indicated that the Draft EIS understated the energy savings as a result of the proposed Conrail Acquisition because SEA reduced the estimated truck fuel savings by the estimated increase in locomotive fuel consumption. However, the Applicants state that part of the increased rail activity is the result of diversions from other rail lines and does not represent an increase in fuel consumption. SEA does not believe that the Draft EIS understated the energy savings of the proposed Conrail Acquisition. SEA estimated the net system-wide fuel consumption change would be a reduction of 80.1 million gallons of diesel fuel. SEA estimated that truck-to-rail diversions would result in an annual 133.6-million-gallon reduction in diesel fuel consumption. Also, based on the Applicants' rail traffic projections, SEA estimated that an annual 53.5-million-gallon increase in fuel consumption would result from increased rail traffic not related to truck-to-rail diversions. SEA acknowledges the Applicants' comments that increased rail fuel consumption attributable to increased rail traffic does not necessarily represent an overall increase in fuel consumption, since a portion of the amount of new rail traffic is from sources such as rail-to-rail diversions. However, SEA maintains that its estimates represent a conservative measure of the net change in overall fuel consumption related to the proposed Conrail Acquisition. SEA also acknowledges, as the Applicants assert, that the Acquisition-related fuel consumption reduction represents a substantial energy benefit of the proposed Conrail Acquisition.

Chapter 5, "Summary of Comments and Responses," summarizes all public comments on the Draft EIS and presents SEA's responses.

##### **Additional Evaluations**

Based on comments that the Draft EIS overstated the average vehicle queuing time, SEA revised the traffic delay calculation formula and recalculated vehicle queuing times. SEA described this revision in the Supplemental Errata. See Appendix B of the Final EIS, "Draft Environmental Impact Statement Correction Letter, Errata, Supplemental Errata and Additional Environmental Information, and Board Notices to Parties of Record."

For the Final EIS, SEA also revised its analysis on energy effects of vehicle delays at highway/rail at-grade crossings based on the recalculated queuing times. See Section 4.10.3, "Analysis Results and Impacts."

As a part of its overall environmental review process, SEA evaluated potential alternative train routes that SEA or the commentators proposed as possible mitigation in Greater Cleveland Area,

Ohio; Erie, Pennsylvania; Lafayette, Indiana; and the Four City Consortium, Indiana. Where appropriate, SEA evaluated possible impacts on energy for these alternatives. Section 4.19, "Community Evaluations," summarizes the results of these additional evaluations.

#### 4.10.3 Analysis Results and Impacts

The proposed Conrail Acquisition would cause system-wide changes in energy consumption resulting from new freight that would otherwise be transported by other railroads or different means of transportation (such as trucks), rail-to-truck freight diversions, and changes in operations at rail yards and intermodal facilities. The Applicants have estimated that the proposed Conrail Acquisition would result in annual diversions of almost 438,000 truckloads of freight to the CSX system<sup>4</sup> and 589,000 truckloads of freight to the NS system.<sup>5</sup> Based on its analysis, SEA estimated an overall annual increase of 79.1 billion gross ton-miles of freight due to the proposed Conrail Acquisition. SEA estimated 37.8 billion gross ton-miles of the overall increase would result from truck-to-rail freight diversion. Based on the increased gross ton-miles, SEA calculated an annual increase of 106.3 million gallons in CSX's and NS's locomotive diesel fuel consumption. SEA also estimated a total annual decrease of 186.4 million gallons in diesel truck fuel consumption resulting from truck-to-rail diversions. Therefore, SEA estimated an 80.1-million-gallon net reduction in total diesel fuel consumption as a result of the proposed Conrail Acquisition.

In the Primary Application, the Applicants state that they anticipate other sources of changes in energy consumption would be insignificant in comparison with the changes from truck-to-rail diversions. SEA analyzed other sources of changes in energy consumption to verify the Applicants' assumptions. Based on this analysis, SEA believes that the anticipated system-wide rail-to-truck diversions (90 rail carloads, which would result in 360 additional truckloads per year based on the ratio of four truckloads per rail carload) would be insignificant when compared with the anticipated truck-to-rail diversions. The proposed changes in rail yard and intermodal facility operations would result in a system-wide increase of 439,000 gallons of diesel fuel per year. SEA considers this insignificant because it is only 0.3 percent of the estimated fuel consumption change attributable to truck-to-rail diversions.

The Applicants state in their Application that the proposed Conrail Acquisition would result in greater efficiency in the transportation of coal products in most areas currently served, thereby benefitting coal producers and users on a system-wide basis. Based on available information evaluated for the Draft EIS, SEA determined that the proposed Conrail Acquisition may lead to shifts in marketing of energy resources from one area to another but would not decrease access to energy resources.

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<sup>4</sup> Bryan, G. B., 1997, Verified Statement in *Railroad Control Application*, Volume 2A.

<sup>5</sup> Krick, Patrick J., 1997, Verified Statement in *Railroad Control Application*, Volume 2B.



Recyclable commodities transported by rail include aluminum alloy scrap, iron and steel scrap, and waste paper. In the Application, the Applicants indicate that they have no specific plans regarding changes in recyclable commodities transportation and do not anticipate changes in the quantities of recyclable commodities as a result of the proposed Conrail Acquisition. However,

the expected increase in efficiency and competition resulting from the proposed Conrail Acquisition would enhance the transportation of recyclable commodities.

#### **Revised Energy Effects of Vehicular Traffic Delays at Highway/Rail At-grade Crossings**

Based on its revised analysis of vehicle delays at highway/rail at-grade crossings, SEA estimated the increase in fuel consumption from expected delays at more than 283 highway/rail at-grade crossings that would have average daily traffic of greater than 5,000 vehicles on rail line segments that meet the Board's thresholds for environmental analysis for air quality. These are the same highway/rail at-grade crossings that SEA analyzed for delay and air quality. By multiplying the grade crossing vehicle delay by the fuel consumption factor for idling vehicles, SEA estimated that fuel consumption from delays would increase by approximately 969 gallons of gasoline per day. This estimate does not account for potentially decreased fuel consumption at highway/rail at-grade crossings with an anticipated decrease in rail traffic. SEA considered this increase an insignificant impact on energy resources.

Based on the results of its analysis, SEA determined that truck-to-rail diversions and increased train traffic related to the proposed Conrail Acquisition would result in a net annual reduction in diesel fuel consumption of approximately 80 million gallons. SEA has concluded that no significant environmental impacts on energy consumption or transportation of energy resources and recyclable commodities would occur as a result of the proposed Conrail Acquisition. Section 4.22, "Anticipated Environmental Benefits," also discusses the beneficial effects on energy consumption that would result from the proposed Conrail Acquisition.

#### **4.10.4 Mitigation**

##### **Mitigation Recommended in the Draft EIS**

Because SEA identified no significant adverse energy impacts, SEA neither considered nor developed any specific mitigation measures for the Draft EIS.

##### **Final Recommended Mitigation**

Because SEA identified no significant adverse energy impacts, SEA neither considered nor developed any specific mitigation measures for the Final EIS.



## 4.11 AIR QUALITY

The proposed Conrail Acquisition encompasses the majority of the eastern United States and a 44,000-mile rail system; therefore, SEA undertook an extensive, multi-layered, and wide-reaching analysis to investigate the potential effects of the proposed Conrail Acquisition on air quality on a system-wide, regional, and local basis. SEA's analysis focused on projected air pollutant emissions from diesel locomotives, trucks, and automobiles because these vehicles are the major sources of air pollutant emissions that the proposed Conrail Acquisition would affect. The Draft EIS provides a detailed discussion of SEA's analysis.

Following SEA's analysis, SEA concluded that no significant adverse effects on air quality would occur on a system-wide, regional, or local basis following the proposed Conrail Acquisition. As Section 4.11.3, "Analysis Results and Impacts," and Appendix I, "Air Quality Analysis," of the Final EIS discuss, SEA estimated that the system-wide net emissions of nitrogen oxide ( $\text{NO}_x$ ), particulate matter less than 10 microns in diameter, volatile organic compounds, and carbon monoxide would decrease as a result of the proposed Conrail Acquisition. Volatile organic compounds and  $\text{NO}_x$  contribute to ozone formation; therefore, these pollutant reductions would help to reduce ozone formation. SEA estimated that these pollutant emissions would decrease as a result of the projected diversions of freight traffic from trucks to rail lines. Therefore, SEA expects that the net changes in pollutant emissions would generally cause a slight system-wide benefit to air quality for states located within the analysis area.

System-wide, SEA calculated that sulfur dioxide emissions would increase slightly as a result of the proposed Conrail Acquisition; however, SEA considered the increase insignificant when compared with the several million tons of sulfur dioxide that stationary sources emit annually.

On a regional basis, SEA concluded that no adverse impacts on air quality would occur and  $\text{NO}_x$  emissions would decrease slightly in the Northeast Ozone Transport Region<sup>6</sup> following the proposed Conrail Acquisition. Although SEA anticipates minor changes to the geographical distribution of  $\text{NO}_x$  emissions in some regional areas in Illinois, Indiana, Michigan, and Ohio, it determined that this change would not significantly affect ozone levels in those areas.

SEA's county-wide analysis provided the smallest geographic scope of analysis and showed that the majority of counties would not experience substantial air quality effects or increased emissions. Although carbon monoxide or  $\text{NO}_x$  emissions would increase in a small portion of counties, SEA determined that these local increases would not likely affect compliance with the National Ambient Air Quality Standards (NAAQS). SEA concurs with the Ozone Transport

<sup>6</sup> The Northeast Ozone Transport Region consists of the eastern states from Maine southwest through Pennsylvania and Maryland, including the ozone nonattainment area in northern Virginia. The 1990 Clean Air Act Amendments delineated the region as an area of special concern because of the substantial transport of ozone and its precursor pollutants,  $\text{NO}_x$  and volatile organic compounds, across state and county boundaries.

Assessment Group<sup>7</sup> that NO<sub>x</sub> emissions affect ozone formation over a broad area rather than a localized area.

During its air quality analysis, SEA consulted with EPA's regional offices, EPA's Office of Federal Activities, and EPA's Office of Air Quality Planning and Standards. During these consultations, SEA explained its method for air quality analysis. EPA Region 5 representatives did not entirely agree with all aspects of SEA's air quality analysis, but EPA Region 2 representatives generally agreed that SEA's methodology presented a reasonable and conservative approach. EPA representatives concurred with SEA's determination that freight transport on rail lines is generally more energy efficient and produces lower emissions rates than truck transport for equivalent quantities of freight.

In addition, EPA has recently established national emissions standards for locomotives. (See Section 4.11.4, "Mitigation," Appendix I, "Air Quality Analysis," and Appendix O, "EPA Rules on Locomotive Emissions," of the Final EIS.) These new standards would substantially reduce emissions over the long term as CSX and NS rehabilitate their locomotive fleets over time. EPA has estimated that its locomotive emission standards will eventually reduce NO<sub>x</sub> emissions nationwide by 700,000 tons per year. SEA's analysis shows that as a result of new locomotive emissions standards, any potential local increases in NO<sub>x</sub> emissions that occur during the next few years as a result of the proposed Conrail Acquisition would soon reverse dramatically. Nationally, EPA has projected that the new standards would reduce national locomotive emissions to 60 percent below 1990 levels by the year 2040. At the local or county level, SEA estimates that the cumulative impacts resulting from the proposed Conrail Acquisition and EPA's locomotive emissions standards would be a net reduction in NO<sub>x</sub> emissions in all counties by the year 2007. (See Appendix I, "Air Quality Analysis.")

During the public comment period for the Draft EIS, EPA requested SEA to address the applicability of the General Conformity Rules (40 CFR 93, Subpart B). Other commentors argued that the General Conformity Rules in the Clean Air Act Amendments should apply to the proposed Conrail Acquisition. As discussed in Section 4.11.2, "Public Comments and Additional Evaluations," and Chapter 5, "Summary of Responses and Comments," of the Final EIS, SEA determined that General Conformity Rules did not apply to the proposed Conrail Acquisition. SEA reached the conclusion because the Board does not regulate locomotive emissions from the day-to-day operations of trains and does not have the ongoing program authority to do so. SEA notes that the time required to perform general conformity analyses for actions such as the proposed Conrail Acquisition could well exceed the Congressionally mandated 15-month decision time frame for Board actions in mergers such as the proposed Conrail Acquisition. Regardless, SEA undertook a comprehensive, wide-ranging air quality

<sup>7</sup> The Ozone Transport Assessment Group is an organization composed of the EPA, air quality officials from various states, and representatives of environmental and industry groups. Recently, the organization has submitted recommendations to EPA regarding implementation of the Clean Air Act Amendments related to ground-level ozone problems. The group's primary objective is to develop strategies for reducing ozone pollution on a regional scale.

analysis as described in the Draft EIS and Section 4.11, "Air Quality," and Appendix I, "Air Quality Analysis," of the Final EIS to determine the potential air quality impacts from the proposed Conrail Acquisition. For a more detailed discussion of general conformity applicability, see Section 4.11.2, "Public Comments and Additional Evaluations."

#### **4.11.1 Analysis Methods**

This section summarizes SEA's air quality analysis methods for the proposed Conrail Acquisition. Chapter 3 of the Draft EIS, "Analysis Methods and Potential Mitigation Strategies," provides a detailed discussion of analysis methods. (See Chapter 4, "System-wide and Regional Setting, Impacts, and Proposed Mitigation;" and Appendix E, "Air Quality," of the Draft EIS; and Appendix I, "Air Quality Analysis," of the Final EIS for further information.) In conducting its air quality analysis, SEA used the Board's thresholds for air quality analysis and EPA-recommended emissions guidelines to estimate air pollutant emissions.

**National Ambient Air Quality Standards.** Pursuant to the Clean Air Act, EPA developed NAAQS to establish concentration limits for the six criteria pollutants that most affect air quality. SEA determined that the following six criteria pollutants were the pollutants of concern for the proposed Conrail Acquisition:

- Sulfur dioxide.
- Nitrogen dioxide.
- Ozone.
- Carbon monoxide.
- Lead.
- Particulate matter less than 10 microns in diameter.

SEA compared existing emissions quantities with the projected emissions quantities associated with the proposed Conrail Acquisition for discrete geographic areas to determine whether the proposed Conrail Acquisition would affect NAAQS compliance. EPA categorizes the levels of NAAQS compliance or noncompliance on a pollutant-by-pollutant basis as follows:

- Attainment: Currently meets NAAQS for the pollutant.
- Maintenance: Currently meets NAAQS for the pollutant, but was previously out of compliance and has an EPA-approved plan in effect to maintain compliance.
- Nonattainment: Currently does not meet NAAQS for the pollutant.

**The Board's Thresholds for Air Quality Analysis.** The Board's environmental regulations at 49 CFR 1105.7(e)(5) specify that applicants to the Board must quantify air pollutant emissions where rail traffic would, as a result of a proposed action, meet or exceed the Board's thresholds for environmental analysis. Table 4-1, "Surface Transportation Board Thresholds for Environmental Analysis," which is in Section 4.1, "Background," of the Final EIS, provides the



Board's thresholds for environmental analysis. SEA used these thresholds to focus its evaluation of the potential air quality impacts of the proposed Conrail Acquisition.

### **System-wide and Regional Analysis Methods**

Based on CSX and NS projections of the truck-to-rail diversions that would result from the proposed Conrail Acquisition, SEA estimated the following system-wide and regional air pollutant emissions effects:

- On a system-wide basis, SEA calculated the anticipated net changes in emissions from rail line segments as the difference between increased emissions from increased train traffic and decreased emissions from decreased truck traffic following truck-to-rail diversions. SEA derived these emissions estimates from the net changes in projected system-wide fuel use for locomotives (fuel use increases) and trucks (fuel use decreases).
- On a system-wide basis, SEA calculated the potential changes (increases and decreases) in truck or rail emissions at all affected intermodal facilities and rail yards. To estimate the anticipated system-wide changes, SEA summed the emissions changes for all individual facilities.
- On a system-wide basis, SEA calculated the potential changes in emissions from idling motor vehicles at highway/rail at-grade crossings. To estimate the anticipated system-wide changes, SEA summed the emissions changes for all individual highway/rail at-grade crossings with traffic levels greater than 5,000 vehicles per day and located on rail line segments that would exceed the Board's air quality analysis thresholds.
- For the Northeast Ozone Transport Region, SEA calculated the overall change in NO<sub>x</sub> emissions. SEA summed NO<sub>x</sub> emissions increases from rail-related activities with NO<sub>x</sub> emission decreases from truck-to-rail diversion in the affected states.

Chapter 4 of the Draft EIS, "System-wide and Regional Setting, Impacts, and Proposed Mitigation," and Appendix I of the Final EIS, "Air Quality Analysis," describe SEA's system-wide and regional air quality analysis in greater detail.

### **County-wide Analysis Methods**

SEA evaluated potential county-wide emissions resulting from the proposed Conrail Acquisition using a five-step process. Specifically, SEA performed the following:

- Determined which rail line segments, intermodal facilities, and/or rail yards would meet or exceed the Board's thresholds for air quality. See Table 4-1, "Surface Transportation Board Thresholds for Environmental Analysis," of this Final EIS for a list of the thresholds.



- Identified counties or independent jurisdictions that include portions of rail line segments, intermodal facilities, and rail yards that would meet or exceed the Board's thresholds for air quality analysis.
- Summed the estimated emissions increases on the portions of rail line segments, intermodal facilities, and/or rail yards in the counties/jurisdictions identified.
- Compared the total estimated emissions increases for the affected counties/jurisdictions with the emissions screening levels that SEA developed based on the EPA emissions levels for stationary source permitting. Refer to Table I-1, "County/Jurisdiction Emissions Screening Levels," in Appendix I, "Air Quality Analysis," of this Final EIS for more detailed information.
- Conducted a detailed emissions analysis for the counties in which the estimated emissions would increase and exceed the appropriate screening level. The detailed analysis considers all potential emissions changes (increases and decreases) that would result from the proposed Conrail Acquisition.

### **Criteria of Significance**

**System-wide and Regional.** As discussed in Chapter 3 of the Draft EIS, "Analysis Methods and Potential Mitigation Strategies," at the system-wide level, SEA compared the net emissions changes with total existing emissions over the affected area to determine the potential significance of air quality effects of the proposed Conrail Acquisition. On a regional basis, SEA considered the regional aspects of ozone formation for counties located in states in the Northeast Ozone Transport Region. For this evaluation, SEA used a conservative approach to estimate the net change in NO<sub>x</sub> (an ozone precursor pollutant) emissions for this region. SEA's analysis indicated that the overall emissions would diminish compared to the existing emissions both system-wide and within the Northeast Ozone Transport Region; therefore, SEA did not establish criteria of significance for system-wide and regional air quality impacts.

**County-wide.** To assess the significance of estimated emissions increases on a county-wide basis, SEA considered the following:

- The amount of any potential emissions increases in the county, measured in tons per year, compared to EPA emissions levels that require a permit for stationary sources.
- The calculated percentage increase in emissions relative to EPA's total county-wide emissions inventory for 1995.
- The attainment or nonattainment status of the county.

SEA used the following criteria to determine whether the percentage increase in emissions of a pollutant related to the proposed Conrail Acquisition would be significant:

- If the percentage increase was less than 1 percent of the total emissions inventory of a county, SEA considered it insignificant in all cases.
- If the percentage increase was greater than 1 percent and if EPA had designated the county as a nonattainment area for the pollutant, SEA considered the increase to be potentially significant. SEA judged the significance of such increases based on whether the effects of the emissions would be primarily local (as with carbon monoxide) or regional/system-wide (as with NO<sub>x</sub>).
- If the percentage increase was greater than 1 percent and if EPA had designated the county as an attainment or maintenance area for the pollutant, SEA considered the proposed Conrail Acquisition related net emissions increase and the level of existing emissions in the county to determine the significance of the increase. SEA judged the significance of such increases based on whether the effects of the emissions would be primarily local (as with carbon monoxide) or regional/system-wide (as with NO<sub>x</sub>).

As EPA suggested during consultations with SEA, SEA also determined whether EPA had issued a waiver for NO<sub>x</sub> for particular areas. A NO<sub>x</sub> waiver is a determination by EPA that local NO<sub>x</sub> emissions do not contribute significantly to ozone formation in a nonattainment area. Therefore, SEA considered NO<sub>x</sub> emissions increases to be insignificant for areas in which EPA had granted a NO<sub>x</sub> waiver.

#### **4.11.2 Public Comments and Additional Evaluations**

##### **Public Comments**

Some commentors approved of SEA's methods to assess impacts on air quality. Other commentors expressed concern related to localized air quality effects of train or motor vehicle emissions. Chapter 5, "Summary of Comments and Responses," summarizes public comments received on the Draft EIS and presents SEA's responses.

##### **Comments on General Conformity**

EPA indicated that SEA should address whether the General Conformity Rules apply to the Board's potential approval of the proposed Conrail Acquisition. In addition, some state agencies expressed similar concerns regarding General Conformity Rules and their applicability to the Board's decision. The General Conformity Rules require a determination that a Federal action conforms to the requirement of a State Implementation Plan "where the total direct or indirect emissions in a nonattainment or maintenance area caused by a Federal action."

EPA has issued a guidance document that states, "It is up to each Federal agency to review its own unique legal authority and determine what emission-generating activities it has the ability

to control.”<sup>8</sup> SEA has examined this issue and determined that the Board cannot practicably control railroad emissions as part of a continuing program responsibility; therefore, the conformity rules do not apply to the Board’s potential approval of the proposed Conrail Acquisition.

Emissions from CSX’s and NS’s operations subsequent to the Board’s approval of the proposed Conrail Acquisition would not cause any direct emissions as defined in 40 CFR 51.852. According to the definition, “direct emissions” are “emissions of a criteria pollutant or its precursor that are caused or initiated by the Federal action and occur at the same time and place as the Federal action.” Train traffic emissions are products of market forces that affect the flow of goods and materials. The railroads decide on a continuous and ongoing basis which routes are most efficient to customer needs. Because the Board does not regulate these factors, direct emissions cannot occur as a result of the Board’s action.

Similarly, 40 CFR 51.852 defines “indirect emissions” as “those emissions of a criteria pollutant or its precursors that 1) are caused by the Federal action, but may occur later in time and/or may be farther removed in distance from the action itself but are still reasonably foreseeable; and 2) the Federal Agency can practicably control and will maintain control over due to a continuing program responsibility of the Federal Agency.” The Board’s approval of railroad mergers such as the proposed Conrail Acquisition does not require the railroads to transport additional freight or transport freight by any specific route. Because the Board has no continuing program responsibility over railroad emissions that take place after the approval of the proposed Conrail Acquisition, no indirect emissions are associated with the Board’s action.

Under the Interstate Commerce Commission Termination Act, 49 U.S.C. 11323-25, the Board has the responsibility to review and approve or disapprove applications for the acquisition or control of railroads. The Board’s approval or disapproval must be based on an evaluation of the following issues: (1) the effect of the proposed transaction on the adequacy of transportation to the public; (2) the effect on the public interest including, or failing to include, other rail carriers in the area involved in the proposed transaction; (3) the total fixed charges that result from the proposed transaction; (4) the interest of rail carrier employees affected by the proposed transaction; and (5) the adverse effect, if any, that the proposed transaction would have on competition among rail carriers in the affected region or in the national rail system.

The Board licenses railroads as common carriers, meaning that railroads are required to accept goods and materials for transport from a customer upon reasonable request and at a reasonable rate. For railroad mergers and acquisitions, a Board decision to approve the transaction would not require the railroads involved to transport more freight or transport existing freight by any specific route. Rather, the Board’s action typically allows railroads to expand their rail line

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<sup>8</sup> Office of Air Quality and Planning and Standards, July 13, 1994, *General Conformity Guidance: Questions and Answers*.



systems by acquiring the facilities of other railroads and, therefore, operate more efficiently and compete more effectively with other railroads and freight transport by truck.

Although the Board has broad authority to impose conditions, including environmental conditions developed through the environmental review process, its powers are not limitless. Any conditions imposed by the Board must be reasonable and must address issues directly related to the transaction under the Board's consideration. For example, in rail merger cases, it is the Board's policy to focus on the potential environmental impacts related to changes in rail traffic patterns on existing lines. The Board's practice in deciding on previous mergers/acquisitions has consistently been to require mitigation only for those conditions that result directly from the merger. The Board has not previously imposed mitigation measures to remedy pre-existing conditions.

In developing and evaluating environmental mitigation options, the Board is also guided by the historical authority of the Interstate Commerce Commission (ICC) and the intent of Congress for railroad regulation. Over the last 20 years, Congress has continued to reduce the regulatory role of the ICC and the Board. This reduction allows carriers to compete and to increase the efficiency of their services, using regulatory intervention only as a last resort to prevent the abuse of market power.

Where appropriate, air quality concerns are a part of the agency's environmental review process. For example, in the Union Pacific and Southern Pacific Railroad merger, the Board conducted a detailed analysis of the potential impacts to air quality and imposed appropriate environmental conditions. Specifically, one condition required the railroad to minimize fugitive dust generated during their abandonment and construction projects by spraying water, installing wind barriers, and providing chemical treatment during salvaging operations. Such conditions are generally temporary measures implemented during an abandonment or a construction project; they do not provide the Board with the ability to oversee or control long-term railroad operations. In the Union Pacific and Southern Pacific Railroad merger, the Board imposed a temporary rail traffic limit in Reno, Nevada and Wichita, Kansas for 18 months to allow for its completion of mitigation studies. However, this 18-month period was limited to the determination of appropriate mitigation measures in these communities, and it is not the equivalent of continued regulatory control. In some instances a railroad voluntarily agrees to mitigation measures which the Board could not impose unilaterally, however, this does not constitute continuing program responsibility.

Finally, it also should be noted that Congress established a 15-month time frame in which the Board must render a decision on mergers involving large railroads. It is not feasible for the Board to make a conformity determination for the proposed Conrail Acquisition within the time allowed for both the environmental review and merits determination. Therefore, the Board has no control over the numbers of trains operating over a specific section of rail line, the levels of service provided by the railroads, or general day-to-day railroad operations. For these reasons, SEA concluded that the General Conformity Rules do not apply to the Board's action in the proposed Conrail Acquisition. Also, see Chapter 5, "Summary of Comments and Responses,"



for SEA's response to EPA's comment regarding the applicability of the General Conformity Rules.

### **Other Public Comments**

Other public and agency comments that SEA received on the Draft EIS included concerns that the Draft EIS did not address the air quality impacts caused by stopped trains that block or delay motor vehicles near highway/rail at-grade crossings. SEA also received comments regarding the implications of diesel emissions on public health. Several commentors expressed concerns about projected localized NO<sub>x</sub> emissions that would impede efforts to attain or maintain NAAQS compliance for ozone.

In response to the public comments on the Draft EIS, SEA conducted additional analyses to evaluate the following:

- Cumulative effects of the proposed Conrail Acquisition and the new EPA rules restricting locomotive NO<sub>x</sub> emissions in ozone nonattainment and maintenance counties with NO<sub>x</sub> emissions increases resulting from the proposed Conrail Acquisition greater than SEA's screening levels.
- Air quality impacts of motor vehicles idling while delayed by trains at highway/rail at-grade crossings.
- Air quality impacts of locomotives idling on rail sidings.
- Air quality impacts of locomotives moving along rail line segments.
- Potential health effects of known and suspected carcinogens or other noncriteria air pollutants in diesel locomotive exhaust.

Appendix I, "Air Quality Analysis," provides a detailed discussion of these analyses.

### **Additional Evaluations**

In addition to the analyses and evaluations that SEA conducted in response to public and agency comments on the Draft EIS, SEA conducted additional air quality analyses and evaluations after it issued the Draft EIS for the following reasons:

- CSX and NS changed their Operating Plans.
- SEA identified additional rail line segments that would meet or exceed the Board's thresholds for air quality analysis based on Settlement Agreements.

- SEA identified additional rail line segments that would meet or exceed the Board's thresholds for air quality analysis based on IR applications.
- SEA evaluated possible impacts on air quality for the potential alternative train routes that SEA or the commentors proposed as possible mitigation in Greater Cleveland Area, Ohio; Erie, Pennsylvania; and Lafayette, Indiana. Section 4.19, "Community Evaluations," of the Final EIS summarizes these additional evaluations.

SEA evaluated the potential changes in air pollutant emissions for all areas affected as a result of these changes and conducted additional emissions analyses in areas where emissions changes could differ substantially from those in the Draft EIS. In other cases, SEA determined that the changes identified since the issuance of the Draft EIS would have negligible effects on emissions; therefore, SEA did not conduct further analysis or revise previous analyses for such areas or counties.

**Changes in Operating Plans.** SEA conducted additional evaluations and analyses because CSX and NS modified their Operating Plans after it issued the Draft EIS. Specifically:

- SEA analyzed emissions for three additional counties in Ohio (Butler, Hamilton, and Ottawa) for which NS and CSX provided proposed train traffic levels that were different than those provided prior to the issuance of the Draft EIS. For the additional analysis, SEA used the same methods that the Draft EIS describes. Although SEA estimated that some emissions increases in these counties would meet or exceed the Board's thresholds for environmental analysis, it determined that these increased emission levels did not exceed the appropriate screening level for any pollutants other than NO<sub>x</sub>. Therefore, SEA only performed a detailed emissions analysis for NO<sub>x</sub>. (See Appendix I, "Air Quality Analysis," for a detailed discussion.)
- During preparation of the Final EIS, the Applicants clarified the routing of Canadian Pacific haulage rights with respect to rail line segment N-121 (West Detroit, Michigan to Jackson, Michigan); C-214 (Detroit, Michigan to Plymouth, Michigan); and C-215 (Plymouth, Michigan to Grand Rapids, Michigan). Because this change would affect the projected NO<sub>x</sub> emissions increases in Wayne County, Michigan, SEA revised its emissions analysis for Wayne County for the Final EIS. (See Appendix I, "Air Quality Analysis," for a detailed discussion.)
- During preparation of the Final EIS, NS modified its Operating Plan. As a result, SEA determined that activities in Orange County, New York; Susquehanna County, Pennsylvania; and Calhoun, Jackson, Kalamazoo, and Washtenaw Counties in Michigan would no longer meet or exceed the Board's thresholds for air quality analysis. Therefore, SEA no longer included those counties for air quality analyses.
- During preparation of the Final EIS, NS informed SEA that it no longer proposes to expand the Morrisville intermodal facility in Bucks County, Pennsylvania, but it intends

to increase activity at the new AmeriPort/South Philadelphia intermodal facility at the former U.S. Naval Station in Philadelphia County. A small amount of projected emissions increases would shift from one county to another, but both counties are within the Philadelphia metropolitan area; therefore, SEA did not reanalyze emissions for either Bucks or Philadelphia Counties, Pennsylvania.

- Following preparation of the Draft EIS, NS informed SEA that it proposes an intermodal facility in Sandusky, Erie County, Ohio, instead of the previously proposed facility in Bellevue, also in Erie County. Because this change in location would not significantly alter the overall emissions generated in Erie County, Ohio, SEA did not reanalyze NO<sub>x</sub> emissions for the Final EIS. Along with the change in location of the intermodal facility, NS proposed several minor changes to traffic routes on rail line segments in northwestern Ohio and northern Indiana. SEA determined that this rerouting would have a negligible effect on previously estimated NO<sub>x</sub> emissions for counties in this area; therefore, SEA did not revise its analyses.

**Settlement Agreements.** During preparation of the Final EIS, CSX provided SEA with its Settlement Agreement with the Louisville and Indiana Railroad. This agreement altered CSX's proposed Operating Plan for several rail line segments in Indiana, Kentucky, Tennessee, and Ohio. SEA analyzed the effects of these changes and determined that several counties would no longer experience activities that would meet or exceed the Board's thresholds for air quality analysis. Those counties include Gibson and Knox Counties, Indiana; Montgomery and Robertson Counties, Tennessee; and Christian, Henderson, Hopkins, Todd, and Webster Counties, Kentucky.

SEA also determined that the Settlement Agreement would add rail line segment traffic that would meet or exceed the Board's air quality analysis thresholds in several counties that SEA had not evaluated in the Draft EIS. These counties include: Jefferson County, Kentucky; and Bartholomew, Clark, Jackson, Johnson, Marion, and Scott Counties, Indiana. However, SEA found that the increased emissions in each of these counties would not exceed SEA's screening levels for further evaluation at the county level. Therefore, SEA did not conduct detailed emissions analysis for these counties. See Appendix I, "Air Quality Analysis," for a detailed discussion.

Based on the same analysis, SEA determined that NO<sub>x</sub> emissions increases in Vanderburgh County, Indiana would be less than the increases SEA projected in the Draft EIS. Therefore, SEA revised its detailed NO<sub>x</sub> emissions analysis for Vanderburgh County.

**Inconsistent and Responsive Applications.** Two Inconsistent and Responsive (IR) applicants requested trackage rights over the same 10-mile rail line segment in Albany, New York (rail line segment C-726 between CP-187 and Selkirk). Although projected traffic on this rail line segment would not increase as a direct result of the proposed Conrail Acquisition, the Board's approval of these two IR applications would cause train traffic to increase by 4 trains per day. This would exceed the Board's threshold for air quality analysis (3 trains per day) for the ozone



nonattainment areas in Albany and Rensselaer Counties. Therefore, SEA conducted additional emissions analysis for these two counties for the Final EIS. See Section 4.11.3, "Analysis Results and Impacts," and Appendix I, "Air Quality Analysis," of the Final EIS for further discussions of the analysis.

#### **4.11.3 Analysis Results and Impacts**

##### **System-wide and Regional**

Based on its air quality analysis in the Draft EIS and comparison with existing conditions, SEA estimated that system-wide net emissions of NO<sub>x</sub>, particulate matter less than 10 microns in diameter, volatile organic compounds, carbon monoxide, and lead would decrease as a result of the proposed Conrail Acquisition. SEA calculated these decreases based on the projected truck-to-rail diversions. Using the same analysis, SEA estimated that projected sulfur dioxide emissions would increase slightly (521 tons per year) because the sulfur content for locomotive fuels is typically higher than the sulfur content of fuel used for trucks. However, SEA considered the increase to be insignificant compared with the several millions tons of sulfur dioxide that stationary sources emit annually in the states affected by the proposed Conrail Acquisition.

On a regional basis, SEA determined in the Draft EIS that the proposed Conrail Acquisition would cause no adverse impacts on ozone levels in the Northeast Ozone Transport Region; based on SEA's calculations, the proposed Conrail Acquisition would result in a small net decrease in NO<sub>x</sub> emissions in this region. Additionally, SEA determined in the Draft EIS that the proposed Conrail Acquisition would cause significant impacts on ozone levels in the nonattainment areas

in Illinois, Indiana, Michigan, and Ohio, despite minor changes in the geographic distribution of NO<sub>x</sub> emissions.

##### **County-wide**

SEA's county-wide analysis for the Draft EIS showed that some counties would experience emissions increases even though system-wide emissions would decrease. Chapter 5 of the Draft EIS, "State Settings, Impacts, and Proposed Mitigation," provides a detailed discussion of the county-wide analysis. These county-wide increases exceeded emissions screening levels for only NO<sub>x</sub> or carbon monoxide. However, the county-wide increases in NO<sub>x</sub> and/or carbon monoxide emissions that occur in some counties would not affect compliance with NAAQS. For NO<sub>x</sub>, which affects ozone mainly on a regional basis, SEA estimated that the system-wide and regional emissions would decrease as a result of the proposed Conrail Acquisition. For carbon monoxide, the projected increases comprise a very small percentage of existing emissions (well below 1 percent). Therefore, SEA concluded that the small carbon monoxide increase would not have significant impacts on air quality.



## **Results of Additional Analyses and Evaluations Since the Issuance of the Draft EIS**

The following discussion presents the results from the additional analyses and evaluations SEA conducted since it issued the Draft EIS.

### **Results of Additional Evaluations in Response to Public Comments**

As noted, SEA conducted additional analyses for the Final EIS in response to comments received on the Draft EIS about air quality impacts from vehicles stopped at highway/rail at-grade crossings, locomotives idling and in motion, and the impacts of potentially toxic and carcinogenic emissions from locomotives on humans. Based on its further analysis, SEA determined that pollutant concentrations caused by emissions from vehicles at highway/rail at-grade crossings and from idling and moving locomotives would be well below NAAQS. SEA concluded that impacts from potentially toxic or carcinogenic substances in diesel exhaust would be well below those that would affect human health in exposed populations.

**Changes in Operating Plans.** Based on analytical results for the three additional counties that SEA had not evaluated in the Draft EIS, SEA determined that the proposed Conrail Acquisition would result in the following:

- Decreases in net NO<sub>x</sub> emissions in Hamilton and Ottawa Counties, Ohio.
- A net increase of less than 1 percent of current NO<sub>x</sub> emissions in Butler County, Ohio.

SEA determined that the projected NO<sub>x</sub> net increase in Butler County, Ohio, would not adversely affect air quality in this nonattainment area.

Based on its revised analysis for Wayne County, Michigan, SEA estimated that the increase in NO<sub>x</sub> emissions in the County represents less than 1 percent of the current emissions. SEA considers this increase insignificant, and it determined that the estimated percent increase in NO<sub>x</sub> emissions would not adversely affect air quality in this maintenance area.

**Settlement Agreements.** SEA conducted additional analysis for Vanderburgh County after CSX reached a Settlement Agreement with Louisville and Indiana Railroad. Based on the revised analysis, SEA determined that in Vanderburgh County the estimated NO<sub>x</sub> increase, which was projected in the Draft EIS at 311 tons per year (2.58 percent of the county's total NO<sub>x</sub> emissions), would be only 264 tons per year (2.18 percent of the county's total NO<sub>x</sub> emissions). However, SEA determined that this minor increase would be temporary (see Section I.2.1 of Appendix I, "Air Quality Analysis"), and it does not expect the change to significantly affect local ozone concentrations. EPA has recently designated Vanderburgh County, a former non-attainment area for ozone, as an ozone maintenance area.

**Inconsistent and Responsive Applications.** SEA estimated that emissions in Albany and Rensselaer Counties, New York, would not increase significantly if the Board were to approve each IR applicant's request to add 2 trains per day to the rail line segment near Albany, New York (C-726).

**New EPA Rules Establishing Emissions Standards for Locomotive Engines.** In its analysis, SEA also considered the effects of new EPA rules that establish emissions standards for locomotive engines. Implementation of the rules will significantly reduce NO<sub>x</sub> and other pollutant emissions from locomotive engines nationwide. The rules, which will become effective in the year 2000, are projected to reduce NO<sub>x</sub> emissions from locomotives nationwide to 35 percent below 1990 levels by 2005, and eventually reduce locomotive emissions to nearly 60 percent below 1990 levels by the year 2040. The new emissions standards will also result in substantial reductions in particulate matter and volatile organic compound emissions. Also, the implementation of the rules will mitigate a significant amount of locomotive emissions and eventually reduce nationwide NO<sub>x</sub> emissions by more than 700,000 tons per year. See Appendix O, "EPA Rules on Locomotive Emissions," for further discussion.

#### **4.11.4 Mitigation**

##### **Mitigation Recommended in the Draft EIS**

Because SEA identified no significant adverse air quality impacts resulting from the proposed Conrail Acquisition, it did not recommend system-wide, regional, or county-wide air quality mitigation in the Draft EIS.

##### **Final Recommended Mitigation**

SEA's further analyses do not change its determination of no significant adverse air quality impacts. Therefore, SEA does not recommend that the Board require system-wide, regional, or county-wide air quality mitigation in this final EIS. However, for all proposed construction and abandonment projects proposed by the Applicants, SEA recommends that the Board require the Applicants to use the Best Management Practices (BMPs) listed in Appendix P, "SEA's Best Management Practices for Construction and Abandonment Activities." The BMPs include compliance with all applicable Federal, state, and local rules to control and minimize fugitive dust emissions from construction or abandonment-related activities. See Chapter 7, "Recommended Environmental Conditions," and Appendix P, "SEA's Best Management Practices for Construction and Abandonment Activities," for further information.

#### **4.12 NOISE**

The additional train traffic from the proposed Conrail Acquisition could increase both wayside train noise (locomotive engine and wheel/rail noise) and train horn noise. To determine such impacts, SEA evaluated potential increased noise for all rail line segments, rail yards, and intermodal facilities that met the Board's thresholds for noise analysis.

Since the Draft EIS, SEA has not changed its thresholds for noise analysis. However, in this Final EIS, SEA's analysis has been refined to reflect accurate train noise measurements more appropriately and to provide 100 percent coverage of aerial photographs incorporated into the geographic information system (GIS). From this refined analysis, SEA developed noise contours, revised its counts of noise-sensitive receptors, and analyzed eight additional rail line segments for noise mitigation. Appendix J, "Noise Analysis," of the Final EIS contains final results of the noise analysis.

As described in Section 4.19, "Community Evaluations," of the Final EIS, SEA also conducted additional analysis in three communities with unique circumstances (Greater Cleveland Area, Ohio; Erie, Pennsylvania; and Lafayette, Indiana) to determine what effects, if any, those proposed alternative train routes would have on noise.

#### **4.12.1 Analysis Methods**

##### **Draft EIS Methods**

For the Draft EIS, SEA conducted an independent evaluation of the noise analysis that CSX and NS submitted with the Application. CSX and NS had evaluated the 71 rail line segments, four rail yards, and 23 intermodal facilities that exceeded the Board's thresholds for environmental analysis at 49 CFR 1105.7(e)(6). These Board rules specify noise analysis for the following:

- All rail line segments where traffic would, as a result of the proposed Conrail Acquisition, increase by at least 8 trains per day or at least 100 percent as measured in annual gross ton-miles.
- All rail yards with an increase in car load activity of at least 100 percent.
- All intermodal facilities with an increase of at least 50 trucks per day or 10 percent of the ADT including passenger cars and trucks.

CSX and NS had quantified the number of sensitive receptors (such as schools, hospitals, residences, and churches) that would experience both noise levels above 65 dBA  $L_{dn}$ <sup>9</sup> and an increase of 2 dBA  $L_{dn}$  or more as a result of train traffic increases. CSX and NS had based their noise analysis on baseline train operations, projected activity levels after the proposed Conrail Acquisition from the CSX and NS Operating Plans, noise models available in pertinent technical literature (referenced in the Environmental Report), and noise measurements taken at existing Conrail, CSX, and NS facilities.

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<sup>9</sup> A dBA is an A-weighted decibel, a single-number measure of sound severity that accounts for the various frequency components in a way that corresponds to human hearing.  $L_{dn}$  is the day-night average noise level, which is the receptor's cumulative noise exposure from all noise events over a full 24 hours, adjusted to account for the perception that a noise at night is more bothersome than the same noise during the day.



The Board rules also specify two types of "noise level criteria" for analysis:

- An increase in noise levels to 65 dBA  $L_{dn}$  or greater (regardless of the incremental increase).
- An incremental increase in noise levels of 3 dBA  $L_{dn}$  or greater.

