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APPENDIX M
Consultation with Agencies and
Agency Responses

APPENDIX M

Consultation with Agencies and Agency Responses

This section provides a list of the agencies SEA contacted throughout the data collection and analysis process. Table M-1 provides the agency name, dates of contact, state of site(s) in question, and major topics related to the technical analysis, such as safety issues, natural resources, and traffic conditions. Also included are copies of letters of response from State Historic Preservation Officers (SHPO).

Table M-1
Consultation with Agencies

Agency	Dates of Contact	State of Site	Major Topic
Federal			
Amtrak (National Railroad Passenger Corporation)	8/15/97; 8/19/97; 9/3/97; 9/30/97	All	Passenger Rail - all states.
Environmental Protection Agency (EPA) - DC	6/3/97	All	Air Quality and NEPA issue.
EPA - Region 2	10/9/97; 9/10/97	NY, NJ	Air Quality Conformity. Natural Resources - Little Ferry and Blasdell sites.
EPA - Region 3	9/16/97	MD	Natural Resources - Hagerstown site.
EPA - Region 5	9/5/97; 9/9/97; 9/10/97; 9/12/97	IL, IN, MD, MI, OH	Natural Resources - Willow Creek; Tolleston; Butler; South Bend to Dillon Junction; Ecorse Junction; 75th Street; Exermont; Lincoln Avenue; Kankakee; Sidney; Tolono; Paris-Danville; Hagerstown sites. Natural Resources - Collinwood; Willard; Bucyrus; Columbus; Oak Harbor; Vermilion sites.
Federal Railroad Administration (FRA) - Office of Public Affairs	8/4/97; 9/4/97; 9/8/97; 9/9/97; 9/17/97; 9/19/97	All	Safety Issues.
National Park Service (NPS)	9/9/97	OH	Natural Resources - Collinwood; Willard; Bucyrus; Columbus; Oak Harbor; Vermilion sites.
NPS - Mid West Branch	9/9/97; 9/10/97	IN, MI, IL	Natural Resources - Willow Creek; Tolleston; Butler; South Bend to Dillon Junction; Ecorse sites. Natural Resources - 75th Street; Exermont; Lincoln Avenue; Kankakee; Sidney; Tolono; Paris to Danville sites.
NPS - Northeast Region	9/10/97	NJ, NY	Natural Resources - Little Ferry and Blasdell sites.
Natural Resource Conservation Service (NRCS)	9/9/97; 9/10/97	IN, NJ, NY	Natural Resources - Willow Creek; Tolleston; Butler; South Bend to Dillon Junction; Little Ferry sites.

Table M-1
Consultation with Agencies

Agency	Dates of Contact	State of Site	Major Topic
NRCS - Illinois office	9/9/97	IL	Natural Resources - 75th Street; Exermont; Lincoln Avenue; Kankakee; Sidney; Tolono; Paris-Danville sites.
US Coast Guard - First District	9/26/97	NJ	Navigation - Lehigh Valley Bridge; Newark Bay; New Jersey site.
US Coast Guard - Headquarters, Washington, DC	9/26/97; 10/2/97	DC, PA, VA	Navigation - Anacostia River, DC; Appomattox River; Hopewell, VA; Schuylkill River, PA sites.
US Coast Guard - Ninth District	9/29/97	IN, OH	Navigation - Grand Calumet Hammond, Indiana; Indiana Harbor East Chicago, Indiana; Maumee River Toledo, Ohio; Cuyahoga River, Cleveland, Ohio; Black River Lorain, Ohio sites.
US Army Corps of Engineers (USACOE)	9/4/97; 9/5/97	OH	Natural Resources - Collinwood; Crestline; Greenwich; Sidney; Willard; Bucyrus; Columbus; Oak Harbor; Vermilion sites.
USACOE - Philadelphia District	9/9/97	NJ	Natural Resources - Little Ferry site.
USACOE - Buffalo District	9/9/97	NY	Natural Resources - Blasdel and Gardenville Junction sites.
USACOE - Chicago District	9/10/97; 9/17/97	IL	Natural Resources - Illinois sites; 75th Street; Exermont; Lincoln Avenue; Kankakee; Sidney; Tolono; Paris-Danville sites.
USACOE - Rock Island Office	9/9/97	IL	Natural Resources - Kankakee site.
USACOE	9/22/97	IL	Natural Resources - 75th Street; Exermont; Lincoln Avenue; Kankakee; Sidney; Tolono; Paris-Danville sites.
US Dept. of Agriculture - National Forest Service - Region 9	9/9/97; 9/10/97	IL, IN	Natural Resources - 75th Street; Exermont; Lincoln Avenue; Kankakee; Sidney; Tolono; Paris to Danville; Willow Creek; Tolleston; Butler; South Bend to Dillon Junction sites.
US DOT - Research and Special Programs Administration	7/11/97		Safety Issues.
US Fish and Wildlife Service (USFWS) - Pleasantville Field Office	9/9/97	NJ	Natural Resources - Little Ferry site.
USFWS - Bloomington Field Office	9/15/97	IN	Natural Resources- Butler; Tolleston; Willow Creek; Dillon to South Bend sites.
USFWS - Cortland Field Office	9/15/97	NY	Natural Resources - Blasdel and Gardenville Junction sites.
USFWS - East Lansing Field Office	9/15/97	MI	Natural Resources - Ecorse Junction site.