As discussed in the Draft EIS, SEA determined that counting the number of noise-sensitive receptors within the 65 dBA  $L_{dn}$  noise contours before and after the proposed Conrail Acquisition satisfies both "noise level criteria." Therefore, SEA determined that it is not necessary to identify noise effects associated with an increase of 3 dBA  $L_{dn}$  for areas exposed

to less than 65 dBA  $L_{dn}$ . Section F.3 of Appendix F, "Noise," of the Draft EIS, explains this rationale in detail.

In reviewing and verifying the CSX/NS noise analysis, SEA analyzed the noise impacts by incorporating GIS-based maps and aerial photographs to verify the results for a representative sample of the CSX/NS data. SEA determined that its results for this sample (in some cases) showed substantially different numbers of noise-sensitive receptors than CSX/NS's results. Because of these differences, SEA expanded its use of the noise-prediction model incorporating GIS-based data to analyze all line segments for which aerial photographs were available. Using this model, SEA generated noise contours based on train operations before and after the proposed Conrail Acquisition, determined the number of noise-sensitive receptors within the contours, and amended numbers for which the SEA values and CSX/NS values did not correspond.

### **Final EIS Methods**

SEA continued to use the same noise analysis methods it had used for the Draft EIS. However, SEA expanded its use of GIS-based modeling in the Final EIS because the required aerial photographs had become available since preparation of the Draft EIS.

### **Noise Mitigation Criteria**

SEA considered mitigation where increased rail activity following the proposed Conrail Acquisition potentially exposes noise-sensitive receptors to wayside noise levels of at least 70 dBA  $L_{dn}$  and noise level increases of at least 5 dBA  $L_{dn}$ . SEA fully discusses these noise mitigation criteria in Section 4.12.4, "Mitigation," of the Final EIS.

## **4.12.2 Public Comments and Additional Evaluations**

### **Public Comments**

Chapter 5, "Summary of Comments and Responses," of the Final EIS summarizes public comments received on the Draft EIS and SEA's responses to them.

**"70/5 dBA L<sub>dn</sub>" Noise Mitigation Criteria.** Many commentors, including EPA, view the noise levels that warrant mitigation (over 70 dBA L<sub>dn</sub> and an increase of 5 dBA L<sub>dn</sub>) as too high. Section 4.12.4, "Mitigation," of the Final EIS discusses in detail SEA's rationale for establishing the noise mitigation criteria.

**Mitigation of "Unacceptable" Noise Impacts and Train Horn Noise.** Many commentors stated that potential noise impacts resulting from the proposed Conrail Acquisition are unacceptable and requested mitigation. SEA reviewed these comments and considered potential impacts from wayside noise (engine and wheel/rail noise). SEA notes that, because railroads historically have had the right to increase operations on their existing rights-of-way without mitigating noise impacts, any noise impact mitigated as a consequence of the proposed Conrail Acquisition is a benefit that would not be available if the increased CSX and NS operations were part of normal business growth. For train horn noise near highway/rail at-grade crossings, SEA cannot recommend elimination of train horn sounding to mitigate noise impacts because the sounding of train horns is a safety measure to warn motorists and pedestrians of approaching trains. Chapter 7, "Recommended Environmental Conditions," of the Final EIS addresses some of these noise concerns.

**Vibration.** In response to concerns about vibration from additional train traffic, SEA notes that a freight train traveling at 50 mph generates a vibration velocity of approximately 95 dB (re 1 micro-inch per second) 10 feet from the tracks. This vibration level is substantially below the levels that would cause cosmetic damage to any structure (106 dB re 1 micro-inch per second), and even further below levels that would cause structural damage (126 dB re 1 micro-inch per second). Existing vibration impact criteria are based on the maximum vibration level of a single event; therefore, an increased number of freight trains would not increase the potential impact on affected structures.

**Community Evaluations and Rerouting.** SEA received numerous comments from several communities on potential train route alternatives to reduce the noise impacts of the proposed Conrail Acquisition. SEA conducted additional evaluation of several routing alternatives that CSX, NS, and the communities had identified. Section 4.19, "Community Evaluations," of the Final EIS summarizes the results of these additional evaluations.

#### **Other Additional Evaluations**

**Refined Analysis Since Draft EIS.** For this Final EIS, SEA refined the data and analysis of noise impacts for the 69 rail line segments, four rail yards, and 24 intermodal facilities that meet the Board's environmental analysis requirements for noise. These numbers changed slightly from the activities analyzed for the Draft EIS. SEA received from CSX and NS revised train traffic information that eliminated two line segments from, and added one intermodal facility to, the list of activities that meet the Board's environmental analysis requirements.

For the Final EIS refined analysis, SEA:

- Used GIS maps and aerial photographs to identify receptor sites more comprehensively at all of the rail line segments meeting the Board's thresholds for environmental analysis.
- Refined the reference Sound Exposure Level (SEL) values to resolve differences between the noise characterizations by CSX and NS and to describe the differences in train equipment and operating conditions before and after the proposed Conrail Acquisition.
- Combined noise levels of parallel rail line segments in close proximity.
- Incorporated wayside noise (engine noise, exhaust noise, and wheel/rail noise) to analyze the effects of train horn noise at highway/rail at-grade crossings.

**GIS Noise Model.** SEA used a GIS-based noise-prediction model to independently verify the CSX/NS noise modeling results and to identify sensitive receptors potentially affected by the proposed Conrail Acquisition. The GIS noise model used current digital aerial photographs and U.S. Geological Survey (USGS) topographic maps to prepare base maps. After preparing the GIS base maps, SEA superimposed the 65 dBA  $L_{dn}$  noise contours for train traffic both before and after the proposed Conrail Acquisition on the GIS base map and counted noise-sensitive receptors within the contours. SEA conducted site visits where receptor identification was uncertain. SEA further refined the noise analysis for the Final EIS by applying the model to all of the analyzed rail line segments. See Appendix J, "Noise Analysis," of the Final EIS for more detail.

**Reference Sound Exposure Levels.** In the Draft EIS, SEA had attributed the differences in SEL values to variations in data and in the length and speed of trains; NS trains are generally shorter and slower than Conrail and CSX trains, so they have lower SEL values. For the Final EIS, SEA refined the SEL values used in the CSX/NS noise model to provide a more consistent characterization of noise associated with Conrail, CSX, and NS trains. See Appendix J, "Noise Analysis" of the Final EIS.

In CSX and NS's Environmental Report, the noise analysis had not differentiated between conditions before and after the proposed Conrail Acquisition regarding train equipment type or operations. For example, on the Conrail-owned rail line segments, the noise model in the Environmental Report assumed only NS train speed and length for conditions both before and after the proposed Conrail Acquisition, when it should have assumed Conrail train speed and length for conditions before the proposed Conrail Acquisition. In addition, the model used average train horn SEL values for Conrail and CSX when it should have used the individual SEL values to reflect conditions before and after the proposed Conrail Acquisition. For the Final EIS, SEA revised the noise analysis to more accurately reflect rail activities for conditions both before and after the proposed Conrail Acquisition.

**Parallel Rail Line Segments.** In areas where parallel rail line segments are close to each other, SEA analyzed their combined noise levels. SEA determined that the combined noise levels of certain parallel rail line segments in Ohio would be higher than the noise levels of the individual



segments, resulting in expanded noise contours. These line segments are C-060 (Ashtabula-to-Quaker), N-075 (Ashtabula-to-Cleveland), C-073 (Quaker-to-Mayfield), and C-072 (Mayfield-to-Marcy).

**Wayside Noise at Highway/Rail At-grade Crossings.** In its refined approach to noise analysis since the Draft EIS, SEA added the wayside noise contribution to the train horn noise at highway/rail at-grade crossings. Although the horn-sounding contribution at highway/rail at-grade crossings is much higher than the wayside noise contribution, the latter extends the noise contours near the crossings by 20 to 100 feet. SEA notes that, given the margin of error inherent in noise modeling, the primary purpose for including this refinement is to ensure consistency in the noise analysis.

#### **4.12.3 Analysis Results and Impacts**

##### **Analysis Results**

Based on SEA's refined analysis for the Final EIS, SEA has revised the 65 dBA  $L_{dn}$  contours and the number of noise-sensitive receptors within them. SEA determined that the approximate number of noise-sensitive receptors along the analyzed sites (rail line segments, rail yards, and intermodal facilities) would be 42,000, an increase of 12,000 over the 30,000 noise receptors listed in the Environmental Report. This increase results from a number of factors, including SEA's more comprehensive GIS-based maps. Attachments J-2 and J-3 to Appendix J, "Noise Analysis," of the Final EIS contain the results for all rail line segments, rail yards, and intermodal facilities that meet or exceed the Board's thresholds for noise analysis, including the distances to the 65 dBA  $L_{dn}$  contour and the receptor counts.

##### **Impacts**

SEA's refined analysis since the Draft EIS identified eight additional rail line segments in six states (Indiana, New York, Ohio, Pennsylvania, Virginia, and West Virginia) that exceed criteria for noise mitigation (wayside noise level of at least 70 dBA  $L_{dn}$  and with an increase of at least 5 dBA  $L_{dn}$ ). SEA was unable to identify these eight rail line segments for the Draft EIS because it had not yet refined and expanded its GIS-based analysis sufficiently to detect and accurately count the receptors near these line segments. As a result of NS's "Mitigation Proposal for Train Frequencies in Greater Cleveland and Vicinity," SEA identified one additional rail line segment in Ohio that exceeds the criteria for noise mitigation.

SEA's initial analysis had identified seven rail line segments that exceed noise mitigation criteria. Based on that analysis, SEA identified a total of 16 rail line segments that exceed noise mitigation criteria. However, two rail line segments did not have noise-sensitive receptors within the noise contour boundary, therefore, there are no potential impacts. As a result, SEA evaluated 14 rail line segments for mitigation. Table 4-7, "Summary of Adverse Environmental Impacts by State," lists those rail line segments.

#### 4.12.4 Mitigation

##### Mitigation Strategies Considered

**Noise Levels Warranting Mitigation.** On the rail line segments meeting the Board's threshold for noise analysis, SEA considered the impacts of wayside noise to warrant mitigation if the noise level at sensitive receptor sites would increase by at least 5 dBA  $L_{dn}$  and reach 70 dBA  $L_{dn}$  as a result of the proposed Conrail Acquisition. Noise-sensitive receptors include residences, schools, churches, and hospitals. Some regulatory agencies require mitigation at a lower noise level or at smaller increases in noise level. Before deciding to use the "70/5 dBA  $L_{dn}$ " noise mitigation criteria, SEA considered the criteria used in past railroad mergers, as well as the following criteria of several Federal transportation agencies:

- The Federal Highway Administration (FHWA) in 23 CFR Part 772 specifies that noise levels approach or exceed 67 dBA  $L_{eq(h)}$ <sup>10</sup> and/or increase substantially over existing conditions before considering mitigation; and it specifies that required noise mitigation must be warranted, feasible, and reasonable. The noise level is in terms of maximum hourly equivalent noise level, denoted as  $L_{eq(h)}$ . State transportation departments define a "substantial increase" as generally between 10 and 15 dBA  $L_{eq(h)}$ .
- The Federal Transit Administration (FTA) has noise and vibration criteria that apply to new transit projects; however, these criteria do not apply to the proposed Conrail Acquisition. The FTA noise criteria specify a sliding scale of allowed increases in noise level based on existing ambient noise levels. FTA further defines the severity of noise impact based on the land use and whether the associated activities are daytime or nighttime activities (FTA, *Transit Noise and Vibration Impact Assessment*, April 1995).
- The Federal Aviation Administration (FAA) considers  $L_{dn}$  values above 65 dBA  $L_{dn}$  (annual average) unacceptable for residences, schools, churches, and hospitals and considers an increase of 1.5 dBA  $L_{dn}$  to be an impact (Federal Interagency Committee on Aircraft Noise, *Federal Agency Review of Selected Airport Noise Analysis Issues*, August 1992).

**Feasibility and Reasonableness of Mitigation.** SEA acknowledges that noise impacts between 65 and 70 dBA  $L_{dn}$  may pose concern to some parties. However, in comments received on the Draft EIS, SEA received no persuasive arguments to change the criteria for noise mitigation. SEA's decision to use the "70/5 dBA  $L_{dn}$ " criteria is based on both the feasibility and reasonableness of mitigation. Feasibility considerations include technical practicability, site topography, the existing noise environment, and right-of-way and easement requirements. Reasonableness considerations are the vast area of the proposed rail operations, cost effectiveness, and the desires of local residents. SEA determined that the cost of using a noise

<sup>10</sup>  $L_{eq(h)}$  is the hourly energy-averaged noise level.

level of 65 dBA  $L_{dn}$  for mitigation would be prohibitive. For example, SEA estimated that mitigation with sound insulation at the 65 dBA  $L_{dn}$  level would involve approximately 42,100 buildings and cost \$421 million, which it considers unreasonable.

SEA notes that any noise increases on existing railroad rights-of-way from increased train operations that are unrelated to the proposed Conrail Acquisition are not subject to any regulation or mitigation; railroads have always been free to increase their operations and train traffic in their normal course of business with no consideration or regulation of the increased noise that might result. Further, previous railroad mergers and acquisitions have generally required noise consultation conditions rather than specific noise mitigation measures. SEA believes that specific noise mitigation measures are warranted here because of the substantial increases in train traffic.

**Types of Mitigation.** In the Draft EIS, SEA considered and compared several strategies to mitigate noise impacts. Many of these strategies mitigate train horn noise at highway/rail at-grade crossings by implementing enhanced crossing safety measures and eliminating the need to sound train horns. These strategies include warning devices, separated grade crossings, crossing-mounted horns at highway/rail at-grade crossings (to replace locomotive horns), crossing closures, quiet zones with four-quadrant gates, median barriers, and one-way street pairings to maintain safety. Other possible strategies SEA considered to block or reduce train noise (primarily wayside noise) include using noise barriers (walls); installing sound insulation for buildings; replacing jointed rail with continuous welded rail; performing rail and wheel maintenance; reducing locomotive noise through operational controls; and creating land use provisions. For the Final EIS, SEA considered no further strategies to mitigate train horn noise.

Appendix J, "Noise Analysis," of the Final EIS further describes the mitigation analysis process, including determinations of reasonableness and feasibility of noise mitigation measures.

### **Mitigation Recommended in the Draft EIS**

In the Draft EIS, SEA identified possible noise mitigation options, but it did not recommend specific strategies because site-specific considerations would dictate appropriate mitigation. SEA recommended that CSX and NS consult with local communities along rail line segments warranting mitigation to identify appropriate measures. See Table 3-4 of the Draft EIS, "Potential Noise Mitigation Summary."

### **Final Recommended Mitigation**

Since the Draft EIS was issued, SEA has refined its analysis and identified noise-sensitive receptors more precisely. These refined data enabled SEA to recommend mitigation for increased noise resulting from the proposed Conrail Acquisition.

**Horn Noise.** Train horn noise is a deliberate noise that is an important component of accident prevention at highway/rail at-grade crossings. Currently, local and state safety rules and standard



railroad practices require trains to begin sounding horns at least one-quarter mile in advance of each such crossing and to continue doing so until the locomotive is in the crossing. In the Draft EIS, SEA identified strategies to mitigate horn noise. However, SEA no longer recommends these measures because safety is an overriding concern. Pending FRA rules may eliminate the required use of locomotive horns near some highway/rail at-grade crossings that meet strict criteria for "quiet zones." Any such rule changes would require supplementary safety measures to compensate for the discontinued locomotive horn warning. Until such rules are in place, SEA cannot recommend alternatives to train horns to mitigate potential noise impacts. Once the new FRA rules are in place, communities will have the opportunity to qualify for "quiet zones." See Section F.6.1, "Highway/Rail At-grade Crossing Noise," in Appendix F, "Noise," of the Draft EIS.

**Wayside Noise.** For the Final EIS, SEA evaluated the reasonableness and feasibility of mitigation for wayside noise (locomotive engine and wheel/rail noise) along the 14 rail line segments that met the 70/5 dBA  $L_{dn}$  criteria for considering mitigation. SEA considered noise barriers as the primary noise mitigation method evaluated for two reasons — they can be built on existing railroad right-of-way and they mitigate both indoor and outdoor noise impacts. However, noise barriers would not appreciably mitigate horn noise. SEA considered sound insulation of buildings as a secondary mitigation option and estimated the cost of sound insulation (without extensive central air conditioning costs).

SEA removed from further consideration two rail line segments that do not have any noise-sensitive receptors within the 70 dBA  $L_{dn}$  contour (not considering horn noise at highway/rail at-grade crossings). For the remaining 13 rail line segments, SEA identified (by rail line segment) receptor locations that met the mitigation criteria.

**Mitigation Analysis Results.** Using the GIS-based noise-prediction model, SEA identified 1,034 receptors adjacent to the 14 rail line segments where the potential increase in wayside noise meets the mitigation criteria of at least 70 dBA  $L_{dn}$  and an increase of 5 dBA  $L_{dn}$  or more. Chapter 7, "Recommended Environmental Conditions," of the Final EIS contains the complete recommended mitigation for noise and the following text summarizes it.

SEA determined that mitigation of train wayside noise (locomotive engine and wheel/rail noise) is required for the noise-sensitive receptors identified in the figures in Attachment J-4 to Appendix J, "Noise Analysis" of the Final EIS. SEA determined that noise barriers or building sound insulation treatments are the appropriate means to reduce this noise. In addition, SEA specified a design goal of a 10 dBA  $L_{dn}$  noise reduction and a minimum of a 5 dBA  $L_{dn}$  noise reduction for noise barriers and building sound insulation treatments.

To determine noise reduction performance, SEA recommends using American National Standards Institute (ANSI) S12.8-1987, *American National Standards Methods for Determination of Insertion Loss of Outdoor Noise Barriers*, for noise barriers and American Society for Testing and Materials (ASTM) E 966-90, *Standard Guide for Field Measurements*

*of Airborne Sound Insulation of Building Facades and Facade Elements*, for sound insulation treatments.

#### **4.13 CULTURAL RESOURCES**

In accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, and its implementing regulations, SEA reviewed each proposed new construction and abandonment proposal to determine whether activities related to the proposed Conrail Acquisition would result in an adverse effect on historic properties and, if so, whether and what mitigation would be warranted.

Cultural resources comprise prehistoric or historic sites, districts, objects, buildings, or structures that are at least 50 years of age. Cultural resources that are listed in, or eligible to be listed in, the National Register of Historic Places (NRHP) are defined as historic properties. SEA limited its review of potential effects on historic properties to sites of new construction or abandonment activities within the existing railroad right-of-way or property lines. SEA determined that increases in rail traffic on rail line segments and at existing facilities would not have the potential to adversely affect cultural resources because the railroad operations have long been part of the historic setting, and operational changes would not result in any ground disturbance or physical alteration of cultural resources.

##### **4.13.1 Analysis Methods**

SEA's analysis methods for the Final EIS, summarized in the following sections, remain unchanged from the Draft EIS. Chapter 3, "Analysis Methods and Potential Mitigation Strategies," and Appendix G, "Cultural Resources," of the Draft EIS contain a detailed description of analysis methods, criteria of significance, and mitigation strategies.

In accordance with Section 106 of the NHPA, as amended, and its implementing regulations, SEA identified an "Area of Potential Effect" as limited to the existing railroad right-of-way for abandonments or proposed railroad property lines for new construction projects and determined whether historic properties might be affected. SEA also conducted archival searches and site visits to determine the presence of historic properties. SEA presented a preliminary eligibility finding and determination of effects (no effect, no adverse effect, or adverse effect) to the State Historic Preservation Officer in every state potentially affected by the proposed new constructions and abandonments. Potential effects on historic properties require review under Section 106 of NHPA. After issuing the Draft EIS, SEA continued to consult with the State Historic Preservation Offices (SHPOs) on outstanding Section 106 issues.

##### **Criteria of Significance**

SEA used the "Criteria of Effect and Adverse Effect" (36 CFR 800.9) that the Advisory Council on Historic Preservation developed as the criteria to determine whether an adverse impact from the proposed Conrail Acquisition would occur on historic properties. These criteria address the

potentially adverse effects of various actions that could alter the significance of an historic property's characteristics. These actions include physical destruction, damage, or alteration; isolation; introduction of elements that are out of character; neglect; and transfer, lease, or sale.

#### **4.13.2 Public Comments and Additional Evaluations**

##### **Public Comments**

During the 45-day public review and comment period following issuance of the Draft EIS, SEA received several comments from state and local historic preservation agencies, which concurred with the analysis methodology and confirmed the accuracy of SEA's cultural resources analysis and results as presented in the Draft EIS. SEA also received several comments regarding potential impacts of rail operations on cultural resources that were not analyzed in the Draft EIS. In most cases, SEA responded by explaining that those resources were excluded from the analysis in the Draft EIS because they were beyond the Area of Potential Effect associated with a specific activity. SEA also responded to several comments by clarifying that many activities associated with the proposed Conrail Acquisition, such as an increase in train traffic, did not have the potential to adversely affect cultural resources because these activities have long been a part of the historic setting and would result in no ground disturbance or physical alteration of cultural resources. For a detailed review of comments and responses, see Chapter 5, "Summary of Comments and Responses," of the Final EIS.

##### **Additional Evaluations**

After issuing the Draft EIS, SEA updated its cultural resources analysis presented in the Draft EIS to reflect revised technical analyses. SEA conducted additional evaluations of potential impacts to cultural resources associated with the proposed Conrail Acquisition in the states of Indiana and Illinois. In Indiana, SEA evaluated the construction site of a proposed new grade separation in the Town of Garrett and the potential impacts along the South Bend-to-Dillon Junction rail line segment abandonment (NA-02). In Illinois, SEA completed its evaluation of cultural resources along the Paris-to-Danville rail line segment abandonment (CA-01). The results of additional evaluations are discussed in the following section.

As part of its overall environmental review process, SEA evaluated potential alternative train routes that SEA or the commentors proposed as possible mitigation in Greater Cleveland Area, Ohio and Erie, Pennsylvania, where potentially significant environmental impacts on cultural resources may occur. Section 4.19, "Community Evaluations," and Appendix N, "Community Evaluations," of the Final EIS discuss these additional evaluations.

#### **4.13.3 Analysis Results and Impacts**

For the Draft EIS, SEA identified and evaluated significant cultural resources at two sites in the State of Ohio, that either abandonment or construction activities associated with the proposed Conrail Acquisition could affect. Those sites are the Lake Shore & Michigan Southern (New



York Central Railroad) Shops District at Collinwood Yard in Cleveland and the Toledo Pivot Bridge over the Maumee River in Toledo. SEA determined that the Lake Shore & Michigan Southern (New York Central Railroad) Shops District at the Collinwood Yard appears to be eligible for inclusion in the NRHP for its association with the development of railroad transportation and for its industrial architecture designed for the handling and servicing of railroad stock. In a December 24, 1997 letter, the Ohio SHPO concurred with SEA's NRHP eligibility findings. SEA determined that the Toledo Pivot Bridge over the Maumee River is eligible for inclusion in the NRHP as an example of a rare type of movable bridge.

The Ohio SHPO concurred with this finding on December 24, 1997. On March 4, 1998, NS advised the Board that, pursuant to an agreement dated February 18, 1998, with the Toledo-Lucas County Port Authority and Toledo Metropolitan Area Council of Governments, NS wishes to seek authorization for the discontinuance of operations over the Toledo Pivot Bridge, not for abandonment of the bridge. NS has agreed to leave the bridge open and provide proper warning lighting so that navigation on the waterway will not be affected. Consequently, this structure is no longer part of the proposed Conrail Acquisition, and Section 106 compliance, as recommended mitigation in the Draft EIS, is no longer applicable for the Final EIS.

Based on the Ohio SHPO's concurrence, SEA recommended that CSX shall, in consultation with the Ohio SHPO, complete archival documentation of the Lake Shore and Michigan Southern Railroad Shop District at the Collinwood Yard in Cleveland, Ohio.

In addition, SEA identified and evaluated significant cultural resources at three sites and determined that further evaluation was necessary under Section 106 of NHPA. These sites are the 75<sup>th</sup> Street Interlocking Tower at the proposed new rail connection at 75<sup>th</sup> Street in Chicago, Illinois (CC-01); the Branda's Landing/Mees-Notcha archaeological site at the proposed new rail line connection in Exermont, Illinois (CC-02); and the proposed rehabilitation of the Shellpot Bridge near Wilmington, Delaware (NR-01). SEA recommended that for the three sites, CSX or NS shall not alter the historic integrity until they complete the Section 106 process of NHPA (16 U.S.C. 470f, as amended).

Table 4-7 of the Final EIS, "Summary of Adverse Environmental Impacts by State," lists the sites with potentially significant impacts on cultural resources.

### **Additional Evaluations**

**Garrett, Indiana.** SEA recommends a highway/rail grade-separated crossing on the Deshler-to-Willow Creek rail line segment (C-066) at Randolph Street in Garrett, De Kalb County, Indiana, to replace the existing highway/rail at-grade crossing. The highway/rail grade separation would provide mitigation for traffic delay impacts on Randolph Street that would result from the proposed Conrail Acquisition. SEA identified buildings more than 50 years old in the general area of the recommended highway/rail grade separation. SEA determined that it is unlikely that construction of the grade separation would affect these structures, because construction would occur within the Randolph Street right-of-way. SEA consulted with the Indiana SHPO to

determine the Area of Potential Effect for this site. In a letter dated April 28, 1998, the Indiana SHPO notified SEA that as long as the project remains within the physical area disturbed by previous construction, the proposed Conrail Acquisition would not affect any historic properties.

**South Bend-to-Dillon Junction Abandonment (NA-02).** In a February 8, 1998 letter, the Indiana SHPO noted that a site along this rail line segment is eligible for listing on the NRHP. The North Liberty Combination Depot (Wabash Depot) was within the Area of Potential Effect of the South Bend-to-Dillon Junction rail line abandonment (NA-02) but was not identified in the Draft EIS. After conducting a site visit, SEA determined that the Wabash Depot is no longer in existence. SEA received a letter dated March 3, 1998, from NS confirming that the depot was demolished more than 9 years ago. In a letter dated April 28, 1998, the Indiana SHPO notified SEA that as long as the project remains within the physical area disturbed by previous construction, the proposed Conrail Acquisition would not affect any historic properties.

**Paris-to-Danville Abandonment (CA-01).** SEA reported in the Draft EIS that no cultural resources listed on or eligible for listing on the NRHP were present along the proposed Paris-to-Danville, Illinois rail line abandonment. On January 13, 1998, SEA received a letter from the Illinois SHPO stating that their office had reviewed and concurred with the conclusions SEA reported in the Draft EIS.

Appendix K, "Cultural Resources Analysis," provides a detailed description of the sites SEA evaluated since issuing the Draft EIS.

#### **4.13.4 Mitigation**

##### **Mitigation Strategies**

SEA develops appropriate mitigation to address the proposed Conrail Acquisition-related adverse impacts on specific historic properties following consultation with the appropriate SHPO. Typically, the Board requires Applicants to document cultural and historic resources that the proposed action would adversely affect. In general, documentation includes photographs of the resource taken before it is altered or destroyed and a description and history of the resource. In certain cases, the Board has required documentation in accordance with Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) standards. Documentation is the maximum level of mitigation for impacts on cultural resources the Board can impose as a condition of the proposed Conrail Acquisition. For further information regarding the Board's limits on imposing conditions for impacts on cultural resources, refer to Implementation of Environmental Laws, 7 I.C.C.2d 807 or 829 (1991).

To mitigate potential impacts to archaeological resources, the Board typically requires the applicant to cease activities if significant archaeological resources are identified during new construction of a rail line segment or salvage of a rail line segment approved for abandonment. Activities could resume after the applicant consults with the appropriate SHPO and has completed any necessary resource identification, evaluation, and recovery of any artifacts. If

known archaeological resources exist at a site for a proposed construction or abandonment, the Board typically requires the applicant to complete the Section 106 process of NHPA (16 U.S.C. 470f, as amended) prior to undertaking any construction or modification.

### **Mitigation Recommended in the Draft EIS**

In the Draft EIS, SEA identified the Lake Shore & Michigan Southern (New York Central Railroad) Shops District at the Collinwood Yard (CR-03) in Cleveland, Ohio, as being potentially eligible for inclusion in NRHP. For the Draft EIS, SEA recommended that CSX complete cultural resource documentation for the Collinwood Yard in accordance with standards of HABS/HAER Level II within 180 days of any Board decision approving the proposed Conrail Acquisition.

As discussed in Section 4.13.3, "Analysis Results and Impacts," of the Draft EIS, SEA identified and evaluated significant cultural resources at the 75<sup>th</sup> Street Interlocking Tower at the proposed new rail connection at 75<sup>th</sup> Street in Chicago, Illinois (CC-01); the Branda's Landing/Mees-Notcha archaeological site at the proposed new rail line connection in Exermont, Illinois (CC-02); and the Shellpot Bridge, near Wilmington, Delaware, a site of proposed rehabilitation (NR-01).

In the Draft EIS, SEA also recommended CSX take no further action until the Section 106 process has been completed at the 75<sup>th</sup> Street Interlocking Tower in Chicago, Illinois (CC-01), and the proposed new rail line connection in Exermont, Illinois (CC-02). SEA also recommended NS take no further action until the Section 106 process is complete at the Shellpot Bridge near Wilmington, Delaware (NR-01).

### **Final Recommended Mitigation**

Chapter 7, "Recommended Environmental Conditions," of the Final EIS lists SEA's final recommended mitigation measures for cultural resources effects resulting from the proposed Conrail Acquisition. Based on the significant cultural resources it identified and evaluated, for the Final EIS, SEA recommended mitigation at the following sites for cultural resources effects:

- **Exermont, Illinois:** CSX shall undertake no construction of a new rail line connection in Exermont, Illinois, until completion of the Section 106 process of NHPA (16 U.S.C. 470f, as amended) in connection with the assessment of the Branda's Landing/Mees-Notcha archaeological site.
- **Collinwood Yard, Cleveland, Ohio:** CSX shall, with concurrence from the Ohio SHPO, complete cultural resource documentation for the Lake Shore & Michigan Southern Railroad (New York Central Railroad) Shops District in the Collinwood rail yard in Cleveland, Ohio, as soon as practicable.



- **75<sup>th</sup> Street Interlocking Tower, Chicago, Illinois:** CSX shall not alter the historic integrity of the 75<sup>th</sup> Street Interlocking Tower in Chicago, Illinois, until completion of the Section 106 process of the NHPA (16 U.S.C. 470f, as amended).
- **Shellpot Bridge, Wilmington, Delaware:** NS shall not alter the historic integrity of the Shellpot Bridge in Wilmington, Delaware, until completion of the Section 106 process of the NHPA (16 U.S.C. 470f, as amended). NS shall conduct a feasibility study including preliminary design for the rehabilitation of the Shellpot Bridge. NS shall provide the Delaware SHPO a copy of this study for its review within 180 days following the effective date of the Board's final decision.

#### **4.14 HAZARDOUS WASTE SITES**

This section describes how SEA identified and evaluated potential impacts on hazardous waste sites. In addition to the hazardous waste sites, SEA also identified any site with the potential to release contaminants into the environment. These sites included solid waste sites, dump sites without permits, companies licensed to handle hazardous materials, and underground or aboveground storage tanks. This section includes a discussion of the applicable Federal and state regulations SEA used in the impact analysis and screening process, the types of data SEA collected, and the methods that SEA used to determine whether the potential impacts of the proposed Conrail Acquisition would be significant.

##### **4.14.1 Analysis Methods**

The following sections summarize SEA's analysis methods for hazardous waste sites and related environmental concerns. Chapter 3 of the Draft EIS, Section 3.14, "Hazardous Materials and Waste Sites," presents a detailed description of analysis methods. SEA based its analysis of hazardous waste sites on the Board's environmental rules and other relevant statutes which include the following:

- The Board's environmental rules at 49 CFR 1105.7(e)(7) state that a railroad must identify in its Environmental Report locations of known hazardous waste sites or locations with known hazardous materials spills on the right-of-way. These rules also require identification of the types of hazardous materials involved.
- The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) directs EPA to establish procedures for investigating uncontrolled or abandoned hazardous waste sites for priority remediation under the Superfund Program and establishes a National Priorities List (NPL).
- The Resource and Conservation Recovery Act (RCRA) establishes requirements for permitting hazardous waste facilities and requires EPA to compile a list of those facilities that generate, transport, store, treat, or dispose of hazardous waste.

SEA analyzed whether the new rail line construction and rail line abandonment activities associated with the proposed Conrail Acquisition would affect any hazardous waste sites. SEA performed the analysis because construction of a new rail line connection or rail line abandonment activities can disturb areas where a release of hazardous materials has occurred. For the analysis, SEA identified known hazardous waste sites within 500 feet of construction or abandonment activities related to the proposed Conrail Acquisition. SEA did not identify hazardous waste sites more than 500 feet from the railroad right-of-way as construction or abandonment activities are unlikely to disturb those sites. SEA eliminated operational changes on rail line segments or at intermodal facilities and rail yards from its analysis because operational changes typically do not have any effects on hazardous waste sites.

SEA used site visits and a variety of data sources to identify the locations of reported releases, spill incidents, or hazardous waste sites on or adjacent to the proposed rail line constructions and abandonments. SEA's data sources included USGS topographic maps; Environmental Data Resources, Inc.'s reports of Federal and state database searches; the Hazardous Materials Information Reporting System, a database that lists right-of-way hazardous spill incidents reported to DOT; CSX and NS's Environmental Report; and records kept by fire marshals and state regulatory agencies. Appendix H of the Draft EIS, "Hazardous Materials and Waste Sites," provides a full list of data sources and a summary of the Environmental Data Resources, Inc. database search reports that SEA reviewed to identify potential hazardous waste sites.

SEA made site visits to verify information obtained from the data sources and agency coordination and to search for evidence of possible unrecorded hazardous materials releases or remedial activities. Appendix H of the Draft EIS, "Hazardous Materials and Waste Sites," provides a site visit checklist used on all the site visits.

### **Criteria of Significance**

SEA considered impacts to be potentially significant if disturbances or releases of hazardous materials could occur in an uncontrolled manner as a result of construction or abandonment activities related to the proposed Conrail Acquisition.

SEA's analysis methods and criteria of significance remain unchanged from the Draft EIS.

#### **4.14.2 Public Comments and Additional Evaluations**

The Seneca Nation of the Cattaraugus Indian Reservation in New York expressed concerns regarding diesel and polychlorinated biphenyl (PCB) contamination at the Salamanca Rail Yard in New York. SEA acknowledges that the contamination exists; however, the contamination is a pre-existing condition and not a result of the proposed Conrail Acquisition; therefore, it is outside the Board's jurisdiction. As required by existing laws and regulations, the responsible parties would assess and remediate any existing contamination, if necessary.

The Pennsylvania Department of Environmental Protection commented on contamination at existing Conrail facilities. Based on its evaluation of these and other comments on hazardous waste sites, SEA determined that the Applicants address existing contamination problems in accordance with regulations regarding investigations and remediation. SEA acknowledges that the contamination exists; however, the contamination is a pre-existing condition and not a result of the proposed Conrail Acquisition; therefore it is outside the Board's jurisdiction. As required by existing laws and regulations, the responsible parties would assess and remediate any existing contamination, if necessary.

Chapter 5, "Summary of Comments and Responses," summarizes all public comments received on the Draft EIS and presents SEA's responses.

### **Additional Evaluations**

As part of its overall environmental review process, SEA evaluated potential alternative train routes as possible mitigation in four areas where potentially significant environmental impacts may occur: Cleveland, Ohio; Erie, Pennsylvania; Lafayette, Indiana; and the Four City Consortium in Indiana. Where appropriate, SEA evaluated possible impacts on hazardous waste sites for these alternatives. Section 4.19, "Community Evaluations," summarizes the results of these additional evaluations.

#### **4.14.3 Analysis Results and Impacts**

In the Draft EIS, SEA analyzed 15 proposed connections, one new fueling facility, and one new intermodal facility in the states of Illinois, Indiana, Maryland, Michigan, New Jersey, New York, and Ohio. Similarly, SEA analyzed four proposed abandonment sites in Illinois, Indiana, and Ohio. However, after SEA issued the Draft EIS, NS informed SEA that it no longer planned to abandon the Toledo Pivot Bridge or build the Willard Fueling Facility, both in Ohio.

Based on the analysis, SEA identified known hazardous waste sites within 500 feet of four proposed construction sites in the states of Indiana, Michigan, and Ohio. SEA also identified known hazardous waste sites within 500 feet of two proposed abandonments. The following is a list of those six proposed construction and abandonment sites and the types of hazardous waste sites identified:

- **Butler Connection Construction, Indiana:** Six above ground storage tanks.
- **Tolleston Connection Construction, Indiana:** Household trash.
- **Ecorse Junction Connection Construction, Michigan:** Three hazardous waste sites.
- **Collinwood Yard Construction, Ohio:** 32 hazardous waste sites.



- **Paris-to-Danville Abandonment, Illinois:** One chemical facility with numerous hazardous materials storage tanks and evidence of releases within the right-of-way.
- **Toledo-to-Maumee Abandonment, Ohio:** 48 hazardous waste sites.

Chapter 5 in the Draft EIS, "State Settings, Impacts, and Proposed Mitigation," provides a detailed discussion of the hazardous waste sites analysis for the applicable states.

Several Federal and state statutes and regulations govern the investigation and cleanup of hazardous waste sites during construction or abandonment activities. Some sites previously identified would require involvement of the appropriate state agencies, while others may require the involvement of EPA alone or, at times, both state agencies and EPA, depending on the constituents or amount of contamination discovered. If CSX or NS encounter these or other sites during the proposed new rail line construction or rail line abandonment activities, CSX or NS or other responsible parties would have to comply with Federal, state, and local statutes for assessment or remediation.

Because existing regulatory requirements together with CSX's and NS's standard construction practices adequately address potential disturbances of hazardous waste sites, SEA determined that proposed construction or abandonment activities related to the proposed Conrail Acquisition would not result in impacts on hazardous waste sites that warrant mitigation measures.

#### **4.14.4 Mitigation**

##### **Mitigation Strategies Considered**

Many Federal, state, and local statutes and regulations govern how the Applicants and other responsible parties must respond to hazardous materials releases or disturbances of hazardous waste sites. Moreover, CSX and NS have detailed procedures and policies designed to reduce or avoid impacts at all locations where hazardous materials may be used or encountered.

As discussed in the Draft EIS, CSX and NS stated that under the guidance of their own procedures and rules, they will complete the following activities:

- Construction-related measures to protect the public, workers, and the local environment during site construction activities, including, as warranted, sediment and erosion control.
- Site characterizations or remedial investigations that identify the nature and extent of contamination.
- Remediation of contaminated sites to bring these sites into compliance with all governing Federal, state, and local regulations. Many techniques and technologies are available for remediation of contaminated sites.

### **Mitigation Recommended in the Draft EIS**

Because remediation of contaminated areas is subject to extensive Federal, state, and local regulation and SEA determined that the Applicants must comply with such requirements, SEA did not recommend additional mitigation measures in the Draft EIS.

### **Final Recommended Mitigation**

Because remediation of contaminated areas is subject to extensive Federal, state, and local regulation and the Applicants must comply with such requirements, SEA determined that no additional mitigation measures for hazardous waste sites are warranted for the Final EIS.

## **4.15 NATURAL RESOURCES**

SEA identified and evaluated potential impacts on natural resources (water resources, wetlands, and biological resources) resulting from the proposed Conrail Acquisition. The section includes a discussion of the applicable Federal and state rules SEA followed in its analysis, types of data collected, and determination of the criteria of significance.

### **4.15.1 Analysis Methods**

The following discussion summarizes SEA's analysis methods. SEA's natural resources analysis methods for this Final EIS did not differ from those used in the Draft EIS. Section 3.15, "Natural Resources," of the Draft EIS, presents a detailed description of the analysis methods.

SEA assessed potential environmental impacts on water resources, wetlands, and biological resources that could result from the proposed Conrail Acquisition. The biological resources assessment included identifying and analyzing potential impacts on Federally protected threatened and endangered species; protected wildlife habitats and migration corridors; wildlife refuges and sanctuaries; national, state, and local parks or forests; and protected unique or critical habitats. In conducting its analysis, SEA followed USFWS and CEQ guidelines, NEPA requirements, and the Board's environmental rules (49 CFR 1105).

The natural resources analysis focused on proposed physical alteration of habitats and water resources. SEA determined that the potential for impacts on water resources, wetlands, and biological resources would most likely be associated with site-specific projects related to the proposed rail line abandonments and the proposed construction of new rail line connections. Therefore, SEA conducted a site visit at each of the potentially affected locations to review potential impacts on habitats, existing water resources, and wetlands. SEA determined that operational changes, such as increases or decreases in the number of trains on a line segment, and changes in the activities at the rail yards and intermodal facilities typically do not directly affect natural resources. Therefore, SEA did not attempt to identify natural resources on existing rail line segments and at rail yards and intermodal facilities that would experience only operational changes related to the proposed Conrail Acquisition.

SEA based its analysis on information from the Applicants, USGS topographic maps, Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps, USFWS National Wetlands Inventory (NWI) maps, and site visits. SEA consulted with USFWS, USACE, and other appropriate Federal and state agencies. Appendix M of the Draft EIS, "Consultation with Agencies and Agency Responses," and Appendix D of the Final EIS, "Agency Consultation," provide listings of the agency consultations.

SEA conducted site visits of proposed constructions and abandonments to gather information on existing conditions and to evaluate the potential for impacts on natural resources. SEA began its evaluation of impacts during field review. SEA compared the planned activity sites with the existing location of water resources and wetlands to estimate the potential effects on natural resources from the proposed Conrail Acquisition. SEA also assessed the potential need for Federal permits, including USACE permits for impacts on jurisdictional wetlands, as defined in Section 404 of the Clean Water Act. As part of the impact assessment, SEA also assessed the potential need for additional coordination and permitting by other appropriate regulatory and review agencies.

SEA's impact analysis included a detailed independent review of CSX and NS standard specifications for construction activities and the Applicants' internal requirements for BMPs in determining the need for mitigation of potential impacts.

### **Criteria of Significance**

SEA considered impacts on natural resources potentially significant if any of the following occurred:

- Removal, alteration, or filling of a wetland without receiving a Section 404 permit from the USACE.
- Impacts on wetlands that are known to function as habitat for threatened or endangered species.
- Impacts on other identified locations of threatened or endangered species.
- Impacts on reservoirs or other drinking water sources.
- Impacts that significantly alter the flooding patterns within and adjacent to the impact area on floodplains.
- Loss or degradation of wildlife sanctuaries; refuges; or national, state, or local parks and/or forests.

SEA's criteria of significance remain unchanged from the Draft EIS.



#### **4.15.2 Public Comments and Additional Evaluations**

##### **Public Comments**

EPA provided comprehensive comments on the Draft EIS including comments related to natural resources. EPA's comments included concerns regarding the increased risk of surface water contamination resulting from the increased likelihood of spills at rail yards and intermodal facilities. EPA noted the lack of discussion on water quality impacts with regard to potential hazardous materials spills affecting waterways, storm water management facilities, and the surrounding environment. EPA also commented on the need for additional analysis to identify potential impacts on natural resources at proposed construction and abandonment sites in Illinois, Indiana, and Ohio. EPA suggested the Board require the Applicants to comply with EPA's BMPs.

##### **Additional Evaluations**

In response to the comments from EPA, SEA conducted additional evaluations on the potential impacts on natural resources from the proposed Conrail Acquisition. The additional evaluations included the following:

- Stormwater discharges associated with rail-related activities at rail yards and intermodal facilities.
- Assessment of hazardous materials transport and impacts on watershed and Federally listed wildlife.
- Migration of chemicals after a spill of hazardous material.
- Risk potential for hazardous material spills.
- Existing CSX and NS response plans for potential spills.
- Assessment and consolidation of EPA, CSX, and NS BMPs.

See Appendix L, "Natural Resources Analysis," and Appendix P, "SEA's Best Management Practices for Construction and Abandonment Activities."

Chapter 5, "Summary of Comments and Responses," summarizes all public comments received on the Draft EIS and presents SEA's responses.

In addition to the evaluations made in response to the public and agency comments, as part of its overall environmental review process, SEA evaluated potential alternative train routes that SEA or the commentors proposed as possible mitigation in Greater Cleveland Area, Ohio; Erie, Pennsylvania; Lafayette, Indiana; and the Four City Consortium, Indiana. Where appropriate,

SEA evaluated possible impacts on natural resources for these alternatives. Section 4.19, "Community Evaluations," summarizes the results of these additional evaluations.

#### **4.15.3 Analysis Results and Impacts**

In the Draft EIS, SEA analyzed 15 proposed connections, one new fueling facility, and one new intermodal facility in the states of Illinois, Indiana, Maryland, Michigan, New Jersey, New York, and Ohio. Similarly, SEA analyzed four proposed abandonment sites in Illinois, Indiana, and Ohio. However, after SEA issued the Draft EIS, the Applicants informed SEA that they were no longer seeking authorization to abandon the Toledo Pivot Bridge or build the Willard fueling facility, both in Ohio. Chapter 5 in the Draft EIS, "State Settings, Impacts, and Proposed Mitigation," provides a detailed discussion of the natural resources analysis in the applicable states.

Based on the analysis, SEA identified potential habitat of the Federally listed endangered Indiana bat in proximity to the proposed connection in Vermilion, Ohio. In addition, based on the evaluation it conducted in Cleveland, Ohio, after issuance of the Draft EIS, SEA determined that a second connection at Vermilion (double crossover) would also be in proximity to the potential habitat of the Indiana bat (See 4.19, "Community Evaluations," for further details). Table 4-7 of the Final EIS, "Summary of Adverse Environmental Impacts by State," also lists the site. SEA determined that prior to construction, NS should coordinate with the Ohio Department of Natural Resources and the USFWS to determine if a survey for the Indiana bat is required.

For the Final EIS, as a result of its additional evaluations of potential natural resources impacts from hazardous materials spills, SEA determined that CSX's and NS's Spill Response Plans and SEA's recommended requirement for a Failure Modes and Effects Analysis at rail yards and intermodal facilities would improve safe shipping and handling of hazardous materials. SEA also concluded the recommended mitigation would appropriately address potential increased risk of a spill resulting from proposed Conrail Acquisition activities. SEA determined that the extensive existing regulatory framework and the additional mitigation measures, as described in Chapter 7, "Recommended Environmental Conditions," would minimize potential water quality impacts that could result from the proposed Conrail Acquisition-related hazardous materials transport and handling.

#### **4.15.4 Mitigation**

##### **Mitigation Strategies Considered**

**Draft EIS.** In the Draft EIS, SEA noted that various regulatory programs and requirements address potential impacts on wetlands, water resources, threatened and endangered species, and critical habitats. USACE administers the Clean Water Act Section 404 and the Rivers and Harbor Act Section 10 permitting programs, which regulate placement of fill or dredge material in wetlands and alteration of water bodies. EPA administers (through state water quality agencies) the National Pollutant Discharge Elimination System (NPDES) program, which

regulates discharge of pollutants to surface waters and addresses both point-source discharge and non-point-source discharges (stormwater runoff).

**Endangered Species Act.** The Endangered Species Act protects endangered and threatened species and their critical habitat. Because railroad construction activities must comply with these regulatory programs and the programs provide specific measures, SEA determined, based on the information available to date, that it would not be necessary for the Board to impose mitigation conditions that would essentially duplicate the existing regulations. These regulations require the Applicants to conduct the following activities:

- Notify regulatory agencies before construction begins if the Applicants plan to fill, discharge dredged material, or alter wetlands or other water bodies as a result of construction activities. The Applicants must obtain the appropriate 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. The Applicants also must use appropriate techniques to minimize effects to any water resources.
- Adjust planned construction or abandonment activities to avoid or minimize impacts on wetland areas, streams, or critical habitats.
- Preserve, restore, or create compensation wetlands to replace the acres where construction or abandonment activities caused extensive impacts on wetland or water resources.
- Avoid taking or harassing threatened and endangered species.

**Best Management Practices.** In addition, SEA reviewed EPA BMPs and CSX's and NS's standard construction specifications to determine what BMPs to incorporate in SEA's list for CSX's and NS's implementation to protect water quality and related natural resources. Specifically, BMPs state that CSX and NS would complete the following activities:

- Conduct all construction and abandonment activities within the existing rail bed to the greatest extent feasible to minimize the area of disturbance.
- Stabilize vegetation disturbance by reseeding the area to assist with erosion and sediment control of the disturbed site.
- Implement erosion and sediment control activities to avoid or minimize impacts on water resources. These activities include the use of geotextiles, straw bales, silt fencing, and sediment detention ponds.
- Keep all newly constructed drainage facilities, such as pipes or culverts, free of obstruction to allow expected water flow through the associated area.



- Use high-quality, contaminant-free construction materials during the construction of new rail lines.

### **Mitigation Recommended in the Draft EIS**

Because of the potential presence of the Federally listed endangered Indiana bat, SEA recommended that NS consult with the Ohio Department of Natural Resources and USFWS prior to any construction at the site for a proposed connection in Vermilion, Ohio.

Because of CSX's and NS's BMPs used in their construction specifications and the Federal, state, and local regulatory programs governing the impacts on wetlands, water resources, and protected species, SEA determined in the Draft EIS that no mitigation was necessary for the other proposed construction and abandonment sites. However, as a condition of the Board's approval, SEA recommended that the Board require CSX and NS to conform to their standard specifications during construction.

### **Final Recommended Mitigation**

For the Final EIS, SEA recommends the Board require NS to coordinate with the Ohio Department of Natural Resources and USFWS prior to any construction at the proposed rail line connections in Vermilion, Ohio, to determine the potential presence of the Federally endangered Indiana bat and any other Federally listed endangered or threatened species. If such species are found to be present and potentially adversely affected, NS shall proceed with applicable measures to comply with Section 7 of the Endangered Species Act.

Additionally, SEA developed a list of BMPs it traditionally uses for the Applicants to implement should the Board approve the proposed Conrail Acquisition. SEA also incorporated EPA, NS, and CSX BMPs in the list as appropriate. The BMPs apply to all proposed construction and abandonment activities, as appropriate, to reduce or avoid the potential for adverse environmental impacts as a result of the proposed Conrail Acquisition. See Chapter 7, "Recommended Environmental Conditions," and Appendix P, "SEA's Best Management Practices for Construction and Abandonment Activities," for further details.

## **4.16 LAND USE AND SOCIOECONOMICS**

SEA analyzed the potential land use impacts of the new rail line construction and rail line abandonment projects that are part of the proposed Conrail Acquisition. Constructions and abandonments are the two types of activities that could have potential impacts on existing land use plans, prime farmlands, Native American lands, and Coastal Zone Management plans or on socioeconomic issues directly related to changes in the physical environment.

#### 4.16.1 Analysis Methods

SEA's analysis methods for the Final EIS, which are summarized in the following sections, remain unchanged from the Draft EIS. A detailed description of analysis methods, criteria of significance, and mitigation strategies is found in the Draft EIS in Chapter 3, "Analysis Methods and Potential Mitigation Strategies."

Pursuant to the Board's rules at 49 CFR 1105.7(e)(3) and the EIS scope, each proposed construction and abandonment location was assessed for the following issues: consistency with current local land use plans; effect on prime farmland; consistency with existing Coastal Zone Management Plans; and socioeconomic effects. In addition, SEA evaluated any project or activity related to the proposed Conrail Acquisition within the lands of Native American reservations. SEA examined impacts on Native American lands using a methodology consistent with tribal sovereignty over land use, although no constructions or abandonments are proposed within Native American lands. SEA also evaluated whether any rail segment within Native

American reservations would meet or exceed the Board's thresholds for environmental analysis, including segments identified as key routes for the transport of hazardous materials.

SEA consulted with local, county, regional, and state planning agencies with jurisdiction over the location of each proposed new rail line construction and rail line abandonment project. SEA also consulted with the Department of the Interior, Bureau of Indian Affairs, regarding Native American lands. SEA conducted site visits to verify the accuracy of the information on land use presented in CSX and NS's Environmental Report. SEA obtained data on existing land uses based on information from the Environmental Report; aerial photographs; USGS maps; GIS base maps; maps of planned land uses; zoning maps; site visit records; and consultation with local, county, regional, and state planning agencies. SEA also gathered information from consultations with appropriate agencies regarding prime farmland, Coastal Zone Management, and Native American reservations.

For the proposed rail line abandonments, SEA performed the following additional analyses:

- Evaluation of suitability of each abandoned right-of-way for alternative public and trail uses. SEA based this evaluation on consultation with the local, county, and state agencies regarding the potential uses of these rights-of-way.
- Identification of alternative modes of transportation for goods and services that would be affected by the proposed abandonments.

## **Criteria of Significance**

SEA considered a potential impact on land use or socioeconomic conditions to be significant if any of the following conditions would likely result from a proposed new rail line construction or rail line abandonment:

- **Land Use Plan:** The proposed new construction or abandonment would be inconsistent with local land use plans in such a way that proceeding with the activity would substantially alter the character and planned use of the adjoining area.
- **Prime Farmland:** The impact on prime farmland would be such that a substantial portion of farmland in the county, as defined by local land use planning authorities, would be removed from actual or potential production.
- **Coastal Zone:** The proposed new construction or abandonment occurring in a coastal zone would be inconsistent with the requirements of the state Coastal Zone Management agency.
- **Socioeconomics:** A proposed construction or abandonment would result in the direct elimination of jobs as a result of or related to changes to the physical environment.

### **4.16.2 Public Comments and Additional Evaluations**

#### **Public Comments**

SEA received several comments regarding potential impacts of rail operations on land use issues. Numerous public agencies, individuals, and institutions expressed concern that the tax base and property values along railroad lines would decline because of increased rail traffic and noise. SEA examined the potential for reduced property values as a result of activities and projects of the proposed Conrail Acquisition. SEA has no evidence that the proposed Conrail Acquisition would result in reduced property values. Rail lines are already in place and rail traffic has varied over the years. Local land use planning processes exist and function, in part, to protect property values. In nearly all cases, rail line construction and abandonment activities associated with the proposed Conrail Acquisition are consistent with the local land use plans in effect as determined by local jurisdictions.

The Seneca Nation of Indians commented on a number of issues including hazardous materials transport on the Buffalo FW-to-Ashtabula rail line segment (N-070) that runs through the Cattaraugus Reservation. SEA examined potential impacts on Native American lands using a methodology consistent with tribal sovereignty over land use and evaluated potential resource effects related to increased rail traffic through Native American lands, particularly the increased transport of hazardous materials, and recommended site-specific resource mitigation, as appropriate. SEA responded that issue-specific and site-specific final recommended mitigation measures would adequately address the potential effects identified by the Seneca Nation. For



a detailed review of comments and responses, see Chapter 5, "Summary of Comments and Responses."

### **Additional Evaluations**

As part of its overall environmental review process, SEA evaluated potential alternative train routes that SEA or the commentors proposed as possible mitigation in four areas where potentially significant environmental impacts may occur: Greater Cleveland Area, Ohio; Erie, Pennsylvania; Lafayette, Indiana; and the Four City Consortium in Indiana. Where appropriate, SEA evaluated possible impacts on land use and socioeconomics for these alternatives based on available information, consistent with the scope of the EIS. Section 4.19, "Community Evaluations," summarizes the results of these additional evaluations.

#### **4.16.3 Analysis Results and Impacts**

For the Draft EIS, SEA analyzed potential effects on land use and socioeconomic conditions at 22 proposed new rail line construction and rail line abandonment sites in seven states: Illinois, Indiana, Maryland, Michigan, New Jersey, New York, and Ohio. SEA also evaluated the impacts of changes in rail activity along two rail line segments that traverse Native American lands in the states of Alabama and New York. SEA identified no significant adverse impacts on land use plans, prime farmlands, Native American lands, Coastal Zone Management areas, or socioeconomics as a result of the rail line construction and abandonment projects related to the proposed Conrail Acquisition. A discussion of the analysis of potential impacts to minority or low-income populations appears in Section 4.17 "Environmental Justice," of the Final EIS.

During analysis for the Draft EIS, SEA consulted with the local community potentially affected by the proposed construction of a new rail line connection in Tolono, Champaign County, Illinois. NS has stated that the railroad does not anticipate that the adjacent road structures and residences would be disturbed by the proposed construction. As local community comments indicated, if the project were to expand beyond the railroad right-of-way, it would be inconsistent with the local land use plan. Based on the findings previously described, SEA determined no significant impacts to land use would result from the proposed action at Tolono as long as construction remains within existing railroad right-of-way.

In the Draft EIS, SEA evaluated two rail line segments identified as major key routes for hazardous materials transport that traverse Native American lands: the Buffalo FW-to-Ashtabula (N-070) rail line segment, which traverses the Federally designated Cattaraugus Indian Reservation in western New York; and the Montgomery-to-Flomaton (C-271) rail line segment, which traverses the Federally designated Poarch Creek Indian Reservation in southwestern Alabama. SEA determined that both segments would experience increases in hazardous materials transport and would become new major key routes as a result of the proposed Conrail Acquisition. The Draft EIS, Chapter 5, "State Setting, Impacts, and Proposed Mitigation," identifies and discusses in more detail the potential impacts to Native American lands resulting from increases in hazardous materials transport for these segments.

After issuance of the Draft EIS, CSX provided SEA with revised numbers of rail cars carrying hazardous materials on a rail line segment basis. SEA evaluated the revised data and found them to be reasonable. SEA conducted a revised analysis based on these data to determine the potential for the release of hazardous materials resulting from train accidents. The revised analysis eliminated the rail line segment (C-271) that traverses the Federally designated Poarch Creek Indian Reservation from the list of designated rail line segments that warrant major key route mitigation. See Section 4.3, "Safety: Hazardous Materials Transport," of the Final EIS for a detailed discussion of the revised analysis, results, and impacts. Appendix F, "Safety: Hazardous Materials Transport Analysis," of the Final EIS contains the calculations supporting this revised analysis.

#### **4.16.4 Mitigation**

##### **Mitigation Strategies Considered**

Consistent with the Board's practice in previous cases, SEA considered general strategies to mitigate potential significant adverse environmental impacts on land use and socioeconomics resulting from the proposed rail line constructions and rail line abandonments.

The mitigation strategies addressing proposed constructions would require the Applicants to:

- Realign, move, or modify the location of the proposed rail line segment construction to bring about consistency with local plans to avoid or reduce the impact on prime farmlands.
- Create setbacks, buffers, or other provisions to accommodate the proposed construction activity within the locally affected area and in accordance with local regulations.
- Pay to relocate or compensate displaced businesses or residences, or compensate for takings, pursuant to state laws and requirements governing payment of equitable compensation for such activities.

SEA considered the following mitigation strategies for significant impacts on land use and socioeconomics that would result from the proposed rail line segment abandonments:

- Encourage other carriers (under 49 U.S.C. 10904 - Offers of Financial Assistance to Avoid Abandonment and Discontinuance) to acquire rail lines that would otherwise be abandoned in order to continue freight service.
- Encourage offers to acquire abandoned rail line segment corridors and property for use by public entities for possible light rail, intercity, or commuter passenger rail services; or for a dedicated busway, recreational trail, or other public use under the "public use" provisions of 49 U.S.C. 10905 (Offering Abandoned Rail Properties for Sale for Public Purposes) and Section 8(d) of the National Trails System Act (16 U.S.C. 1241, *et seq.*).

### **Mitigation Recommended in the Draft EIS**

For the Draft EIS, SEA identified no significant adverse impacts on land use plans consistency, prime farmlands, Native American lands, Coastal Zone Management areas, or socioeconomics as a result of the rail line construction and abandonment projects of the proposed Conrail Acquisition; therefore, SEA neither developed nor recommended mitigation.

For the Tolono Connection, SEA recommended in the Draft EIS that the Board require, as a condition for approval of the proposed Conrail Acquisition, that construction remain within the existing NS railroad right-of-way.

For the Draft EIS, the rail line segments (N-070 and C-271) that SEA evaluated for potential impacts on Native American lands were identified for major key route mitigation as a result of proposed increases in hazardous materials transport.

### **Final Recommended Mitigation**

Based on the analysis of land use and socioeconomics for the Draft EIS, review of public comments, and additional evaluations, SEA recommends no site-specific mitigation for the Final EIS.

The revised analysis for the Final EIS eliminated the rail line segment (C-271), which traverses the Federally designated Poarch Creek Indian Reservation in southwestern Alabama, from the list of segments designated for major key route mitigation in the Final EIS for hazardous materials transport.

For all proposed rail line constructions and abandonments, SEA developed BMPs for the Applicants to implement should the Board approve the proposed Conrail Acquisition. BMPs apply to all proposed construction and abandonment activities, as appropriate, to reduce or avoid the potential for adverse environmental impacts as a result of the proposed Conrail Acquisition. The BMPs presented in Appendix P of the Final EIS address land use impacts and include requirements that the Applicants preserve and maintain effective drainage to protect the quality of adjacent prime farmlands during construction or abandonment activities. See Chapter 7, "Recommended Environmental Conditions," and Appendix P, "SEA's Best Management Practices for Construction and Abandonment Activities," for further information.

## **4.17 ENVIRONMENTAL JUSTICE**

This section describes how SEA identified and evaluated the potential for disproportionately high and adverse impacts on minority and low-income populations resulting from the proposed Conrail Acquisition. This section describes the environmental justice methodology SEA developed for the Draft EIS and summarizes both the public comments on the environmental justice section of the Draft EIS and SEA's further analysis based on those comments. SEA also describes the mitigation measures proposed in the Draft EIS and recommended in this Final EIS.



#### **4.17.1 Analysis Methods**

##### **Overview**

Executive Order No. 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations, directs individual Federal agencies to develop approaches that address environmental justice concerns in their programs, policies, and procedures. Although the Order does not require independent agencies such as the Board to conduct environmental justice analyses, SEA did conduct an environmental justice analysis. Although the Board is not a Federal Executive Branch agency, SEA conducted an environmental justice analysis because:

- The President requested agencies to comply with the Order, particularly during the NEPA process.
- The DOT order, the CEQ guidance, and the draft EPA guidance on environmental justice emphasize addressing environmental justice concerns in the NEPA context.
- The Board is responsible for ensuring that this proposed transaction is consistent with the public interest.

In the context of the proposed Conrail Acquisition, SEA determined that the Executive Order, Federal agency guidance, and public interest warrant addressing:

- Whether the proposed Conrail Acquisition could have disproportionate high and adverse impacts on minority and low-income populations.
- If so, whether disproportionate high and adverse impacts could be eliminated or mitigated with reasonable and feasible mitigation measures.
- Whether it is appropriate to modify recommended mitigation measures to meet the needs of a disproportionately affected minority or low-income population.

The purpose of the Executive Order is to identify and address, as appropriate, disproportionately high and adverse impacts to minority and low-income populations with respect to human health and the environment.<sup>11</sup> In summary, the Order directs Federal agencies to conform to existing laws to ensure that their actions:

- Do not discriminate on the basis of race, color, or national origin.

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<sup>11</sup> SEA includes Native Americans in the minority population category assessment. Further discussion of Native American issues can be found in Section 4.16, "Land Use and Socioeconomics."

- Identify and address disproportionately high and adverse health or environmental effects of their actions on minority and low-income populations.
- Provide opportunities for community input in the NEPA process, including input on potential effects and mitigation measures.

Details regarding this Order, the CEQ guidance, the DOT Order on environmental justice, and the draft EPA guidance on environmental justice were provided in Section 3.17, and Appendix K, of the Draft EIS.

### **Impact Methodology**

In the Draft EIS, SEA developed a six-step process to analyze potential significant impacts on minority and low-income populations from the proposed Conrail Acquisition. SEA completed the following first three steps of these analyses in the Draft EIS.

1. SEA identified the potential environmental effects of the proposed Conrail Acquisition.
2. SEA determined whether these potential environmental effects could occur in areas with minority and low-income populations. Environmental effects specifically related to Native American Lands are described in Section 4.16, "Land Use and Socioeconomics."
3. SEA assessed whether these potential environmental effects on minority and low-income populations could be high and adverse.

The remaining three steps, which SEA conducted as part of the public review of the Draft EIS and its public outreach process, involved the following:

4. SEA determined whether potentially high and adverse environmental effects would disproportionately affect minority and low-income populations in the absence of mitigation measures. SEA defines effects to be disproportionate if the effects are predominantly borne, greater, or more severe in magnitude in areas with environmental justice populations than in other areas.
5. If SEA identified potential high and adverse impacts resulting from the proposed Conrail Acquisition on a minority or low-income population, SEA notified the affected populations. SEA also directed the Applicants to consult with the identified populations to discuss concerns about potential impacts. In conjunction with this step, SEA considered public comments on the Draft EIS and conducted site visits to verify the results of the analysis at locations occupied by minority and low-income populations and determined by SEA to be potentially significantly affected.

6. Finally, SEA determined whether mitigation measures identified for other environmental issues, such as those for noise and highway/rail at-grade crossing safety, were sufficient to eliminate or mitigate the disproportionately high and adverse impacts to minority and low-income populations. If not, SEA recommended additional mitigation where practicable. SEA also considered the appropriateness of modifying the recommended mitigation measure to meet the needs of a disproportionately affected minority and low-income population. In either case, SEA also considered whether any additional recommended mitigation was reasonable and feasible to implement.

Appendix M of this Final EIS, "Environmental Justice Analysis," provides further details of SEA's methods, analyses results, site visit information, and assessment of disproportionate impacts.

SEA conducted environmental justice analyses for all rail line segments, rail yards, and intermodal facilities that met SEA's thresholds for environmental analysis. SEA defined a population as minority and low-income if the minority and low-income population exceeds 50 percent of the total population or the minority and low-income population is more than 10 percent of the county population. SEA used the criteria of significance for each of the environmental impact categories described in other sections of this chapter to define high and adverse impacts on environmental justice populations.

After SEA identified those areas with the potential for high and adverse impacts for the Draft EIS, SEA then requested comments from the public on the Draft EIS to assist SEA in determining whether the high and adverse impacts would generate disproportionate impacts on minority and low-income populations. SEA defined disproportionality in the Draft EIS as an effect that would be (a) predominately borne by minority and low-income communities, or (b) more severe or of greater magnitude in those communities.

For the Final EIS, SEA determined disproportionality using updated technical information in response to comments received on the Draft EIS and during the public outreach process. This step in the analysis is summarized in Section 4.17.2, "Public Comments and Additional Evaluations," and presented in greater detail in Appendix M, "Environmental Justice Analysis," of this Final EIS.

#### **4.17.2 Public Comments and Additional Evaluations**

##### **Public Comments**

SEA reviewed the public comments received on the Draft EIS and prepared responses to those comments. Chapter 5, "Summary of Comments and Responses," presents details on these public comments and SEA's responses to the comments. The following is a summary of some of the key public comments received on the environmental justice analyses presented in the Draft EIS.



- The Applicants commented that SEA should conduct the analysis of disproportional impacts on minority and low-income populations on a system-wide basis, as opposed to the segment-specific analysis conducted in the Draft EIS. By contrast, other commentors argued that SEA should analyze whether effects are disproportionate in specific communities and not solely on a rail line segment basis because failure to do so masks impacts on disadvantaged populations.
- The Applicants and several other commentors stated that community consultation is not an effective mitigation measure for environmental justice impacts.
- Applicants and other commentors expressed concerns about the analysis approach, methodology, and data presented in the Draft EIS. In particular, some commentors recommended that SEA use a quantitative method for assessing disproportionality.
- Commentors expressed concern that the Draft EIS did not identify environmental justice impacts to the Seneca Nation Native American tribe or other specific communities.
- Commentors also raised issues about the adequacy of efforts to mitigate potential effects on minority and low-income populations.
- Commentors expressed concern regarding the potential extent of hazardous materials transport impacts that might result on surrounding environmental justice communities from the proposed Conrail Acquisition.

#### **Analysis in Response to Public Comments**

SEA considered the wide range of comments on the Draft EIS in making its determination of whether disproportionately high and adverse effects would occur on minority and low-income populations as a result of the proposed Conrail Acquisition. SEA also reviewed comments addressing possible mitigation measures for identified environmental justice impacts. These suggestions included alternate train routes as possible mitigation in Greater Cleveland Area, Ohio; Erie, Pennsylvania; Lafayette, Indiana; and the Four City Consortium area in Indiana. Further information regarding SEA's recommended mitigation is listed in Chapter 7, "Recommended Environmental Conditions," of the Final EIS.

In response to comments on the Draft EIS urging a statistical analysis of disproportionality, SEA applied standard statistical tools, such as the Chi-Squared test and the Ratio of the Means to the database of potential environmental effects for all proposed rail line segments exceeding thresholds for analysis. SEA's use of these tests resulted in a tally of communities with high and adverse environmental effects that would be predominantly borne or greater or more severe in magnitude on minority and low-income populations in the absence of mitigation. Appendix M, "Environmental Justice Analysis," of the Final EIS more fully describes SEA's statistical analysis for environmental justice.

SEA defined in the Draft EIS the "Area of Potential Effect" as a geographical area surrounding an activity where environmental or human health effects may occur. SEA delineated these areas as outlined in Section 3.17 of the Draft EIS. For rail line segments, SEA then defined these areas as the rail line segment area of potential effect. In response to public comments that SEA should analyze whether effects are disproportionate in specific environmental justice communities, SEA delineated the area of potential effect portion of individual block groups using the same criteria outlined in the Draft EIS. SEA used block group areas of potential effect to assess more accurately whether high and adverse impacts would occur disproportionately on certain minority and low-income populations. Further details on the use of these block group areas of potential effect are provided in Appendix M, "Environmental Justice Analysis," of the Final EIS.

SEA further refined the environmental justice analysis of disproportionately high and adverse impacts on minority and low-income populations as follows:

- SEA specifically incorporated the results of the refined analysis for noise, hazardous materials transport, and highway/rail at-grade crossing safety and delay to update its determination of potential high and adverse impacts on minority and low-income populations for rail line segments. SEA conducted this analysis for rail line segments at the state and county levels and along all of the rail line segments that met SEA's thresholds for environmental analysis.
- Since issuing the Draft EIS, the Applicants modified the location of two new intermodal facilities in Sandusky, Ohio, and Philadelphia, Pennsylvania. SEA conducted an environmental justice analysis of these facilities.
- SEA refined its analyses through a more exact setting of rail line segment end points, using GIS-based mapping techniques. Based on this adjustment, SEA updated its analysis to reassess the extent of potential environmental effects and the composition of environmental justice populations along several of the rail line segments.
- In response to comments on the Draft EIS regarding the potential extent of hazardous materials transport impacts on surrounding communities, SEA expanded its delineation of the area of potential effect to account for rail line segments whose route designation following the proposed Conrail Acquisition changed to a new key or major key route. Along these routes, SEA redefined the area of potential effect to be 1,500 feet on either side of the rail line. SEA chose this number to maintain consistency with the maximum width of the area of potential effect as defined in the Draft EIS (based on noise criteria) and to provide a more conservative analysis of the potential hazardous materials impacts on the surrounding community as is suggested in the comments. Only four rail line segments are affected by this change.
- SEA also evaluated possible impacts on minority and low-income populations along the potential alternate train routes that commentators proposed in Indiana, Ohio, and

Pennsylvania. Section 4.19, "Community Evaluations," of the Final EIS summarizes the results of these additional evaluations.

- Based on SEA's revised determination of high and adverse impacts, SEA re-evaluated whether these impacts would be disproportionately borne by minority and low-income populations in the absence of mitigation measures. Appendix M, "Environmental Justice Analysis," of this Final EIS presents a detailed description of the additional analysis of environmental justice impacts from the proposed Conrail Acquisition since issuance of the Draft EIS and responses to comments.

#### **4.17.3 Analysis Results and Impacts**

For the Draft EIS, SEA identified potential high and adverse impacts on minority and low-income populations along 14 rail line segments and adjacent to one intermodal facility.<sup>12</sup> Since issuing the Draft EIS, SEA has conducted extensive notification and outreach to minority and low-income populations in these areas to encourage participation in reviewing the Draft EIS.

As a result of SEA's additional evaluations, SEA identified potential high and adverse impacts on minority and low-income populations along 12 additional rail line segments. SEA issued a notice in the Federal Register on March 2, 1998, requesting public comment during a 45-day period that ended on April 15, 1998, to afford those populations identified since the Draft EIS the opportunity to provide input on the effects of the proposed Conrail Acquisition. SEA also conducted an outreach and notification program identical to that conducted for the Draft EIS to community officials along these 12 rail line segments.

Based on SEA's additional analysis and public outreach for this Final EIS, SEA refined the list of railroad activities that could result in high and adverse impacts. SEA concluded that:

- Communities adjacent to 11 rail line segments in the states of Illinois, Indiana, Ohio, and Pennsylvania could experience disproportionately high and adverse impacts on minority and low-income populations.
- The potential significant environmental effects at all rail yards and at intermodal facilities would not meet SEA's criteria of significance.<sup>13</sup>

SEA then evaluated whether the potential high and adverse impacts for noise, hazardous materials transport, and highway/rail at-grade crossing safety and delay along the identified rail

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<sup>12</sup> Two of these rail line segments were eliminated in the Supplemental Errata to the Draft EIS because of revisions in impacts on traffic delay at highway/rail at-grade crossings.

<sup>13</sup> Since SEA's issuing of the Draft EIS, CSX and the City of Chicago have signed an agreement regarding the 59<sup>th</sup> Street Intermodal Facility, thereby mitigating significant environmental effects and any subsequent environmental justice effects.



line segments would be disproportionately borne by these minority and low-income populations in the absence of mitigation measures.

### **System-wide Results**

For those rail line segments that met SEA's thresholds for environmental analysis, SEA determined that, as a result of the proposed Conrail Acquisition, disproportionately high and adverse hazardous materials transport impacts would occur on environmental justice populations in the absence of mitigation. This impact is primarily attributable to the inclusion of Cuyahoga County, Ohio, in the analysis. If that county were to be considered separately from the analysis, system-wide disproportionately high and adverse impacts from hazardous materials transport in environmental justice populations would not occur as a result of the proposed Conrail Acquisition.

### **Statewide Results**

At the state level, SEA determined the following results of its disproportionality analysis:

- SEA determined potential disproportionately high and adverse effects for hazardous materials transport on environmental justice populations in Illinois and Ohio in the absence of mitigation.
- SEA determined potential disproportionately high and adverse effects for noise on environmental justice populations in Pennsylvania in the absence of mitigation.
- SEA determined no potential disproportionate effects on environmental justice populations in Indiana at the state level.

### **Countywide Results**

At the county level, SEA identified 11 rail line segments with disproportionately high and adverse impacts to environmental justice populations with respect to hazardous materials transport, noise, and highway/rail at-grade crossings for safety and delay. The environmental justice populations located adjacent to these rail line segments are located in Illinois, Indiana, Ohio, and Pennsylvania. Table 4-3, "Impacts on Environmental Justice Populations for Which SEA Recommends Additional or Tailored Mitigation," lists the environmental justice impacts by rail line segment. Details on these results are presented in Appendix M, "Environmental Justice Analysis," of this Final EIS. Table 4-7 of the Final EIS, "Summary of Adverse Environmental Impacts by State," lists the rail line segments for which SEA recommends mitigation.

#### **4.17.4 Mitigation**

##### **Mitigation Strategies Considered**

In the February 11, 1994, Presidential memorandum accompanying Executive Order 12898, President Clinton stated that "Mitigation measures outlined or analyzed in an environmental assessment, environmental impact statement, or record of decision, whenever feasible, should address significant and adverse environmental effects of proposed Federal actions on minority and low-income communities." CEQ's environmental justice guidelines under NEPA reiterate this point. SEA's recommended mitigation measures for each of the environmental justice populations with potential high and adverse impacts as a result of the proposed Conrail Acquisition are described in other sections of this chapter and are discussed further in Chapter 7, "Recommended Environmental Conditions," of this Final EIS.

SEA determined whether mitigation measures recommended in this Final EIS for other environmental issue areas were sufficient to eliminate or mitigate the disproportionately high and adverse impacts to minority and low-income populations. If not, SEA recommended additional mitigation where practicable. SEA also considered the appropriateness of modifying the recommended mitigation measure to meet the needs of a disproportionately affected minority and low-income population. In either case, SEA also considered whether any additional recommended mitigation was reasonable and feasible to implement. During this step, SEA considered public comments and conducted site visits to verify the results of the analysis at the locations occupied by minority and low-income populations. Generally, SEA did not recommend additional environmental justice mitigation where it determined that the mitigation recommended for the resource impacts would be sufficient to mitigate the disproportionate impact to minority and low-income communities, or where a negotiated agreement between the Applicants and the community would achieve the same goal.

##### **Mitigation Recommended in the Draft EIS**

For the Draft EIS, SEA recommended mitigation measures as warranted for the various individual environmental impact issues. SEA recommended that the Applicants consult with the affected minority and low-income communities to identify and reach agreement on the implementation and funding of additional mitigation measures. SEA notified elected officials in these communities of the Draft EIS recommendations and encouraged them to meet with the Applicants to discuss mitigation.

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**TABLE 4-3**  
**IMPACTS ON ENVIRONMENTAL JUSTICE POPULATIONS**  
**FOR WHICH SEA RECOMMENDS**  
**ADDITIONAL OR TAILORED MITIGATION**

Environmental Issue Area	Rail Line Segment	City	County, State
Hazardous Materials Transport	Berea - Greenwich (C-061)	New London Village	Huron, Ohio
Hazardous Materials Transport	Deshler - Toledo (C-066)	Defiance City Holgate Village	Defiance, Ohio Henry, Ohio
Hazardous Materials Transport	Greenwich - Willard (C-068)	Willard	Huron, Ohio
Hazardous Materials Transport	Mayfield - Marcy (C-072)	Cleveland Cleveland Heights	Cuyahoga, Ohio
Hazardous Materials Transport	Quaker - Mayfield (C-073)	Cleveland East Cleveland	Cuyahoga, Ohio
Hazardous Materials Transport	Short - Berea (C-074)	Berea	Cuyahoga, Ohio
Hazardous Materials Transport	Cleveland - Ashtabula (C-075)	Fostoria Tiffin Willard	Seneca, Ohio Seneca, Ohio Huron, Ohio
Hazardous Materials Transport	Lafayette Jct., IN - Tilton, IL (N-045)	Attica	Fountain, Indiana
Hazardous Materials Transport	Peru - Lafayette Jct. (N-046)	Lafayette	Tippecanoe, Indiana
Hazardous Materials Transport	Willard - Fostoria (N-075)	East Cleveland Cleveland Euclid Cleveland Heights	Cuyahoga, Ohio
Noise	Willard - Fostoria (N-075)	Mentor	Lake, Ohio

### **Final Recommended Mitigation**

In most cases, the recommended mitigation measure for specific environmental issue areas also mitigates significant adverse impacts to environmental justice populations. As described more fully in Section 4.3, "Safety: Hazardous Materials Transport," recommended mitigation measures for impacts from the transport of hazardous materials include requiring the Applicants to conduct the following measures:

- Operate key trains at a maximum speed of 50 miles per hour.
- Conduct complete train inspections.
- Comply with AAR key route guidelines.
- Develop Hazardous Materials Emergency Response Plans for major key routes.
- Provide a dedicated toll-free phone number for emergency response.
- Establish a Failure Mode and Effects Analysis to identify and prevent hazardous materials incidents.

Examples of recommended mitigation for safety at highway/rail at-grade crossings include displaying informational signage at crossings, conducting crossing maintenance, installing gates, or providing other safety enhancements. To alleviate highway/rail at-grade crossing delay concerns, SEA recommends mitigation measures to include relocating rail line segments, providing grade separations, and conducting operational improvements. Also, to alleviate environmental concerns, the railroads have entered into agreements with affected communities. Some of these agreements also address environmental justice concerns of the affected communities.

For potential impacts that are disproportionately high and adverse to minority and low-income populations in the absence of mitigation, SEA recommends that the Applicants undertake additional mitigation measures. For the transport of hazardous materials, SEA recommends that the Applicants consult with affected communities to identify any special emergency response needs of minority and low-income populations adjacent to the railroad right-of-way. SEA recommends that the Applicants adapt and modify their required local Hazardous Materials Emergency Response Plans to account for the specific needs of the affected communities. SEA also recommends that the Applicants provide "Operation Respond" software and any other necessary computer equipment to the affected communities to assist with emergency response efforts. Operation Respond is a computerized system that allows the local emergency response provider to obtain a description of the types of hazardous materials that are being transported by a particular train passing through a community. This information can be used by the community to plan appropriate evacuation measures and determine the type of equipment and personnel required to respond to a hazardous materials incident. SEA also recommends that the Applicants report back to SEA with the status of their compliance with this recommended mitigation measure.

Although SEA identified potential disproportionately high and adverse noise impacts on environmental justice populations in the absence of mitigation, SEA determined the majority of these impacts were from sounding of train horns at highway/rail at-grade crossings. SEA does not believe the elimination of train horn sounding at highway/rail at-grade crossings is an appropriate mitigation measure because of the overriding safety concerns at these crossings.

However, pending rules by FRA may eliminate the required use of locomotive horns near some highway/rail at-grade crossings that meet strict criteria for "quiet zones." Once the new FRA rules are in place, communities will have the opportunity to apply to FRA for designation as a "quiet zone." SEA recognizes that some minority and low-income populations do not have adequate resources to apply for designation as a "quiet zone" by FRA. For this reason, SEA recommends that CSX and NS assist these communities with applying for designation as "quiet zones" to alleviate horn noise impacts. Chapter 7, "Recommended Environmental Conditions" describes the details of this assistance.

Chapter 7, "Recommended Environmental Conditions," of the Final EIS describes SEA's recommended mitigation measures for environmental justice impacts.

#### **4.18 CUMULATIVE EFFECTS**

SEA evaluated cumulative effects of the proposed Conrail Acquisition for both potential system-wide and site-specific impacts. According to the CEQ regulations implementing NEPA, cumulative effects result "from the incremental impact of the proposed action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. These impacts can result from individually minor but collectively significant actions taking place over a period of time." The cumulative effects of an action may be minor when viewed in the context of direct and even secondary effects, but they can combine with other disturbances and eventually lead to a measurable environmental impact.

No established regulations or procedures exist for assessing cumulative effects. SEA reviewed published reports that discuss cumulative effects, either for methodologies or for determining consequences, and used as the principal source of guidance the CEQ handbook, *Considering Cumulative Effects Under the National Environmental Policy Act*. In the handbook, CEQ states that the purpose of the cumulative effects analysis is to enable a more informed Federal decision, rather than to create a perfect cumulative effects analysis. SEA relied on NEPA and CEQ's cumulative effects guidelines to develop its methodology.

In preparing a cumulative effects analysis, CEQ recommends that an agency's analysis accomplish the following:

- Focus only on the effects and resources within the context of the proposed action.
- Present a concise list of issues that have relevance to the anticipated effects of the proposed action or eventual decision.
- Reach conclusions based on the best available data at the time of the analysis.
- Rely on information from other agencies and organizations on reasonably foreseeable future projects or activities that are beyond the scope of the analyzing agency's purview.



- Relate to the geographic scope of the proposed action.

SEA integrated the CEQ guidelines into the cumulative effects analyses presented in the Draft EIS in Chapter 3, "Analysis Methods and Potential Mitigation Strategies," Chapter 4, "System-wide and Regional Setting, Impacts, and Proposed Mitigation," and Chapter 5, "State Setting, Impacts, and Proposed Mitigation."

The final scope of the EIS reflects the integration of the CEQ guidelines on cumulative effects analysis into the environmental review process and outlines a three-tier analysis of cumulative effects. To identify cumulative effects, SEA stated that it would complete the following:

1. Address cumulative effects of environmental impacts that have potential regional or system-wide ramifications. SEA completed this analysis for the appropriate regional or system-wide environmental impacts, given the context and scope of the proposed Acquisition for air quality, energy, and transportation.
2. Evaluate cumulative effects, as appropriate, of other public and private projects or activities that relate to the proposed Acquisition, about which the Board received information from local communities; local, regional, state, or Federal officials; or other interested parties. The information provided to the Board had to describe (1) those other projects or activities, (2) their interrelationship with the proposed Conrail Acquisition, and (3) the type and severity of the potential environmental impacts if those impacts were likely to be significant.
3. Discuss the potential environmental impacts of construction or facility modification activities within railroad-owned right-of-way property (for example, extension of sidings and rehabilitation of bridges) affected by the proposed Conrail Acquisition and additional environmental impacts that are related to the proposed Conrail Acquisition but are not subject to the Board's approval.

#### **4.18.1 Analysis Methods**

SEA's analysis methods for the Final EIS, summarized in the following sections, remain unchanged from the Draft EIS. A detailed description of analysis methods is found in Chapter 3 of the Draft EIS, "Analysis Methods and Potential Mitigation Strategies."

Cumulative effects analysis is generally conducted for a defined geographic area. The geographic scope of the proposed Conrail Acquisition includes 44,000 miles of rail lines and facilities in 24 states and the District of Columbia. For the study area, the proposed Conrail Acquisition has the potential to affect certain resources, such as air quality, at a national or multistate level. To determine cumulative effects, SEA examined several types of major ongoing actions or activities occurring at the national level, including the following.

- Past and present actions, such as technological changes and large-scale transportation projects.
- Laws and regulations, such as NEPA, the Clean Air Act of 1970, and the Energy Policy and Conservation Act of 1975.
- Major transportation-related planning and funding programs, such as any Major Investment Studies, Federal Transit Administration (FTA) commuter rail initiatives, and regional transportation improvement plans.