Table M-1
Consultation with Agencies

Agency	Dates of Contact	State of Site	Major Topic
USFWS - Region 3	9/10/97; 9/16/97	IL	Natural Resources - 75th Street; Exermont; Lincoln Avenue; Kankakee; Sidney; Tolono; Paris to Danville sites.
USFWS - Reynoldsburg Field Office	9/9/97	OH	Natural Resources - Collinwood; Crestline; Greenwich; Sidney; Willard, Bucyrus; Columbus; Oak Harbor; Vermilion sites.
USFWS - Rock Island Office	9/10/97	IL	Natural Resources - 75th Street; Exermont; Lincoln Avenue; Kankakee; Sidney; Tolono; Paris-Danville sites.
State/Regional			
Delaware Valley Regional Planning Commission	8/25/97; 8/27/97	PA	Traffic - Greenwich and Rutherford Intermodal sites.
Illinois Commerce Commission	9/10/97; 9/11/97	IL	Natural Resources - 75th Street; Exermont; Lincoln Avenue; Kankakee; Sidney; Tolono; Paris-Danville sites.
Illinois Dept. of Transportation	7/28/97; 8/13/97; 8/28/97	IL	Traffic - 59 th Street; 47 th Street; and Landers Intermodal sites.
Illinois Dept. Of Natural Resources (DNR) - Coastal Zone Management	9/10/97	IL	Natural Resources - 75th Street; Exermont; Lincoln Avenue; Kankakee; Sidney; Tolono; Paris-Danville sites.
Illinois EPA Office	9/10/97	IL	Natural Resources - 75th Street; Exermont; Lincoln Avenue; Kankakee; Sidney; Tolono; Paris to Danville; Willow Creek; Tolleston; Butler; South Bend to Dillon Junction sites.
Indiana Dept. Of Environmental Management	8/29/97; 9/9/97	IN	Hazardous Materials - Indiana sites.
Kentucky Transportation Cabinet	7/28/97	KY	Traffic - Buechel Intermodal site.
Louisiana Department of Transportation	7/28/97; 8/28/97	LA	Traffic - New Orleans Intermodal site.
Maryland Department of Natural Resources	9/15/97	MD	Natural Resources - Hagerstown site.
Maryland Department of the Environment	9/15/97	MD	Natural Resources - Hagerstown site. Hazardous Materials - Hagerstown site.
Maryland Department of Transportation	9/15/97	MD	Natural Resources - Hagerstown site.
Maryland Mass Transit Administration (MTA)	8/18/97; 8/28/97; 9/3/97; 9/9/97; 9/18/97	MD	Passenger Commuter Rail - MARC - Baltimore; Washington; Brunswick lines.
Maryland State Clearinghouse	9/15/97	MD	Natural Resources - Hagerstown site.
Maryland Transportation Authority	8/28/97	MD	Traffic - Baltimore E. Lombard Intermodal site.

Table M-1
Consultation with Agencies

Agency	Dates of Contact	State of Site	Major Topic
Massachusetts Bay Transit Authority (MBTA)	8/18/97; 8/28/97; 9/16/97; 9/5/97	MA	Passenger Commuter Rail - Boston area.
Metro North Commuter Railroad (MNCR)	8/19/97; 8/21/97	NJ, NY	Passenger Commuter Rail - New York City area.
Michigan Area Council of Governments	8/27/97; 9/23/97; 9/24/97	IN	Land Use - South Bend to Dillon Junction site.
Michigan Department of Natural Resources	9/10/97	MI	Natural Resources - Ecorse Junction site.
Michigan Department of Environmental Quality	8/11/97; 9/2/97	MI	Hazardous Materials - Ecorse Junction site.
Michigan Department of Transportation	7/28/97	MI	Traffic - Melvindale Intermodal site.
Mid-Ohio Regional Planning Council	8/22/97; 8/27/97; 9/5/97	OH	Traffic - Bellevue Intermodal site. Land Use - Columbus site.
Missouri Dept. of Transportation	7/29/97; 8/27/97	MO	Traffic - Voltz and Luther Intermodal sites.
New Jersey Bureau of Site Management	8/29/97	NJ	Hazardous Materials - New Jersey sites.
New Jersey Department of Environmental Protection	9/9/97	NJ	Natural Resources - Little Ferry site.
New Jersey Dept. of Coastal Zone Management	9/11/97; 9/15/97; 9/16/97; 9/22/97; 9/23/97	NJ	Land Use - Little Ferry site.
New Jersey Department of Transportation	7/29/97	NJ	Traffic data - Little Ferry; South Kearny; and Elizabeth Intermodal sites.
New Jersey Transit Authority	8/13/97; 8/20/97; 9/4/97; 9/10/97	NJ, NY	Passenger Commuter Rail - New York City area; Traffic - WHICH Intermodal site.
New York Fish & Wildlife	9/10/97	NY	Natural Resources - Blasdell and Gardenville Junction sites.
New York State Department	9/10/97	NY	Natural Resources - Blasdell and Gardenville Junction sites.
New York State Department of Environmental Conservation	8/11/97; 8/14/97; 8/25/97; 8/26/97	NY	Hazardous Materials - Blasdell and Gardenville Junction sites.
Ohio Bureau of Underground Storage Tank Info.	9/19/97	OH	Hazardous Materials - All Ohio sites.
Ohio Dept. of Natural Resources	9/5/97	OH	Natural Resources - Collinwood; Crestline; Greenwich; Sidney; Willard; Bucyrus; Columbus; Oak Harbor; Vermilion sites.
Ohio Dept. of Natural Resources Office Real Estate & Land Mgmt., Coastal Zone Mgmt.	9/2/97; 9/5/97; 9/8/97	OH	Land Use - Construction at Collinwood Yard; and Vermilion.

Table M-1
Consultation with Agencies

Agency	Dates of Contact	State of Site	Major Topic
Ohio Department of Transportation	8/13/97; 8/27/97; 9/4/97; 9/18/97	OH	Traffic - Bellevue; Discovery Park; Toledo Intermodal sites.
Ohio Environmental Protection Agency - Solid and Hazardous Waste Division	9/19/97	OH	Hazardous Materials - All Ohio sites.
Pennsylvania Department of Transportation	8/22/97	PA	Traffic - Pitcairn; Greenwich; Allentown; Rutherford; Morrisville Intermodal sites.
South East Michigan Council of Governments (SEMCOG)	8/15/97; 8/28/97	MI	Traffic - Melvindale Intermodal site.
Southeastern Pennsylvania Transit Authority (SEPTA)	8/18/97; 8/20/97; 9/2/97; 9/11/97	PA, DE, NJ	Passenger Rail - Philadelphia area.
Southwestern Pennsylvania Regional Planning Commission	8/26/97	PA	Traffic - Pitcairn Intermodal site.
State Historic Preservation Officer (SHPO) - Alabama	7/23/97; 8/20/97	AL	Cultural Resources - Alabama sites.
SHPO - Delaware Department of State, Division of Historical and Cultural Affairs	9/29/97	DE	Cultural Resources - Delaware sites.
SHPO - Dept. of Consumer and Regulatory Affairs	9/29/97	DC	Cultural Resources - Washington, D.C. sites.
SHPO - Florida Division of Historical Resources	8/7/97; 8/8/97	FL	Cultural Resources - Florida sites.
SHPO - Georgia Historic Preservation Division	8/7/97; 8/8/97; 9/9/97	GA	Cultural Resources - Georgia sites.
SHPO - Indiana Division of Historic Preservation & Archaeology	7/18/97; 7/24/97; 9/19/97	IN	Cultural Resources - Indiana sites.
SHPO - Illinois Historic Preservation Agency	7/16/97; 8/5/97; 8/5/97	IL	Cultural Resources - Illinois sites.
SHPO - Kentucky Heritage Council	7/23/97; 8/4/97	KY	Cultural Resources - Kentucky sites.
SHPO - Louisiana Office of Cultural Development	7/14/97; 8/8/97; 8/29/97	LA	Cultural Resources - Louisiana sites.
SHPO - Massachusetts Historical Commission	9/29/97	MA	Cultural Resources - Massachusetts sites.
SHPO - Mississippi Dept. of Archives and History	8/15/97; 9/4/97	MS	Cultural Resources - Mississippi sites.
SHPO - North Carolina Dept. of Cultural Resources, Division of Archives and History	7/3/97; 7/15/97; 9/29/97	NC	Cultural Resources - North Carolina sites.
SHPO - Ohio Historical Society	6/10/97; 7/18/97; 7/23/97; 8/5/97	OH	Cultural Resources - Ohio sites.

Table M-1
Consultation with Agencies

Agency	Dates of Contact	State of Site	Major Topic
SHPO - Rhode Island Historical Preservation Commission	9/29/97	RI	Cultural Resources - Rhode Island sites.
SHPO - Tennessee Historical Commission	7/10/97; 8/8/97; 8/22/97	TN	Cultural Resources - Tennessee sites.
SHPO - West Virginia Division of Culture and History	8/8/97	WV	Cultural Resources - West Virginia sites.
Tri-County Regional Planning Commission	8/25/97	PA	Traffic - Rutherford Intermodal site.
Virginia Railway Express (VRE)	8/18/97; 9/4/97	VA	Virginia Railway Express (VRE).
Local			
Bergen County Zoning Board	8/27/97; 9/2/97; 9/15/97; 9/16/97; 9/22/97; 9/23/97	NJ	Land Use - Little Ferry site.
Blasdell Fire Department	9/2/97	NY	Hazardous Materials - Blasdell and Gardenville Junction sites.
Butler, Indiana Fire Department	8/12/97; 9/15/97	IN	Hazardous Materials - Butler site.
Bureau of Indian Affairs (BIA)- Minnesota Field Office	10/2/97	MI	Native American Issues.
Champaign County (IL) Plan Commission	8/27/97; 8/29/97; 9/2/97; 9/24/97	IL	Land Use - Tolono; Sidney sites.
City of Alexandria (IN)	9/22/97	IN	Land Use - Alexandria site.
City of Alexandria (IN) Plan Commission	9/2/97; 9/5/97; 9/8/97; 9/9/97; 9/11/97; 9/15/97; 9/16/97; 9/22/97	IN	Land Use - Alexandria site.
City of Baltimore	8/15/97	MD	Traffic - Baltimore Intermodal sites.
City of Butler (IN)	9/2/97; 9/3/97	IN	Land Use - Butler site.
City of Chicago Planning Department	8/27/97; 8/29/97; 9/11/97; 9/22/97	IL	Land Use - 75th Street site.
City of Chicago Department of Transportation	8/28/97; 10/1/97	IL	Traffic - 59 th Street; 47 th Street; and Landers Intermodal sites.
City of Chrisman (IL)	9/16/97; 9/22/97; 9/23/97; 9/24/97; 9/25/97	IL	Land Use - Paris to Danville abandonment.
City of Cleveland (OH) Planning Commission	9/11/97; 9/12/97; 9/15/97; 9/16/97; 9/22/97; 9/23/97; 9/24/97; 9/25/97	OH	Land Use - Construction at Collinwood Yard in Cleveland.

Table M-1
Consultation with Agencies

Agency	Dates of Contact	State of Site	Major Topic
City of Detroit (MI) Planning & Development	9/11/97; 9/12/97; 9/15/97; 9/16/97; 9/22/97; 9/23/97; 9/24/97; 9/25/97; 9/26/97	MI	Land Use - Construction at Ecorse Junction in Detroit.
City of Georgetown (IL)	9/11/97	IL	Land Use - Paris to Danville abandonment.
City of Kankakee Planning Department	9/3/97; 9/15/97	IL	Land Use - Kankakee site.
City of Paris (IL) Plan Commission	9/11/97; 9/15/97; 9/17/97	IL	Land Use - Paris to Danville abandonment.
City of Portage (IN)	9/3/97; 9/5/97; 9/8/97; 9/9/97	IN	Land Use - Construction within Portage at Willow Creek site.
City of River Rouge (MI) Community Development	9/11/97; 9/12/97; 9/15/97; 9/24/97	MI	Land Use - Construction at Ecorse Junction in River Rouge.
City of St. Louis Board of Public Service	9/15/97	MO	Traffic - Luther Intermodal site.
Cleveland Fire Department	9/16/97	OH	Hazardous Materials - Collinwood Yard site.
Columbus Fire Department	9/15/97	OH	Hazardous Materials - Columbus site.
Crawford County Devt. Board	8/27/97	OH	Land Use - Bucyrus/Crestline site.
Cuyahoga County (OH) Planning Department	9/2/97; 9/8/97; 9/9/97; 9/11/97; 9/15/97; 9/16/97	OH	Land Use - Construction at Collinwood Yard in Cleveland.
Dearborn Emergency Response	9/2/97	MI	Hazardous Materials - Ecorse Junction site.
DeKalb County (IN) Planning Commission	8/27/97	IN	Land Use - Construction in Butler.
Detroit Emergency Management	8/27; 9/2/97	MI	Hazardous Materials - Ecorse Junction site.
Detroit Fire Department	8/27/97	MI	Hazardous Materials - Ecorse Junction site.
Dolton Village City Clerk	9/22/97; 9/23/97; 9/24/97	IL	Land Use - Lincoln Avenue site.
Edgar County (IL) County Board	8/27/97; 9/2/97; 9/5/97; 9/15/97; 9/23/97	IL	Land Use - Paris to Danville site.
Erie County Dept. of Env. Plng.	9/8/97	NY	Land Use - Blasdel; Gardenville Junction sites.
Erie County Dept. of Planning	8/28/97; 9/2/97	NY	Land Use - Blasdel; Gardenville Junction sites.
Erie County (OH) Planning Commission	9/2/97; 9/5/97	OH	Land Use - Vermilion site.
Gary, Indiana Fire Department	8/11/97	IN	Hazardous Materials - Tolleston site.
Georgia Department of Transportation	7/28/97	GA	Traffic - Hulsey Yard and Inman Intermodal sites.
Hagerstown (MD) Department of Planning & Zoning	9/2/97; 9/8/97; 9/9/97; 9/24/97	MD	Land Use - Hagerstown site.
Hagerstown, MD Fire Dept.	8/11/97	MD	Hazardous Materials - Hagerstown site.