These actions, when evaluated together with the proposed Conrail Acquisition, formed the basis of SEA's cumulative effects analysis. In the Draft EIS, SEA used several sources of information to assess cumulative effects, including the following:

- Major Investment Studies.
- FTA funding for enhancement and expansion of existing rail systems and for new rail system planning studies.
- Public comments obtained from communities during SEA's analysis of land use.
- Public comments on the draft scope of the EIS that identified other projects or actions.

Chapter 3, Section 3.18.3, "Cumulative Effects Analysis Methodology," of the Draft EIS, describes how these sources were used in the analysis of cumulative effects.

SEA aggregated and evaluated information for multiple resources and actions according to the following categories:

- Past actions.
- Present actions.
- Proposed actions from the proposed Conrail Acquisition.
- Reasonably foreseeable future actions.
- Cumulative effects summary.

### **System-wide Analysis**

SEA analyzed the following system-wide factors for cumulative effects of the proposed Conrail Acquisition:

- Quantitative, system-wide magnitude of energy (fuel) savings.
- Quantitative, system-wide magnitude of air pollutant emissions changes.

- Quantitative, system-wide changes of freight transport by truck as a result of truck-to-rail diversions.
- Major Investment Studies, including planned, approved, and funded studies of significant, long-term, multimodal transportation improvements in the eastern U.S.
- FTA plans for existing and proposed fixed guideway rail systems (light rail, commuter rail, inter-city trains), where capital improvements are planned, approved, and funded, and where operating access agreements are completed. SEA determined that these criteria are significant in establishing that any proposed project or activity is reasonably foreseeable.

### **Site-specific Analysis**

SEA considered the following two additional types of actions as a part of the cumulative effects analysis:

- Unrelated actions brought to the Board's attention that could affect resources also affected by activities related to the proposed Conrail Acquisition.
- Railroad actions that would not otherwise be subject to the Board's jurisdiction but could have effects on the same resources affected by the activities related to the proposed Conrail Acquisition.

**Unrelated Actions.** SEA evaluated cumulative effects of unrelated actions or activities such as major infrastructure projects, community development improvements, or private developments on which the Board received information in time to allow for review and analysis within the schedule for the preparation of the EIS. SEA evaluated projects geographically related to the proposed Conrail Acquisition if it determined that these projects were reasonably foreseeable and would likely have significant environmental impacts. SEA reviewed local agency officials' comment letters related to proposed new constructions and abandonments, as well as information concerning businesses or jobs potentially affected by the proposed abandonments. SEA also reviewed its agency consultation interview notes and written correspondence from various state, regional, and local agencies and planning officials to determine planned community actions or projects that may contribute to cumulative effects. SEA aggregated available information on a state-by-state basis.

SEA considered unrelated projects or activities sufficiently advanced to be considered reasonably foreseeable if capital improvements have been planned, approved, and funded. In addition, SEA considered passenger and commuter rail projects or activities to be reasonably foreseeable when the appropriate agency had completed an operating access agreement. SEA's approach identified only those environmental impacts resulting from cumulative effects that could be analyzed according to the methodology for each environmental issue area as defined in the scope of the EIS. SEA considered the standard for reasonably foreseeable as discussed in the CEQ guidelines handbook to be an important consideration, particularly in the context of the geographic scope



of the proposed Conrail Acquisition. As a result, SEA's evaluation was able to focus upon projects and activities that were more likely to occur and, therefore, have potential for cumulative effects.

**Railroad Actions.** SEA also evaluated several different railroad actions that do not normally require Board approval, such as proposed modifications of existing railroad properties, siding extensions, and signal upgrades. SEA included analysis of three of these projects in the Draft EIS because these projects could have significant environmental resource effects beyond existing right-of-way. SEA evaluated more than 70 other activities the Applicants proposed. The Draft EIS does not specifically address these actions because they are of limited size and consequence. Many of these actions are track-related work on existing railroad rights-of-way and track beds.

Additionally, SEA performed separate Environmental Assessments for construction of the seven rail line segments that the Applicants have proposed to build, but not operate, prior to approval of the proposed Conrail Acquisition. The cumulative effects assessment for these actions is in the Draft EIS, Chapter 4, "System-wide and Regional Setting, Impacts, and Proposed Mitigation."

### **Criteria of Significance**

On a system-wide basis, SEA determined that cumulative effects were most likely to occur in three environmental issue areas—air quality, energy consumption, and transportation. In developing criteria of significance for cumulative effects on a system-wide basis, SEA relied on the technical criteria for the environmental issue areas to determine whether any significant environmental impacts resulting from cumulative effects were associated with the proposed Conrail Acquisition and required mitigation. The system-wide cumulative effects analysis is discussed in detail in the Draft EIS, Chapter 4, "System-wide and Regional Setting, Impacts and Proposed Mitigation."

SEA's criteria of significance for cumulative effects on a site-specific basis also relied on the criteria of significance for individual environmental issue areas, such as noise, roadway systems, or passenger rail operations. SEA used these criteria to determine whether any potential significant adverse environmental impacts resulting from cumulative effects were evident and required mitigation. The site-specific cumulative effect analysis is discussed in detail in the Draft EIS, Chapter 5, "State Settings, Impacts, and Proposed Mitigation."

### **4.18.2 Public Comments and Additional Evaluations**

#### **Public Comments**

During the 45-day public review and comment period following issuance of the Draft EIS, SEA received comments from various state, regional, and local agencies; planning officials; and citizens regarding potential cumulative effects. Many of the commentators referred to the potential "cumulative impacts" of the proposed Conrail Acquisition rather than "cumulative effects" as

defined and established in the final scope of the EIS. For example, the Mayor of the City of Fort Wayne, Indiana, commented that the potential negative cumulative impacts on the community, particularly in the areas of safety, noise, hazardous materials transport, and impacts on low-income and minority neighborhoods deserved additional consideration by the Board, even though SEA determined that no Acquisition-related activities in the community would meet or exceed the thresholds of environmental analysis. SEA considered agency and public comments in developing the final scope for this EIS. The final scope included an analysis of the potential environmental impacts to specific resource categories and cumulative effects on a regional or system-wide basis for the resource categories of air quality, energy, and transportation. Also, SEA evaluated cumulative effects on specific resource categories associated with other projects or activities that related to the proposed Acquisition, where local communities; local, regional, state, or Federal officials; or other interested parties provided information to SEA. However, in accordance with the final scope of the EIS, SEA did not consider aggregated multiple resource effects (combined effects in different issue areas) in its cumulative effects analysis on a system-wide, regional, or local basis. Multiple resource effects are best addressed by the analysis and recommended mitigation, if appropriate, of individual resource categories.

Many of the comments referred to unrelated and nonjurisdictional actions, such as feasibility studies and proposals for expanded passenger rail services under consideration. In its analysis for the Draft EIS, SEA considered similar railroad actions over which the Board would not typically have jurisdiction, along with unrelated actions that could impact the resources also affected by the proposed Conrail Acquisition. In most cases, SEA determined that the actions that commentors had identified have not advanced sufficiently to be considered as reasonably foreseeable with regard to the planning, approval, and funding of capital improvements. SEA did not evaluate these actions for potential cumulative effects of the proposed Conrail Acquisition.

For a detailed review of comments and responses, see Chapter 5, "Summary of Comments and Responses."

### **Additional Evaluations**

During the 45-day public review and comment period following issuance of the Draft EIS, SEA received comments from EPA related to roadway transportation corridor improvements in West Virginia, Virginia, and Pennsylvania. EPA commented on the Corridor "H" project, which extends from Elkins, West Virginia to Strasburg, Virginia. In Pennsylvania, EPA commented on a proposed roadway widening project along SR 322/U.S. 322 in Dauphin County and the proposed roadway construction involving the East Side Connector in Erie, Pennsylvania.

During the comment period, SEA also received comments that provided additional information regarding the status of planned commuter rail expansion in Orange and Rockland Counties in New York. In addition, local agency and public commentors identified additional planned actions that they believe, if implemented, could represent cumulative effects. These include extended noise contours associated with a planned airport expansion in Cleveland, Ohio; an

extended runway associated with a planned airport expansion in Gary, Indiana; possible highway improvements associated with the planned opening of a truck assembly plant in Princeton, Indiana; and an ongoing planning project to consolidate rail lines in Monroe, Michigan. As a result of the comments received on the Draft EIS, SEA reexamined the cumulative effects analysis in the Draft EIS to more closely evaluate the status of these planned actions as they relate to the scope of the EIS. The results of additional evaluations are discussed in the following section.

As part of its overall environmental review process, SEA evaluated potential alternative train routes as possible mitigation in four areas where potentially significant negative environmental impacts may occur: Greater Cleveland Area, Ohio; Erie, Pennsylvania; Lafayette, Indiana; and the Four City Consortium in Indiana. Where appropriate, SEA evaluated possible impacts on cumulative effects for these alternatives based on available information, consistent with the scope of the EIS. Section 4.19, "Community Evaluations," summarizes the results of these additional evaluations.

#### **4.18.3 Analysis Results and Impacts**

During the analysis for the Draft EIS, SEA identified other potential actions that, when combined with the proposed Conrail Acquisition, could contribute to cumulative effects. SEA received information about other potential projects or activities from local agencies and public comments on the draft scope of the EIS.

#### **System-wide Analysis Results and Impacts**

Based on the analysis for the Draft EIS, SEA determined that the potential benefits of the proposed Conrail Acquisition could be more efficient rail transportation routing, truck-to-rail diversions of freight and subsequent reductions in highway truck traffic, reduced energy consumption, fewer highway traffic delays, and improved air quality. SEA evaluated the cumulative effects that would result from implementation of the Clean Air Act Amendments, technology advancements, truck-to-rail diversions, and more efficient and direct rail transport routes that require fewer interchanges of rail traffic. As a result, SEA determined that, on a system-wide basis, the proposed Conrail Acquisition, in conjunction with other past, present, and reasonably foreseeable future actions, would positively contribute to a system-wide improvement in air quality, a net reduction in energy consumption, and a net improvement in both rail and highway transportation systems.

#### **Site-specific Analysis Results and Impacts**

During the analysis for the Draft EIS, SEA received information about local areas in the states of Michigan, New Jersey, Ohio, and Pennsylvania that could be subject to cumulative effects because of other actions. In Michigan, SEA received information about a local plan to encourage construction of a joint intermodal facility as a possible action that could have a cumulative effect.



In New Jersey, Ohio, and Pennsylvania, SEA received information about active commuter rail planning projects.

**Ecorse Junction, Michigan.** SEA evaluated information on the Livernois planning project in Ecorse Junction, Michigan, from site visits and public comments. A planning study by the Michigan Department of Transportation for a proposed joint intermodal facility identified a local policy encouraging consolidation of facilities to reduce traffic impacts on roadways systems from otherwise dispersed facilities. However, SEA determined that the project does not represent a reasonably foreseeable action since no capital improvements are planned, approved, and funded. Based on its independent analysis and all information available for the preparation of the Draft EIS, SEA concluded that no significant negative cumulative effects would be associated with the proposed Conrail Acquisition in the State of Michigan.

**Commuter Rail.** As part of its passenger rail analysis in the Draft EIS, SEA evaluated the proposed Conrail Acquisition's impact on commuter rail planning projects in New Jersey, Ohio, and Pennsylvania. SEA determined that these commuter rail projects do not represent reasonably foreseeable actions, since no capital improvements are planned, approved, and funded and operating access agreements completed. Based on its independent analysis and all information available to date, SEA concluded that no significant negative cumulative effects to passenger rail operations would be associated with the proposed Conrail Acquisition in the states of New Jersey, Ohio, and Pennsylvania. Within the limits of the scope of the EIS, SEA encouraged Applicants to meet with local agency officials who are responsible for planning commuter rail expansion to ensure communication and coordination.

In the case of planned airport expansions in Cleveland, Ohio and Gary, Indiana, SEA also determined that these actions have not advanced sufficiently to be considered in the EIS, since capital improvements are not yet planned, approved, and funded. Possible future cumulative effects related to future noise or operations that would result from the airport actions should be addressed as part of the airport's environmental analyses. The Cleveland Hopkins runway extension environmental analysis was initiated in April 1998.

**Princeton, Indiana.** SEA's analysis of rail operations in Princeton, Indiana, included an evaluation of shipping requirements, but SEA has determined that plans to alter roadways have not advanced sufficiently. Future passenger vehicle and truck traffic effects should be addressed as part of the environmental analysis of future highway improvements.

**Monroe, Michigan.** In the case of ongoing planning to consolidate rail lines in Monroe, Michigan, SEA also determined that these actions have not advanced sufficiently to be considered in the EIS, since capital improvements are not yet planned, approved, and funded, and operating access agreements are not completed. Within the limits of the scope of the EIS, SEA will encourage the Applicants to meet with local agency officials who are responsible for rail consolidation planning to ensure communication and coordination.

**Corridor "H".** In response to EPA comments related to proposed roadway transportation corridor projects, SEA evaluated the segments of the Corridor "H" project that extends between Elkins, West Virginia and the Virginia border, continues into Virginia, and extends from the Virginia border to Strasburg, Virginia. In West Virginia, SEA determined that no rail line segments intersect with Corridor "H" or are affected by the proposed Conrail Acquisition. Further, SEA determined that the segment of the Corridor "H" project in Virginia is not reasonably foreseeable, since it is not funded and an alignment has not been finalized. Based on this additional evaluation, SEA concluded that no significant negative cumulative effects associated with the proposed Conrail Acquisition are evident in relation to the Corridor "H" project in West Virginia and Virginia.

**Dauphin County, Pennsylvania.** In Dauphin County, Pennsylvania, SEA evaluated the project limits of the proposed SR 322/U.S. 322 roadway widening project, which extends from the Borough of Dauphin to the City of Speecheville. Grade-separated rail crossings currently exist at the limits of the project. The grade separations will not be altered as a result of the proposed Conrail Acquisition. Based on the evaluation of the Erie East Side Connector project, SEA determined that the roadway has been designed with a grade-separated crossing of the existing rail line and can accommodate changes under the agreement between the city and NS. Therefore, SEA concluded that no significant negative cumulative effects would be associated with the proposed Conrail Acquisition in Pennsylvania, in relation to the proposed improvement of SR 322/U.S. 322 in Dauphin County, as well as the proposed Erie East Side Connector roadway improvement.

#### **4.18.4 Mitigation**

##### **Mitigation Recommended in the Draft EIS**

SEA concluded in the Draft EIS that no significant negative cumulative effects that warrant mitigation would occur as a result of the proposed Conrail Acquisition. SEA neither recommended nor developed mitigation. Within the limits of the scope of the EIS, SEA encouraged the Applicants to meet with responsible agencies to ensure consultation and coordination as appropriate.

##### **Final Recommended Mitigation**

Based on the analysis of cumulative effects in the Draft EIS, review of public comments, and additional evaluations, SEA determined that no additional negative cumulative effects from the proposed Conrail Acquisition would result and concluded that mitigation is not warranted for inclusion in the Final EIS.

#### **4.19 COMMUNITY EVALUATIONS**

During preparation of the Draft EIS, SEA identified a number of communities with unique characteristics that, when considered in combination with anticipated changes in rail activity,

warrant additional environmental analysis. In the Draft EIS, SEA made a number of preliminary mitigation recommendations, including alternative routings the Board could consider imposing as conditions for approval of the proposed Conrail Acquisition. For this Final EIS, SEA conducted ongoing further environmental review for the following communities:

- Greater Cleveland Area, Ohio.
- Erie, Pennsylvania.
- Four City area of Indiana (East Chicago, Gary, Hammond, and Whiting), represented by the Four City Consortium.
- Lafayette, Indiana.

The detailed environmental analyses SEA conducted for this Final EIS evaluated not only potential environmental effects of the proposed Conrail Acquisition but also the potential effects of mitigation strategies, including routing alternatives. Most of these alternative routes would not require new right-of-way, but would use existing right-of-way or would be implemented as part of an already-planned track relocation project. In evaluating these alternatives, SEA considered whether the new rail routings in each alternative would:

- Meet the Board's thresholds for environmental analysis.
- Create potential significant adverse environmental effects that would warrant mitigation.

In conducting its environmental analysis and developing mitigation recommendations for these communities, SEA considered public comments, including those from local and regional agencies and organizations, elected officials, and individuals. SEA conducted numerous site visits to potentially affected areas and used the information it collected to refine its analysis and develop mitigation. This section summarizes SEA's conclusions and recommendations for each community and Appendix N, "Community Evaluations," provides further details of evaluation results.

#### **4.19.1 Greater Cleveland Area, Ohio**

Since the Applicants notified the Board of their intent to consolidate the Conrail, CSX, and NS rail systems into two competing railroads, the Greater Cleveland Area has expressed concern to the Board about the potential for significant adverse environmental impacts. During the environmental review process, SEA recognized the unique characteristics of the Greater Cleveland Area and the challenges of analyzing the environmental effects of the proposed Conrail Acquisition. These characteristics include:

- The Greater Cleveland Area's position as a major transportation crossroad and a critical link for east-west rail traffic.



- The relatively high levels of current rail traffic.
- The Applicants' proposed increases in rail traffic.
- The area's existing high-capacity rail corridors, some of which once accommodated much more rail traffic than current railroad activities generate.
- The high density of highway/rail at-grade crossings in the West Shore residential communities. (For example, Lakewood contains 27 crossings in 2.7 miles, which is among the highest crossing densities in the Applicants' rail systems.)
- The high population density of communities along some high-traffic rail corridors through Cleveland and East Cleveland.
- The presence of minority and low-income (environmental justice) populations along some rail line segments.
- The public's strong concern about and interest in the potential environmental effects of the proposed Conrail Acquisition.

In the following sections, SEA presents background information, including a discussion of rail operations in the Greater Cleveland Area. SEA discusses in detail the existing rail network, highlights the Applicants' proposed rail operations, and describes each alternative it considered. SEA also presents its analysis of alternative train traffic routes in the Greater Cleveland Area and evaluates their potential environmental impacts. The discussion concludes with a comparison of alternatives and an overview of SEA's final recommended environmental mitigation measures.

### **Background**

Because of the Greater Cleveland Area's location on the southern shore of Lake Erie between the manufacturing centers of the Northeast and the gateways of the Midwest (Chicago), the Greater Cleveland Area has been a crossroads for the main lines of several railroads. Indeed, the combination of good transportation routes and the presence of an inland harbor for shipping coal and iron ore was instrumental in Cleveland's industrial development. As a major industrial center of the Midwest, Cleveland has historically relied heavily on railroads to transport raw materials and manufactured goods. The rail system of the Greater Cleveland Area was designed and built to accommodate very high volumes of rail traffic. Although less intensely used than a generation or two ago, much of that rail system is still in place. Today, the area's shippers and industries (such as the steel and automobile component manufacturers) depend upon the rail system to transport freight. The Applicants have indicated that these rail lines are an important part of their overall plan to develop efficient rail systems that can compete with each other and with trucks in transporting freight.

Currently, only Conrail and NS have a major presence in the Greater Cleveland Area. CSX enters the southwest part of the metropolitan area in the vicinity of Brooklyn, Ohio, on a lightly used branch line. This corridor, which connects to the rest of the CSX system about 35 miles south of Cleveland, is expected to experience no change in rail traffic because of the proposed Conrail Acquisition.<sup>2</sup>

Under the Operating Plans the Applicants submitted in June, 1997, CSX and NS would acquire the area's existing Conrail assets. Overall, rail traffic would increase in the area and rail traffic patterns would change substantially. Based on the Applicants' proposed Operating Plans, Cleveland is also a point at which both the CSX and NS main east-west lines would cross. See Figure 4-1, "Greater Cleveland Area Rail Routes," and Figure 4-2, "Cleveland Area Alternative 1—Application Base Case."






SEA studied all reasonable routing alternatives that the Applicants, community leaders, and the public had recommended. To evaluate the environmental effects of these alternatives, SEA studied the alternatives that CSX and NS submitted in their Operating Plans, the alternatives that NS submitted on November 25, 1997 (revised on April 16, 1998), the alternatives that the City of Cleveland submitted with its comments on the Draft EIS, and additional information filed by the City of Cleveland. SEA also identified possible additional alternatives to address the public's concerns, especially those regarding high train traffic volumes in the City of East Cleveland and on the east side of the City of Cleveland. In developing these alternatives, SEA considered the network of freight rail lines between Vermilion and Berea in the west and Wickliffe and White in the east that converge in Cleveland.

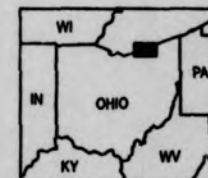
Overall, the projected increase in rail traffic levels for the combined CSX and NS systems in the Greater Cleveland Area averages approximately 17 trains per day. However, because of shifts in train traffic routes, some areas in the Greater Cleveland Area would experience an increase of up to 40 trains per day on a given rail line segment. In addition, in some places in the Greater Cleveland Area where CSX and NS rail lines parallel each other or are close to each other, the combined traffic volume increases could be up to 81 trains per day.

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<sup>2</sup> SEA determined that this lightly used CSX branch line cannot be used as a meaningful alternative route for either CSX or NS traffic in or through the Greater Cleveland Area. As a consequence, this analysis does not discuss or consider it further.

# LEGEND

-  EXISTING RAIL ROUTE (PROPOSED CSX RAIL LINE SEGMENT NUMBER)
-  EXISTING RAIL ROUTE (PROPOSED NORFOLK SOUTHERN RAIL LINE SEGMENT NUMBER)
-  RAIL LINE SEGMENT END POINT
-  PROPOSED CONNECTION
-  CITY OF CLEVELAND



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FIGURE 4-1  
GREATER CLEVELAND AREA RAIL ROUTES



## Alternative 1 (Application Base Case)

**Routes.** The primary CSX route (described from east to west) would be from Buffalo and Ashtabula through the Collinwood Yard to Quaker. From Quaker, most CSX traffic would follow the Cleveland Short Line through Mayfield and Kinsman, then pass through Marcy to Short. From Short, traffic would proceed on the Indianapolis Line to Berea, continue toward Greenwich, then on toward either Chicago or Indianapolis.

One NS main line route would be from Buffalo and Ashtabula through Mayfield, and across the Cuyahoga River to the Cloggsville Connection. From Cloggsville, most of the traffic would continue onto the West Shore Corridor through Lakewood, Rocky River, and Bay Village, then through Vermilion and on to Chicago. The other major NS route would be from Pittsburgh through Alliance to White, north to Kinsman, northwest to the former Conrail Lakeshore Line, through CP Draw, across the Cuyahoga River Drawbridge, then southwest to Berea, Olmsted Falls, Vermilion, and Chicago.

The two major NS routes would converge at Vermilion, with a new connection linking the two routes on the west side of Vermilion. NS and CSX main lines would cross on an existing rail/rail flyover in the Kinsman area.

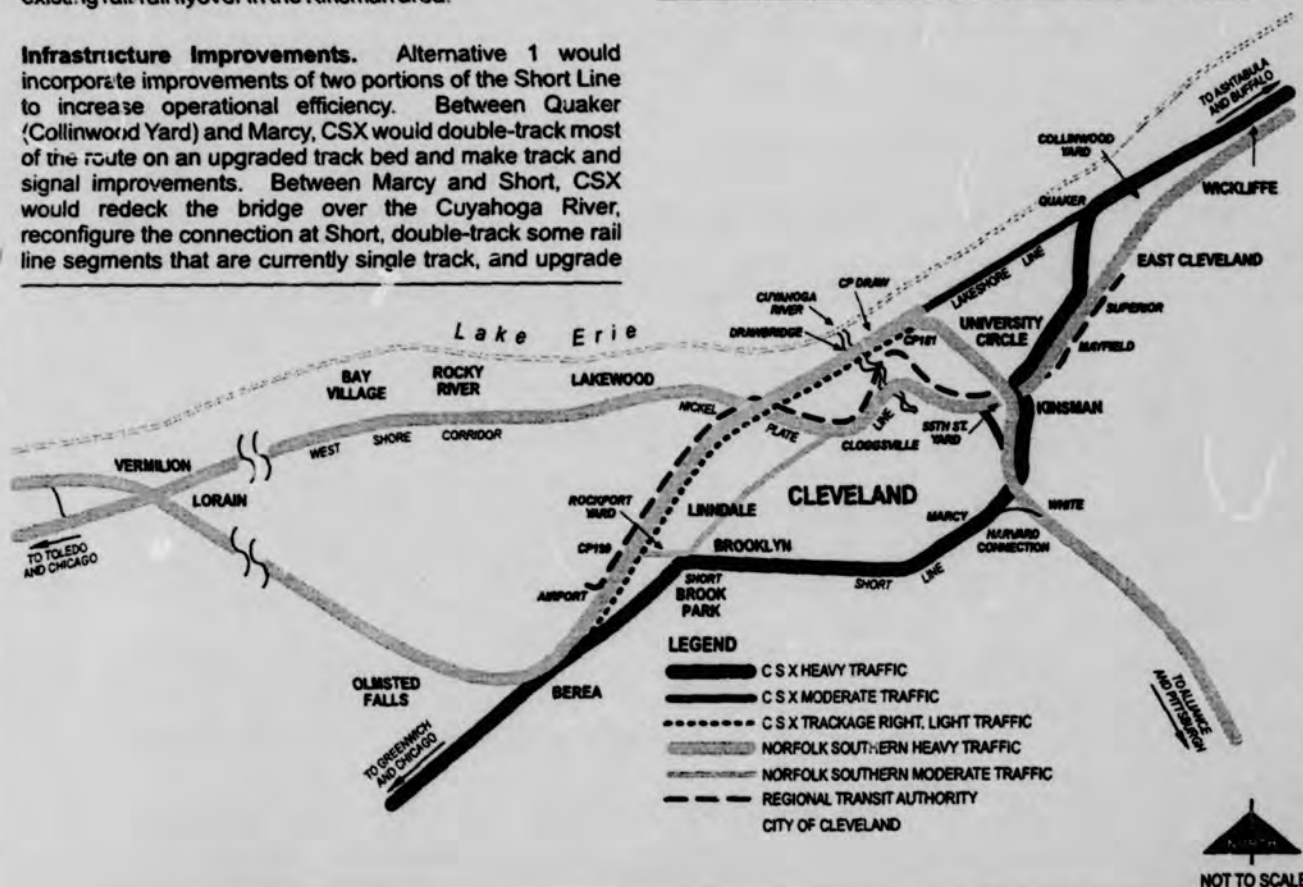
**Infrastructure Improvements.** Alternative 1 would incorporate improvements of two portions of the Short Line to increase operational efficiency. Between Quaker (Collinwood Yard) and Marcy, CSX would double-track most of the route on an upgraded track bed and make track and signal improvements. Between Marcy and Short, CSX would redeck the bridge over the Cuyahoga River, reconfigure the connection at Short, double-track some rail line segments that are currently single track, and upgrade

many turnouts and signals. SEA assumes that each of the other alternatives (2 through 7) would also incorporate these improvements, so the Short Line upgrade is not a distinguishing factor when comparing alternatives.

**Effects on Train Operations and Communities.** CSX would have trackage rights on the NS main line between CP Draw and Berea, and NS would have trackage rights on the CSX Short Line between Harvard and Short. Both CSX and NS would be operationally flexible by having two routes through the area.

Compared to existing traffic levels, train traffic would increase in the University Circle, East Cleveland, and Kinsman areas by 61 to 81 trains per day, and in Brook Park, Berea, and the West Shore area by 21 to 32 trains per day. NS train traffic between CP Draw (which is just east of the Cuyahoga River Drawbridge) and Vermilion would decrease by 15 trains per day.

**Time and Cost To Implement.** Alternative 1 could be implemented on "Day One" of the Board's approval of the proposed Conrail Acquisition, and would cost an estimated \$42 million for track and signal improvements.



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FIGURE 4-2  
GREATER CLEVELAND AREA ALTERNATIVE 1 - APPLICATION BASE CASE

During the environmental review process, the Board received numerous public comments from the Greater Cleveland Area that expressed environmental concerns related to the CSX and NS proposed Operating Plans. SEA conducted a public outreach program in the Cleveland Area (including environmental justice communities), using fact sheets, media announcements, a toll-free telephone line, and an Internet web site. SEA encouraged the Applicants to meet with the potentially affected communities and develop potential solutions. As a result, NS developed an alternative rail traffic routing plan for the Greater Cleveland Area to address the substantial environmental concerns raised by the West Shore suburbs. NS submitted this plan to SEA on November 25, 1997, and SEA presented the plan in the Draft EIS as a potential mitigation measure. On April 16, 1998, NS submitted a modified version of this plan to SEA. This modified plan would reduce the number of trains originally projected to move from Ashtabula through East Cleveland and the West Shore suburbs to Vermilion and Chicago by approximately 11 trains per day. It would also increase train traffic from White through the Cleveland Central Business District, Berea, and Vermilion to Chicago. This Final EIS and its Addendum discuss the modified plan as "Alternative 2, NS Cloggsville."

The City of Cleveland, nearby communities, elected officials, and others submitted more than 60 comments on the Draft EIS. In addition, Greater Cleveland Area residents sent numerous comments to SEA during SEA's environmental review process, including several thousand postcards sent after the Draft EIS comment period closed. These comments addressed numerous and wide-ranging environmental concerns, including noise, hazardous materials transport, delays in emergency response services, air quality, land use, environmental justice, and safety and vehicle traffic delay at highway/rail at-grade crossings. SEA carefully considered all the comments it received during the course of its environmental review. SEA presents its responses to the comments it received during the formal Draft EIS comment period in Chapter 5, "Summary of Comments and Responses," and in Appendix A, "Comments Received on the Draft Environment Impact Statement."

In particular, in its response to the Draft EIS, the City of Cleveland proposed two rerouting alternatives (Alternative 3, "Cleveland Flip Plan No. 1", and Alternative 4, "Cleveland Flip Plan No. 2") that would substantially change the train traffic patterns that the Applicants had proposed for the Greater Cleveland Area. The City of Cleveland stated that either of its rerouting alternatives would avoid impacts on residential communities, cultural centers, and minority and low-income areas, particularly on the east side of the city.

For each alternative, SEA's study primarily considered the potential for environmental impacts. SEA's purpose in conducting this study was to identify possible alternative routes for the Board's consideration. SEA's study also addressed whether each alternative would be reasonable as a mitigation measure. In all, SEA evaluated ten alternatives for the Greater Cleveland Area.<sup>15</sup> These alternatives would also affect nonenvironmental considerations such as economics, competition, service, and other merit issues, which SEA did not evaluate because

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<sup>15</sup> See Appendix N, "Community Evaluations."

they are outside the scope of this EIS and appropriately addressed by the Board. If the Board approves the Applicants' Operating Plans for the Greater Cleveland Area, SEA believes that it would be appropriate for the Board to require NS to implement the physical and operational improvements associated with Alternative 2 (NS Cloggsville). SEA notes that NS has stated its willingness to implement Alternative 2 as part of its Operating Plan. However, SEA is not recommending a preferred alternative, but is presenting all of the routing alternatives for the Board's consideration.

In addition to studying these routing alternatives, SEA also developed comprehensive mitigation measures to address potential significant adverse environmental impacts of the alternative routes. SEA developed these potential mitigation strategies based on the environmental analysis it conducted for the Draft and Final EIS, review of the public comments, and consideration of information SEA collected during more than 40 site visits to the Greater Cleveland Area.

Throughout the environmental review process, SEA has encouraged the Applicants to consult with communities and to develop Negotiated Agreements to address local environmental concerns. To facilitate this negotiation process in the Greater Cleveland Area, the Board issued Decision Nos. 71, 73, and 75. The Board recognizes the unique circumstances of the Greater Cleveland Area as a major crossing point for the proposed CSX and NS rail systems for traffic moving between the Northeast and Midwest. The Board also recognizes the complex environmental issues that could result from changes in train traffic throughout the intricate system of interrelated rail lines in the Greater Cleveland Area. SEA continues to encourage the Applicants and communities to develop Negotiated Agreements to address environmental issues. (See Appendix R, "All Relevant Board Decisions," for copies of these Board decisions.)

### **Description of Existing Rail Routes**

As noted previously, the Greater Cleveland Area contains a number of rail routes. Figure 4-1, "Greater Cleveland Area Rail Routes," shows the existing rail routes through the Greater Cleveland Area and identifies each rail line segment by number. For Alternatives 1 and 2, SEA designated rail line segments that would belong to CSX after the proposed Conrail Acquisition as beginning with "C," and those segments that would belong to NS as beginning with "N." For Alternatives 3 through 7, SEA retained the same rail line segment designations, even if ownership would differ.

Currently, Conrail and NS operate five rail lines through the Greater Cleveland Area. SEA refined its designation of certain rail line segments into smaller units to take into account train traffic volumes, traffic flow, and rail connections when comparing the routing alternatives. SEA used these refined segments to facilitate its environmental analysis and better identify local impacts. As noted in the previous section, CSX owns a lightly used branch line that SEA did not consider in its analysis.



The five existing Conrail and NS through rail line routes are:

- One of Conrail's main lines extends from Buffalo and Ashtabula along the Lakeshore Line (rail line segments C-060a, C-060b, C-691a, and C-691b), which parallels the Lake Erie shoreline, past Collinwood Yard/ Quaker to the Cuyahoga River Drawbridge (CP Draw) and the Cleveland Central Business District. The route continues southwest, passes through CP 190 (rail line segments N-293a and N-293b) and Berea (rail line segment N-293c), then goes on to Vermilion (rail line segment N-293d), and ultimately to Toledo and Chicago.
- A second Conrail route is from Quaker, along the Short Line through Mayfield and Marcy to the south and then west to Short (rail line segments C-073, C-072a, C-072b, and C-069). From Short, the route goes southwest to Berea (rail line segment C-074), on to Greenwich (rail line segment C-061), and ultimately on to Indianapolis or Chicago.
- A third Conrail main line extends from Pittsburgh and Alliance to White (rail line segment N-084) and passes through Harvard (N-081a). The route then goes west (along a single-track connection) to the Short Line (C-072b and C-069) and continues west as described above, past Short. This line also heads north from White through Kinsman (N-081b, N-081c, and N-081d) to the Lakeshore Line, CP Draw, and Berea, as described above.
- Conrail also uses a rail line for local service between Short and Cloggsville (rail line segment N-074) and between Short and CP 190/ Rockport Yard (N-501).
- The sole NS main line in the area extends from Buffalo to Ashtabula along the Nickel Plate Line (rail line segment N-075a), through Mayfield, Kinsman, and Cloggsville (N-075b, N-075c, and N-075d), then continues westward through Lakewood, Rocky River, and Bay Village on its way to Vermilion (N-080a and N-080b) and points west (Toledo and Chicago).

### **Descriptions of Alternatives**

As previously stated, SEA assessed ten alternative routes, including the route initially proposed by CSX and NS in their Application. SEA determined that three of the ten alternatives would impose substantial constraints on freight rail operations and, as a result, did not study them further.<sup>16</sup> SEA studied the remaining seven alternatives in depth:

- Alternative 1—Application Base Case.
- Alternative 2—NS Cloggsville.
- Alternative 3—Cleveland Flip Plan No. 1.
- Alternative 4—Cleveland Flip Plan No. 2.
- Alternative 5—Wickliffe Flyover.

<sup>16</sup> These three routes include rail/rail at-grade crossings at Berea and Wickliffe (rather than flyovers) and a variation of Alternative 3 that does not use the Short Line. These three alternatives are described further in Appendix N, "Community Evaluations."

- Alternative 6—Wickliffe Flyover with Erie Connection Rehabilitation.
- Alternative 7—Cleveland Reverse Curve.

Table 4-4, "Train Traffic Through Selected Greater Cleveland Residential Areas," compares the existing levels of daily train traffic in certain residential areas (trains per day before the proposed Conrail Acquisition) with the predicted levels for each of the seven Alternatives. Figures 4-3 through 4-8 present text descriptions of Alternatives 2 through 7 as well as maps showing communities, railroad lines and location designations, and rail line segments, and rail line segment numbers mentioned in the descriptions of the alternative routes. The names of many of these railroad location designations are those used by the Applicants and do not necessarily correlate with the geographic locations of similarly named communities. Note that the text describes each route from east to west, although almost all routes would have two-way operations.

Appendix N, "Community Evaluations," provides detailed descriptions of these seven alternative routes (as well as the three routes excluded from further study) and the railroad infrastructure and improvements that SEA believes each would require.

#### **Description of Other Alternatives Evaluated**

In addition to the seven alternative routes, SEA also considered a proposal to establish an independent railroad operation for the Greater Cleveland Area.

Congressman Dennis J. Kucinich, who represents Ohio's 10<sup>th</sup> Congressional District, requested, as a condition of the Board's approval of the proposed Conrail Acquisition, that a neutral, publicly owned, independent railroad operating company be established in the Greater Cleveland Area to avoid and mitigate the potential impacts of the proposed Conrail Acquisition. This new entity would own and operate most of the railroad lines in the region; control all dispatching, switching, and signaling in the Greater Cleveland Area; and operate commuter trains.

SEA examined this proposal to determine whether any environmental benefits or adverse effects would be associated with the proposed entity. Although it would cause potential changes to train routes throughout the Greater Cleveland Area, the proposal submitted by Congressman Kucinich does not specify which routes an independent operator would utilize most heavily through the Greater Cleveland Area. Further, the proposal does not include documentation or specific information regarding possible environmental benefits or adverse impacts. Accordingly, SEA cannot identify the local environmental impacts, including impacts of this proposal on residential, minority, and low-income populations.

**TABLE 4-4**  
**TRAIN TRAFFIC THROUGH SELECTED**  
**GREATER CLEVELAND RESIDENTIAL AREAS<sup>a</sup>**

Residential Area Studied	Rail Line Segments	Traffic (Trains per Day)							
		1995 Pre-Acquisition	Alt. 1 Application Base Case	Alt. 2 NS Cloggsville	Alt. 3 <sup>b</sup> Cleveland No. 1	Alt. 4 <sup>b</sup> Cleveland No. 2	Alt. 5 <sup>b</sup> Wickliffe Flyover	Alt. 6 Wickliffe + Erie Con.	Alt. 7 Reverse Curve
Univ. Circle & East Cleveland	C-073 N-075b	19.8	80.4	69.8	43.4	43.4	57.0	57.0	43.4
Kinsman Area	C-072a N-075c N-081c	30.9	112.1	112.1	44.0	40.6	88.7	61.0	79.9
Cleveland Central Business District	N-293a	52.4	48.6 <sup>c</sup>	57.5 <sup>d</sup>	57.0	57.0	66.3	38.6	15.7
Linndale	N-074	2.0	4.2	13.8	17.7	4.0	13.2	30.5	49.9
Brook Park	C-074	13.4	45.3	45.3	46.3	46.3	53.0	53.0	41.3
Berea (West Side)	N-293d C-061	66.9	89.9	112.1	107.6	107.6	107.6	107.6	107.6
Olmsted Falls	N-293d	52.4	36.9	59.1	54.6	54.6	54.6	54.6	54.6
Lakewood, Rocky River, and Bay Village	N-080b	13.5	34.1	13.9	16.4	16.4	16.4	16.4	16.4

<sup>a</sup> Numbers are average numbers of trains per day and reflect traffic data updated on April 16, 1998, after SEA received revised operational data from the Applicants. Totals include passenger trains as follows:

2.0 trains per day on N-081.

4.0 trains per day on N-293.

<sup>b</sup> Totals assume 4.0 NS trains per day through Rockport Yard.

<sup>c</sup> Totals include 11.7 CSX trains per day because of CSX trackage rights on the NS Lakeshore Line only.

<sup>d</sup> Totals include 10.0 CSX trains per day because of CSX trackage rights on the NS Lakeshore Line.



## Alternative 2 (NS Cloggsville)

NS suggested Alternative 2 to avoid increased train traffic through the residential West Shore communities.

**Routes.** Both of the CSX primary and secondary routes through Cleveland would be the same as in Alternative 1. NS would reroute its projected increased train traffic from the Nickel Plate Route (from Buffalo through Cleveland and Lakewood to Vermilion) to a route that runs southwest from the Cloggsville area of Cleveland through Berea. The other major NS route, from Pittsburgh to Vermilion via Alliance, CP Draw, Berea, and Olmsted Falls, would remain the same as in Alternative 1. As in Alternative 1, the CSX and NS main lines would cross in the Kinsman area.

**Infrastructure Improvements.** NS would improve its system between the Cloggsville Connection and CP 190 (bridge clearance projects, a new mainline connection at Cloggsville, a new interchange with the Flats Industrial Railroad, full signalization of the NS line, a new double-track route around Rockport Yard, and reconfiguration of existing track for access to yard tracks). NS would also offer to eliminate or upgrade many of the highway/rail at-grade crossings in the West Shore Corridor and upgrade one such crossing in Lorain.

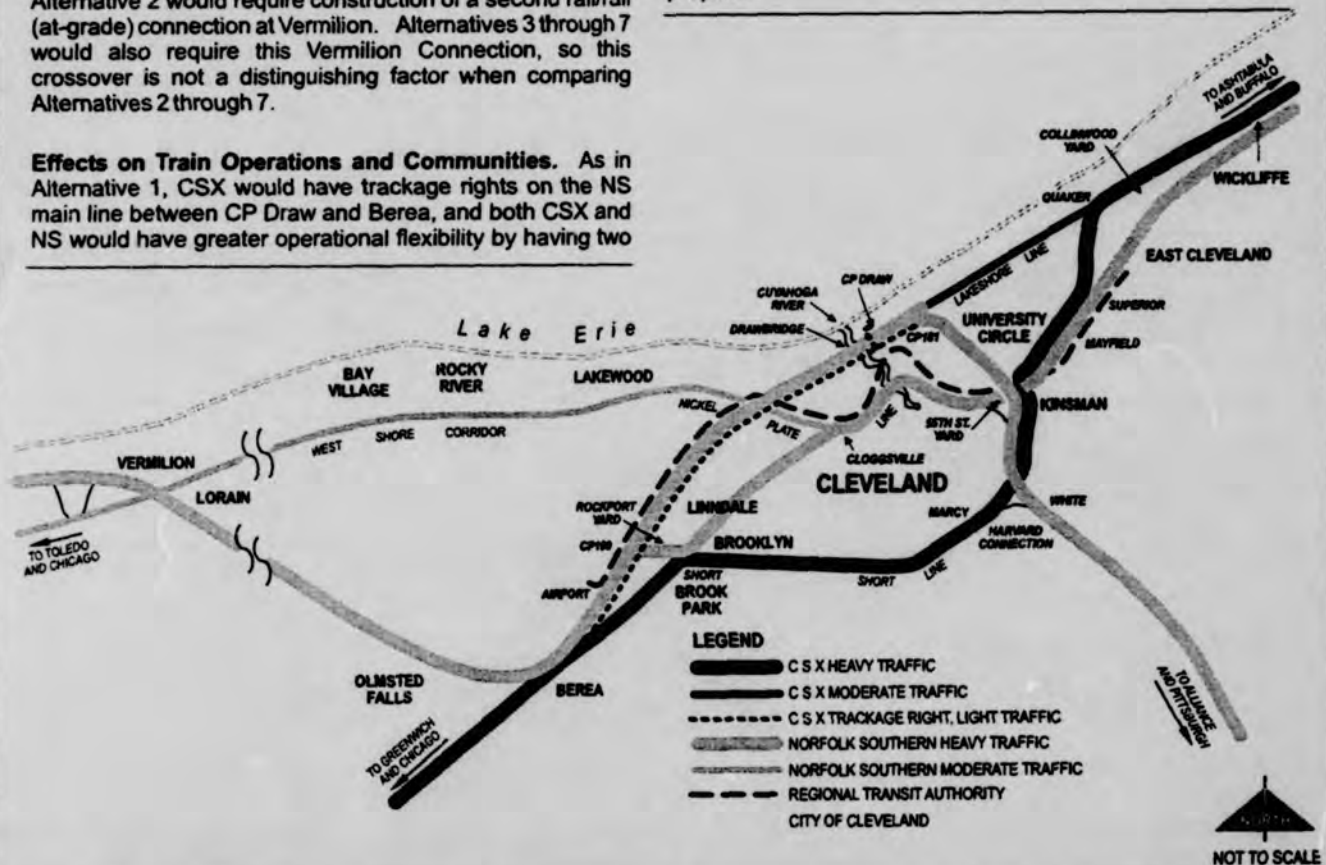
Alternative 2 would require construction of a second rail/rail (at-grade) connection at Vermilion. Alternatives 3 through 7 would also require this Vermilion Connection, so this crossover is not a distinguishing factor when comparing Alternatives 2 through 7.