Table M-1
Consultation with Agencies

Agency	Dates of Contact	State of Site	Major Topic
Hudson County Dept. of Finance and Administration	9/4/97	NJ	Traffic - South Kearny Intermodal sites.
Huron County Commission	9/17/97; 9/19/97	OH	Land Use - Greenwich Junction site.
Huron County Engineers Office	9/18/97	OH	Traffic - Bellevue Intermodal site.
Jefferson County Public Works	9/5/97	KY	Traffic - Louisville Intermodal site.
Kankakee County Planning Commission	8/27/97	IL	Land Use - Kankakee site.
Kansas City Department of Public Works	7/29/97; 8/27/97	MO	Traffic - Voltz and Luther Intermodal sites.
Lake County Department of Planning	8/27/97	IN	Land Use - Tolleston site.
La Porte County Planning Commission	8/27/97; 9/23/97	IN	Land Use - South Bend to Dillon Junction site.
Lucas County Ohio Planning Commission	8/28/97; 9/3/97; 9/9/97; 9/15/97; 9/16/97; 9/22/97	OH	Land Use - Toledo to Maumee and Pivot Bridge sites.
Madison County (IN) Planning Commission	8/27/97; 8/28/97	IN	Land Use - Construction in Alexandria; not within his jurisdiction.
Ottawa County Planning Commission	8/29/97	OH	Land Use - Oak Harbor site.
Portage, IN Fire Department	8/11/97	IN	Hazardous Materials - Willow Creek site.
Porter County (IN) Plan Commission	8/26/97	IN	Land Use - Construction within Portage at Willow Creek site.
Ridgefield Park, NJ - City Attorney	8/21/97	NJ	Hazardous Materials - NYS&W Fuel Depot.
Ridgefield Park, NJ Fire Dept.	8/13/97; 8/25/97	NJ	Hazardous Materials - Little Ferry site.
Shelby County	8/26/97	OH	Land Use - Sidney site.
South Bend, IN Fire Department	9/8/97	IN	Hazardous Materials - South Bend site.
St. Joseph County - Area Plng.	8/27/97	IN	Land Use - South Bend to Dillon Junction site.
Toledo Fire Department	9/17/97	OH	Hazardous Materials - Toledo to Maumee; Pivot Bridge sites.
Toledo Metropolitan Area Council of Governments	8/22/97	OH	Traffic - Toledo Airline Intermodal site.
Union County Division of Engineering	9/10/97	NJ	Traffic - Elizabeth Intermodal site.
Vermilion Fire Department	9/15/97	OH	Hazardous Materials - Vermilion site.
Village of Blasdel	9/24/97	NY	Land Use - Blasdel site.
Village of Caseyville (IL)	8/26/97; 8/27/97; 9/24/97; 9/25/97; 9/26/97	IL	Land Use - Exermont site.

Table M-1
Consultation with Agencies

Agency	Dates of Contact	State of Site	Major Topic
Village of Greenwich - Mayor	10/6/97	OH	Land Use - Greenwich site.
Village of Sidney (IL)	9/2/97; 9/9/97; 9/15/97; 9/16/97; 9/22/97	IL	Land Use - Sidney site.
Village of Tolono (IL)	9/9/97	IL	Land Use - Tolono site.
Washington County (MD) Planning Commission	8/27/97	MD	Land Use - Hagerstown site.
Wayne County Road Department	9/9/97	MI	Traffic - Melvindale Intermodal site.
Wayne County Planning Department	8/29/97; 9/2/97; 9/4/97; 9/8/97	MI	Land Use - Ecorse Junction site.
West Seneca Building Inspector	9/2/97	NY	Hazardous Materials - Gardenville Junction site.
West Seneca Police Station	9/3/97; 9/10/97	NY	Hazardous Materials - Gardenville Junction site.
West Seneca, New York Fire Department	8/12/97	NY	Hazardous Materials - Gardenville Junction site.
Willard Fire Department	9/15/97	OH	Hazardous Materials - Willard Yard site.
Woodlawn Fire Department	8/27/97	NY	Hazardous Materials - Blasdell site.
Woodville Fire Department	9/17/97	OH	Hazardous Materials - Oak Harbor site.

**Letters of Response from
State Historic Preservation Officers (SHPO)**



F. LAWRENCE OAKS
EXECUTIVE DIRECTOR

STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION

488 South Perry Street
MONTGOMERY, ALABAMA 36130-0900



TELEPHONE NUMBER
334-242-3184

ENVIRONMENTAL
DOCUMENT

August 20, 1997

CENTRAL ADMINISTRATIVE UNIT
REC'D: 9/2/97
DOCUMENT # 4/3/97 3:19 PM



Elaine K. Kaiser
Surface Transportation Board
Washington, D.C. 20423

Re: AHC 97-0422
Docket No. 33388
Norfolk Southern/CSX Conrail Acquisition
Multiple Counties, Alabama

Dear Ms. Kaiser:

Upon review of the additional information forwarded by your office, the Alabama Historical Commission has determined that the project activities will have no effect on historic resources in Alabama. Therefore, our office can concur with the proposed acquisition.

We appreciate your efforts on this project. Should you have any questions or comments, please contact Greg Rhinehart of our office.

Sincerely,

F. Lawrence Oaks
State Historic Preservation Officer

FLO/GCR/JWP

Georgia Department of Natural Resources

Historic Preservation Division

Lonice C. Barrett, Commissioner

Mark R. Edwards, Division Director and State Historic Preservation Officer
500 The Healey Building, 57 Forsyth Street, N. W., Atlanta, Georgia 30303
Telephone (404) 656-2840 Fax (404) 657-1040

September 9, 1997

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

ENVIRONMENTAL DOCUMENT

RE: Proposed Acquisition of Conrail by Norfolk-Southern and CSX, Inc.
STB Docket No. 33388
HP970707-005

CENTRAL ADMINISTRATIVE UNIT

REC'D: 9/18/97
DOCUMENT # 9/23/97 9:43:24 AM

Dear Ms. Kaiser:

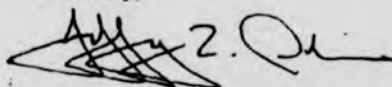
The Historic Preservation Division (HPD) has received your correspondence dated August 7, 1997 concerning the proposed acquisition of Conrail by Norfolk-Southern and CSX, Inc. (the "Acquisition"). According to this letter, Acquisition-related activities in Georgia are limited to increased railroad traffic along various rail corridors, and "would not require any rail line abandonments or construction within STB's jurisdiction." In this letter, you also requested that HPD provide "concurrence that the Acquisition would have no effect on historic resources in Georgia and that Section 106 consultation is complete."

In previous letters to the Surface Transportation Board, as well as to consultants representing both Norfolk-Southern and CSX, HPD stated its opinion that the Acquisition, in itself, does not constitute an undertaking which would require review under Section 106 of the National Historic Preservation Act. Because this action does not require review under Section 106, HPD cannot issue a finding of "no effect" to historic resources, as you have requested. Rather, we restate our opinion that, based on the information provided to date, the Acquisition does not require review by our office under Section 106, and no further coordination is necessary at this time.

However, HPD also noted in previous correspondence that any proposed construction or abandonment of rail lines or other structures or facilities associated with rail lines does have the potential to affect historic resources which are listed in or eligible for listing in the National Register of Historic Places, and would be subject to review by our office in accordance with Advisory Council on Historic Preservation regulations 36 CFR Part 800. If it is determined at any future date that the Acquisition will require such activities, then STB should provide appropriate documentation, including Determinations of Eligibility for historic resources and an assessment of effect, to HPD for review and comment.

If we may be of further assistance, please contact David R. Bennett, Environmental Review Associate Planner, at (404) 651-6624.

Sincerely,



Jeffrey L. Durbin
Environmental Review Coordinator

JLD:drb

Georgia Department of Natural Resources

Lorice C. Barrett, Commissioner

Historic Preservation Division

CENTRAL ADMINISTRATIVE UNIT

REC'D: 8/22/97

DOCUMENT # 8/29/97 3:14 PM

Mark R. Edwards, Division Director and State Historic Preservation Officer
500 The Healey Building, 57 Forsyth Street, N. W., Atlanta, Georgia 30303
Telephone (404) 656-2840 Fax (404) 657-1040

August 7, 1997

Office of the Secretary
Case Control Unit
STB Finance Docket No. 33388
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

ENVIRONMENTAL DOCUMENT



Attention: Elaine K. Kaiser, Chief
Section of Environmental Analysis
Environmental Filing

RE: Proposed Acquisition of Conrail by Norfolk-Southern and CSX, Inc.
Statewide
HP970707-005

Dear Ms. Kaiser:

The Historic Preservation Division (HPD) has received your correspondence dated July 3, 1997 concerning the "Notice of Intent to Prepare an Environmental Impact Statement (EIS) and Request for Comments on Proposed EIS Scope in STP Finance Docket No. 33388," related to the proposed acquisition of Conrail by Norfolk-Southern and CSX, Inc. Thank you for providing our office with this information.

In previous letters to consultants representing both Norfolk-Southern and CSX, HPD stated its opinion that the acquisition of Conrail by Norfolk-Southern and CSX, in itself, does not constitute an undertaking which would require review under Section 106 of the National Historic Preservation Act. However, it is important to remember that the proposed construction or abandonment of rail lines or other structures or facilities associated with rail lines does have the potential to affect historic resources which are listed in or eligible for listing in the National Register of Historic Places, and will need to be reviewed by our office in accordance with Advisory Council on Historic Preservation regulations 36 CFR Part 800. We look forward to working with the Surface Transportation Board as it completes the Section 106 review process.

If we may be of further assistance, please contact David R. Bennett, Environmental Review Associate Planner, at (404) 651-6624.

Sincerely,

Jeffrey L. Durbin
Environmental Review Coordinator

JLD:drb



ENVIRONMENTAL DOCUMENT

INDIANA DEPARTMENT OF NATURAL RESOURCES

LARRY D. MACKLIN, DIRECTOR

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

CENTRAL ADMINISTRATIVE UNIT
REC'D: 9-24-97
DOCUMENT # 9125471218 3 AM



September 19, 1997

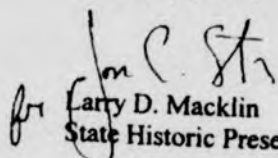
Elaine K. Kaiser, Chief
Section of Environmental Analysis
Surface Transportation Board
Washington, D.C. 20423

Dear Mr. Kaiser:

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

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

Very truly yours,


for Larry D. Macklin
State Historic Preservation Officer

LDM:SLW:MMD:smg

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

"EQUAL OPPORTUNITY EMPLOYER"





CENTRAL ADMINISTRATIVE UNIT
REC'D: 10/8/97 @ 5:35
DOCUMENT # 10/10/97 9:16:34 AM

3.10.06 Sub C

INDIANA DEPARTMENT OF NATURAL RESOURCES

LARRY D. MACKLIN, DIRECTOR

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

September 19, 1997

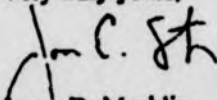
James R. Paschall
General Attorney
Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

Dear Mr. Paschall:

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

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

Very truly yours,


for Larry D. Macklin
State Historic Preservation Officer

LDM:SLW:MMD:smg

cc: Susan B. Cassidy, Arnold & Porter

"EQUAL OPPORTUNITY EMPLOYER"



PRINTED ON RECYCLED PAPER



MICHIGAN DEPARTMENT OF STATE

Candice S. Miller, Secretary of State

Lansing, Michigan 48918-0001

CENTRAL ADMINISTRATIVE UNIT
REC'D: 11/4/97 5:44:31 PM
DOCUMENT # 1114197 5:44:31 PM
MICHIGAN HISTORIC PRESERVATION OFFICE
Michigan Historical Center
717 West Allegan Street
Lansing, Michigan 48918-1800



October 16, 1997

**ENVIRONMENTAL
DOCUMENT**

ELAINE KAISER
SECTION OF ENVIRONMENTAL ANALYSIS
SURFACE TRANSPORTATION BOARD
WASHINGTON DC 20423

RE: ER-97-346 Railroad consolidations, finance docket no. 33388, MI General (STB)

Dear Ms. Kaiser:

Under the authority of the National Historic Preservation Act of 1966, as amended, we have reviewed the above-cited project. It is the opinion of the State Historic Preservation Officer (SHPO) that the project will have no effect (36 CFR 800.9[a]) on historic resources within the railroad consolidation project area in Michigan.