**Effects on Train Operations and Communities.** As in Alternative 1, CSX would have trackage rights on the NS main line between CP Draw and Berea, and both CSX and NS would have greater operational flexibility by having two

routes through the Greater Cleveland Area.

Compared to existing traffic levels, the West Shore area would experience, on average, no increase in train traffic beyond 1995 levels. NS traffic along the Nickel Plate Line through the East Cleveland and University Circle areas would increase from the existing 13 trains per day to 26 trains per day (compared to approximately 37 trains per day under Alternative 1). Traffic levels through Berea and Olmsted Falls would increase by approximately 7 trains per day over existing traffic levels (compared to a decrease of approximately 15 trains per day in Alternative 1). Compared to Alternative 1, the NS route from Pittsburgh through Cleveland to Vermilion would carry approximately 11 more trains per day. (These train traffic levels are based on a revised mitigation proposal received from NS on April 16, 1998.)

**Time and Cost To Implement.** Alternative 2 would require 1 to 1½ years to implement (during which time West Shore train traffic would increase by approximately 14 trains per day) and would cost an estimated \$69 million, which is \$27 million more than Alternative 1. These amounts do not include the estimated \$18 million cost of the highway/rail at-grade separations that are under negotiation by the Applicants with the cities of Berea and Olmsted Falls as part of their mitigation proposal.



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FIGURE 4-3  
GREATER CLEVELAND AREA ALTERNATIVE 2 - NS CLOGGSVILLE



## Alternative 4 (Cleveland Flip Plan No. 2)

The City of Cleveland proposed Alternative 4 as a variant of Alternative 3 to reduce train traffic increases through the West Shore residential areas, the Kinsman area, and the cultural center of University Circle on the east side of the city.

**Routes.** Like Alternative 3, Alternative 4 "flips" the CSX and NS main lines from the Alternative 1 route by keeping CSX trains on the Lakeshore Line near the waterfront through the city and routing all NS traffic onto the Short Line. Alternative 4 varies from Alternative 3 by using the Short Line as the primary route for NS's main routes from both Buffalo and Pittsburgh (instead of using the Cloggsville Connection). As in Alternative 3, the CSX and NS traffic would cross in Berea.

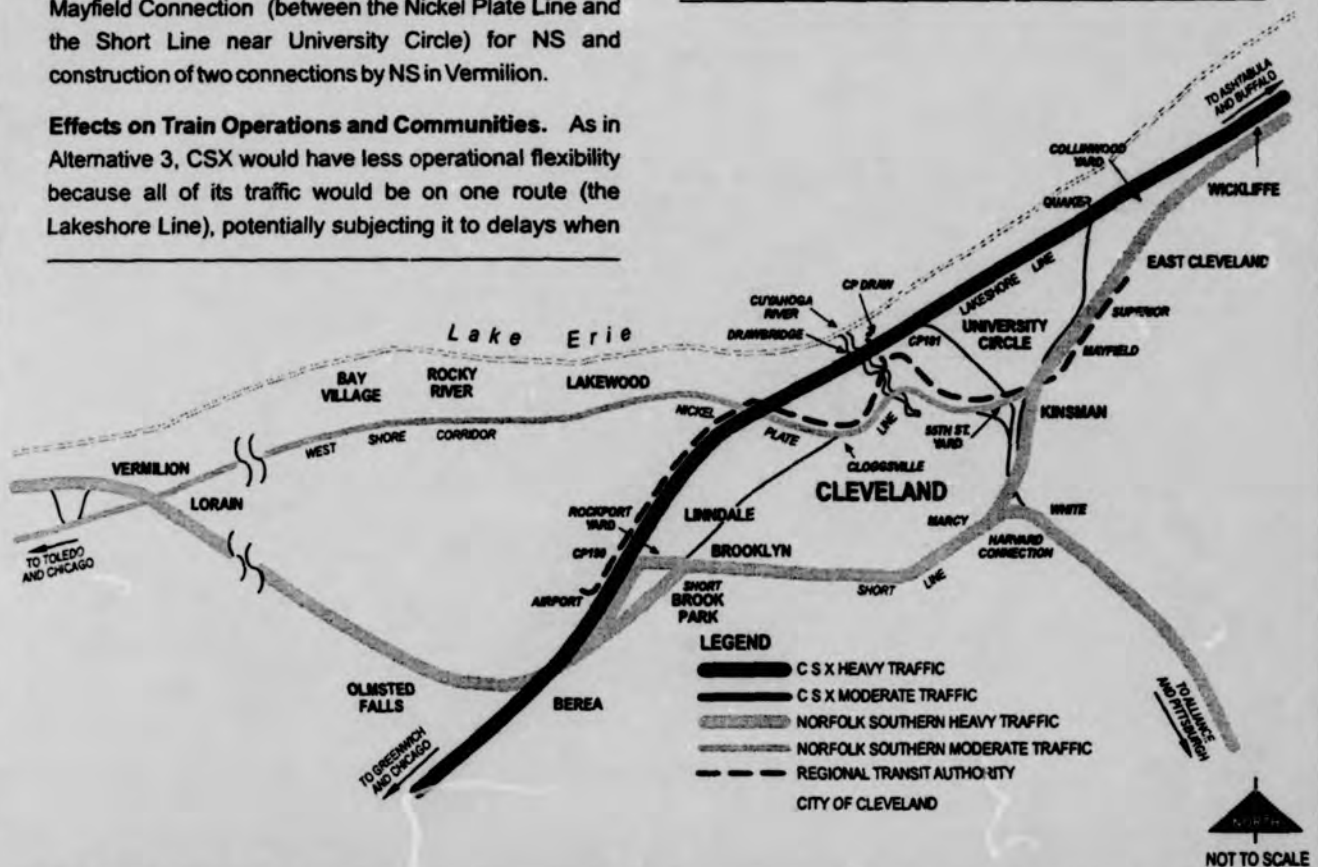
**Infrastructure Improvements.** Like Alternative 3, Alternative 4 would require constructing a flyover in Berea as well as double-tracking the Harvard Connection. Further, Alternative 4 would require a double-tracked Mayfield Connection (between the Nickel Plate Line and the Short Line near University Circle) for NS and construction of two connections by NS in Vermilion.

**Effects on Train Operations and Communities.** As in Alternative 3, CSX would have less operational flexibility because all of its traffic would be on one route (the Lakeshore Line), potentially subjecting it to delays when

the Cuyahoga River Drawbridge is open to accommodate boat traffic. NS would lose direct access to bulk shippers at Whiskey Island (just west of the Cuyahoga River Drawbridge) and its access to Rockport Yard would be poor.

Compared to Alternative 1, Alternative 4 would generally reduce train traffic through residential areas on the east side of Cleveland, as would Alternative 3. Alternative 4 would also route NS mainline traffic onto the Short Line at Mayfield. As in Alternative 3, keeping train traffic moving through Berea during construction of the flyover would be a major challenge. Construction would require the closure of Front Street for a year, and the flyover would be a barrier that visually divides the City of Berea.

**Time and Cost To Implement.** Alternative 4 would require approximately 3 years to implement and would cost an estimated \$185 million, which is \$143 million more than Alternative 1.



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FIGURE 4-5  
GREATER CLEVELAND AREA ALTERNATIVE 4 - CLEVELAND FLIP PLAN NO. 2



## Alternative 5 (Wickliffe Flyover)

SEA developed Alternative 5 to reduce impacts on the east side of Cleveland and eliminate the need to build a rail/rail flyover in Berea by moving the CSX and NS main line crossing point to a location east of Cleveland (Wickliffe, in western Lake County).

**Routes.** Alternative 5 would route NS traffic from Buffalo along the Lakeshore Line over the Cuyahoga River Drawbridge to Berea. Most CSX traffic from Buffalo would use the Nickel Plate Line and the Short Line to reach Berea; some overflow traffic from both CSX and NS would use the Cloggsville Connection. NS traffic between Pittsburgh and Chicago would also use the Lakeshore Line. NS would access Rockport Yard via the Cloggsville Connection.

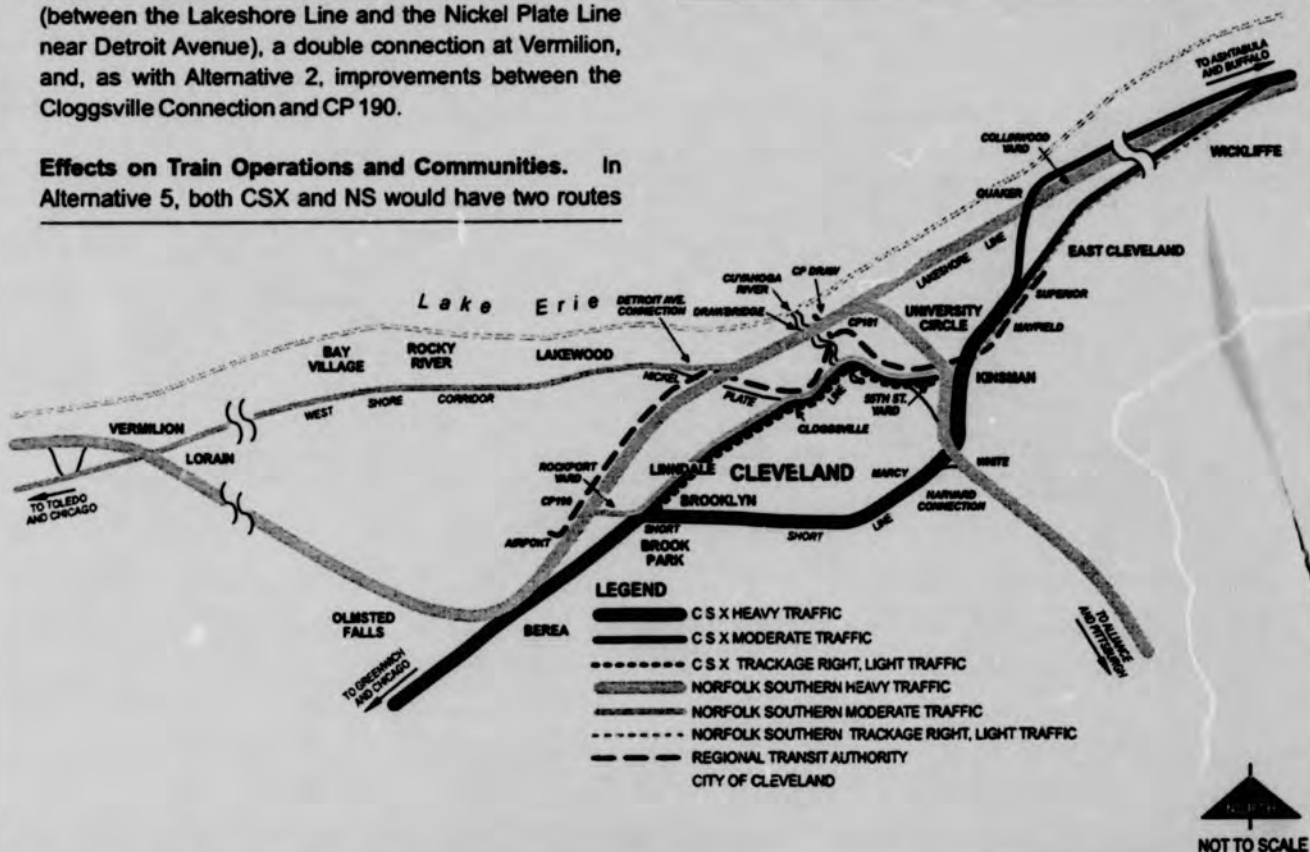
**Infrastructure Improvements.** This alternative would require building a rail/rail flyover in Wickliffe. Like Alternative 4, Alternative 5 would require the Mayfield Connection to enable CSX traffic from the Nickel Plate Line to access the Short Line. Alternative 5 would also require construction of the Detroit Avenue Connection (between the Lakeshore Line and the Nickel Plate Line near Detroit Avenue), a double connection at Vermilion, and, as with Alternative 2, improvements between the Cloggsville Connection and CP 190.

**Effects on Train Operations and Communities.** In Alternative 5, both CSX and NS would have two routes

through most of the area, ensuring operational flexibility. CSX and NS would share rail corridors from Kinsman through Cloggsville to Short. Compared to Alternatives 3 and 4, Alternative 5 would place the flyover in an area that is industrial rather than residential, and the flyover would be easier to construct. Because the NS main line on the south side of Collinwood Yard would isolate CSX's fueling facility from the yard, Alternative 5 would require relocating the facility to avoid conflicts with NS when refueling CSX trains. NS would lose access to its 55<sup>th</sup> Street Yard.

Compared to Alternative 1, Alternative 5 would reduce rail traffic levels in the East Cleveland/University Circle and West Shore areas and generally reduce noise impacts and environmental impacts on minority and low-income residential areas.

**Time and Cost To Implement.** Alternative 5 would require approximately 2 to 2½ years to implement and would cost an estimated \$151 million, which is \$109 million more than Alternative 1.



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FIGURE 4-6  
GREATER CLEVELAND AREA ALTERNATIVE 5 - WICKLIFFE FLYOVER

## Alternative 6 (Wickliffe Flyover with Erie Connection)

As with Alternative 5, SEA developed Alternative 6 to reduce impacts on the east side of Cleveland and to move the CSX and NS crossing point to a flyover east of Cleveland (Wickliffe), which would eliminate the need to build a flyover in Berea.

**Routes.** Alternative 6 is similar to Alternative 5, except that most NS train traffic to and from Pittsburgh would use a rehabilitated Erie Connection and the Cloggsville Connection en route to Berea and points west.

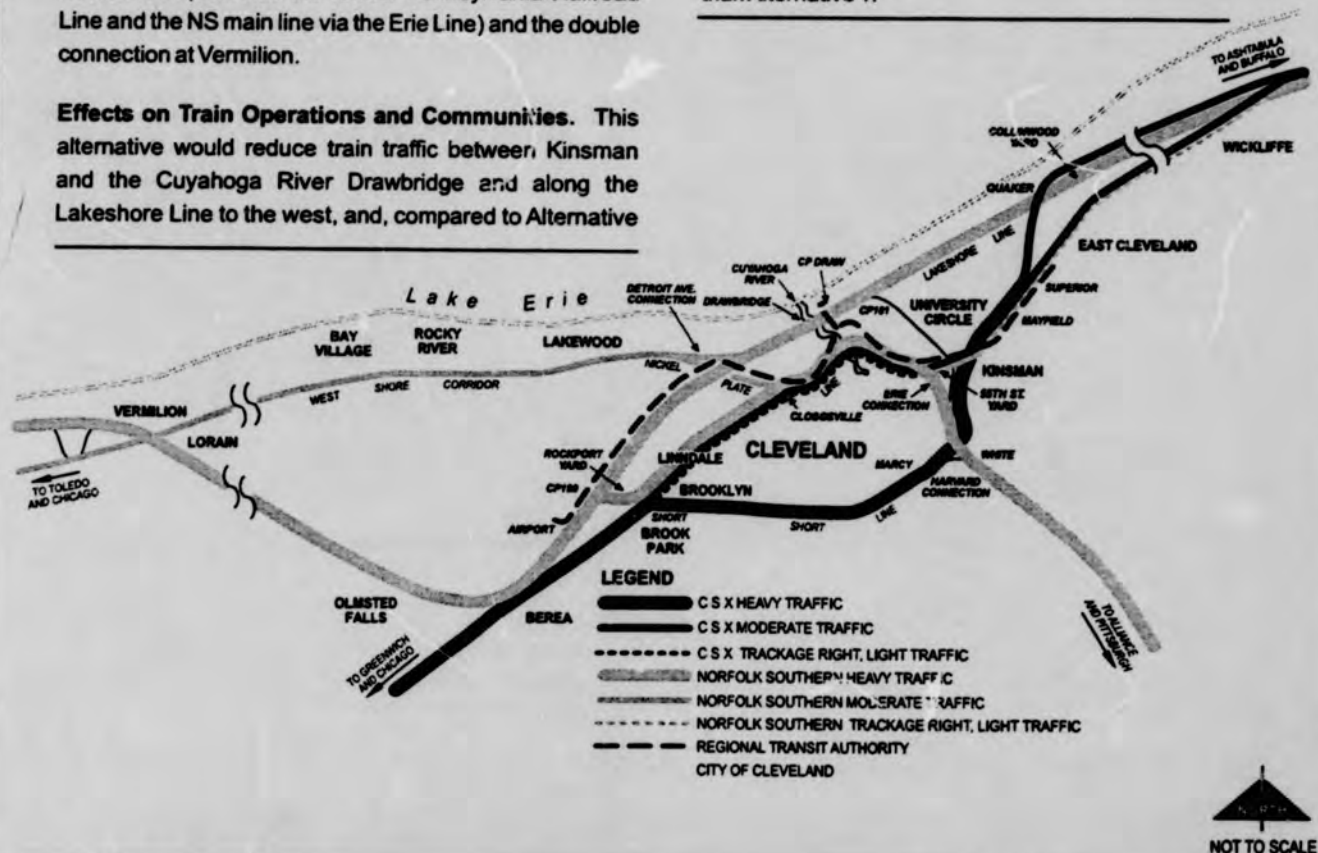
**Infrastructure Improvements.** Like Alternative 5, Alternative 6 would require building a rail/rail flyover in Wickliffe and constructing the Detroit Avenue Connection. Like Alternatives 2, 3, and 4, Alternative 6 would require improvements from the Cloggsville Connection to CP 190. Like Alternatives 4 and 5, Alternative 6 would require construction of the Mayfield connection. Further, Alternative 6 would require construction of the Erie Connection (between the former Pennsylvania Railroad Line and the NS main line via the Erie Line) and the double connection at Vermilion.

**Effects on Train Operations and Communities.** This alternative would reduce train traffic between Kinsman and the Cuyahoga River Drawbridge and along the Lakeshore Line to the west, and, compared to Alternative

1, it would reduce train traffic through the central business district of Cleveland. Compared to Alternative 1, and like Alternative 5, Alternative 6 would also generally reduce noise impacts as well as other environmental impacts on minority and low-income residential areas. Like Alternative 5, Alternative 6 would result in rail operation conflicts at Collinwood Yard and would require CSX and NS to operate (separately) in a shared rail corridor from Kinsman through Cloggsville to Short.

Compared to Alternatives 3 and 4, and like Alternative 5, Alternative 6 would place the flyover in an area that is industrial rather than residential, making construction easier. Alternative 6 would also potentially constrain NS train movements at its 55th Street Yard.

**Time and Cost To Implement.** Alternative 6 would require approximately 2 to 2½ years to implement and cost an estimated \$176 million, which is \$135 million more than Alternative 1.



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FIGURE 4-7  
GREATER CLEVELAND AREA ALTERNATIVE 6 - WICKLIFFE FLYOVER  
WITH ERIE CONNECTION

## Alternative 7 (Cleveland Reverse Curve)

The City of Cleveland identified Alternative 7 for SEA to consider (but did not fully develop it or formally present it to SEA) to reduce impacts of increased train traffic on minority and low-income residential communities and to minimize the number of trains passing through Cleveland's central business district.

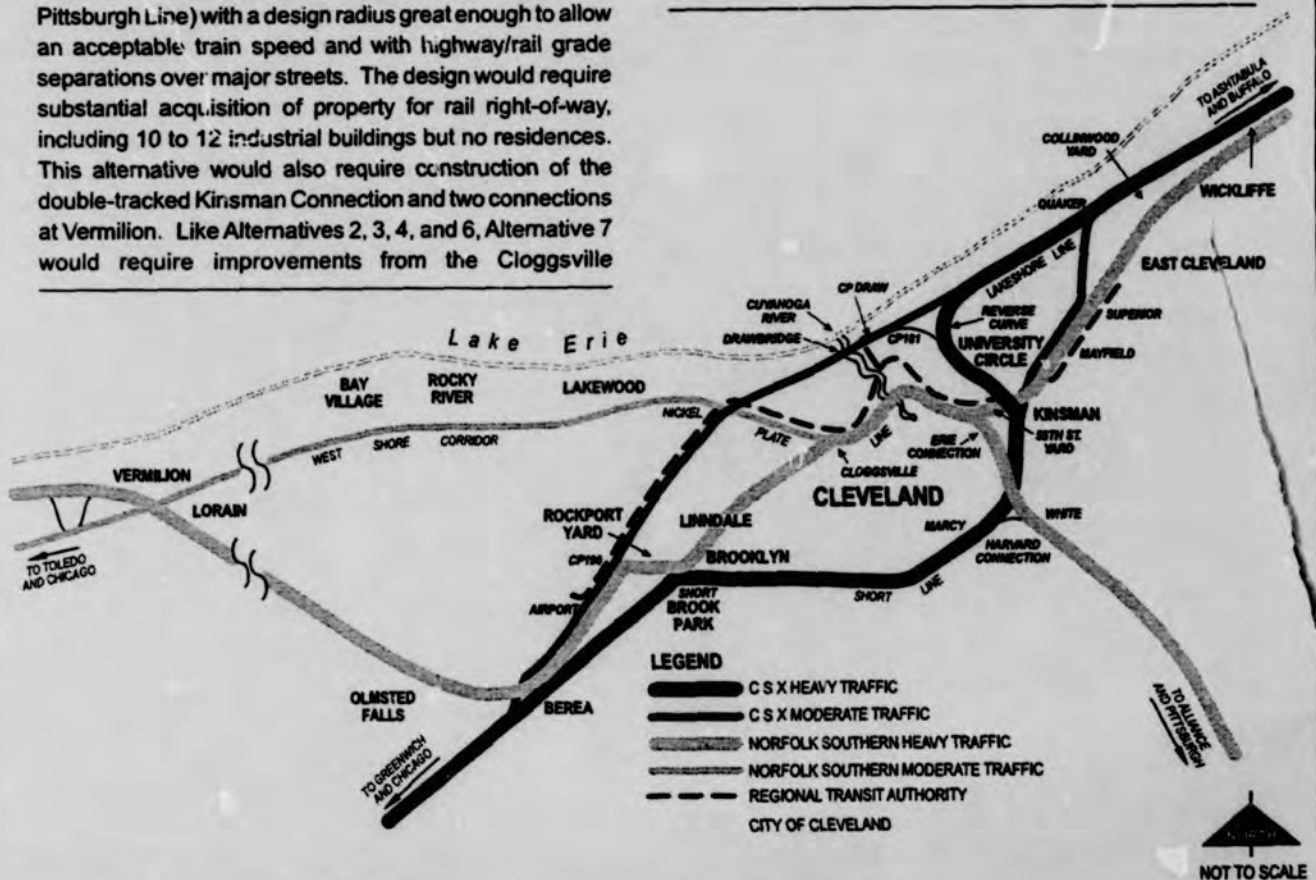
**Routes.** A new reverse curve in the vicinity of East 40th Street and St. Clair Avenue on the Lakeshore Line would route most of the CSX traffic onto the White-to-Cleveland rail line segment, then through a new connection in the Kinsman area onto the Short Line. This alternative would route all NS traffic onto one main line through Cloggsville and would also require NS to route its main line traffic through or around the Rockport Yard. NS traffic between Pittsburgh and Cleveland via White would use a rehabilitated Erie Connection.

**Infrastructure Improvements.** Alternative 7 would require construction of the Cleveland Reverse Curve Connection (between the Lakeshore Line and the Pittsburgh Line) with a design radius great enough to allow an acceptable train speed and with highway/rail grade separations over major streets. The design would require substantial acquisition of property for rail right-of-way, including 10 to 12 industrial buildings but no residences. This alternative would also require construction of the double-tracked Kinsman Connection and two connections at Vermilion. Like Alternatives 2, 3, 4, and 6, Alternative 7 would require improvements from the Cloggsville

Connection to CP 190. Like Alternative 6, Alternative 7 would require rehabilitation of the Erie Connection.

**Effects on Train Operations and Communities.** This alternative would substantially increase activity at the Rockport Yard because the NS main line traffic would pass through or around the yard. Like Alternative 6, Alternative 7 would restrict NS access to its 55th Street Yard. NS would have less operational flexibility because all of its traffic would be on one route between Kinsman and Cloggsville. Generally, Alternative 6 would reduce traffic through residential areas on the east side of Cleveland. Compared to all other alternatives, traffic through the central business district would be the lowest and traffic from the Cloggsville Connection to Short would be the highest.

**Time and Cost To Implement.** Alternative 7 would require at least 3 years to implement and would cost an estimated \$174 million, which is \$133 million more than Alternative 1.



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FIGURE 4-8  
GREATER CLEVELAND AREA ALTERNATIVE 7 - CLEVELAND REVERSE CURVE



In its analysis, SEA determined that a new independent operating agency would need to implement its own set of operating rules and procedures. These additional rules and procedures could increase the potential risk of accidents by complicating railroad operations throughout the Greater Cleveland Area. Therefore, SEA concludes that this proposal would have the potential for adverse safety impacts from the increased operational complexity. See Appendix N, "Community Evaluations," for more details.

#### **Results of Analysis: Overall**

In analyzing the seven routing alternatives, SEA considered many criteria. SEA considered, in addition to the types of potential environmental impacts discussed in this EIS, preliminary feasibility issues such as cost, constructibility, and implementation time and operational issues such as the consequences of temporary implementation measures on near-term railroad operations and on the CSX and NS Operating Plans.

Table 4-5 presents comparisons of alternative routes in the Greater Cleveland Area for implementation (feasibility), rail operations, and environmental issues. This table summarizes the results of SEA's analysis of the seven routing alternatives in the Greater Cleveland Area. Note that the environmental issues listed in Table 4-5 are only those for which SEA determined that differences would occur among the alternatives.

#### **Results of Analysis: Feasibility (Implementation) and Operational Assessment**

SEA evaluated the feasibility of implementing each of the seven alternative routes in terms of total cost (excluding any stand-alone projects such as highway/rail grade separation projects), incremental cost over the cost of Alternative 1 (Application Base Case), constructibility, and implementation time. SEA also evaluated operational issues for each alternative route in terms of the consequences, both in the near term (beginning immediately upon implementation of the proposed Conrail Acquisition) and over the long term (considering future operating plans). The results of SEA's feasibility and operational analysis for each alternative route follow.

**Alternative 1 (Application Base Case).** Alternative 1 is the least costly (\$41.6 million) alternative. This alternative would require no major capital improvements and would be the easiest to implement. (The Applicants proposed the Short Line capital improvements to increase overall operational efficiency.) Alternative 1 would have no implementation time (that is, it would be ready for use immediately upon implementation of the proposed Conrail Acquisition). Alternative 1 would have no near-term or long-term consequences on rail operations. SEA notes that, with Alternatives 2 through 7, the Applicants would have to use Alternative 1 temporarily for near-term rail operations during the construction of some facilities.

**Alternative 2 (NS Cloggsville).** Alternative 2 is the second least costly (\$68.8 million) and would cost \$27.2 million more than Alternative 1. This alternative would be second easiest to implement, requiring construction at Rockport Yard and Short, at Cloggsville, and at Vermilion for a second connection. The full implementation time would be at least 1 to 1½ years (the

Table 4-5

## COMPARISON OF ALTERNATIVE ROUTES IN THE GREATER CLEVELAND AREA

Project Issue <sup>1</sup>	Alt. 1: Application Base Case	Alt. 2: NS Cloggsville	Alt. 3: Cleveland Flip No. 1	Alt. 4: Cleveland Flip No. 2	Alt. 5: Wickliffe Flyover	Alt. 6: Wick. Flyover with Erie Conn. Rehab.	Alt. 7: Cleveland Reverse Curve
Constructibility (Major elements)	Easiest-- No new construction Upgrades to existing lines only	Second easiest-- Rockport Yard Improvements Cloggsville Connection and Improvements Double Vermilion Connection	Most difficult-- Berea Flyover Harvard Connection Rockport Yard Improvements Cloggsville Connection and Improvements Double Vermilion Connection	Most difficult-- Berea Flyover Harvard Connection Rockport Yard Improvements Mayfield Connection Double Vermilion Connection	Third most difficult-- Wickliffe Flyover Cloggsville Connection and Improvements Detroit Avenue Connection Mayfield Connection Double Vermilion Connection	Second most difficult-- Wickliffe Flyover Rockport Yard Improvements Cloggsville Connection and Improvements Erie Connection Detroit Avenue Connection Mayfield Connection Double Vermilion Connection	Second most difficult-- Rockport Yard Improvements Cloggsville Connection and Improvements Erie Connection Reverse Curve Construction Kinsman Connection Double Vermilion Connection
Near-Term Consequences (As of "Day One")	None	Temporary use of Application Base Case	Temporary use of Application Base Case; potential major congestion during construction	Temporary use of Application Base Case; potential major congestion during construction	Temporary use of Application Base Case	Temporary use of Application Base Case	Temporary use of Application Base Case
Long-Term Consequences (Future operations)	None	NS main line bypass at Rockport Yard could still interfere with yard operations	CSX has delays at drawbridge with no alternative route; CSX/NS could have operational constraints at CP 190; NS loses direct access to Whiskey Island shippers	CSX has delays at drawbridge with no alternative route; CSX/NS could have operational constraints at CP 190; NS loses direct access to Whiskey Island shippers	NS needs trackage rights for alternate route; CSX/NS could have operational conflicts at Collinwood Yard; Cloggsville Connection bypass offers both CSX & NS overflow capabilities for main lines; NS loses direct mainline access to 55 <sup>th</sup> Street Yard	Traffic is reduced at CP Draw (compared to Alternative 5); CSX/NS could have operational conflicts at Collinwood Yard; NS access to 55 <sup>th</sup> Street Yard is restricted	Results in lowest traffic at CP Draw; all NS traffic passes through Cloggsville Connection; NS access to 55 <sup>th</sup> Street Yard is restricted; NS loses direct access to Whiskey Island shippers
Hazardous Materials Transport Exposure <sup>2</sup>	High	Moderate	Low	Low	Moderate	Moderate	Moderate
Highway/Rail At-grade Crossing Accidents <sup>3,4</sup>	5.44/year	4.95/year	4.99/year	4.97/year	5.07/year	4.98/year	4.98/year
Freight Rail Accidents <sup>5</sup>	2.39/year	2.37/year	2.36/year	2.34/year	2.32/year	2.33/year	2.38/year

(Continued on next page)

Project Issue <sup>1</sup>	Alt. 1: Application Base Case	Alt. 2: NS Cloggsville	Alt. 3: Cleveland Flip No. 1	Alt. 4: Cleveland Flip No. 2	Alt. 5: Wickliffe Flyover	Alt. 6: Wick. Flyover with Erie Conn. Rehab.	Alt. 7: Cleveland Reverse Curve
Vehicle Delay at Major Highway/Rail At-grade Crossings <sup>4</sup> Ave. Vehicle Delay <sup>6</sup> Vehicles Delayed <sup>7</sup>	8.56 seconds/day 17,720/day	7.99 seconds/day 16,301/day	8.33 seconds/day 17,078/day	7.90 seconds/day 16,326/day	8.20 seconds/day 16,720/day	8.25 seconds/day 16,633/day	8.14 seconds/day 16,523/day
Noise Receptors, 65 dBA L <sub>dn</sub> <sup>4</sup>	8,199	3,453	3,030	2,652	3,724	3,680	3,033
Potential Cultural Resource Issues: * Potential Berea Railroad Hist. District * West Boulevard Bridge * Broadway Avenue Stone Bridge * Potential Reverse Curve Hist. Properties	No No No No	No No No No	Yes No Yes No	Yes No Yes No	No Yes No No	No Yes No No	No No No Yes
Potential Major Natural Resource Issue: * Mill Creek Waterfall	No	No	Yes	Yes	No	No	No
Land Use <sup>8</sup>	12.4 acres	27.5 acres	28.5 acres	25.8 acres	27.5 acres	27.5 acres	57.5 acres
Environmental Justice Impacts: <sup>4</sup> Disproportionate? Population <sup>9</sup>	Yes 98,800	Yes 95,000	Yes 50,800	No 0	Yes 54,000	Yes 56,000	Yes 68,300
Total Cost <sup>10</sup>	\$41.6 million	\$68.8 million	\$202.6 million	\$184.5 million	\$151.2 million	\$176.4 million	\$174.4 million
Incremental Cost <sup>11</sup>	\$0	\$27.2 million	\$161.0 million	\$142.9 million	\$109.6 million	\$134.8 million	\$132.8 million
Time To Implement	None	1 to 1½ years	3+ years	3+ years	2 to 2½+ years	2 to 2½+ years	3+ years

(1) SEA determined that there was very little or no appreciable difference in effects between alternatives for air quality, energy, passenger rail safety and transportation, roadway systems, navigation, hazardous waste sites, and system-wide cumulative effects.

(2) Based on land use and annual carloads

(3) Estimated total sum

(4) Without mitigation

(5) Estimated total, main line, reportable

(6) For all vehicles, not just those stopped for a train

(7) Total number per day

(8) Total land acquisition

(9) Disproportionately affected minority and low-income population

(10) Excluding associated stand-alone projects

(11) In addition to cost of Alternative 1



second shortest time), although most elements would be available immediately upon implementation of the proposed Conrail Acquisition. To implement Alternative 2, NS would have to construct several improvements, including a double-tracked connection at Cloggsville, double-tracking the Cloggsville Branch, and a new double-track route around Rockport Yard to avoid congestion there. Once constructed, the Cloggsville Alternative would avoid substantial environmental impacts on the West Shore suburbs and provide NS with the operational flexibility needed to efficiently move trains through Cleveland.

**Alternatives 3 and 4 (Cleveland Flip Plans No. 1 and No. 2).** Alternatives 3 and 4 are the most costly (\$202.6 million and \$184.5 million, respectively); Alternative 3 would cost \$161.0 million more than Alternative 1, and Alternative 4 would cost \$142.9 million more. These alternatives would be the most difficult to implement, with both requiring a major engineering and construction project for the Berea Rail/Rail Flyover, as well as substantial construction at the Harvard Connection and Rockport Yard. Alternative 3 would also include improvements along the Cloggsville branch, while Alternative 4 would include substantial construction at the Mayfield Connection. The implementation time for these alternatives would be at least 3 years (the longest time, along with Alternative 7). These alternatives would provide CSX access to a high-speed route through Cleveland. However, under both Alternatives 3 and 4, the CSX main line could experience delays at the Cuyahoga River Drawbridge as the drawbridge opens about 6,000 times during the navigation season (March through December). CSX would have no other route available to avoid these delays. NS would acquire two rail corridors (the Short Line and the Nickel Plate Line) through Cleveland. With these alternatives, NS would lose direct access to bulk shippers at Whiskey Island and would have poor access to the Rockport Yard.

**Alternative 5 (Wickliffe Flyover).** Alternative 5 is the third least costly (\$151.2 million) and would cost \$109.6 million more than Alternative 1. This alternative would be the third most difficult to implement, requiring a major engineering and construction project for the Wickliffe Rail/Rail Flyover. This alternative would also require construction of the Detroit Avenue Connection on the west side of Cleveland to provide NS access to the West Shore corridor from the Lakeshore Line, as well as the Mayfield Connection. The implementation time would be at least 2 to 2½ years (the second longest time, along with Alternative 6). For long-term rail operations, Alternative 5 would have several consequences: a possible NS alternate route would require trackage rights over CSX; CSX and NS would have substantial operational conflicts at Collinwood Yard because CSX would need to access its fueling facility and diesel shop across the NS double-track main line. NS would lose direct access to its existing 55<sup>th</sup> Street Yard in Cleveland; and the Cloggsville Connection could be used by both CSX and NS as a bypass of their main lines. Alternative 5 would provide NS access to a high-speed route through Cleveland on the Cuyahoga River Drawbridge, although NS could experience potential delays because of bridge openings. Overcoming the conflicts at Collinwood Yard would require CSX to experience costly relocation of the fueling and diesel shop facilities. (The costs of such relocations are not included in the total cost of Alternatives 5 or 6.)

**Alternative 6 (Wickliffe Flyover with Erie Connection Rehabilitation).** Alternative 6 (along with Alternative 7) is the third most costly (\$176.4 million) and would cost \$134.8 million more

than Alternative 1. This alternative (along with Alternative 7) would be the second most difficult to implement, requiring a major engineering and construction project for the Wickliffe Rail/Rail Flyover, rehabilitation of the Erie Line Connection, and improvements from the Cloggsville Connection to CP 190. As in Alternative 5, this alternative would also require construction of the Detroit Avenue and Mayfield Connections, as well as improvements at Rockport Yard. The implementation time would be at least 2 to 2½ years (the second longest time, along with Alternative 5). For long-term rail operations, Alternative 6 would reduce potential traffic congestion at the Cuyahoga River Drawbridge at CP Draw but would present substantial operational conflicts between CSX and NS at Collinwood Yard, as also occurs with Alternative 5. Further, Alternative 6 would severely hamper operations at the NS 55<sup>th</sup> Street Yard by limiting access to only one end, requiring trains to back up.

**Alternative 7 (Cleveland Reverse Curve).** Alternative 7 is the fourth most costly (\$174.4 million) and would cost \$132.8 million more than Alternative 1. This alternative (along with Alternative 6) would be the second most difficult to implement, requiring rehabilitation of the Erie Line Connection, improvements from the Cloggsville Connection to CP 190, construction of a new connection between the Short Line and the White-to-Cleveland rail line segment at Kinsman, acquisition of new right-of-way, and construction of the Reverse Curve Connection for CSX traffic. This alternative would also require improvements at Rockport Yard. The Reverse Curve Connection would take the greatest amount of property of any of the alternatives SEA considered for Cleveland. Alternative 7 would take the Applicants at least 3 years to implement (the longest time, along with Alternatives 3 and 4).

Alternative 7 would reduce potential traffic congestion at the Cuyahoga River Drawbridge. However, all NS traffic would need to pass through the Cloggsville Connection; this limitation of all traffic to a single line through Cleveland could be a serious constraint on NS. This alternative presents the following serious railroad operating problems: the NS route would not be equal to the Lakeshore Line high-speed route, and the NS main line would be blocked by slow trains entering and leaving the 55<sup>th</sup> Street Yard. With this alternative, NS would lose direct access to bulk shippers at Whiskey Island.

### **Results of Analysis: Environmental Assessment**

In assessing the potential environmental impacts of the seven routing alternatives, SEA noted that, for some environmental issue areas, the impacts would generally be similar among the alternatives. In other environmental issue areas (such as noise and hazardous materials transport), the impacts would be different among the alternatives. For the most part, the environmental impacts would generally be adverse, and some of these impacts are potentially significant. (See Table 4-5, "Comparison of Alternative Routes in the Greater Cleveland Area.") The results of SEA's analysis are discussed in the following section.

Table 4-7, "Summary of Adverse Environmental Impacts by State," lists the results of SEA's environmental analysis for all geographic areas, including the Greater Cleveland Area.

**Energy.** SEA determined that, system-wide, the proposed Conrail Acquisition would have a beneficial effect on the consumption of energy resources (primarily diesel fuel) and that, similarly, all the Greater Cleveland Area alternatives would have comparable energy benefits. SEA concluded that none of the alternatives would materially change consumption of energy resources in the Greater Cleveland Area.

**Air Quality.** Commentors from the Greater Cleveland Area generally accepted the Draft EIS conclusions that the proposed Conrail Acquisition would have a net air quality benefit over the entire system. SEA determined that none of the seven alternatives would materially affect air pollutant emissions on a county-wide basis because the amount of freight transported through the area would be substantially the same for all alternatives.

**Cumulative Effects (System-wide).** SEA evaluated the potential impacts of the system-wide Application Base Case (Alternative 1) of the proposed Conrail Acquisition on air quality, energy consumption, and transportation. SEA concluded that all alternatives in the Greater Cleveland Area would have comparable region-wide benefits. SEA also evaluated site-specific cumulative effects of other projects or activities that are geographically related to the proposed Conrail Acquisition, such as major infrastructure projects, community development improvements, and private developments. Based on its review of public comments and information received, SEA did not identify any site-specific projects or activities that may contribute to cumulative effects impacts.

**Safety: Passenger Rail Service.** SEA determined that none of the seven alternatives under consideration would cause additional environmental impacts on the safety of rail passenger operations because passenger train operations and the signal systems to ensure safety would be comparable for all alternatives.

**Transportation: Passenger Rail Service.** SEA's formulation of alternatives was contingent upon freight traffic being compatible with passenger rail services. Based on its analysis, SEA concluded that CSX and NS could meet all contractual obligations for passenger rail services under any of the alternatives. SEA notes that existing local heavy rail and light rail passenger operations, including Amtrak service, would continue unchanged under all seven alternatives.

**Transportation: Roadway Systems.** SEA determined that operations at the proposed new Collinwood intermodal facility would increase the number of trucks by 49 per day to a new total of 71 per day in the Greater Cleveland Area, no matter which alternative is selected. Because the expected increase is less than the Board's threshold for environmental analysis (50 or more trucks per day), SEA reaffirms its conclusion in the Draft EIS that the effects of this new facility on area roadways would be insignificant.

**Transportation: Navigation.** The changes in traffic on the two movable bridges over the Cuyahoga River (one on N-293 and one on N-075) in the study area would differ among the alternatives. However, because waterborne traffic always has the right-of-way over rail traffic on movable bridges, any changes in rail traffic on these bridges would have no effect on



navigation. However, SEA notes that navigation activities at these bridges could decrease the capacity and flexibility of rail operations over these rail line segments.