Please maintain a copy of this letter with your environmental review record for this project. If the scope of work changes in any way, or if artifacts or bones are discovered, please contact this office immediately. This letter evidences your compliance with 36 CFR 800.4, "Identifying Historic Properties," and 800.5, "Assessing Effects." Your responsibility to notify this office under 36 CFR 800.5(b), "When no effect is found," is therefore fulfilled.

If you have any questions, please contact Martha MacFarlane, Environmental Review Coordinator, at (517) 335-2721. Thank you for this opportunity to review and comment.

Sincerely,

John R. Halsey
John R. Halsey
State Historic Preservation Officer

JRH:ROC:mlm



CENTRAL ADMINISTRATIVE UNIT
REC'D: 9/9/97
DOCUMENT # 910972.37.24PM

ENVIRONMENTAL
DOCUMENT

Mississippi Department of Archives and History

Historic Preservation Division • Post Office Box 571 • Jackson, Mississippi 39205-0571
Telephone 601-359-6940 • Fax 601-359-6955

September 4, 1997

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



Dear Ms. Kaiser:

RE: Railroad Control Application, Finance Docket No. 33388; Norfolk Southern/CSX/Conrail Railroad Acquisition, National Historic Preservation Act, Section 106 Compliance-Project No. 96-678-4

We have reviewed the September 3, 1997, facsimile transmission of Mr. Richard Starzak, Senior Architectural Historian, Myra L. Frank & Associates, and accompanying documentation (environmental report and supplemental environmental report), regarding the above referenced project proposal in accordance with our responsibilities outlined in "Procedures for the Protection of Historic and Cultural Properties," 36CFR800.4 and 800.5. The aforementioned material indicated that no acquisition related activities (changes to rail line segments, rail yards, intermodal facilities, abandonments, or new construction projects) are proposed in Mississippi. In that regard, we concur that no properties listed in or eligible for listing in the National Register of Historic Places will be affected and that Section 106 consultation with this office has been completed. We, therefore, have no reservations with the proposal.

Should there be additional work in connection with the project, or should there be any changes in the scope of work, please let us know in order that we may provide you with appropriate comments for compliance with the above procedures. Your continued cooperation is appreciated.

Sincerely,

Roger G. Walker

By: Roger G. Walker
Review and Compliance Officer

cc: Clearinghouse for Federal Programs
Mr. Richard Starzak

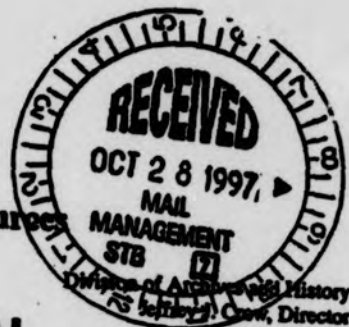
Board of Trustees: William F. Winter, president / Van R. Burnham, Jr. / Arch Dairymple III / Lynn Crosby Gamill
Gilbert R. Mason, Sr. / Martis D. Ramage, Jr. / Everette Truly / Rosemary Taylor Williams / Sherwood W. Wise
Department Director: Elbert R. Hilliard



11/ 4/97 6:03:31 PM

North Carolina Department of Cultural Resources

James B. Hunt Jr., Governor
Betty Ray McCain, Secretary



October 17, 1997

ENVIRONMENTAL
DOCUMENT

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

Re: Finance Docket No. 33388, CSX and Norfolk
Southern control and acquisition of Conrail, ER
97-9456, ER 98-7052, 97-E-0496, 97-E-0000-
0456

Dear Ms. Kaiser:

Thank you for your letter of September 29, 1997, concerning the above project.

We understand that no proposed changes to rail line segments or intermodal facilities, no new construction projects, no rail line abandonments, and no other acquisition related activities are proposed in North Carolina. Therefore, we concur that the acquisition will have no effect on historic properties.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919/733-4763.

Sincerely,

David Brook
Deputy State Historic Preservation Officer

DB:slw





Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Post Office Box 1026
Harrisburg, Pennsylvania 17108-1026

**ENVIRONMENTAL
DOCUMENT**

Office of the Secretary, Case Control Unit
STB Finance Docket No. 33388
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Elaine K. Kaiser

July 31, 1997



TO EXPEDITE REVIEW USE
BHP REPLY SLIP

CENTRAL ADMINISTRATIVE UNIT

REC'D: 8/18/97
DOCUMENT # 8/20/97 12:51:32 PM

Re: ER 97-0776-042-I

Notice of Intent to Prepare an EIS and Request for
Comments on Proposed EIS Scope in STB Finance Docket No.
33388, CSX Corporation and CSX Transportation, Inc.,
Norfolk Southern Corporation and Norfolk Southern
Railway Company-Control and Operating Leases/Agreements-
Conrail, Inc. and Consolidated Rail Corporation

Dear Ms. Kaiser:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation. These requirements include consideration of the project's potential effect upon both historic and archaeological resources.

We are in receipt of Volumes 6A, 6B, and 6C of the Environmental Report for the above proposed project. In our opinion these reports do not adequately address the potential effect of the project on historic and archaeological resources in the Commonwealth of Pennsylvania. Volumes 6A and 6B address the noise and level of surface on the rail lines involved in the project. However, the reports make no mention of the National Register eligibility of any of the resources involved. Previously our agency notified Dames and Moore, consultants involved in the research for this project, that the Pennsylvania Railroad Main Line (Conrail lines in PA) and the Rutherford Railyard had been determined eligible for the National Register of Historic Places. This status was not taken into account in the evaluation of the potential effect of this project. No mention was made of any archaeological potential for this action. If we are missing additional volumes which address these matters please forward them to our office. If these resources were not evaluated, then consultation under Section 106 of the National Historic Preservation Act of 1966 is not complete.

STB

FD

33388

12-12-97

K

28629V5B

4/6

Page 2
E. Kaiser
July 31, 1997

If you need further information in this matter please
consult Susan Zacher at (717) 783-8946.

Sincerely,

K. W. Carr

Kurt W. Carr, Chief
Division of Archaeology
and Protection

KWC/snz

ENVIRONMENTAL DOCUMENT



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550



August 28, 1997

CENTRAL ADMINISTRATIVE UNIT

REC'D: 9/9/97

DOCUMENT # 9/10/97 4:07:37 PM

Ms. Elaine K. Kaiser
Surface Transportation Board
1925 K. Street, NW
Washington, DC 20423-0001

RE: STB, PROPOSED CONRAIL ACQUISITION, UNINCORPORATED, MULTI COUNTY

Dear Ms. Kaiser:

Pursuant to your request, this office has reviewed documentation relative to the above-referenced undertaking. Considering available information, we find that the project as currently proposed will not affect any cultural resources eligible for listing in the National Register of Historic Places.