**Hazardous Waste Sites.** SEA concluded that Alternatives 1, 4, 5, and 6 would not involve construction at known hazardous waste sites. However, SEA determined that construction in Alternatives 2 and 3 (the Rockport Yard) and in Alternative 7 (the Reverse Curve Connection site) would potentially encounter hazardous waste sites. SEA based its conclusions on a review of available databases and public records, site visits, and identification of hazardous waste sites within 500 feet of the right-of-way, as detailed in Appendix N, "Community Evaluations." SEA does not recommend mitigation because existing regulations and the standard construction practices of CSX and NS adequately address the assessment and remediation of contaminated areas.

**Safety: Highway/Rail At-Grade Crossings.** SEA received numerous comments on the Draft EIS from the Greater Cleveland Area regarding safety at highway/rail at-grade crossings, particularly in the densely populated West Shore communities. Some commentors requested improving the warning and protection devices at such crossings or upgrading the crossing to full grade separations.

In the Draft and Final EISs, SEA analyzed all highway/rail at-grade crossings on which traffic would increase by eight or more trains per day. However, for the in-depth analysis of the Greater Cleveland Area, SEA analyzed all 86 highway/rail at-grade crossings potentially affected by one of the seven alternatives. A comparison of total predicted accidents between alternatives showed that the predicted overall accident rate in the study area in Alternative 1 is 5.44 accidents per year, compared with the existing rate of 4.62 accidents per year. The total predicted accident rates in Alternatives 2 through 7 range from 4.95 (Alternative 2) to 5.07 (Alternative 5) accidents per year; the difference among these accident rates is negligible.

SEA used the same criteria of significance for mitigation as it used in the Draft EIS: (a) a potential increase in accident frequency of five or more additional accidents every 100 years, or (b) an increase of one or more accidents every 100 years for crossings that would have a high accident frequency. SEA determined that no existing safety impacts would result at the highway/rail at-grade crossings under any of the alternatives.

SEA initially determined that one highway/rail at-grade crossing (at Cook Avenue) in the Greater Cleveland Area meets the criteria of significance and would warrant safety mitigation under Alternative 1. SEA based its safety analysis on accident history and physical characteristics for 1991 to 1995, as shown in the FRA database. However, SEA discovered that the crossing warning device has since been upgraded from flashing lights to a gate. This upgrade is the mitigation measure that SEA would have recommended to lower the accident frequency rate to the conditions that existed before the proposed Conrail Acquisition. Therefore, SEA concluded that no further mitigation is needed at this location.

**Safety: Hazardous Materials Transport.** Commentors on the Draft EIS were concerned that the Greater Cleveland Area would have the largest increase in volume of hazardous materials transported of any area in the proposed CSX/NS system and requested that the Applicants reroute hazardous materials through less populated, more industrial areas. Some commentors suggested proactive efforts to reduce the likelihood of an accidental spill as mitigation instead of the safety drills that the Draft EIS recommended.

SEA determined that the total volumes of hazardous materials transported through the Greater Cleveland Area under any of the seven alternatives would not change substantially, although the volume of hazardous materials routed through specific residential areas would differ among the alternatives. SEA acknowledges the differences among the alternatives in volumes of hazardous materials that would be transported and that these differences may be useful in comparing alternatives. SEA made a qualitative assessment of exposure to risk from hazardous materials transport based on land use, population density, and approximate hours per day of exposure, as well as volumes transported. SEA determined that the exposure effect was low for Alternatives 3 and 4 and high for Alternative 1. SEA recommends that the Applicants mitigate this exposure effect by surrounding the City of Cleveland with a safety cordon of supplemental train defect detectors<sup>cc</sup> devices that would improve train accident prevention capabilities. (See Chapter 7, "Recommended Environmental Conditions.")

**Safety: Freight Rail Operations.** SEA received only a few general comments on the safety of freight rail operations. SEA's recommended installation of supplemental train defect detectors in the Greater Cleveland Area would reduce the likelihood of freight rail accidents, including those involving hazardous materials, in all alternatives.

SEA determined that the difference in predicted accident rates among the alternatives is negligible: from 2.32 (Alternative 5) to 2.39 (Alternative 1) reportable accidents (derailments) per year. SEA reached this conclusion using the same analytic methods as it used in the Draft EIS. SEA's estimate was developed for the 30 rail line segments that collectively comprise the 295.5 miles of railroad routes. For the rail line segments that were not described in the Draft EIS, SEA assumed physical characteristics (length, number of main tracks, method of control, and class of track) that are consistent with the proposed usage.

**Transportation: Highway/Rail At-grade Crossing Delay (Including Emergency Vehicle Response).** Commentors on the Draft EIS from the Greater Cleveland Area were concerned about existing and future traffic delays at highway rail at-grade crossings and about traffic diversions to avoid the crossings. Some commentors believe that SEA had overestimated train speeds (and correspondingly underestimated traffic delays) and that the projected increases in delay of 150 percent in some locations would be more than a "minimal effect." Others were

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<sup>cc</sup> A train defect detector is an electronic device located alongside a rail track that monitors passing trains to determine the presence of certain potentially dangerous conditions, such as an overheated wheel bearing ("hot box") or a shifted load that protrudes from the rail car.

particularity concerned about potential delays of emergency response vehicles and disputed SEA's conclusion that emergency vehicle delays are random events that cannot be accurately predicted.

SEA found that, in all alternatives, the predicted vehicle delays at highway/rail at-grade crossings in the Greater Cleveland Area would increase, but that none of the 86 crossings meet the criteria of significance for mitigation of vehicle delay and queues. For this analysis, SEA evaluated all 86 highway/rail at-grade crossings that would potentially be affected by one of the seven alternatives. (This larger group is the same set of highway/rail at-grade crossings that SEA analyzed for safety.) SEA used the same measures of vehicle traffic delay and the same criteria of significance that it used in the Draft EIS.

To compare alternatives, SEA first determined that the existing average delay per vehicle for all vehicles passing through a highway/rail at-grade crossing is 4.61 seconds per day. In Alternatives 1 through 7, the predicted delays would range from 7.90 seconds per day (Alternative 4) to 8.56 seconds (Alternative 1). (These average delay calculations are based on the total number of vehicles passing through the crossing, not just the vehicles that are stopped at the crossing.) Further, SEA calculated the number of vehicles delayed per day under existing conditions to be 9,771; in Alternatives 1 through 7, the predicted number of vehicles delayed ranges from 16,301 per day (Alternative 2) to 17,720 per day (Alternative 1). Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," contains a more detailed discussion of the traffic delay issue.

SEA also analyzed the effects of the proposed Conrail Acquisition on emergency response in the communities in the Greater Cleveland Area that commented on the issue. SEA contacted the emergency service providers in the communities to determine the locations of their facilities and additional details. SEA calculated the change in the time that trains would block highway/rail at-grade crossings as a result of the proposed Conrail Acquisition. Section G.2 of Appendix G, "Transportation: Highway/Rail At-Grade Crossing Traffic Delay Analysis," describes the methodology in greater detail. Chapter 5, "Summary of Comments and Responses," provides additional details on blockage of highway/rail at-grade crossings in each community as a result of the proposed Conrail Acquisition.

SEA analyzed the effects of Alternative 1 in these communities and determined that the impacts warranted the installation of a real-time train location monitoring system as a mitigation measure in Berea, Lakewood, and Vermilion. SEA also analyzed the effects of Alternative 2 in the communities and determined that the impacts of that alternative would warrant the installation of a real-time train location monitoring system only in Berea (assuming that there would be no highway/rail grade separation at Front Street that would also provide nonrestricted access to the area between the CSX and NS tracks). Alternatives 3 and 4 incorporate a highway/rail grade separation at Front Street into the rail/rail flyover. Assuming that the area between the tracks is provided access, SEA determined that emergency vehicle access mitigation measures would not be warranted for Alternatives 3 and 4. For Alternatives 5, 6, and 7, train traffic levels in Berea are similar to Alternative 2 and the between-tracks area of Front Street would remain vulnerable to being isolated by trains on both the CSX and NS tracks. For those reasons, SEA



has determined that Alternatives 5, 6, and 7 warrant the installation of a real-time train location monitoring system in Berea.

**Noise.** SEA received many comments from the Greater Cleveland Area about potential increases in noise as a result of the proposed Conrail Acquisition. Commentors questioned the validity of SEA's train speed calculations, the thresholds for mitigation in the Draft EIS, and the effectiveness of the recommended mitigation. Some commentors characterized the Draft EIS noise analysis as over-simplified and lacking sufficient consideration of the number and nature of persons that would be affected by increased noise.

In response, SEA performed noise analyses for Alternatives 1 through 7, using the same methodology as for the Draft EIS. SEA performed the noise analysis on rail line segments that would exceed the Board thresholds for noise analysis for which changes in operations would increase the noise level by 2 dBA  $L_{dn}$  or more. The number of sensitive receptors expected to exceed 65 dBA  $L_{dn}$  is 8,199 in Alternative 1; for other alternatives, the number ranges from 2,652 (Alternative 4) to 3,724 (Alternative 5). These results are detailed in Appendix N, "Community Evaluations."

SEA determined that all alternatives would warrant noise mitigation along several rail line segments in the communities of Berea and Cleveland. However, less mitigation would be warranted in Alternatives 3 and 4 because CSX would divert increased traffic on one of those rail line segments (C-073, Quaker-to-Mayfield) to the Lakeshore Line (C-691).

**Cultural Resources.** SEA visited all of the Greater Cleveland Area sites with potential cultural resources that could be affected by construction of any of the alternatives and identified the cultural resources located in the vicinity of the project. Details of SEA's cultural resources are in Appendix N, "Community Evaluations."

In evaluating the effects of the various alternatives, SEA determined that any noise walls used as mitigation and constructed along the Quaker-to-Mayfield rail line segment would be located in the vicinity of the 131<sup>st</sup> Street and 133<sup>rd</sup> Street Historic Districts and the potentially historic General Book Binding Company Building.

For Alternatives 3 and 4, the Berea Rail/Rail Flyover with Front Street Highway/Rail Grade Separation would be located near the potential Berea Railroad Historic District, which appears to meet National Register of Historic Places (NRHP) criteria. The Harvard Connection would be located near the Broadway Avenue Stone Bridge over Mill Creek, which appears eligible for the NRHP. For Alternatives 5 and 6, the Detroit Avenue Connection would potentially affect the West Boulevard Bridge, which meets NRHP Criterion C. For Alternative 7, the Reverse Curve Connection would be near East 40<sup>th</sup> Street and St. Clair Avenue and would potentially affect historic structures, including four buildings potentially eligible for NRHP inclusion.

If the Board selected any of these alternatives, the appropriate cultural resources documentation and Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) consultation process would be completed prior to the Applicants undertaking any activity involving these resources.

**Natural Resources.** SEA received only a few comments on natural resources from the Greater Cleveland Area. The Applicants noted that, under Alternatives 3 and 4, construction of the Harvard Connection could adversely affect the nearby Mill Creek waterfall. Vermilion Township expressed concern about seasonal drainage problems near the proposed Vermilion Double Connection. SEA visited all sites in the Greater Cleveland Area that construction of any of the alternative rail routes could affect. The sites potentially affected by each alternative are discussed below. Potential issues are noted, including potential significant adverse environmental impacts (as defined by SEA's criteria of significance described in the Draft EIS).

For all alternatives, construction of the Vermilion Double Connection could cause minor loss of farmland, require installation of a culvert, and disturb potential habitat of the Indiana bat (a potentially significant adverse environmental impact).

For Alternatives 2 and 3, construction at Rockport Yard would cause probable impact on a wetland area, possible sedimentation impacts, and a possible opportunity to clean up polluted soil. For Alternatives 3 and 4, the Harvard Connection would cause a potential increase of erosion and consequent effects on water quality of a stream and construction might require a high retaining wall adjacent to or encroaching into the Mill Creek waterfall area (a potential significant adverse environmental impact). For Alternatives 5 and 6, the Wickliffe Rail/Rail Flyover would potentially affect 2 acres of low-quality wetlands.

The environmental impacts identified above are minor, except for involvement of the potential Indiana bat habitat and the Mill Creek Waterfall. Appendix N, "Community Evaluations," contains the results of SEA's analysis of potential environmental impacts on natural resources.

**Environmental Justice.** SEA received a number of comments from the Greater Cleveland Area raising concerns about environmental justice issues, generally stating that the increased train traffic under the proposed Conrail Acquisition would affect low-income and minority populations by disproportionately increasing noise, hazardous materials transport, and safety risks in these neighborhoods. In response, SEA analyzed environmental justice issues for all seven alternatives, including extensive site visits, identification of cohesive communities, and qualitative assessment of existing circumstances and the practicality of mitigation. SEA determined that only the effects of noise and hazardous materials transport have potentially high and adverse impacts on low-income and minority populations in Cuyahoga County.

SEA determined that only Alternative 4 avoids disproportionate high and adverse impacts on minority or low-income populations in Cuyahoga County. All of the other alternatives (without mitigation) would have, overall, disproportionate high and adverse impacts on environmental

justice populations ranging from 50,800 persons (Alternative 3) to 98,800 persons (Alternative 1). These populations are predominantly in Cleveland and East Cleveland, and in small portions of Cleveland Heights, Berea, and Euclid.

In particular, SEA concluded that the effects of hazardous materials transport on environmental justice populations (absent mitigation) would result in disproportionately high and adverse impacts in Alternatives 1, 2, 3, 5, and 7. Alternative 4 avoids disproportionate high and adverse impacts in Cuyahoga County. SEA also determined that, in Alternative 6 (absent mitigation), the effects of noise on minority and low-income populations would have disproportionately high and adverse effects in areas adjacent to train routes in Cleveland and East Cleveland. Appendix N, "Community Evaluations," presents details of SEA's environmental justice analysis for the Greater Cleveland Area.

SEA recommends that the Board require CSX and NS to implement tailored measures to further mitigate the transport of hazardous materials and to abate noise impacts in environmental justice communities, as detailed in Chapter 7, "Recommended Environmental Conditions," if Alternative 1, 2, 3, 5, 6, or 7 is approved.

**Land Use/ Socioeconomics.** After the Draft EIS, SEA received a few comments from the Greater Cleveland Area relating to land use, most of which concerned perceived effects of the proposed Conrail Acquisition on property values. SEA visited all Greater Cleveland Area sites that construction of any of the alternative rail routes could affect. SEA determined that all alternatives except Alternative 7 would have no significant land use impacts; these alternatives would require acquisition of from 12 acres to 24 acres of non-railroad land for right-of-way. The land required (except at Vermilion) is located in rail transportation corridors bordered by residential, commercial, and industrial land uses. SEA has not determined whether prime farmlands are present or whether the area is within a designated coastal zone. For Alternative 4, the Berea Front Street/ Bagley Road Separations would convert a small amount of commercial, residential, or industrial land into railroad or roadway use. Alternative 7 would require the acquisition of 57.5 acres of land and its Reverse Curve Connection would require demolition of 10 to 12 structures in an industrial area of Cleveland. SEA has not determined the number of jobs that this action would displace or eliminate. This alternative would also cause several local streets to be closed. SEA has not determined whether this impact would be consistent with future land use plans in effect for the City of Cleveland and its older inner-city industrial neighborhoods.

For most of the proposed constructions—the Detroit Avenue Connection, the Cloggsville Connection, the Wickliffe Flyover, the Harvard Connection, the Erie Connection Rehabilitation, and the Rockport Yard Diversion—CSX and NS would use existing railroad property within existing railroad corridors. SEA has not determined whether these constructions are consistent with local land use plans in effect. However, because these constructions would only serve to enhance transportation activity along an existing corridor, SEA does not anticipate any inconsistencies with local land use plans.



## **Comparisons and SEA's Conclusion**

SEA compared the seven alternative routes for the Greater Cleveland Area in three types of issues:

- Implementation (feasibility).
- Operational considerations (near and long-term consequences).
- Environmental effects.

**Implementation and Constructibility Issues.** SEA's analysis of implementation issues showed that the total cost for each alternative would range from \$41.6 million for Alternative 1 (Application Base Case) to \$202.6 million for Alternative 3 (Cleveland Flip No. 1). The second least expensive alternative would be Alternative 2, (NS Cloggsville) at \$68.8 million, and the third least expensive would be Alternative 5 (SEA Wickliffe Flyover) at \$151.2 million. Alternative 6 (SEA Wickliffe/ Erie Rehabilitation) and Alternative 7 (Cleveland Reverse Curve) are similar in cost (approximately \$175 million each). Alternative 4 (Cleveland Flip No. 2) would cost \$184.5 million. Alternatives 3 through 7 would involve substantial engineering and construction challenges, and implementation of these alternatives would take 2 to 3 years. SEA's analysis of constructibility showed that Alternative 1 has "high" constructibility because it would be operational on Day One, and would not involve any construction projects. Alternative 2 also has "high" constructibility because NS would be required to construct only a few minor projects, which could be complete within a year and a half. The other alternatives were not as constructible, primarily because they would involve major construction projects that would take significantly longer to complete.

**Operational Issues.** SEA's analysis of operational issues shows that Alternative 1 would be operationally efficient and would have no significant near-term or long-term operational consequences. Once several additional rail facility improvements are constructed, Alternative 2 would provide NS with a high degree of operational flexibility. Alternatives 3 and 4 would provide CSX a high-speed route through Cleveland, but it could also restrict traffic and result in congestion and delays at the Cuyahoga River Drawbridge, and NS would lose direct access to shippers at Whiskey Island. Alternatives 5 and 6 would provide both railroads with individual high speed routes plus a shared corridor through Cleveland, but could cause operational difficulties at Collinwood Yard and the 55<sup>th</sup> Street Yard, as well as potential delays for NS on the Cuyahoga River Drawbridge. Alternative 7 offers a high speed route through Cleveland, but it could cause operational complexities because it routes all NS mainline trains over the 37<sup>th</sup> Street-to-Cloggsville rail line segment of the Nickel Plate Line.

**Environmental Impact Issues.** SEA's analysis of environmental issues shows that Alternatives 2 through 7 would all mitigate, to varying degrees, some of the potential significant adverse environmental impacts of Alternative 1. However, compared to Alternative 1, none of the other six alternatives would be without its own potential significant environmental impacts on communities or neighborhoods where train traffic would increase. Compared to the other alternatives, Alternative 1 (Application Base Case) would result in the greatest number of

potential significant adverse environmental effects. The principal such effects would be noise impacts (more than double in any other alternative), the greatest number of minority and low-income populations disproportionately affected by impacts, and the highest degree of exposure of the population from hazardous materials transport.

Compared to Alternative 1, Alternative 2 (NS Cloggsville) would substantially reduce environmental impacts to the West Shore suburbs of Cleveland, and at the same time reduce the increased train traffic on the east side of the City. As with all of the Alternatives, Alternative 2 would have several potential adverse environmental impacts, such as noise and environmental justice concerns. In the near term during construction, increased train traffic would need to use the Nickel Plate Line through the West Shore suburbs; in the long term, communities along the Cloggsville Connection (N-074) would experience substantial increases in train traffic compared to Alternative 1 as well as to existing train traffic levels.

The alternatives that the City of Cleveland proposed (Alternatives 3 and 4) would show advantages in that they would avoid environmental impacts on the east side of the City. These advantages, however, would be offset by substantial adverse environmental impacts in other locations, particularly in the Berea area. Alternatives 5, 6, and 7 would not offer any clear or distinct environmental benefits over Alternative 2, and would have several significant adverse environmental effects such as noise, cultural resource issues, and environmental justice concerns. For example, Alternative 7 would require the taking of substantial land and structures.

**SEA's Conclusion Regarding Greater Cleveland Area Alternatives.** SEA recommends that the Board require (as NS has agreed) NS to implement the physical and operational improvements associated with Alternative 2 if the Board approves the proposed Conrail Acquisition. SEA's environmental review indicates that this alternative would mitigate some of the potential adverse environmental impacts of Alternative 1 by, among other things, reducing the levels of increased train traffic in East Cleveland and the West Shore suburbs. Moreover, NS has volunteered to implement Alternative 2, which would be constructible and operationally feasible; further, Alternative 2 is supported in principle by East Cleveland and the West Shore suburbs. SEA is presenting Alternatives 3 through 7 so the Board can make an informed decision as to whether one of the other alternatives would be a preferable train routing alternative in the Greater Cleveland Area. Each of these alternatives, including Alternative 2, raises complex issues related to service and rail operations that are outside of the scope of SEA's environmental review. In presenting all of these alternatives, SEA is providing the Board with information to balance the economic, transportation, and environmental effects of these train traffic routing alternatives for the Greater Cleveland Area.

### **SEA's Recommended Environmental Conditions**

Based on its environmental analysis, public comments, and the information available to date, SEA has developed a comprehensive and balanced set of environmental mitigation measures to address the potential significant adverse environmental effects of the base case in the Greater Cleveland Area. In developing reasonable mitigation measures to address those environmental

impacts that would directly result from the proposed Conrail Acquisition, SEA had to consider the various perspectives and concerns the public raised and the range of environmental impacts and issues.

In addition, the Applicants offered to participate in the construction of certain improvements that would be considered as "stand-alone" (independent of most other construction activities). The Applicants proposed these improvements in response to community concerns. These improvements are:

- Highway/rail at-grade separations at Front Street and at Bagley Road in Berea.
- Highway/rail at-grade separations at Nottingham/Dille Road (in Cleveland and Euclid) and London Road.

SEA encourages the Applicants and communities to continue to discuss these improvements, which would address safety and delay concerns in these areas.

SEA's recommended environmental mitigation measures for the Greater Cleveland Area include conditions that would directly benefit the communities where increases in train traffic related to the proposed Conrail Acquisition could cause significant adverse environmental impacts. These measures would address safety, traffic delay, noise, cultural resources, environmental justice, and other community environmental concerns. The following section summarizes these measures; Chapter 7, "Recommended Environmental Conditions," contains a complete description of SEA's recommended environmental conditions.

- For segments where hazardous materials transport would significantly increase, SEA recommends that the Board require CSX and NS to:
  - Comply with additional safety procedures (as described by Association of American Railroads recommendations).
  - Distribute the railroads' current Hazardous Materials Emergency Response Plans.
  - Prepare and distribute local Hazardous Materials Emergency Response Plans.
  - Implement a real-time or desktop simulation emergency response drill.
  - Assign fully trained local supervisory personnel, available 24 hours a day, 7 days a week, to mobilize additional emergency response personnel and equipment and to coordinate with local authorities in the event of a hazardous materials release.
  - Install and maintain supplemental train defect detectors that would detect potential causes of accidents (would also reduce risk of freight rail accidents).



- Notify USFWS and the appropriate state departments of natural resources in the event of a reportable hazardous materials release with the potential to affect wetlands or wildlife habitat(s).
- To address increases in predicted accident risk for freight rail operations, SEA recommends that the Board require CSX and NS to:
  - Conduct track inspections based on FRA's proposed rules.
- To address potential safety effects of increased train traffic on bridges, SEA recommends that the Board require CSX and NS to inspect all railroad bridges and overpasses and take necessary action to ensure that the bridges are structurally sound and well maintained.
- To address potential delays for emergency response vehicles, SEA recommends that the Board require CSX and NS to provide, install, and maintain a real-time train location monitoring system to improve local emergency vehicle dispatching at Berea, unless either Alternative 3 or 4 were implemented.
- To address noise impacts along segments where increases in train traffic would increase noise beyond SEA's mitigation criteria, SEA recommends that the Board require CSX and NS to:
  - Provide noise barriers or sound insulation that would reduce wayside noise by 10 dBA.
  - Install continuous welded rail in all new rail construction or replacement programs, and implement a program to replace existing jointed rail in residential areas. Continuous welded rail could reduce wayside noise by 5 dBA.
  - Install rail lubrication systems at curves, to reduce wheel squeal, where effective noise abatement would be possible.
- To address disproportionately high and adverse impacts in environmental justice populations, SEA recommends the Board require CSX and NS to:
  - Provide and install "Operation Respond" software and computers, if necessary, at the local emergency response centers serving environmental justice populations to assist emergency responders in identifying hazardous materials characteristics.
  - Adapt and modify the local component of its required Hazardous Materials Emergency Response Plan to account for the special needs of environmental justice populations in Cleveland, Cleveland Heights, Berea, and Euclid.

- To facilitate communication among the Greater Cleveland Area communities and the railroads, SEA recommends that the Board require the CSX and NS to establish a communication liaison for environmental concerns, develop cooperative solutions, and offer periodic public outreach meetings.
- To address safety at highway/rail at-grade crossings, SEA recommends that the Board require CSX and NS to:
  - Upgrade highway/rail at-grade crossing warning devices.
  - At public highway/rail at-grade crossings wherever trains increase by 8 or more trains per day, conduct prompt maintenance to comply with all applicable regulations.
  - At public highway/rail at-grade crossings wherever trains increase by 8 or more trains per day, provide and maintain permanent signs with a toll-free telephone number and a unique crossing identification number, install notification of the impending increase in train traffic and a crossing safety advisory message.
  - At public highway/rail at-grade crossings wherever trains increase by 8 or more trains per day, make Operation Lifesaver programs available to communities, schools, and other organizations.
- To address environmental concerns in the Greater Cleveland Area, SEA recommends that the Board require NS to construct Alternative 2, the Cloggsville Alternative.
- With the advice and consent of the City of Cleveland, construct and maintain fencing and landscaping to prevent, reduce or discourage pedestrian access to rail lines and facilities.
- To address local environmental concerns, SEA recommends the Board require CSX and NS to comply with the terms and conditions of the following Negotiated Agreements:
  - East Cleveland Agreement.
  - Brook Park Agreement.
  - Olmsted Falls Agreement.

#### **4.19.2 Erie, Pennsylvania**

##### **Overview**

The NS main line in Erie runs in the center of 19th Street for 1.25 miles, has no buffer between the tracks and houses or vehicles, and traverses 20 highway/rail at-grade crossings. (See Figures 4-9a and 4-9b, "Erie Area Rail Routes.") The maximum train speed is 15 mph, and residents experience frequent vehicle traffic delays. Nine of the crossings have ADT levels greater than SEA's threshold for traffic delay analysis of 5,000 vehicles. In its Operating Plan, NS proposes

to increase train traffic on this rail line by 12 trains per day for a total of 25 trains per day, which exceeds the Board's thresholds for environmental analysis. In addition, the projected volume of hazardous materials transported on the 6.25-mile main line segment (N-070) would increase from 8,000 to 26,000 carloads annually. CSX would acquire Conrail's Lakeshore rail corridor (rail line segment C-690), which is located approximately ½ mile north of and parallel to the NS 19<sup>th</sup> Street Nickel Plate Line. After the proposed Conrail Acquisition, train traffic on this rail line segment would decrease slightly (from 50.1 to 49.6 trains per day). Appendix N, "Community Evaluations," presents details of SEA's Erie evaluation.

**Relocation of Main Line.** To mitigate the effects of the proposed Operating Plans, CSX and NS agreed (as part of the Primary Application) that NS would relocate its rail line from 19<sup>th</sup> Street (rail line segment N-070) to a new NS line constructed in the nearby parallel CSX Lakeshore right-of-way (N-502, N-502a, and N-502b). This bypass, referred to as the Erie bypass, would be mostly grade-separated and would have substantially fewer highway/rail at-grade crossings. In addition, the bypass plan would remove the NS tracks from the center of 19<sup>th</sup> Street, which the City of Erie has sought for years. NS has executed a Negotiated Agreement with the City of Erie to relocate all train traffic by April 1, 2000, and to implement interim safety measures until the relocation is complete.

SEA conducted a detailed evaluation of the potential environmental effects of the proposed Conrail Acquisition because of the unique community concerns about vehicle traffic safety, as well as vehicle traffic delay, and to consider interim safety measures until NS completes the relocation. To evaluate noise impacts and vehicle safety and delay issues at highway/rail at-grade crossings, SEA analyzed the combined train volumes (both CSX and NS) along this corridor, whereas to evaluate the safety of freight rail operations and hazardous materials transport, SEA analyzed the CSX and NS operations as two separate and distinct operations that coincidentally share a common corridor. The Erie area is shown in Figures 4-9a and 4-9b, "Erie Area Rail Routes."

### **Additional Evaluation**

SEA evaluated the potential environmental effects of the proposed Erie bypass using the methods detailed in the Draft EIS and in earlier sections of this chapter. Additional detail is provided in Appendix N, "Community Evaluations."

### **Results and Impacts**

The following paragraphs summarize the results of the additional evaluations of the environmental issues that are relevant in Erie. Table 4-7, "Summary of Adverse Environmental Impacts by State," lists the results of SEA's environmental analysis for all geographic areas, including the Erie area.



**Safety: Highway/Rail At-grade Crossings.** The predicted accident rate on the proposed Erie bypass is one-third of the rate prior to the proposed Conrail Acquisition because the bypass would eliminate most of the 19<sup>th</sup> Street highway/rail at-grade crossings. SEA identified three highway/rail at-grade crossings on the 19th Street corridor that would experience a significant increase in accident rate; however, implementation of the Negotiated Agreement would eliminate the need to mitigate these locations. The projected accident rate at only one highway/rail at-grade crossing, Pittsburgh Road, on the relocated NS line would increase significantly. However, NS and the City of Erie have negotiated an agreement that addresses safety concerns for this crossing; therefore, SEA does not recommend any additional mitigation.

**Safety: Hazardous Materials Transport.** SEA determined that the proposed Erie bypass would increase hazardous materials transport from 48,000 carloads to 70,000 carloads annually in the combined CSX and NS rail corridor. Hazardous materials transport on the CSX line (rail line segment C-690) would increase slightly as a result of the proposed Conrail Acquisition, from 40,000 to 44,000 cars handled per year (from an average of 2.2 to 2.4 cars of hazardous material per train). Along the NS main line, hazardous material transport would increase substantially as a result of the proposed Conrail Acquisition from 8,000 to 26,000 cars handled per year. SEA notes that this increase along the NS main line exceeds SEA's thresholds for designating a new key route and a major key route. Since the two rail lines will be operationally separate in a common physical corridor, SEA recommends that the Board require NS to comply with key route and new key route mitigation requirements in the new construction and operation. See Section 4.3, "Safety: Hazardous Materials Transport," for details about this key route designation. The CSX corridor is already a key route and does not require such designation.

**Safety: Freight Rail Operations.** SEA applied the existing and proposed freight train traffic levels on rail line segment N-070 to rail line segments N-502a and N-502b, and similarly to N-502. Although N-502 would share a corridor with C-690, the CSX and NS tracks could be separated by a fence, and their trains would be dispatched independently. For this reason, SEA did not combine freight train volumes of both rail lines for this analysis, but analyzed the safety of freight operations as two separate rail operations.

Table N-34 in Appendix N, "Community Evaluations," displays the rail accident prediction data for the rail line segments that pass through Erie.

SEA determined that, if the proposed Conrail Acquisition were approved, the projected number of reportable freight train accidents would decrease slightly along the CSX corridor, but it would increase along the NS line segment. The accident rate is expressed as the expected time interval between accidents (derailments). Along the CSX corridor, the predicted accident rate would decrease, from 97 years to 103 years between accidents. Along the NS line segment (N-070), or along its relocated alignment (N-502 and its N-502a and N-502b connections), the predicted accident rate would increase, from 349 years to 175 years between accidents. This increase in the projected freight train accident rate for NS is below SEA's criteria of significance, so it does not warrant mitigation.

# LEGEND

- N-000** NORFOLK SOUTHERN RAIL SEGMENT AND SEGMENT ID (TO BE RELOCATED)
- N-000** NORFOLK SOUTHERN RAIL SEGMENT AND SEGMENT ID (AFTER RELOCATION)
- C-000** C S X RAIL SEGMENT AND SEGMENT ID
- 19TH STREET RUNNING (1.25 MILES)**
- O** HIGHWAY/RAIL AT-GRADE CROSSING TO BE ELIMINATED
- HIGHWAY/RAIL AT-GRADE CROSSING TO BE EXPANDED WITH BYPASS
- ◇** HIGHWAY/RAIL AT-GRADE CROSSING TO REMAIN



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**FIGURE 4-9A**  
**ERIE AREA RAIL ROUTES**



FIGURE 4-9B  
ERIE AREA RAIL ROUTES



**Transportation: Highway/Rail At-grade Crossing Delay.** Following the proposed Conrail Acquisition, and implementation of the Erie bypass, the level of vehicle delay at highway/rail at-grade crossings would be lower than without the bypass, as well as lower than existing levels. SEA identified four highway/rail at-grade crossings on the 19th Street corridor that, without the bypass, would experience a significant increase in vehicle delay; however, the Negotiated Agreement would eliminate the need to mitigate these locations. After the relocation of the NS line, no highway/rail at-grade crossings would meet SEA's criteria of significance. Therefore, no mitigation conditions for vehicle delay at highway/rail at-grade crossings are warranted.

**Energy.** The proposed Erie bypass would not affect the expected overall system-wide decrease in usage of diesel fuel.

**Air Quality.** The proposed Erie bypass would not significantly affect air quality in Erie County.

**Noise.** The three line segments (N-502, N-502a, and N-502b) of the proposed Erie bypass route exceed the Board's threshold for noise analysis. To accurately evaluate noise effects of the proposed bypass, SEA used traffic volumes on the existing 19th Street track (line segment N-070) to model traffic volumes on the proposed line segments N-502a and N-502b. For line segment N-502 (which would share a corridor with CSX's line segment C-690), SEA combined the predicted daily traffic of both the NS and CSX segments. SEA determined that predicted noise levels from increased traffic on N-502a and N-502b would exceed a 2 dBA  $L_{dn}$  increase; therefore, SEA determined the number of noise-sensitive receptors. Appendix N, "Community Evaluations," contains the results of this analysis. SEA determined that noise from the proposed Erie bypass (N-502) would affect substantially fewer receptors than the existing NS line (N-070).

SEA concluded that no line segments on the proposed Erie bypass would meet SEA's noise mitigation criteria.

**Cultural Resources.** SEA determined that two of the four guard shanties that remain on the south side of the 19th Street right-of-way retain historical integrity as they date from the 1890s and are considered NRHP-eligible. SEA also determined that the five early 20th century bridges at the eastern end of that rail line segment are also considered NRHP-eligible. Plans by NS to remove these seven historic properties would result in an adverse effect. SEA recommends that the Board require NS to implement mitigation measures because of the potential adverse impacts of NS's potential abandonment of the 19th Street rail line in the proposed Erie bypass. Those mitigation measures are described in the mitigation section below.

**Hazardous Waste Sites.** SEA reviewed available databases and public records on hazardous waste sites, made site visits, and identified 33 known sites within 500 feet of the right-of-way. Appendix N, "Community Evaluations," lists these sites and the sources of information. If NS encounters these or other sites during the proposed construction or abandonment activities, NS or other responsible parties would comply with Federal, state, and local statutes for assessment or remediation. Because existing regulatory requirements together with NS's standard construction practices adequately address potential disturbances of hazardous waste sites, SEA

determined that proposed construction or abandonment activities related to the proposed Erie bypass would not result in impacts on hazardous waste sites that warrant mitigation measures.

**Natural Resources.** The proposed Erie bypass construction area has no wetlands and no unique features or potential for supporting protected species. Although some trees and brush would require clearing, no significant impacts would result.

**Land Use and Socioeconomics.** The proposed Erie bypass would be located in an existing rail corridor and would result in minimal adverse environmental impacts on surrounding land uses. It is unknown whether the proposed construction would be consistent with local land use plans, but adverse effects on land use appear unlikely. The proposed construction area contains no designation of prime farmland, is not in a designated coastal management zone, and does not involve Native American lands. SEA notes that removing the NS main line from its existing setting in the middle of 19<sup>th</sup> Street would substantially improve urban land use and provide an environmental benefit to Erie residents.

**Environmental Justice.** In analyzing environmental justice issues in Erie, SEA made numerous site visits, conducted extensive public outreach activities, and carefully considered public comments. SEA's analysis identified 91 census block groups in Erie within the Area of Potential Effect. These block groups generally are located between 19<sup>th</sup> and 14<sup>th</sup> Streets and between Myrtle and State Streets. Thirty-one of these block groups contain environmental justice populations. SEA's environmental justice analysis focused on four environmental issues. For two issues, noise and hazardous materials transport, SEA identified no disproportionate impacts on the environmental justice populations. For two other issues, safety and vehicle delay at highway/rail at-grade crossings, SEA concluded that, in the absence of mitigation, these populations could incur disproportionately high and adverse impacts. Attachment M-17 of Appendix M, "Environmental Justice Analysis," of this Final EIS presents these results.

The City of Erie and NS have signed an agreement that commits NS to relocate NS service from 19<sup>th</sup> Street to the existing Conrail corridor through Erie to a combined CSX/NS corridor. SEA's environmental justice analysis of the relocated corridor identified no disproportionate safety or other impacts. Because the relocation eliminates disproportionate impacts on environmental justice populations, SEA does not recommend further mitigation.

## **Mitigation**

**Mitigation Recommended in the Draft EIS.** SEA's preliminary recommended mitigation presented in the Draft EIS would limit the number of additional NS trains to 2 trains per day on the existing NS line along 19<sup>th</sup> Street until improvements on the alternate route are complete and would require NS trains to operate on the CSX corridor to mitigate traffic delay at five highway/rail at-grade crossings. In its comments on the Draft EIS, NS objected to the two-train maximum increase and to the recommended traffic delay mitigation.

NS has since proposed a "fast-track" plan to reroute trains from 19<sup>th</sup> Street to a new bypass track along the former New York Central elevated line by early 2000. The new plan would accelerate bypass construction, minimize the length of time trains would operate over the existing lines after the proposed Conrail Acquisition, and provide interim safety mitigation measures during construction.

**Final Recommended Mitigation.** SEA recommends that the Board require the following mitigation measures:

- The Applicants shall comply with their agreement of June 23, 1997, to relocate NS train traffic onto new tracks in the CSX right-of-way.
- NS shall comply with terms and conditions of its Negotiated Agreement with the City of Erie regarding relocating NS train traffic from the 19<sup>th</sup> Street tracks to the CSX corridor.
- NS shall, before demolishing, removing, or altering its 19<sup>th</sup> Street facilities and pending SHPO concurrence, photographically document the two guard shanties and five bridges and relocate one guard shanty (eligible for NRHP listing) to the Lake Shore Railway Historical Museum.

#### **4.19.3 Four City Consortium, Indiana**

##### **Overview**

The Four City Consortium, which is composed of the cities of East Chicago, Gary, Hammond, and Whiting in northwest Indiana, has recommended solutions to alleviate potential adverse environmental impacts resulting from the proposed Conrail Acquisition. The Consortium's primary concerns are related to the increased train traffic and its potential impacts on highway/rail at-grade crossing safety, delay (of motorists and emergency response vehicles), and air quality. As SEA suggested in the Draft EIS, CSX and NS met with Consortium representatives to discuss its concerns and to develop and agree on potential alternative mitigation measures. The Consortium also commented on the Draft EIS, and SEA responds to these comments in this Final EIS.

Figures 4-10a and 4-10b, "Four City Area Rail Routes," show the locations mentioned in the alternative route descriptions. (See Chapter 5, "Responses to Comments on the Draft EIS.") Appendix N, "Community Evaluations," presents details of SEA's evaluation of the Four City Area. Table 4-7, "Summary of Adverse Environmental Impacts by State," lists the results of SEA's environmental analysis for all geographic areas, including the Four City area.



### **Description of Alternative Routes**

**Proposed CSX Routes.** Under the Operating Plans, CSX traffic would use three routes through the Four City area after the proposed Conrail Acquisition. The following describes these routes, from east to west:

- From Willow Creek, the first CSX route goes northwest through Gary to Pine Junction (on rail line segment C-027), then turns west at Pine Junction and goes through Hammond and East Chicago to Barr Yard (on C-023).
- From Willow Creek, the second CSX route goes southwest to East Gary and then northwest to Gary (on C-693), turns west to Gibson and Dolton (on C-776), then northwest to Barr Yard (on C-023).
- From Hobart, the third CSX route goes northwest through Gary to Clarke Junction (on C-026 and C-024), where it turns west to Barr Yard (on C-023).

As proposed by CSX, both its first and third routes traverse the Pine Junction-to-Barr Yard track through Hammond and East Chicago (on C-023). The second CSX route also traverses the western portion of this rail line segment. Most of the concerns that the Four City Consortium expressed relate to rail line segment C-023, as well as to C-026 and C-024 from Hobart through Gary to Clarke Junction.

**Alternative Routing Plan.** The Four City Consortium proposed an alternative route for CSX trains to maximize the use of grade-separated rail lines and to minimize the use of at-grade rail lines.

To avoid numerous highway/rail at-grade crossings, this alternative route would divert all eastbound CSX traffic from the portion of rail line segment C-023 that runs through Hammond and East Chicago onto C-776 and C-693; westbound traffic would not change. The diverted train traffic would use a proposed new CSX connection with the Indiana Harbor Belt Railroad Company (IHB) Line (C-776) at Lincoln Avenue and an elevated portion of the IHB Line (C-775) east of Ivanhoe (now out of service) that has no highway/rail at-grade crossings.

The Four City Consortium also opposes reopening the out-of-service portion of rail line segments C-024 and C-026 on the third CSX route through Gary between Clarke Junction and Hobart, and consequent reopening of several highway/rail at-grade crossings. The Consortium suggested a second alternative route that would use NS rail line segment N-469 from Hobart to Van Loon and the Elgin, Joliet, and Eastern Railway rail line segment C-774 from Van Loon to Pine Junction.

## **Additional Analysis and Results**

**CSX Capital Improvements.** The CSX Operating Plan focuses on improving traffic through and within the Chicago terminal area by substantially improving track and yards, upgrading connections, reconfiguring traffic and blocking patterns, and improving dispatching. These capital improvements would enable CSX to raise train speeds substantially, especially on the congested portion of rail line segment C-023 that concerns the Four City Consortium. The increased train speeds would reduce and offset vehicle traffic delays. CSX would also reduce daily train traffic at Barr Yard.

**SEA's Evaluation.** SEA independently collected and reviewed data on issues raised by the Consortium related to train operations, interlocking towers, potential grade separations, warning devices at highway/rail at-grade crossings, mainline signals, safety, and vehicle traffic delay. In particular, SEA compared the routing that CSX proposed to the Alternative Routing Plan that the Consortium proposed on the basis of rail operations, train traffic congestion, and time to implement. In general, SEA identified indications of existing general vehicle delays unrelated to the proposed Conrail Acquisition at highway/rail at-grade crossings in several locations. For example, on the portion of rail line segment C-023 through East Chicago, SEA estimates that as many as 10,000 vehicles per day drive around crossing gates to cross the tracks because of lengthy crossing closures when slow-moving or stopped trains are nearby.

SEA determined that congested rail traffic in the CSX Barr Yard is a frequent source of vehicle delays at highway/rail at-grade crossings along rail line segment C-023; trains waiting to enter the yard are "held" on the tracks approaching the yard and block the crossings. Although CSX has committed to improving operations to reduce congestion in Barr Yard and traffic backups on the main line, SEA investigated nearby areas as possible sites for sidings on which trains could be held without blocking crossings. Although sidings could be built that could hold short trains off the main line, finding sufficient space to accommodate the longer trains would be difficult.