Therefore, this office has no objection to the implementation of this project. Should project plans change, please contact this office to determine what additional steps, if any, compliance with Section 106 requires. You may direct questions and comments to Joe Garrison (615) 532-1559. This office appreciates your cooperation.

Sincerely,

Herbert L. Harper
Executive Director and
Deputy State Historic
Preservation Officer

HLH/jyg



ENVIRONMENTAL DOCUMENT

TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550



August 22, 1997

CENTRAL ADMINISTRATIVE UNIT

REC'D: 9/2/97
DOCUMENT # 9/3/97 3:13.16 PM

Ms. Elaine K. Kaiser
Surface Transportation Board
1925 K. Street, NW
Washington, DC 20423-0001

RE: STB, DOCKET# 33388, UNINCORPORATED, MULTI COUNTY

Dear Ms. Kaiser:

Pursuant to your request, this office has reviewed documentation relative to the above-referenced undertaking. Considering available information, we find that the project as currently proposed will not affect any cultural resources eligible for listing in the National Register of Historic Places.

Therefore, this office has no objection to the implementation of this project. Should project plans change, please contact this office to determine what additional steps, if any, compliance with Section 106 requires. You may direct questions or comments to Joe Garrison (615)532-1559. This office appreciates your cooperation.

Sincerely,

Herbert L. Harper
Executive Director and
Deputy State Historic
Preservation Officer

HLH/jyg



F. LAWRENCE OAKS
EXECUTIVE DIRECTOR

STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION

460 South Perry Street
MONTGOMERY, ALABAMA 36130-0900



TELEPHONE NUMBER
334-242-3184

ENVIRONMENTAL
DOCUMENT

August 20, 1997

CENTRAL ADMINISTRATIVE UNIT
REC'D: 9/2/97
DOCUMENT # 9/3/97 3:19 PM



Elaine K. Kaiser
Surface Transportation Board
Washington, D.C. 20423

Re: AHC 97-0422
Docket No. 33388
Norfolk Southern/CSX Conrail Acquisition
Multiple Counties, Alabama

Dear Ms. Kaiser:

Upon review of the additional information forwarded by your office, the Alabama Historical Commission has determined that the project activities will have no effect on historic resources in Alabama. Therefore, our office can concur with the proposed acquisition.

We appreciate your efforts on this project. Should you have any questions or comments, please contact Greg Rhinehart of our office.

Sincerely,

F. Lawrence Oaks
State Historic Preservation Officer

FLO/GCR/JWP

Georgia Department of Natural Resources

Historic Preservation Division

Lonice C. Barrett, Commissioner

Mark R. Edwards, Division Director and State Historic Preservation Officer
500 The Healey Building, 57 Forsyth Street, N. W., Atlanta, Georgia 30303
Telephone (404) 656-2840 Fax (404) 657-1040

September 9, 1997

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

ENVIRONMENTAL DOCUMENT

RE: Proposed Acquisition of Conrail by Norfolk-Southern and CSX, Inc.
STB Docket No. 33388
HP970707-005

CENTRAL ADMINISTRATIVE UNIT

REC'D: 9/18/97
DOCUMENT # 9/23/97 9:43:24 AM

Dear Ms. Kaiser:

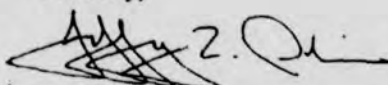
The Historic Preservation Division (HPD) has received your correspondence dated August 7, 1997 concerning the proposed acquisition of Conrail by Norfolk-Southern and CSX, Inc. (the "Acquisition"). According to this letter, Acquisition-related activities in Georgia are limited to increased railroad traffic along various rail corridors, and "would not require any rail line abandonments or construction within STB's jurisdiction." In this letter, you also requested that HPD provide "concurrence that the Acquisition would have no effect on historic resources in Georgia and that Section 106 consultation is complete."

In previous letters to the Surface Transportation Board, as well as to consultants representing both Norfolk-Southern and CSX, HPD stated its opinion that the Acquisition, in itself, does not constitute an undertaking which would require review under Section 106 of the National Historic Preservation Act. Because this action does not require review under Section 106, HPD cannot issue a finding of "no effect" to historic resources, as you have requested. Rather, we restate our opinion that, based on the information provided to date, the Acquisition does not require review by our office under Section 106, and no further coordination is necessary at this time.

However, HPD also noted in previous correspondence that any proposed construction or abandonment of rail lines or other structures or facilities associated with rail lines does have the potential to affect historic resources which are listed in or eligible for listing in the National Register of Historic Places, and would be subject to review by our office in accordance with Advisory Council on Historic Preservation regulations 36 CFR Part 800. If it is determined at any future date that the Acquisition will require such activities, then STB should provide appropriate documentation, including Determinations of Eligibility for historic resources and an assessment of effect, to HPD for review and comment.

If we may be of further assistance, please contact David R. Bennett, Environmental Review Associate Planner, at (404) 651-6624.

Sincerely,



Jeffrey L. Durbin
Environmental Review Coordinator

JLD:drb



ENVIRONMENTAL DOCUMENT

INDIANA DEPARTMENT OF NATURAL RESOURCES

LARRY D. MACKLIN, DIRECTOR

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

CENTRAL ADMINISTRATIVE UNIT
REC'D: 9-24-97
DOCUMENT # 9/25/97 12:18 PM



September 19, 1997

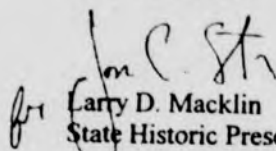
Elaine K. Kaiser, Chief
Section of Environmental Analysis
Surface Transportation Board
Washington, D.C. 20423

Dear Mr. Kaiser:

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

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

Very truly yours,


for Larry D. Macklin
State Historic Preservation Officer

LDM:SLW:MMD:smg

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

"EQUAL OPPORTUNITY EMPLOYER"





MICHIGAN DEPARTMENT OF STATE
Candice S. Miller, Secretary of State
Lansing, Michigan 48918-0001

CENTRAL ADMINISTRATIVE UNIT THE HISTORIC PRESERVATION OFFICE
REC'D: Michigan Historical Center
DOCUMENT # 11/4/97 5:44:31 PM 717 West Allegan Street
Lansing, Michigan 48918-1800



October 16, 1997

ENVIRONMENTAL DOCUMENT

ELAINE KAISER
SECTION OF ENVIRONMENTAL ANALYSIS
SURFACE TRANSPORTATION BOARD
WASHINGTON DC 20423

RE: ER-97-346 Railroad consolidations, finance docket no. 33388, MI General (STB)

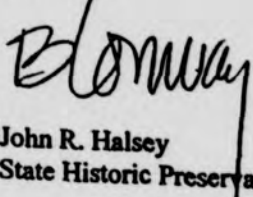
Dear Ms. Kaiser:

Under the authority of the National Historic Preservation Act of 1966, as amended, we have reviewed the above-cited project. It is the opinion of the State Historic Preservation Officer (SHPO) that the project will have no effect (36 CFR 800.9[a]) on historic resources within the railroad consolidation project area in Michigan.