**SEA's Conclusion Regarding Analysis Results and Routes.** SEA determined that the Consortium's Alternative Routing Plan would not be practical, timely, or reasonable for implementation with the proposed Conrail Acquisition.

SEA concluded that the proposed routing and operational improvements of CSX and NS would better address the area's vehicle traffic delay and train traffic congestion. The results of SEA's evaluation are detailed in Appendix N, "Community Evaluations."

In summary, SEA's major conclusions related to the Four City Consortium's Alternative Routing Plan are:

- Reactivating the IHB line (C-775) is not a viable option because it would require complex planning and funding, and could not be completed within a reasonable time. However, SEA concurs with CSX that reactivating the IHB Line (C-775) warrants future consideration. The added capacity of the IHB line would enable CSX to reroute traffic from its first route.
- CSX could not practically reroute all eastbound trains because the Porter Branch (C-693) has a limited capacity. SEA further determined that imposing an absolute limit on the number of trains on C-023 is not a viable option because it would severely limit the routing flexibility that CSX needs to maintain operational flexibility throughout the Chicago area.
- The Alternative Routing Plan would require moving many trains several miles off the first route and onto the lines of other rail carriers. This rerouting would substantially add to the transit time and to the potential for delay and congestion for CSX trains.
- Opening the out-of-service track between Clarke Junction and Hobart is necessary to CSX's plan to divert slower-moving bulk trains from high-speed rail lines and to streamline train traffic flow throughout the area.
- Introducing additional CSX trains onto the NS rail line segment between Hobart and Van Loon (N-469) would not relieve congestion because this rail line segment is currently a single track.
- Adding an additional signalized mainline track on NS rail line segment N-469 would require extensive planning and a major capital investment.
- Using the Elgin, Joliet, and Eastern elevated tracks would require CSX trains to make complex stopping and backing maneuvers to access rail line segments C-023 and C-024, which would pose unacceptable safety risks.

Overall, SEA determined that the Alternative Routing Plan does not recognize the improved operational factors in the Operating Plan that CSX proposes. The recent revision of the CSX and NS Operating Plans reduces the number of trains on rail line segment C-023, which is one of the routes of greatest concern to the Four City Consortium. SEA concludes that although the Alternative Routing Plan would impose considerable capital expense and operational problems, it would not significantly improve operations for either CSX or NS, nor would it relieve vehicle delays at highway/rail at-grade crossings.

#### **SEA's Conclusion Regarding Analysis Results and Routes**

In summary, SEA determined that the proposed Conrail Acquisition would not result in any environmental impacts beyond those that SEA noted in the Draft EIS.



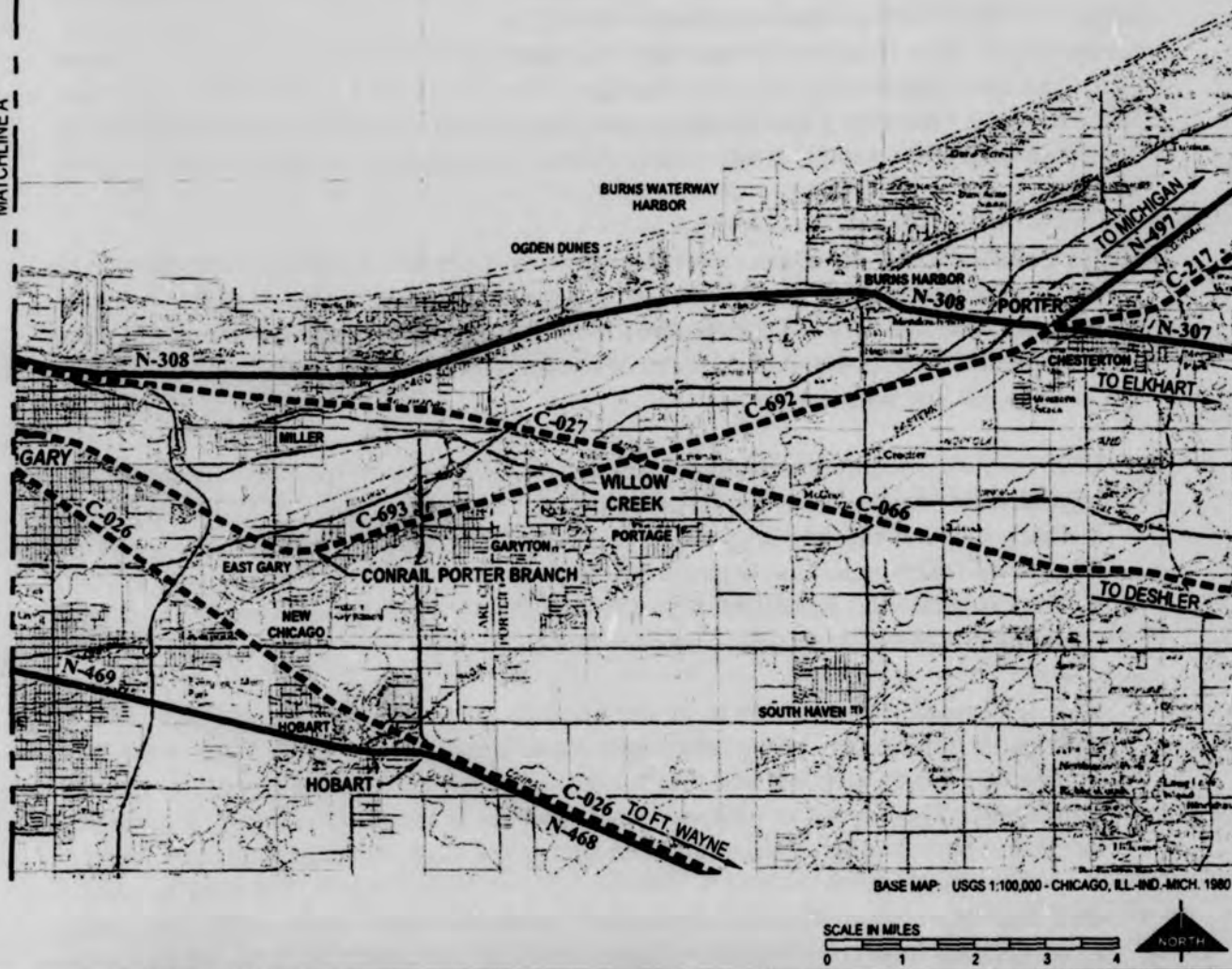


# LEGEND

N-000 NORFOLK SOUTHERN RAIL SEGMENT AND SEGMENT ID  
 C-000 C S X RAIL SEGMENT AND SEGMENT ID



MATCHLINE A



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FIGURE 4-10B  
 FOUR CITY CONSORTIUM AREA RAIL ROUTES

### **Mitigation Recommended in the Draft EIS**

In the Draft EIS, SEA recommended that the Board require CSX and NS to consult with representatives of the Four City Consortium and others to address potential vehicle traffic delay and safety concerns. Since the issuance of the Draft EIS, CSX has revised its Operating Plan to substantially reduce the projected train traffic on rail line segment C-023. CSX expects that only the rail line segment in the eastern portion of its first route (C-027, from Willow Creek through Gary to Pine Junction) would experience a substantial increase in train traffic levels following the proposed Conrail Acquisition.

### **Final Recommended Mitigation**

**Recommended Mitigation.** The proposed Conrail Acquisition would increase train traffic in the Four City area to levels that meet or exceed the Board's thresholds for environmental analysis. However, as shown in the Draft EIS, SEA's analysis indicates that the only environmental impacts that would meet the criteria of significance and warrant mitigation are safety impacts at highway/rail at-grade crossings. Nonetheless, SEA is sensitive to the unique concerns of the Four City Consortium and recommends that the Board require the following mitigation measures to improve safety and alleviate vehicle delays at highway/rail at-grade crossings:

- CSX shall upgrade the highway/rail at-grade crossing signal warning systems to include constant warning time circuits with motion detectors at important crossings to reduce crossing blockage time and the observed likelihood of motorists driving around activated gates on the Pine Junction-to-Barr Yard rail line segment (C-023), and the Tolleston-to-Clark Junction rail line segment (C-024).
- CSX shall make Operation Lifesaver programs available to schools and other community organizations near the Pine Junction-to-Barr Yard rail line segment (C-023), the Tolleston-to-Clark Junction rail line segment (C-024), and the Tolleston-to-Hobart portion of the Warsaw-to-Tolleston rail line segment (C-026). As agreed to by CSX, CSX shall upgrade the track structure and signal systems to allow 40-mph train operation, consistent with safe operating practices, between Pine Junction and Barr Yard.
- CSX shall install temporary signs or electronic message boards at highway/rail at-grade crossings at least 30 days before initiating new train traffic on two rail line segments [C-024, Tolleston-to-Clark Junction, and the Hobart-to-Tolleston portion of C-026 (Warsaw-to-Tolleston)]. These signs or message boards will notify motorists to expect a substantial increase in both number of trains and train speeds and shall remain in place for a year.
- CSX shall improve coordination between Pine Junction and Barr Yard at IHB interlockings where CSX rail lines cross or join to reduce railroad congestion and blockage at highway/rail at-grade crossings.



- As agreed to by CSX, CSX shall reroute as much train traffic as is practicable from the Pine Junction-to-Barr Yard rail line segment (C-023) to other rail lines in the area.
- To the extent practicable, CSX shall hold its westbound trains that would be delayed in entering Barr Yard in holding areas without highway/rail at-grade crossings.

**Voluntary Mitigation.** In response to comments on the Draft EIS, CSX has reduced projected traffic volumes on rail line segment C-023. To offset potential increases in vehicle traffic delay times at the highway/rail at-grade crossings on this rail line segment, CSX has included in its Operating Plan the capital improvements that will facilitate operating its trains at higher speeds. CSX has also agreed to certain voluntary mitigation measures, including the following:

- Work with the Four City Consortium to obtain public funding to rehabilitate the elevated portion of the IHB Line (C-775). After rehabilitation, CSX will shift some train traffic off its first and second routes to the grade-separated line, which would further reduce vehicle traffic delays at highway/rail at-grade crossings.
- Work with the Four City Consortium to automatically notify emergency response vehicle dispatchers when a highway/rail at-grade crossing is closed because of an approaching train. During the transition period after the proposed Conrail Acquisition, CSX will work with all parties (including NS) and participate in regular meetings to reassess delays of motorists and emergency response vehicles.

**Additional Recommendations.** SEA further recommends that CSX voluntarily implement the following additional actions to improve local rail operations and minimize potential local adverse environmental impacts:

- CSX is encouraged to use the IHB tracks between Lincoln Avenue and Ivanhoe (C-776) and the CSX Porter Branch between Ivanhoe and Willow Creek (C-693) for as much traffic as is reasonably practical.
- CSX is encouraged to work with the Cities of Gary and East Chicago to close little-used highway/rail at-grade crossings along rail line segment C-023 (Pine Junction to Barr Yard) in Gary and rail line segment C-024 (Tolleston to Clark Junction) in East Chicago.

#### **4.19.4 Lafayette, Indiana**

##### **Overview**

After the proposed Conrail Acquisition, CSX freight rail traffic levels through Lafayette on rail line segments C-255 and C-256 would not change. However, train traffic on the NS main line that passes through Lafayette on rail line segment N-046 would increase by 21.8 trains per day (from 18.4 to 40.2 trains per day). The Draft EIS identified potential vehicle traffic safety impacts at ten highway/rail at-grade crossings on the NS rail line segment that warrant

mitigation. In addition, SEA identified potential vehicle traffic delay impacts at ten closely spaced crossings and analyzed these crossings as a corridor, rather than individually. Appendix N, "Community Evaluations," presents details of SEA's Lafayette evaluation.

### **Relocation of NS Main Line**

SEA determined that both the delay and safety concerns at the NS crossings along N-046 in Lafayette might be temporary. Since the 1970s, the City of Lafayette has been working to consolidate several rail lines into a bypass rail corridor along the riverfront that will ultimately eliminate 42 highway/rail at-grade crossings in the city, including the ten on the NS line segments that SEA evaluated for traffic safety. This \$180 million rail bypass project is more than 80 percent complete, and it has already eliminated 18 highway/rail at-grade crossings through the relocation of the CSX rail line. The City expects to obtain \$30 million in required additional funding and complete the project by 2001. When completed, NS will relocate 4.2 miles of its main line out of the central business district and into this new bypass corridor, which CSX already uses. This new joint CSX/NS corridor would have no highway/rail at-grade crossings, and so would eliminate all crossing impacts (for both vehicle safety and delay) and obviate the need for mitigation on the NS line segments. See Figure 4-11, "Lafayette Area Rail Routes."

The U.S. House of Representatives version of the Intermodal Surface Transportation Efficiency Act (ISTEA) reauthorization bill (April 1998) would provide \$30 million to fund the Lafayette bypass project over five years. However, the U.S. Senate's version of the bill does not specify certain projects. SEA assumes that the funding commitment, if enacted, would expedite the project through financing options and estimates that the rail bypass could be in place within 2 or 3 years.

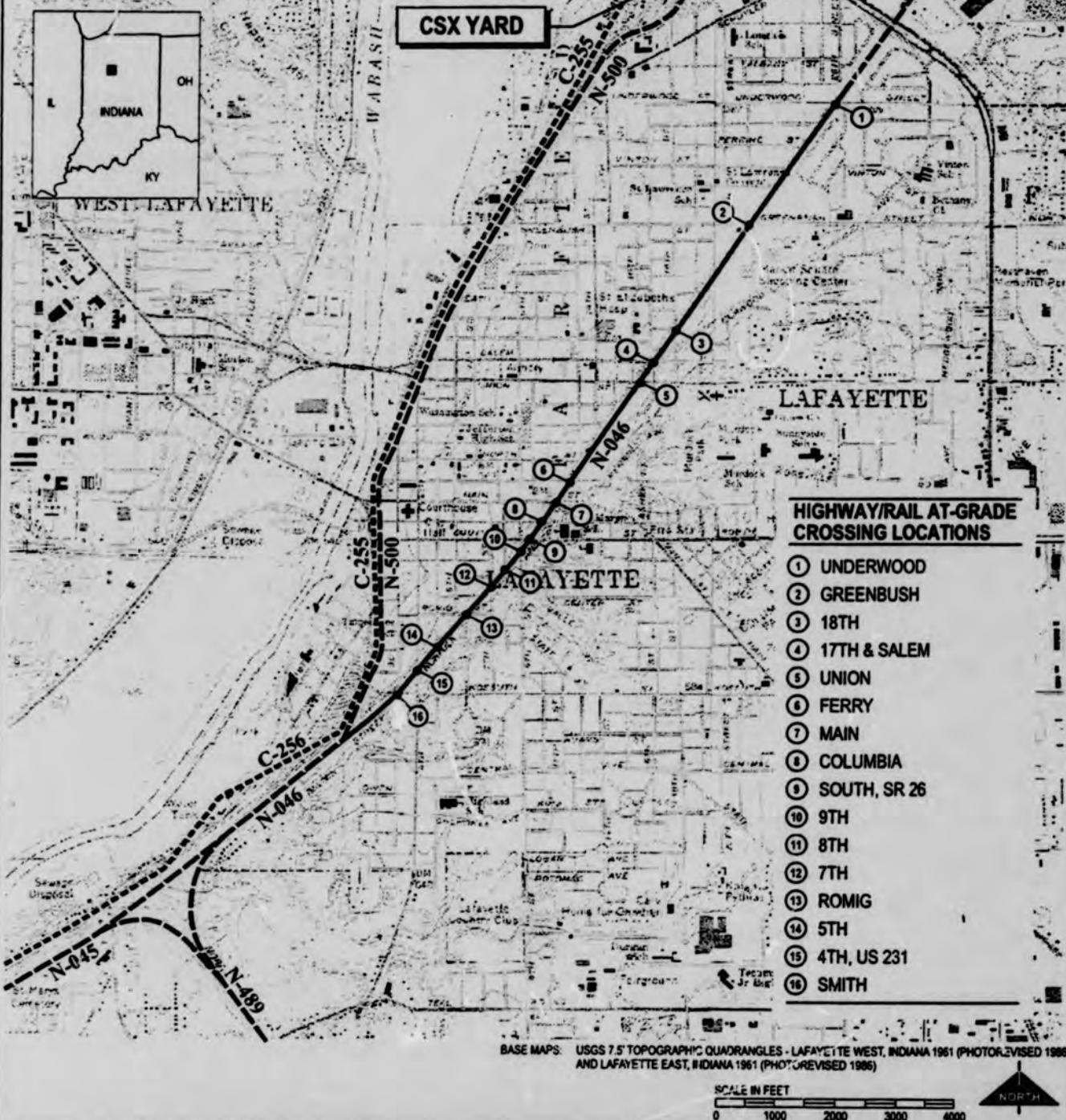
### **Additional Evaluations**

SEA reviewed the City's Final EIS (1979) for the bypass project and determined that the conclusions of the EIS for all environmental issue areas related to direct construction activities for the proposed NS route are still valid. SEA's additional evaluation focused exclusively on operational issues.

SEA evaluated the potential environmental impacts of relocating all NS traffic to a combined CSX/NS rail corridor. To calculate predicted traffic levels, SEA combined CSX and NS traffic levels for the parallel line segments (C-255 and N-046) and (for analytic purposes only) designated the combined lines as rail line segment N-500 (and N-500a, a subsegment that connects the shared corridor with the NS main line north of the CSX shop area). After the proposed Conrail Acquisition, the total rail traffic in the shared corridor would be 43.2 trains per day. However, because CSX and NS would dispatch their trains independently, operate on

# LEGEND

- N-000 NORFOLK SOUTHERN RAIL SEGMENT AND SEGMENT ID (TO BE RELOCATED)
- N-000 NORFOLK SOUTHERN RAIL SEGMENT AND SEGMENT ID
- C-000 C S X RAIL SEGMENT AND SEGMENT ID



Proposed Conrail Acquisition

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FIGURE 4-11  
LAFAYETTE AREA RAIL ROUTES



independent tracks, and would not combine their rail operations, SEA conducted separate line segment analyses to evaluate the safety of freight rail operations and hazardous materials transport. Table 4-7, Summary of Adverse Environmental Impacts by State," lists the results of SEA's environmental analysis for all geographic areas, including the Lafayette area.

## **Results and Impacts**

**Safety of Highway/Rail At-grade Crossings.** Because of the unique circumstances in Lafayette of multiple highway/rail at-grade crossings that are closely spaced, SEA analyzed the safety of all 39 such crossings, regardless of whether they meet the Board's or SEA's thresholds for environmental analysis. On the existing route SEA identified 10 highway/rail at-grade crossing with significant safety impacts. These crossings are listed in Appendix N "Community Evaluations." For the relocation project, according to the City of Lafayette Final EIS (1979) and the Lafayette rail relocation project director, rail line segments N-500 and N-500a on the proposed Lafayette bypass do not have any highway/rail at-grade crossings, nor do CSX rail line segments C-255 and C-256 within the limits of the Lafayette bypass corridor.

**Hazardous Materials Transport.** SEA determined that the combined operations of CSX and NS through the common railroad corridor would result in a total of 50,000 annual hazardous materials carloads handled after the proposed Conrail Acquisition instead of 47,000 carloads. However, because each railroad could operate independently, SEA evaluated the rail line segments individually. The 50,000 figure reflects the combined annual increases from rail line segment C-255 (from 1,000 to 3,000 cars) and N-046 (from 11,000 to 47,000 cars). According to the Draft EIS, N-046 qualified for mitigation based on SEA's threshold for designation as a major key route which is defined as a doubling of hazardous materials carloads and more than 20,000 carloads transported annually. Therefore, NS is primarily responsible for the mitigation required for major key routes.

Table N-44 of Appendix N, "Community Evaluations," shows the projected percentage increase in reportable mainline hazardous materials releases following the proposed Conrail Acquisition.

**Safety of Freight Rail Operations.** SEA applied the existing and proposed freight train traffic levels on rail line segment N-046 to rail line segment N-500a, the connection north of N-500. Because N-500 would share a common corridor with C-255, SEA combined the proposed freight train traffic on these two rail line segments to assess changes in rail traffic levels along this common corridor resulting from the proposed Conrail Acquisition. However, because both CSX and NS would operate separately and dispatch trains independently, SEA analyzed freight safety for the individual rail line segments that coincidentally share a common corridor. SEA determined that, by itself, rail line segment C-255, which would experience no change in train volume through Lafayette as a result of the proposed Conrail Acquisition, does not meet Board thresholds for evaluation of freight rail safety. However, once NS has relocated its main line onto the common corridor, SEA encourages both CSX and NS, with the City of Lafayette, to establish guidelines and procedures that would minimize the confusion that might arise concerning the ownership of and responsibility for a train accident (derailment) occurring in the

common corridor. As shown in Table N-45 of Appendix N, "Community Evaluations," the proposed Conrail Acquisition would result in a decrease in the expected interval between NS freight rail accidents of 137 years (from 244 years to 107 years).

SEA requires consideration of mitigation for an increased derailment risk greater than ten percent only when the interval between accidents would be less than 100 years after the proposed Conrail Acquisition. None of the Lafayette rail line segments, including the rail bypass project, meets this criterion. Thus, SEA recommends no special action or mitigation with respect to freight rail safety.

**Transportation: Highway/Rail At-grade Crossing Delay.** For the Draft EIS, SEA evaluated ten high-traffic, closely spaced highway/rail at-grade crossings on the NS main line in Lafayette. SEA concluded that, considered individually, none of these crossings meets SEA's criteria of significance nor do they warrant mitigation. However, SEA determined that the number and proximity of these crossings in Lafayette and their combined effects on downtown traffic are unique circumstances that warrant a roadway corridor analysis of traffic delay. SEA identified and analyzed all closely spaced highway/rail at-grade crossings in Lafayette that are within 800 feet of each other. Because the number of trains on the NS main line would more than double without the bypass, the predicted average vehicle delay would also more than double. SEA concluded that the bypass would eliminate the predicted delay and that the aggregate traffic delays in this roadway corridor are not sufficient to warrant mitigation. SEA determined that interim mitigation until implementation of the bypass is not warranted. Appendix G, "Transportation: Highway/Rail At-Grade Crossing Traffic Delay Analysis," of the Final EIS presents details of SEA's analysis.

**Air Quality.** SEA concluded that the bypass route would have no significant impact on air quality in Tippecanoe County.

**Noise.** Using the same methods as described in Section 4.12, "Noise," SEA predicted that combined noise levels from the NS relocated track combined and the existing CSX rail traffic would increase by more than 2 dBA  $L_{dn}$ , and it identified the number of noise-sensitive receptors along the line. SEA determined that, compared to the existing NS line, the relocated line would affect substantially fewer receptors. In addition, SEA determined that the bypass route would not meet SEA's noise mitigation criteria. Although the increased traffic on the NS lines would increase noise levels in the new bypass corridor, SEA determined that any such increased noise would be consistent with the corridor's intended land use and it would not warrant consideration for mitigation. Attachment N-7 of Appendix N, "Community Evaluations," presents details of SEA's analysis.

**Environmental Justice.** SEA conducted a special environmental justice analysis for census block groups in Lafayette, Indiana, in the region of northwest Indiana. Because the City is in the process of relocating the existing NS rail traffic using a bypass, SEA examined the potential impacts on Lafayette from both regional (multicounty) and local (county) perspectives to ensure that the analysis for disproportionately high and adverse effects would be addressed.<sup>18</sup>

At the regional level, SEA's analysis of 103 block group Areas of Potential Effect showed that disproportionately high and adverse effects in minority and low-income populations would occur (absent mitigation) from hazardous materials transport, but not from noise or from safety and vehicle delay at highway/rail at-grade crossings.

SEA recommends a tailored mitigation plan to mitigate the disproportionately high and adverse hazardous materials transport effects. This tailored mitigation includes the installation of Operation Respond hardware and software at the local emergency response center to serve minority and low-income populations adjacent to the rail line segment. SEA also recommends that the Applicants be required to provide training with this software as well.

Further, SEA recommends that the Applicants modify the local components of its required emergency response plan to account for the unique concerns of minority and low-income populations adjacent to or in the immediate vicinity of the rail line segment(s). In addition, NS has agreed to fund participation in a training sessions at the national training center in Pueblo, Colorado for two representatives of the emergency response provider for the City of Lafayette, Indiana.

At a local level, SEA's analysis identified 45 census block groups within the Area of Potential Effect in Tippecanoe County. These block groups are adjacent to several consecutive highway/rail at-grade crossings along rail line segments N-045 and N-046 in Lafayette. Nine of the block groups contain environmental justice populations. SEA determined that disproportionately high and adverse impacts on minority and low-income populations could occur (absent mitigation) from noise, but would not occur from hazardous materials transport or from safety and vehicle delay at highway/rail at-grade crossings. The disproportionate noise impacts at these locations result primarily from horn noise at highway/rail at-grade crossings. The City of Lafayette is in the process of relocating the existing NS rail traffic using a bypass, which would eliminate 42 such crossings. SEA's analysis of the bypass (rail line segment N-500) identified no disproportionate impacts for noise or other environmental issues on environmental justice populations.

Appendix M, "Environmental Justice Analysis," presents the Lafayette analysis results in detail.

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<sup>18</sup> SEA relied upon regional analysis in cases where there were not enough block groups in a given county to provide a statically significant answer. In the region of northwestern Indiana and Illinois, SEA analyzed the counties of Tippecanoe, Porter, and Fountain in Indiana and Vermilion County in Illinois.



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## Final Recommended Mitigation

**Safety of Highway/Rail At-grade Crossings.** Even though the NS rail line segment (N-046) is likely to be rerouted within 2 or 3 years, SEA determined that the interim traffic safety issues related to the proposed Conrail Acquisition warrant mitigation based on the safety analysis at these crossings. Therefore, SEA recommends that NS upgrade the warning devices at the ten highway/rail at-grade crossings with safety impacts, all of which the bypass would eliminate. Alternatively, NS and the City of Lafayette and the Indiana Department of Transportation can reach agreement to achieve an equivalent level of safety improvement until the relocation project is complete. See Chapter 7, "Recommended Environmental Conditions," and Appendix N, "Community Evaluations."

**Safety: Hazardous Materials Transport.** SEA notes that NS rail line segment N-046 currently carries 11,000 carloads of hazardous materials per year, which NS predicts will increase to 47,000 carloads per year. This increase exceeds SEA's threshold for designation as a major key route. Accordingly, after the proposed Conrail Acquisition, SEA requires major key route mitigation for the entire rail line segment. However, upon relocation of the NS line onto the bypass corridor, SEA encourages CSX and NS to establish guidelines and procedures to minimize the confusion that could arise about ownership if an accident should occur within the rail corridor.

### 4.20 INCONSISTENT AND RESPONSIVE APPLICATIONS AND REQUESTS FOR CONDITIONS

Board procedures require parties to file Inconsistent and Responsive (IR) applications to request inclusion in, or additions or modifications to, the Primary Application. The deadline for these filings was October 21, 1997. In Decision No. 54 issued on November 20, 1997, the Board accepted 15 IR applications. Prior to the issuance of this Final EIS, four applicants withdrew their IR applications after reaching settlements with NS or CSX.

SEA reviewed all IR applications that the Board received by the deadline to determine whether any would result in significant environmental impacts. After reviewing the IR applications that the Board accepted, SEA determined that only two could cause potentially significant environmental impacts; these two consisted of filed requests for overlapping trackage rights by New England Central Railroad and jointly by the State of New York and New York City Economic Development Commission. SEA determined that the other IR applications would not result in significant environmental impacts. Each of the two IR applications proposed adding two trains to the affected rail line segment (10 miles of segment C-726 from CP-187 to Selkirk Yard near Albany, New York). Neither the Environmental Report nor the Draft EIS analyzed the segment, which is in a nonattainment area, because CSX, the proposed line operator, anticipated no increase in trains per day. However, if the Board approved both IR applications, the combined total of four new trains per day would exceed the Board's threshold for environmental analysis for air quality in a nonattainment area (three trains per day). Therefore,

SEA analyzed the rail line segment for potential impacts on air quality in Albany County and Rensselaer County, the location of the rail line segment.

Because neither IR applicant provided estimates of the amount of freight that would be transported over the rail line segment as a result of its proposal, SEA estimated the annual amount of freight (in million gross tons) to calculate emissions resulting from the proposed additional traffic. SEA's estimate is based on the annual amount of freight per train on all rail line segments included in the detailed emissions analysis presented in the Draft EIS.

EPA has designated Albany and Rensselaer Counties as a marginal nonattainment area for ozone. SEA estimated the projected increase in emissions on rail line segment C-726 in the counties because the rail line segment would experience an increase in traffic that would meet the Board's thresholds for environmental analysis as a result of the proposed Conrail Acquisition and IR applications. (See Tables I-2 and I-3 in Appendix I, "Air Quality Analysis.") Based on the analysis, SEA determined that the increased traffic would result in an increase in emissions. However, SEA concluded that the estimated increase is below the screening levels that SEA developed based on the EPA emissions levels for stationary source permitting for all of the pollutants in both counties. This increase would not adversely affect air quality in those areas. (See Table I-1, "County/Jurisdiction Emissions Screening Levels.")

SEA also reviewed approximately 100 Comments and Requests for Conditions that the Board received on or before October 21, 1997, and described them in Appendix U of the Draft EIS, "List of Comments and Petitions/Requests for Conditions." Based on its review, SEA concluded that most of these focused on the competitive aspects of the merits of the proposed Conrail Acquisition. SEA also determined that 11 Comments and Requests for Conditions proposing additional railroad activities had the potential, when considered in conjunction with the proposed Conrail Acquisition, to meet or exceed the Board's thresholds for environmental analysis. SEA received those Comments and Requests for Conditions from the following:

- Congressman Dennis Kucinich (10<sup>th</sup> District, Ohio) regarding a proposed neutral independent railroad to operate in the Cleveland area. (Although Congressman Kucinich titled his filing an IR application, the Board accepted it instead as a Comment and Request for Conditions.)
- Congressman Jerrold Nadler and 23 other members of Congress from New York and Connecticut requesting an additional freight railroad be given trackage rights over Conrail's Hudson line from Selkirk Yard near Albany, New York to New York City. (Although the members of Congress titled their filing a "Petition for Intervention," the Board accepted it as a Comment and Request for Conditions.)
- The Four City Consortium (East Chicago, Hammond, Gary, and Whiting, Indiana) requesting that CSX and NS amend their Operating Plans to incorporate the Consortium's Alternative Routing Plan and adhere to the Plan after implementing the proposed Conrail Acquisition.



- Nine passenger/commuter rail organizations seeking mitigation conditions that would ensure their current and/or planned operations over rail line segments included in the proposed Conrail Acquisition.

The following describes SEA's analysis of the potential environmental impacts resulting from these filings.

**Congressman Dennis Kucinich.** Congressman Kucinich requests that the Board establish a neutral, independent railroad company in the Greater Cleveland Area, Ohio. The new entity would control all dispatching, switching, and signaling in the Cleveland Area. Heavy freight routes would be jointly owned by NS and CSX, while other track routes with potential for regional commuter traffic would be placed into the neutral independent railroad company. SEA evaluated Congressman Kucinich's request and determined that it does not provide documentation or specific information regarding possible environmental benefits or impacts. Accordingly, SEA cannot identify the local environmental impacts, including impacts on residential, minority, and low-income populations. However, SEA concludes that the proposal could result in adverse safety impacts from the increased operational complexity throughout the Greater Cleveland Area. (See Section 4.19, "Community Evaluations," and Appendix N, "Community Evaluations," of this Final EIS for detailed discussion.)

**Congressman Jerrold Nadler.** SEA conducted an evaluation to determine whether environmental impacts would occur if the Board grants the request of Congressman Jerrold Nadler and 23 other members of Congress for trackage rights for an additional railroad over Conrail's Hudson Line (from Selkirk Yard to New York City). The railroad that received the trackage rights would compete with CSX if the Board approves the proposed Conrail Acquisition. SEA determined that this request seeks the same trackage rights on the same rail line segment as the State of New York and the New York City Economic Development Commission proposed in their joint IR application (trackage rights for one additional railroad to provide service on the Hudson Line to and from the New York Metropolitan Area). Based on its evaluation of the joint IR application, which projected two additional trains per day, and of the CSX Operating Plan, which projected no additional trains over the line, SEA determined that if the Board approves the request for trackage rights, the two additional trains per day would not meet or exceed the Board's thresholds for environmental analysis and no significant adverse impacts would occur.

The members of Congress who are seeking trackage rights also suggested that truck traffic through the New York City/Northern New Jersey Metropolitan Area will significantly increase if the Board approves the proposed Conrail Acquisition. They rationalized that the additional truck traffic could be diverted to the recipient of the trackage rights, which would reduce air pollution and environmental justice impacts in the metropolitan area.

SEA analyzed the potential increase in truck traffic in the New York City/Northern New Jersey Metropolitan Area. (See Section 4.8, "Transportation: Roadway Systems," and Appendix H, "Transportation: Roadway Systems Analysis," of this Final EIS for detailed discussion.) SEA

concluded that truck traffic would not increase but some trucks could shift their routes through the metropolitan area as a result of the proposed Conrail Acquisition. However, SEA determined that the environmental effects of these potential truck trips shifts would be insignificant.

**The Four City Consortium.** In its request, the Four City Consortium proposes two alternate routes for CSX trains to maximize the use of grade-separated rail lines and minimize the use of at-grade rail lines (to avoid highway/rail at-grade crossings). SEA evaluated the request and determined that the alternative routes would impose considerable capital expenses and operational problems, would not significantly improve operations either for CSX or NS, and would not relieve vehicle delays at highway/rail at-grade crossings. (See Section 4.19, "Community Evaluations," and Appendix N, "Community Evaluations," of this Final EIS for detailed discussion.)

**Passenger/Commuter Rail Organizations.** SEA evaluated whether any of the Requests for Conditions made by nine passenger/commuterrail organizations would sufficiently affect either CSX's or NS's Operating Plans to cause potentially significant environmental impacts. Table 4-6, "Requests for Conditions Submitted by Passenger/Commuter Rail Organizations," identifies the passenger/commuterrail organizations that filed Comments and Requests for Conditions, the conditions they sought, and the results of SEA's analyses. SEA determined that either the requests would not result in significant environmental impacts or they represented expansion plans that were too speculative to conduct environmental analyses. Prior to the publication of this Final EIS, SEA was informed that CSX and NS reached a Agreement with the New Jersey Department of Transportation/New Jersey Transit Corporation and CSX reached an agreement with Chicago Metra, as indicated in Table 4-6, "Requests for Conditions Submitted by Passenger/Commuter Rail Organizations." These agreements address some or all of the requested conditions.

**TABLE 4-6**  
**REQUESTS FOR CONDITIONS**  
**SUBMITTED BY PASSENGER/COMMUTER RAIL ORGANIZATIONS**

Submitted By	Condition(s) Requested	Potential Operating Plan Effects	Potential Environmental Impacts
Amtrak (National Railroad Passenger Corporation).	1. Board 5-year oversight of effect on Amtrak's on-time performance.	None.	None.
	2. Confirm Amtrak control over sharing of freight easement on Northeast Corridor.	None.	None.
	3. Require CSX to cooperate with Amtrak and New York State on providing high speed Albany-to-Buffalo service.	None.	None.
	4. Require NS to cooperate on	None.	None.

**TABLE 4-6**  
**REQUESTS FOR CONDITIONS**  
**SUBMITTED BY PASSENGER/COMMUTER RAIL ORGANIZATIONS**

Submitted By	Condition(s) Requested	Potential Operating Plan Effects	Potential Environmental Impacts
Chicago Metra (Commuter Rail Division of the Regional Transportation Authority of Northeast Illinois) [Agreement reached with CSX].	<p>1. Transfer control of the Forest Hill and Chicago Ridge interlocking from CSX/Indiana Harbor Belt to Metra.</p> <p>2. Require NS and CSX to obtain BRC's agreement to transfer control of the Belt Junction interlocking to Metra.</p> <p>3. Require NS to control CP 518 interlocking so that no freight train is allowed to proceed if this will cause a delay to Metra.</p> <p>4. Require the Board to submit quarterly reports about plans to mitigate adverse impacts of the Acquisition for 5 years.</p>	<p>None.</p> <p>None.</p> <p>None.</p> <p>None.</p>	<p>None.</p> <p>None.</p> <p>None.</p> <p>None.</p>
Metro-North Commuter Railroad Company (MNCR)	Seeks acquisition of Suffern-Port Jervis, New York line, or imposition of a long-term trackage rights agreement on MNCR's behalf.	MNCR would make capital improvements to the line and increase passenger service from 17 trains per day in 1997 to 33 trains by the year 2020.	Plans are long-term and, therefore, are too speculative to conduct environmental analysis.
New Jersey Department of Transportation/New Jersey Transit Corporation (NJT), [Agreement reached with CSX and NS].	<p>1. Seeks operating rights on nine Conrail line segments and one New York, Susquehanna and Western Railway (NYSW) line segment that it currently does not operate.</p> <p>2. Require Applicants to coordinate with NJT in Shared Asset Areas.</p> <p>3. Require Applicants' capital investment in the NK-to-Aldene line segment, and Automatic Train Control and Positive Train Stop on locomotives on NJT lines.</p>	<p>Six of the nine Conrail line segments have through freight train service on all or part. One segment (Bordentown) is a light rail proposal opposed by Applicants. No NJT plan data are available on others. NYSW lines are not part of the proposed Acquisition.</p> <p>None.</p> <p>None.</p>	<p>Plans are too speculative to conduct environmental analysis.</p> <p>None.</p> <p>None.</p>



**TABLE 4-6**  
**REQUESTS FOR CONDITIONS**  
**SUBMITTED BY PASSENGER/COMMUTER RAIL ORGANIZATIONS**

Submitted By	Condition(s) Requested	Potential Operating Plan Effects	Potential Environmental Impacts
Northeast Ohio Four County Regional Planning & Development Organization (NEFCO)	Grant NEFCO commuter rail operating rights on Cleveland to Hudson line segment (25 miles) for start-up passenger service.	NEFCO has not identified the number of commuter trains that it would operate. This line segment presently has two Amtrak trains and is projected to have 30.1 freight trains, an increase of 3.7 trains per day, on a line with limited signaling capabilities.	Plans are too speculative to conduct environmental analysis.
Northwest Pennsylvania Rail Authority (NPRA)	Require trackage rights exchange between NS and NPRA.	NS has not sought trackage rights and does not intend to use the out-of-service segment of the Meadville-to-Corry, Pennsylvania-to-Salamanca, New York line for through service.	None.
Rhode Island DOT (RI DOT)	1. Seeks second Class I Railroad in southern New England. NS trackage rights to Boston on CSX or on Guilford Transportation Industries (GTI).	NS on CSX to Boston would divert traffic from GTI and CSX, possible increase in trains per day on Conrail Boston Line. NS on GTI would divert from CSX, decrease of trains per day on CR Boston Line (no net increase should occur).	None.
	2. Require that CSX provide Rhode Island with rate parity.	None.	None.
	3. Prevent CSX from interfering with passenger rail service on Northeast Corridor or future routes.	None (Conrail does not operate in Rhode Island or eastern Connecticut).	None.
	4. Board retains jurisdiction over affected lines for 3 to 5 years.	None.	None.

**TABLE 4-6**  
**REQUESTS FOR CONDITIONS**  
**SUBMITTED BY PASSENGER/COMMUTER RAIL ORGANIZATIONS**

Submitted By	Condition(s) Requested	Potential Operating Plan Effects	Potential Environmental Impacts
Southeastern Pennsylvania Transportation Authority (SEPTA)	1. Long-term extension of Operating Agreement with SEPTA dispatch control of Trenton Line.	None.	None.
	2. Trackage rights for SEPTA light rail on Harrisburg and Morrisville Lines.	Potential impact on NS and CSX, which would operate on lines only at night. SEPTA has not completed study or obtained capital funding	Plans are too speculative to conduct environmental analysis
	3. CSX access to Lansdale via NS's freight-only Stoney Creek Branch, rather than via SEPTA Main Line.	Reduction in size and frequency of CSX local train on SEPTA Main Line. CSX access to Lansdale (and beyond) would be trackage rights on NS or haulage by NS. Increase in train size and frequency on NS Stoney Creek Branch that SEPTA owns and dispatches.	None.
	4. Restriction on CSX use of NS Morrisville Line for dimensional (oversized) traffic through Norristown.	Minimal impact at Norristown, under any SEPTA assumption.	None.
Virginia Railway Express (VRE) (Northern Virginia Transportation Commission, and Potomac and Rappahannock Transportation Commission)	Trackage rights on all lines presently used by VRE, and revision of its Operating/Access Agreements with NS and CSX.	Would result in Board's jurisdiction over trackage rights disputes.	None.

Key to table:

BRC	=	Belt Railway of Chicago
GTI	=	Guilford Transport Industries
IHB	=	Indiana Harbor Belt
MNCR	=	Metro-North Commuter Railroad Company
NEFCO	=	Northeast Ohio Four County Regional Planning & Development Organization
NJT	=	New Jersey Transit Corporation
NPRA	=	Northwest Pennsylvania Rail Authority
NYSW	=	New York, Susquehanna and Western Railway
NK	=	Interlocking in New Jersey on Conrail Lehigh Line
RI DOT	=	Rhode Island DOT
SEPTA	=	Southeastern Pennsylvania Transportation Authority
VRE	=	Virginia Railway Express

## 4.21 SETTLEMENT AGREEMENTS AND NEGOTIATED AGREEMENTS

### 4.21.1 Settlement Agreements

SEA used the Operating Plans and traffic projections from the Primary Application of the proposed Conrail Acquisition to determine which rail line segments, intermodal facilities, and rail yards to analyze in the Draft EIS. Following publication of the Draft EIS, SEA determined that certain additional facilities may require analysis, pursuant to Board regulations, because of operating changes that could result from Settlement Agreements between CSX and NS and other railroads, including any Settlement Agreements resulting from previously submitted IR applications.

For the purposes of this Final EIS, a Settlement Agreement is a privately negotiated settlement between CSX, NS, or both and one or more interested parties, including other railroads; the settlement agreement would become effective if the Board approves the proposed Conrail Acquisition. While the Board has not approved the terms of any Settlement Agreements, it is responsible for addressing significant environmental effects that may result from the implementation of a Settlement Agreement. Consequently, SEA is obligated to review the environmental effects of any Settlement Agreement that would change CSX's or NS's Operating Plans or traffic projections contained in the Primary Application. CSX and NS have entered into 21 Settlement Agreements with freight railroads that could provide the settling party with trackage rights and the right to add trains to affected rail line segments. Railroad activities on the affected rail line segments could exceed the Board's thresholds for environmental analysis as a result of such additional trains.

In a letter dated February 13, 1998, SEA requested that NS and CSX conduct an analysis of operating changes that could result from each Settlement Agreement with another freight railroad and provide SEA with either of the following documents:

- A Verified Statement attesting that the Settlement Agreement would have no significant environmental impacts, or
- A Supplemental Environmental Report for each Settlement Agreement analyzing potential environmental impacts that could result from rail activities that would meet or exceed the Board's thresholds for environmental analysis.

See Appendix C, "Settlement Agreements and Negotiated Agreements," for the copy of SEA's letter to CSX and NS. In response to SEA's February 13, 1998 request, on March 5, 1998, NS provided SEA with 11 Verified Statements and one Supplemental Environmental Report. On March 6, 1998, CSX provided nine Verified Statements. Appendix C, "Settlement Agreements and Negotiated Agreements," includes copies of the Verified Statements and the Supplemental Environmental Report.



Based on its review of these documents, SEA determined that 19 Settlement Agreements for which CSX and NS provided Verified Statements do not warrant additional environmental analysis because the anticipated rail activities would not meet or exceed the Board's thresholds for environmental analysis.

SEA determined that CSX's Settlement Agreement with Louisville and Indiana Railroad (LIRC) would affect traffic on several rail line segments in Indiana, Kentucky, Ohio, and Tennessee. Based on the revised Operating Plan that would result from this agreement, SEA identified two LIRC rail line segments (Louisville, Kentucky-to-Seymour, Indiana and Seymour, Indiana-to-Indianapolis, Indiana) that would exceed the Board's threshold for air quality analysis. CSX would divert the additional traffic from other rail line segments SEA had analyzed in the Draft EIS to the two affected rail line segments. SEA evaluated the air pollutant emissions for those two rail line segments and also revised emissions estimates for other segments that would experience traffic decreases as a result of the Settlement Agreement. Based on the evaluation and revisions, SEA determined that for all the affected counties, the net emissions resulting from the Settlement Agreement in conjunction with the proposed Conrail Acquisition would not have a significant air quality impact. See Section 4.10, "Air Quality," and Appendix I, "Air Quality Analysis," of this Final EIS for detailed discussion.

SEA also verified that the Settlement Agreement, covered by a Supplemental Environmental Report, which is between NS and the Indiana & Ohio Rail System, would not cause significant environmental impacts. SEA determined that the anticipated increase in Indiana & Ohio trains would cause only a slight increase in net NO<sub>x</sub> emissions in Butler County, Ohio. This NO<sub>x</sub> increase would be less than 1 percent of the existing county emissions. SEA considered this increase insignificant. See Section 4.10, "Air Quality," and Appendix I, "Air Quality Analysis," of this Final EIS for further discussion.

In a subsequent letter dated March 27, 1998, SEA requested that CSX and NS provide copies of these Settlement Agreements by April 15, 1998, for its review. See Appendix C, "Settlement Agreements and Negotiated Agreements," for the copy of SEA's letter to CSX and NS.

In response to the March 27<sup>th</sup> request, SEA received copies of 19 of the 21 Settlement Agreements CSX and NS had entered into with freight railroads. On May 8, 1998, NS informed SEA that NS's Settlement Agreements with the Eastern Shore Railroad and the Maryland and Delaware Railroad were verbal agreements and had not been documented. NS had provided SEA the Verified Statements attesting that the Settlement Agreements with these two railroads would have no significant environmental impacts because the agreements would not result in railroad activities that could exceed the Board's thresholds for environmental analysis.

SEA reviewed the documents it received to confirm the conclusions CSX and NS reached in their Verified Statements and the Supplemental Environmental Report and SEA's decision to evaluate the Louisville & Indiana Railroad rail line segment over which CSX would obtain trackage rights.

The following lists the parties that have entered into Settlement Agreements with CSX or NS or both:

**CSX**

1. Buffalo & Pittsburgh Railroad, Inc. (and its affiliates Allegheny & Eastern Railroad Inc., Rochester & Southern Railroad, Inc., Pittsburgh & Shawmut Railroad, Inc., and Genesee and Wyoming, Inc.).
2. Canadian National Railway Company.
3. Canadian Pacific Railway Company (and its affiliates Soo Line Railroad Company, Delaware and Hudson Railway Company, and St. Lawrence and Hudson Railway Company).
4. Central Railroad Company of Indiana/Central Railroad Company of Indianapolis.
5. Chicago, SouthShore & South Bend Railroad Company.
6. Iowa Interstate Railroad, Inc.
7. Louisville & Indiana Railroad.
8. Massachusetts Central Railroad Corporation.
9. Providence and Worcester Railroad Company.

**NS**

1. Black River and Western Railroad/Belevedere and Delaware River Railroad.
2. Buffalo & Pittsburgh Railroad (and its affiliates, Allegheny & Eastern Railroad, Rochester & Southern Railroad, and Pittsburgh & Shawmut Railroad).
3. Canadian National Railway.
4. Canadian Pacific Railway.
5. Chicago, SouthShore & South Bend Railroad.
6. Central Railroad of Indiana and Central Railroad of Indianapolis.
7. Eastern Shore Railroad (verbal agreement).

8. Illinois Central Railroad.
9. Rail System.
10. Maryland and Delaware Railroad (verbal agreement).
11. Michigan Southern Railroad.
12. Nittany and Bald Eagle Railroad (and its affiliates, North Shore Railroad, Shamolin Valley Railroad, and Union County Industrial Railroad).

#### **4.21.2 Negotiated Agreements**

For the purposes of this Final EIS, a Negotiated Agreement is an agreement between CSX, NS, or both and one or more communities or other governmental units (including passenger service organizations) that is directed at mitigating the potential environmental effects of the proposed Conrail Acquisition, with specified duties and responsibilities assigned to each party. In previous proceedings, the Board has required applicants to comply with the terms of these types of agreements as a condition of approval.

In a letter dated March 27, 1998, SEA requested that CSX and NS provide for SEA's review copies of all Negotiated Agreements that CSX or NS have reached with affected communities or organizations and status reports on negotiations under way by April 15, 1998. See Appendix C, "Settlement Agreements and Negotiated Agreements," for the copies of SEA's letters to CSX and NS.

By the publication date of this Final EIS, SEA received and reviewed 18 Negotiated Agreements. The following lists the parties that have entered into Negotiated Agreements with CSX or NS or both. SEA recommends that the Board require the Applicants to comply with the terms and conditions of these Negotiated Agreements.

#### **CSX**

1. State of Maryland, dated September 24, 1997.
2. Commonwealth of Pennsylvania and the City of Philadelphia, dated October 21, 1997.
3. City of East Cleveland, dated February 11, 1998.
4. Metra (Northeast Illinois Regional Commuter Railroad Corporation), dated February 19, 1998.
5. Village of Greenwich and the Board of Huron County, Ohio, dated March 23, 1998.



6. City of Newark, Delaware and the University of Delaware, dated May 12, 1998.
7. City of Brook Park, Ohio, dated February 17, 1998.

**NS**

1. State of Maryland, dated September 24, 1997.
2. Commonwealth of Pennsylvania and the City of Philadelphia, dated September 21, 1997.
3. The Toledo-Lucas County Port Authority and Toledo Metropolitan Area Council of Governments, dated February 18, 1998.
4. Erie, Pennsylvania, dated April 9, 1998.
5. City of Tilton, Illinois, dated April 14, 1998.
6. Fremont, Ohio, dated April 15, 1998.
7. Bellevue, Ohio, dated April 22, 1998.
8. City of East Cleveland, Ohio, dated April 27, 1998.
9. City of Danville, Illinois, dated May 5, 1998.

**CSX and NS**

1. Cities of Brook Park and Olmsted Falls, Ohio, dated February 24, 1998.
2. New Jersey Department of Transportation/New Jersey Transit Corporation, New Jersey, dated March 20, 1998.

**4.22 ANTICIPATED ENVIRONMENTAL BENEFITS**

The proposed Conrail Acquisition would result in anticipated system-wide environmental benefits in the areas of energy efficiency and consumption, air quality, hazardous materials transportation, and transportation safety. Truck-to-rail freight diversions, more efficient routes, fewer traffic delays, and improved technology could contribute to these potential benefits. In addition, railroad operations will decrease in many areas, resulting in beneficial environmental impacts in the communities along those rail line segments or adjacent to rail facilities with decreased activities.

#### **4.22.1 Energy Efficiency and Consumption**

SEA's energy analysis for the Draft EIS assessed the change in fuel consumption as a result of the proposed Conrail Acquisition. Because energy use can vary among locations, SEA conducted its energy analysis on a system-wide basis. Based on available information, SEA concluded that the proposed Conrail Acquisition should provide a net reduction in energy consumption. Overall fuel consumption would decrease as a result of truck-to-rail freight diversions and other regulatory and technology changes.

The proposed Conrail Acquisition could lead to a significant decrease in annual diesel fuel consumption as a result of the potential truck-to-rail diversions. Because locomotives use one-fifth of the fuel per ton-mile of freight than trucks, increased reliance on rail service and the use of more efficient and more direct routes could cause a net decrease in diesel fuel consumption. Based on the results of its analysis, SEA determined that truck-to-rail diversions and increased train traffic related to the proposed Conrail Acquisition could reduce diesel fuel consumption by approximately 80 million gallons annually.

#### **4.22.2 Air Quality**

SEA performed air quality analysis to determine projected emissions rates following the proposed Conrail Acquisition and compared the projected rates with existing conditions. Based on its air quality analysis, SEA estimated that system-wide net emissions of NO<sub>x</sub>, particulate matter less than 10 microns in diameter, volatile organic compounds, and carbon monoxide would decrease following the proposed Conrail Acquisition. SEA estimated potential emissions using the projected Acquisition-related truck-to-rail diversions, system-wide changes in emissions at railyards and intermodal facilities, and highway/rail at-grade crossings with more than 5,000 vehicles per day. Based on the same analysis, SEA identified a slight increase in sulfur dioxide emissions (521 tons per year) because the sulfur content in locomotive fuels is typically higher than the sulfur content in truck fuel. However, SEA considers this sulfur dioxide increase to be insignificant compared with the several million tons of sulfur dioxide emitted annually by other sources in the states affected by the proposed Conrail Acquisition. Therefore, SEA concluded that the proposed Conrail Acquisition would result in a slight overall reduction of most air pollutant emissions.

#### **4.22.3 Hazardous Materials Transport**

For the Final EIS, SEA determined that the number of rail car miles of hazardous materials transport would increase by 2 percent following the proposed Conrail Acquisition, while rail yard freight car handling would decrease by 4 percent. On a system-wide basis, SEA determined that the proposed expansion of single-line rail service, which allows rail cars to be grouped for longer trips and fewer car-switching movements, would result in a 4 percent decrease in freight-car handling in rail yards. SEA determined that this overall decrease in freight car handling in rail yards would lead to an overall 14-percent decrease in the risk of a release or spill of hazardous materials arising from a rail yard accident.

The expected decrease in highway truck-miles resulting from Acquisition-related truck-to-rail freight diversions would also reduce the risk of hazardous materials accidents. The U.S. Bureau of Transportation Statistics indicates that railroads experience less than one-tenth the number of hazardous materials incidents compared with trucks, despite equal ton-mileage. Therefore, the diversion of hazardous materials from truck to rail transport may lead to a reduced number of hazardous materials incidents.

SEA expects that any increased risk in hazardous materials transport caused by the increased hazardous materials car miles following the proposed Conrail Acquisition would be more than offset by the lower risk resulting from the decreased rail yard activity and truck-miles. Moreover, it concluded that the proposed Conrail Acquisition would reduce the risk associated with hazardous materials transport on a system-wide basis.

#### **4.22.4 Transportation Safety**

The proposed Conrail Acquisition could benefit national and regional highway systems. The proposed Conrail Acquisition would result in changes to the freight rail network that would reduce truck traffic on major highways, including the interstate system, and on regional, state, and primary routes.

SEA's transportation analysis for the Draft EIS assessed the impact of the proposed Conrail Acquisition on rail and highway systems. Based on the Applicants' information, SEA anticipates that the proposed Conrail Acquisition would result in enhanced rail traffic safety through improved track maintenance and longer, more direct routes with fewer interchanges. SEA projected that the annual net reduction in truck travel as a result of the proposed Conrail Acquisition would be approximately 1.03 million truck trips. The Applicants estimated that the competition resulting from the proposed Conrail Acquisition would divert 782 million truck-miles of freight to rail service. Based on accident rates obtained from the U.S. Bureau of Transportation Statistics, this reduction in truck-miles would result in 1,600 fewer projected highway accidents annually. SEA reviewed the Applicants' data and analyses for estimating truck-to-rail diversions and determined that the procedures and results are reasonable.



#### 4.23 SUMMARY OF ADVERSE ENVIRONMENTAL IMPACTS

SEA's analysis of the proposed Conrail Acquisition identified potential system-wide, regional, local, and site-specific adverse environmental impacts. On a system-wide basis, SEA's analysis showed no significant adverse environmental impacts. On a regional basis, SEA identified potential significant adverse environmental impacts on passenger rail safety and hazardous materials transport. On a local or site-specific basis, SEA identified potential significant adverse impacts on the following environmental issue areas: highway/rail at-grade crossing safety, traffic delay at highway/rail at-grade crossings, freight rail operations, noise, cultural resources, natural resources, and environmental justice. The following states could be affected by one or more potential environmental impacts: Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

Table 4-7 of the Final EIS, "Summary of Adverse Environmental Impacts by State," presents an alphabetical listing of the potential adverse environmental impacts, which SEA identified for mitigation. This summary incorporates impacts identified for both the Draft EIS and, where applicable, as a result of the additional analysis SEA performed after the issuance of the Draft EIS. These site-specific potential impacts are listed for the applicable states. The table also includes the potential adverse environmental impacts SEA identified for the communities where SEA conducted additional analysis as discussed in Section 4.19, "Community Evaluations."

**TABLE 4-7**  
**SUMMARY OF ADVERSE ENVIRONMENTAL IMPACTS BY STATE**

Technical Area	Site ID: Name	Type of Activity	County	Potential Impact
<b>ALABAMA</b>				
Safety	C-376: La Grange, GA – Parkwood, AL	Rail Line Segment	Jefferson, Shelby, Talladega, Clay, Randolph, Chambers	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key route).
	CY01: Boyles Rail Yard	Rail Yard	Jefferson	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of handling. Jefferson County City of Birmingham
<b>DELAWARE</b>				
Cultural Resources	NR01: Shellpot Bridge	Construction	New Castle	Rehabilitation of Shellpot Bridge at Wilmington.
Natural Resources	NR01: Shellpot Bridge	Construction	New Castle	Recommended environmental conditions apply to proposed construction activities to reduce or avoid the potential for environmental impacts as a result of the proposed Acquisition. Expanding existing rail yard to accommodate intermodal facility.
Community	Newark	Rail Line Segment	New Castle	Pedestrian safety and safety at highway/rail at-grade crossings. CSX shall comply with the terms and conditions of its executed Negotiated Agreements with the City of Newark, Delaware and the University of Delaware. <u>Hudson County</u> City of Newark University of Delaware

**TABLE 4-7**  
**SUMMARY OF ADVERSE ENVIRONMENTAL IMPACTS BY STATE (Continued)**

Technical Area	Site ID: Name	Type of Activity	County	Potential Impact
<b>GEORGIA</b>				
<b>Safety</b>	C-346: Savannah - Jesup	Rail Line Segment	Wayne, Long, Liberty, Chatham	<i>Passenger Rail Safety:</i> Increase in estimated frequency of accidents between passenger and freight trains.
	C-376: La Grange, GA - Parkwood, AL	Rail Line Segment	Troup	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key route).
	C-377: Manchester - La Grange	Rail Line Segment	Troup, Meriwether	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key route).
	NY01: Doraville Rail Yard	Rail Yard	DeKalb	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of handling. <u>DeKalb County</u> City of Doraville
	CM01: Hulsey Intermodal	Intermodal Facility	Fulton	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of handling. <u>Fulton County</u> City of Atlanta
	NM01: Inman Intermodal	Intermodal Facility	Fulton	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of handling. <u>Fulton County</u> City of Atlanta



**TABLE 4-7**  
**SUMMARY OF ADVERSE ENVIRONMENTAL IMPACTS BY STATE (Continued)**

Technical Area	Site ID: Name	Type of Activity	County	Potential Impact
<b>ILLINOIS</b>				
<b>Safety</b>	N-033: Tilton - Decatur	Rail Line Segment	Piatt	<i>Highway/Rail At-grade Crossing Safety:</i> Increase in potential for vehicle-train accident. <u>Piatt County</u> TR 145
	N-045: Lafayette Jct., IN - Tilton, IL	Rail Line Segment	Vermilion	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A major key route).
	NY02: Colehour Rail Yard	Rail Yard	Cook	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of handling. <u>Cook County</u> City of Chicago
	CM02: 59 <sup>th</sup> Street Intermodal	Intermodal Facility	Cook	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of handling. <u>Cook County</u> City of Chicago
	NM02: Landers Intermodal	Intermodal Facility	Cook	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of handling. <u>Cook County</u> City of Chicago
	NM03: 47 <sup>th</sup> Street Intermodal	Intermodal Facility	Cook	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of handling. <u>Cook County</u> City of Chicago

**TABLE 4-7**  
**SUMMARY OF ADVERSE ENVIRONMENTAL IMPACTS BY STATE (Continued)**

Technical Area	Site ID: Name	Type of Activity	County	Potential Impact
<b>ILLINOIS (Continued)</b>				
Transportation	C-010: Barr Yard – Blue Island Jct.	Rail Line Segment	Cook	<i>Highway/Rail At-grade Crossing Delay:</i> Increase in vehicle delay at crossing. <u>Cook County</u> Dixie Highway Broadway Street - 135 <sup>th</sup> Street at Blue Island
Cultural Resources	CC-01: 75 <sup>th</sup> Street, Chicago Connection	Construction	Cook	Interlocking Tower will be demolished. CSX shall not alter the historic integrity of the 75 <sup>th</sup> Street Interlocking Tower until it completes Section 106 process of the National Historic Preservation Act.
	CC-02: Exermont Connection	Construction	St. Clair	The Branta's Landing/Mees-Notcha archaeological site will be disturbed by construction activities.
Natural Resources	CC01: 75 <sup>th</sup> Street, Chicago Connection	Construction	Cook	Recommended environmental conditions apply to proposed construction activities to reduce or avoid the potential for environmental impacts as a result of the proposed Acquisition.
	CC02: Exermont Connection	Construction	St. Clair	Recommended environmental conditions apply to proposed construction activities to reduce or avoid the potential for environmental impacts as a result of the proposed Acquisition.
	CC03: Lincoln Avenue, Chicago Connection	Construction	Cook	Recommended environmental conditions apply to proposed construction activities to reduce or avoid the potential for environmental impacts as a result of the proposed Acquisition.
	NC01: Kankakee Connection	Construction	Kankakee	Recommended environmental conditions apply to proposed construction activities to reduce or avoid the potential for environmental impacts as a result of the proposed Acquisition. Expanding existing rail yard to accommodate intermodal facility.

**TABLE 4-7**  
**SUMMARY OF ADVERSE ENVIRONMENTAL IMPACTS BY STATE (Continued)**

Technical Area	Site ID: Name	Type of Activity	County	Potential Impact
<b>ILLINOIS (Continued)</b>				
<b>Natural Resources</b>	NC03: Tolono Connection	Construction	Champaign	Recommended environmental conditions apply to proposed construction activities to reduce or avoid the potential for environmental impacts as a result of the proposed Acquisition. Expanding existing rail yard to accommodate intermodal facility.
	CA01: Paris – Danville Abandonment	Abandonment	Edgar, Vermilion	Recommended environmental conditions apply to proposed abandonment activities to reduce or avoid the potential for environmental impacts as a result of the proposed Acquisition. Expanding existing rail yard to accommodate intermodal facility.
<b>Environmental Justice</b>	N-045: Lafayette Jct., IN – Tilton, IL	Rail Line Segment	Vermilion	<p>Traffic delay and safety at highway/rail at-grade crossings. NS shall comply with the terms and conditions of its Negotiated Agreement with the City of Danville, Illinois.</p> <p>Minority and low-income population:  Hazardous Materials Transport  Noise</p> <p><u>Vermilion County</u>  City of Danville</p>
<b>Community</b>	Chicago	Rail Line Segment	Cook	<p>Traffic delay and safety at highway/rail at-grade crossings. CSX shall comply with the terms and conditions of its executed agreement with Metra regarding the 75<sup>th</sup> Street/Forest Hill Interlocking.</p> <p><u>Cook County</u>  City of Chicago  75<sup>th</sup> Street/Forest Hill Interlocking Tower  59<sup>th</sup> Street Intermodal Facility</p>



**TABLE 4-7**  
**SUMMARY OF ADVERSE ENVIRONMENTAL IMPACTS BY STATE (Continued)**

Technical Area	Site ID: Name	Type of Activity	County	Potential Impact
<b>ILLINOIS (Continued)</b>				
<b>Community</b>	Tilton	Rail Line Segment	Vermilion	Traffic delay and safety at highway/rail at-grade crossings. NS shall comply with the terms and conditions of its Negotiated Agreement with the City of Tilton, Illinois. <u>Vermilion County</u> City of Tilton
	Tolono	Rail Line Segment	Champaign	Traffic delay and safety at highway/rail at-grade crossings. NS shall limit construction of the Tolono Connection to within the existing railroad right-of-way, so as to avoid permanent, adverse effects on Daggy Street or nearby residential properties. <u>Champaign County</u> City of Tolono
<b>INDIANA</b>				
<b>Safety</b>	C-027: Willow Creek – Pine Jct.	Rail Line Segment	Lake	<i>Highway/Rail At-grade Crossing Safety:</i> Increase in potential for vehicle-train accident.  <u>Lake County</u> Countyline Road      Lake Street Hobart Road          Clarke Road

**TABLE 4-7**  
**SUMMARY OF ADVERSE ENVIRONMENTAL IMPACTS BY STATE (Continued)**

Technical Area	Site ID: Name	Type of Activity	County	Potential Impact						
INDIANA (Continued)										
Safety	C-066: Deshler, OH – Willow Creek, IN	Rail Line Segment	De Kalb, Elkhart, Kosciusko, La Porte, Marshall, Noble, Porter, St. Joseph, Lake	<p><i>Highway/Rail At-grade Crossing Safety:</i> Increase in potential for vehicle-train accident.</p> <table><tr><td><u>Elkhart County</u> CR 9</td><td><u>Kosciusko County</u> Seventh Street Huntington Street Main/Syr-Web Oak Street</td><td><u>La Porte County</u> CR 875 E 500W</td></tr><tr><td><u>Marshall County</u> First Road-Smith Thorn Road</td><td><u>Noble County</u> CR 500 W. 900 W.</td><td><u>Porter County</u> 900 North</td></tr></table> <p><i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A major key route).</p>	<u>Elkhart County</u> CR 9	<u>Kosciusko County</u> Seventh Street Huntington Street Main/Syr-Web Oak Street	<u>La Porte County</u> CR 875 E 500W	<u>Marshall County</u> First Road-Smith Thorn Road	<u>Noble County</u> CR 500 W. 900 W.	<u>Porter County</u> 900 North
<u>Elkhart County</u> CR 9	<u>Kosciusko County</u> Seventh Street Huntington Street Main/Syr-Web Oak Street	<u>La Porte County</u> CR 875 E 500W								
<u>Marshall County</u> First Road-Smith Thorn Road	<u>Noble County</u> CR 500 W. 900 W.	<u>Porter County</u> 900 North								

**TABLE 4-7**  
**SUMMARY OF ADVERSE ENVIRONMENTAL IMPACTS BY STATE (Continued)**

Technical Area	Site ID: Name	Type of Activity	County	Potential Impact
<b>INDIANA (Continued)</b>				
Safety	N-040: Alexandria – Muncie	Rail Line Segment	Delaware, Madison	<p><i>Highway/Rail At-grade Crossing Safety:</i> Increase in potential for vehicle-train accident.</p> <p><u>Madison County</u> CR 100 E.</p> <p><i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key route).</p>
	N-041: Butler – Fort Wayne	Rail Line Segment	De Kalb, Allen	<p><i>Highway/Rail At-grade Crossing Safety:</i> Increase in potential for vehicle-train accident.</p> <p><u>Allen County</u> Notestine Road Estella Avenue Anthony Boulevard</p> <p><i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key route and a major key route).</p>
	N-042: Control Point 501 – Indiana Harbor	Rail Line Segment	Lake	<p><i>Freight Rail Operations:</i> Increase in accident frequency.</p>



**TABLE 4-7**  
**SUMMARY OF ADVERSE ENVIRONMENTAL IMPACTS BY STATE (Continued)**

Technical Area	Site ID: Name	Type of Activity	County	Potential Impact
<b>INDIANA (Continued)</b>				
Safety	N-044: Fort Wayne – Peru	Rail Line Segment	Miami, Wabash, Huntington, Allen	<p><i>Highway/Rail At-grade Crossing Safety:</i> Increase in potential for vehicle-train accident.</p> <p><u>Allen County</u>      <u>Huntington</u>      <u>Wabash County</u>  Engle Road      County      Olive Street                           Briant Street</p> <p><i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A major key route).</p>
	N-045: Lafayette Jct., IN – Tilton, IL	Rail Line Segment	Warren, Fountain, Tippecanoe	<p><i>Highway/Rail At-grade Crossing Safety:</i> Increase in potential for vehicle-train accident.</p> <p><u>Tippecanoe County</u>  CR 172  CR 400 S</p> <p><i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A major key route).</p>

**TABLE 4-7**  
**SUMMARY OF ADVERSE ENVIRONMENTAL IMPACTS BY STATE (Continued)**

Technical Area	Site ID: Name	Type of Activity	County	Potential Impact
<b>INDIANA (Continued)</b>				
Safety	N-046: Peru – Lafayette Jct.	Rail Line Segment	Carroll, Cass, Miami Tippecanoe	<p><i>Highway/Rail At-grade Crossing Safety:</i> Increase in potential for vehicle-train accident.</p> <p><u>Carroll County</u>      <u>Cass County</u>      <u>Miami County</u>  Washington St./CR 100 E.      Cedar Street      CR 250 <u>W.</u>  Meridian Line      18<sup>th</sup> Street</p> <p><u>Tippecanoe County</u>  8<sup>th</sup> Street      <u>Smith Street</u>      18<sup>th</sup> Street  7<sup>th</sup> Street      CR 900 <u>N.</u>      17<sup>th</sup> &amp; Salem  Romig Street      CR 700 <u>N.</u>      Streets  5<sup>th</sup> Street      CR 500 <u>E.</u>      Union Street  4<sup>th</sup> Street/US 231      Greenbush Street</p> <p><i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A major key route).</p>
	CY02: Curtis Rail Yard	Rail Yard	Lake	<p><i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of handling.</p> <p>Lake County City of Gary</p>
	NY03: Ft. Wayne Rail Yard	Rail Yard	Allen	<p><i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of handling.</p> <p><u>Allen County</u> City of Ft. Wayne</p>

**TABLE 4-7**  
**SUMMARY OF ADVERSE ENVIRONMENTAL IMPACTS BY STATE (Continued)**

Technical Area	Site ID: Name	Type of Activity	County	Potential Impact
<b>INDIANA (Continued)</b>				
<b>Transportation</b>	CC-05: Willow Creek Connection	Rail Line Segment	Porter	Hazardous Materials Transport.
	C-066: Deshler, OH – Willow Creek, IN	Rail Line Segment	DeKalb	Highway/Rail At-grade Crossing Delay: Increase in vehicle delay at crossing. <u>DeKalb County</u> Randolph Street
<b>Noise</b>	C-026: Warsaw – Tolleston	Rail Line Segment	Kosciusko, La Porte, Lake, Marshall, Porter, Starke	Exceeds 70 dBA $L_{dn}$ at noise-sensitive receptors and increase of at least 5 dBA. <u>Kosciusko County</u> <u>Marshall County</u> Etna Green                  Plymouth
	N-040: Alexandria – Muncie	Rail Line Segment	Madison, Delaware	Exceeds 70 dBA $L_{dn}$ at noise-sensitive receptors and increase of at least 5 dBA. <u>Communities:</u> Alexandria Muncie
	CC-05: Willow Creek Connection	Rail Line Segment	Porter	Wheel squeal noise.
<b>Natural Resources</b>	NC05: Butler Connection	Construction	De Kalb	Recommended environmental conditions apply to proposed construction activities to reduce or avoid the potential for environmental impacts as a result of the proposed Acquisition. Expanding existing rail yard to accommodate intermodal facility.
	NC06: Tolleston Connection	Construction	Lake	Recommended environmental conditions apply to proposed construction activities to reduce or avoid the potential for environmental impacts as a result of the proposed Acquisition. Expanding existing rail yard to accommodate intermodal facility.



**TABLE 4-7**  
**SUMMARY OF ADVERSE ENVIRONMENTAL IMPACTS BY STATE (Continued)**

Technical Area	Site ID: Name	Type of Activity	County	Potential Impact
<b>INDIANA (Continued)</b>				
<b>Environmental Justice</b>	NA02: Dillon Junction – South Bend Abandonment	Abandonment	St. Joseph, La Porte	Recommended environmental conditions apply to proposed abandonment activities to reduce or avoid the potential for environmental impacts as a result of the proposed Acquisition. Expanding existing rail yard to accommodate intermodal facility.
	N-045: Lafayette Jct., IN – Tilton, IL	Rail Line Segment	Fountain	Minority and low-income population: Hazardous Materials Transport Noise <u>Fountain County</u> Attica
	Gary	Rail Line Segment	Lake	Minority and low-income population: Noise
	C-066: Deshler, OH – Willow Creek, IN	Rail Line Segment	Porter	Minority and low-income population: Hazardous Materials Transport <u>Porter County</u> Portage
	N-046: Peru – Lafayette Jct.	Rail Line Segment	Tippecanoe	Minority and low-income population: Hazardous Materials Transport <u>Tippecanoe County</u> Lafayette City
<b>Community</b>	Delphi	Rail Line Segment	Carroll	Train horn noise.

**TABLE 4-7**  
**SUMMARY OF ADVERSE ENVIRONMENTAL IMPACTS BY STATE (Continued)**

Technical Area	Site ID: Name	Type of Activity	County	Potential Impact
<b>INDIANA (Continued)</b>				
<b>Community</b>	Four City Consortium	Rail Line Segment	Lake	Traffic delay and safety concerns (gate avoidance) at highway/rail at-grade crossings. East Chicago – Operational Improvements C-023: Pine Junction and Barr Yard C-024: Tolleston – Clark Junction C-026: Warsaw – Tolleston  Indiana Harbor Belt Railroad Reduce railroad congestion and blockage at highway/rail at-grade crossings to the extent practicable.
	Huntington	Rail Line Segment	Huntington	Train horn noise.
	Logansport	Rail Line Segment	Cass	Train horn noise.
<b>KENTUCKY</b>				
<b>Safety</b>	C-230: NJ Cabin, KY – Columbus, OH	Rail Line Segment	Greenup	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key route).
	NM04: Buechel Intermodal	Intermodal Facility	Jefferson	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of handling. <u>Jefferson County</u> City of Louisville

**TABLE 4-7**  
**SUMMARY OF ADVERSE ENVIRONMENTAL IMPACTS BY STATE (Continued)**

Technical Area	Site ID: Name	Type of Activity	County	Potential Impact
<b>KENTUCKY (Continued)</b>				
Transportation	C-021: Evansville, IN – Amqui, TN	Rail Line Segment	Hopkins	<i>Highway/Rail At-grade Crossing Delay:</i> Increase in vehicle delay at crossing. <u>Hopkins County</u> West Noel Avenue
<b>LOUISIANA</b>				
Safety	NM05: Oliver Intermodal	Intermodal Facility	Orleans	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of handling. <u>Orleans County</u> City of New Orleans
<b>MARYLAND</b>				
Safety	C-003: Washington, DC – Pt. of Rocks, MD	Rail Line Segment	Frederick, Montgomery	<i>Passenger Rail Safety:</i> Increase in risk of passenger train accidents.
	C-031: Alexandria Jct., MD – Washington, DC	Rail Line Segment	Prince George's	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key route).
	C-034: Jessup – Alexandria Jct.	Rail Line Segment	Anne Arundel, Prince George's	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key route).
	C-037: Relay – Jessup	Rail Line Segment	Anne Arundel, Baltimore, Howard	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key route).



**TABLE 4-7**  
**SUMMARY OF ADVERSE ENVIRONMENTAL IMPACTS BY STATE (Continued)**

Technical Area	Site ID: Name	Type of Activity	County	Potential Impact
<b>MARYLAND (Continued)</b>				
Safety	N-091: Harrisburg, PA – Riverton Jct., VA	Rail Line Segment	Washington	<i>Highway/Rail At-grade Crossing Safety:</i> Increase in potential for vehicle-train accident. <u>Washington County</u> Reiff Church Road Shawley Drive
	NM06: E. Lombard Street Intermodal	Intermodal Facility	City of Baltimore	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of handling. City of Baltimore
Natural Resources	NC07: Hagerstown Connection	Construction	Washington	Recommended environmental conditions apply to proposed construction activities to reduce or avoid the potential for environmental impacts as a result of the proposed Acquisition. Expanding existing rail yard to accommodate intermodal facility.
Community	State of Maryland	Rail Line Segment	Various Counties in Maryland	CSX shall comply with the terms and conditions of its Negotiated Agreement with the State of Maryland. NS shall comply with the terms and conditions of its Negotiated Agreement with the State of Maryland.
<b>MICHIGAN</b>				
Safety	S-020: Carleton – Ecorse	Rail Line Segment	Monroe, Wayne	<i>Highway/Rail At-grade Crossing Safety:</i> Increase in potential for vehicle-train accident. <u>Wayne County</u> Pennsylvania Road
	CY03: Rougemere Rail Yard	Rail Yard	Wayne	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of handling. <u>Wayne County</u> City of Detroit

**TABLE 4-7**  
**SUMMARY OF ADVERSE ENVIRONMENTAL IMPACTS BY STATE (Continued)**

Technical Area	Site ID: Name	Type of Activity	County	Potential Impact
<b>MICHIGAN (Continued)</b>				
Safety	NM07: Melvindale Intermodal	Intermodal Facility	Wayne	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of handling. <u>Wayne County</u> City of Detroit
Noise	S-020: Carleton – Ecorse	Rail Line Segment	Monroe, Wayne	Exceeds 70 dBA $L_{dn}$ at noise-sensitive receptors and an increase of at least 5 dBA.  <u>Communities:</u> Lincoln Park                      Brownstown Allen Park                         Huron Taylor                                Carleton
Natural Resources	NC08: Ecorse Junction Connection	Construction	Wayne	Recommended environmental conditions apply to proposed construction activities to reduce or avoid the potential for environmental impacts as a result of the proposed Acquisition. Expanding existing rail yard to accommodate intermodal facility.
<b>MISSOURI</b>				
Safety	N-478: Moberly – CA Junction	Rail Line Segment	Randolph, Charlton, Carroll, Ray	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key route).
	NY04: Luther Rail Yard	Rail Yard	St. Louis	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of handling. <u>St. Louis County</u> City of St. Louis

**TABLE 4-7**  
**SUMMARY OF ADVERSE ENVIRONMENTAL IMPACTS BY STATE (Continued)**

Technical Area	Site ID: Name	Type of Activity	County	Potential Impact
<b>MISSOURI (Continued)</b>				
Safety	NM08: Voltz Intermodal	Intermodal Facility	Clay	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of handling. <u>Clay County</u> City of Kansas City
	NM09: Luther Intermodal	Intermodal Facility	St. Louis	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of handling. <u>St. Louis County</u> City of St. Louis
<b>NEW JERSEY</b>				
Safety	C-768: CP Wood, PA – Trenton, NJ	Rail Line Segment	Mercer	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key route).
	C-769: Trenton – Port Reading	Rail Line Segment	Mercer, Somerset	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key route).
	S-032: PN – Bayway	Rail Line Segment	Union, Essex	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A major key route).
	S-233: Philadelphia Frankford Jct., PA – Camden, NJ	Rail Line Segment	Camden	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key route).



**TABLE 4-7**  
**SUMMARY OF ADVERSE ENVIRONMENTAL IMPACTS BY STATE (Continued)**

Technical Area	Site ID: Name	Type of Activity	County	Potential Impact
<b>NEW JERSEY (Continued)</b>				
<b>Safety</b>	CM03: Little Ferry Intermodal	Intermodal Facility	Bergen	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of handling. <u>Bergen County</u> City of Little Ferry
	CM04: South Kearny Intermodal	Intermodal Facility	Hudson	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of handling. <u>Hudson County</u> City of South Kearny
	NM10: E-Rail Intermodal	Intermodal Facility	Union	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of handling. <u>Union County</u> City of Elizabeth
	SM01: Portside Intermodal	Intermodal Facility	Union, Essex	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of handling. <u>Union/Essex Counties</u> City of Elizabeth
<b>Natural Resources</b>	CC04: Little Ferry	Construction	Bergen	Recommended environmental conditions apply to proposed construction activities to reduce or avoid the potential for environmental impacts as a result of the proposed Acquisition. CSX proposes two separate connections (600 and 480 feet in length) at Little Ferry, New Jersey.

**TABLE 4-7**  
**SUMMARY OF ADVERSE ENVIRONMENTAL IMPACTS BY STATE (Continued)**

Technical Area	Site ID: Name	Type of Activity	County	Potential Impact
<b>NEW JERSEY (Continued)</b>				
Community	New Jersey Department of Transportation	Rail Line Segment	Various Counties in New Jersey	CSX shall comply with the terms and conditions of its Negotiated Agreement with the New Jersey Department of Transportation.
<b>NEW YORK</b>				
Safety	N-061: Ebenezer Jct. – Buffalo	Rail Line Segment	Erie	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key route).
	N-062: Suffern – Campbell Hall	Rail Line Segment	Orange, Rockland	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key route).
	N-063: Campbell Hall – Port Jervis	Rail Line Segment	Orange	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key route).
	N-065: Corning – Buffalo	Rail Line Segment	Erie, Wyoming, Allegany, Steuben, Livingston, Genesee	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key route).
	N-070: Buffalo FW, NY – Ashtabula, OH	Rail Line Segment	Chautauqua, Erie	<i>Highway/Rail At-grade Crossing Safety:</i> Increase in potential for vehicle-train accident. <u>Chautauqua County</u> Loomis Street  <i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key and a major key route).

**TABLE 4-7**  
**SUMMARY OF ADVERSE ENVIRONMENTAL IMPACTS BY STATE (Continued)**

Technical Area	Site ID: Name	Type of Activity	County	Potential Impact
<b>NEW YORK (Continued)</b>				
<b>Safety</b>	N-245: Port Jervis – Binghamton	Rail Line Segment	Broome, Delaware, Sullivan, Orange	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key route).
	N-246: Binghamton – Waverly	Rail Line Segment	Tioga, Broome	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key route).
	N-247: Waverly – Corning	Rail Line Segment	Chemung, Steuben, Tioga	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key route).
	NY05: Bison Rail Yard	Rail Yard	Erie	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of handling. <u>Erie County</u> City of Buffalo
<b>Natural Resources</b>	NC09: Buffalo (Blasdel) Connection	Construction	Erie	Recommended environmental conditions apply to proposed construction activities to reduce or avoid the potential for environmental impacts as a result of the proposed Acquisition. Expanding existing rail yard to accommodate intermodal facility.
	NC10: Buffalo (Gardenville Junction) Connection	Construction	Erie	Recommended environmental conditions apply to proposed construction activities to reduce or avoid the potential for environmental impacts as a result of the proposed Acquisition. Expanding existing rail yard to accommodate intermodal facility.



**TABLE 4-7**  
**SUMMARY OF ADVERSE ENVIRONMENTAL IMPACTS BY STATE (Continued)**

Technical Area	Site ID: Name	Type of Activity	County	Potential Impact
<b>SENECA NATION OF INDIANS</b>				
<b>Environmental Justice</b>	N-070: Buffalo FW, NY – Ashtabula, OH	Construction	N/A	Minority and low-income population: Hazardous Materials Transport Seneca Nation [Buffalo (Gardenville Junction) Connection]
<b>NORTH CAROLINA</b>				
<b>Safety</b>	C-103: S. Richmond, VA – Weldon, NC	Rail Line Segment	Northampton	<i>Passenger Rail Safety:</i> Increase in risk of passenger train accidents.
	C-334: Weldon – Rocky Mount	Rail Line Segment	Northampton, Halifax, Nash, Edgecomb	<i>Passenger Rail Safety:</i> Increase in risk of passenger train accidents.
	N-360: Salisbury – Asheville	Rail Line Segment	Rowan, Iredell, Catawba, Burke, McDowell, Buncombe	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key route).
	N-361: Asheville, NC – Leadvale, TN	Rail Line Segment	Madison, Buncombe	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key route).

**TABLE 4-7**  
**SUMMARY OF ADVERSE ENVIRONMENTAL IMPACTS BY STATE (Continued)**

Technical Area	Site ID: Name	Type of Activity	County	Potential Impact
<b>OHIO</b>				
Safety	C-061: Berea - Greenwich	Rail Line Segment	Cuyahoga, Huron, Lorain	<p><i>Highway/Rail At-grade Crossing Safety:</i> Increase in potential for vehicle-train accident.</p> <p><u>Huron County</u> Townline</p> <p><i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A major key route).</p> <p><i>Freight Rail Operations:</i> Increase in accident frequency.</p>
	C-065: Deshler - Toledo	Rail Line Segment	Henry, Wood	<p><i>Highway/Rail At-grade Crossing Safety:</i> Increase in potential for vehicle-train accident.</p> <p><u>Henry County</u> Main Street North Street</p> <p><u>Wood County</u>  Range Line Road      Fire Point Road      W. Boundary St.  Kellogg Road          Roachton Road        Ford Road  Washington Street    Eckel Jct. Road        Bates Road  Tontogony Road        Eckel Road            Schrick Road  Middletown Pike      Eckel Road</p> <p><i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key route).</p>

**TABLE 4-7**  
**SUMMARY OF ADVERSE ENVIRONMENTAL IMPACTS BY STATE (Continued)**

Technical Area	Site ID: Name	Type of Activity	County	Potential Impact
<b>OHIO (Continued)</b>				
Safety	C-066: Deshler, OH – Willow Creek, IN	Rail Line Segment	Defiance, Henry	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A major key route).
	C-068: Greenwich – Willard	Rail Line Segment	Huron	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A major key route).  <i>Freight Rail Operations:</i> Increase in accident frequency.
	C-069: Marcy – Short	Rail Line Segment	Cuyahoga	<i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key and a major key route).
	C-070: Marion – Fostoria	Rail Line Segment	Delaware, Franklin, Hancock, Marion, Seneca, Wyandot, Wood	<i>Highway/Rail At-grade Crossing Safety:</i> Increase in potential for vehicle-train accident. <u>Seneca County</u> Main Street Twp. 0180  <i>Hazardous Materials Transport:</i> Increase in potential for hazardous materials release because of an accident (A key and a major key route).
	C-071: Marion – Ridgeway	Rail Line Segment	Hardin, Marion	<i>Highway/Rail At-grade Crossing Safety:</i> Increase in potential for vehicle-train accident. <u>Hardin County</u> Marsh Road