Please maintain a copy of this letter with your environmental review record for this project. If the scope of work changes in any way, or if artifacts or bones are discovered, please contact this office immediately. This letter evidences your compliance with 36 CFR 800.4, "Identifying Historic Properties," and 800.5, "Assessing Effects." Your responsibility to notify this office under 36 CFR 800.5(b), "When no effect is found," is therefore fulfilled.

If you have any questions, please contact Martha MacFarlane, Environmental Review Coordinator, at (517) 335-2721. Thank you for this opportunity to review and comment.

Sincerely,


John R. Halsey
State Historic Preservation Officer

JRH:ROC:mlm



CENTRAL ADMINISTRATIVE UNIT

REC'D: 9/9/97
DOCUMENT # 9101972:37:24PM

ENVIRONMENTAL
DOCUMENT

Mississippi Department of Archives and History

Historic Preservation Division • Post Office Box 571 • Jackson, Mississippi 39205-0571
Telephone 601-359-6940 • Fax 601-359-6955

September 4, 1997

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



Dear Ms. Kaiser:

RE: Railroad Control Application, Finance Docket No. 33388; Norfolk Southern/CSX/Conrail Railroad Acquisition, National Historic Preservation Act, Section 106 Compliance-Project No. 96-678-4

We have reviewed the September 3, 1997, facsimile transmission of Mr. Richard Starzak, Senior Architectural Historian, Myra L. Frank & Associates, and accompanying documentation (environmental report and supplemental environmental report), regarding the above referenced project proposal in accordance with our responsibilities outlined in "Procedures for the Protection of Historic and Cultural Properties," 36CFR800.4 and 800.5. The aforementioned material indicated that no acquisition related activities (changes to rail line segments, rail yards, intermodal facilities, abandonments, or new construction projects) are proposed in Mississippi. In that regard, we concur that no properties listed in or eligible for listing in the National Register of Historic Places will be affected and that Section 106 consultation with this office has been completed. We, therefore, have no reservations with the proposal.

Should there be additional work in connection with the project, or should there be any changes in the scope of work, please let us know in order that we may provide you with appropriate comments for compliance with the above procedures. Your continued cooperation is appreciated.

Sincerely,

Roger G. Walker

By: Roger G. Walker
Review and Compliance Officer

cc: Clearinghouse for Federal Programs
Mr. Richard Starzak

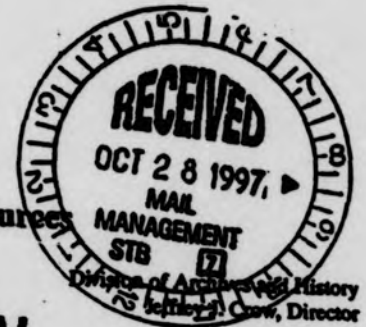
Board of Trustees: William F. Winter, president / Van R. Burnham, Jr. / Arch Dalrymple III / Lynn Crosby Gammill
Gilbert R. Mason, Sr. / Martis D. Ramage, Jr. / Everett Truly / Rosemary Taylor Williams / Sherwood W. Wise
Department Director: Elbert R. Hillard



11/ 4976:03:31 PM

North Carolina Department of Cultural Resources

James B. Hunt Jr., Governor
Betty Ray McCain, Secretary



October 17, 1997

ENVIRONMENTAL DOCUMENT

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

Re: Finance Docket No. 33388, CSX and Norfolk
Southern control and acquisition of Conrail, ER
97-9456, ER 98-7052, 97-E-0496, 97-E-0000-
0456

Dear Ms. Kaiser:

Thank you for your letter of September 29, 1997, concerning the above project.

We understand that no proposed changes to rail line segments or intermodal facilities, no new construction projects, no rail line abandonments, and no other acquisition related activities are proposed in North Carolina. Therefore, we concur that the acquisition will have no effect on historic properties.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919/733-4763.

Sincerely,

David Brook
Deputy State Historic Preservation Officer

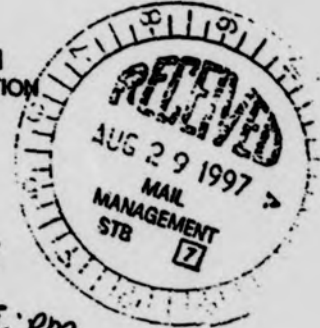
DB:slw





ENVIRONMENTAL DOCUMENT

TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550



August 22, 1997

CENTRAL ADMINISTRATIVE UNIT
REC'D: 9/2/97
DOCUMENT # 9/3/97 3:13.16 PM

Ms. Elaine K. Kaiser
Surface Transportation Board
1925 K. Street, NW
Washington, DC 20423-0001

RE: STB, DOCKET# 33388, UNINCORPORATED, MULTI COUNTY

Dear Ms. Kaiser:

Pursuant to your request, this office has reviewed documentation relative to the above-referenced undertaking. Considering available information, we find that the project as currently proposed will not affect any cultural resources eligible for listing in the National Register of Historic Places.

Therefore, this office has no objection to the implementation of this project. Should project plans change, please contact this office to determine what additional steps, if any, compliance with Section 106 requires. You may direct questions and comments to Joe Garrison (615)532-1559. This office appreciates your cooperation.

Sincerely,

Herbert L. Harper
Executive Director and
Deputy State Historic
Preservation Officer

HLH/jyg

FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs



MEMBER OF THE FLORIDA CABINET
Division of Library & Information Services
Division of Historical Resources
Division of Museum of Art
Division of Licensing
Division of Elections

ENVIRONMENTAL DOCUMENT

FLORIDA DEPARTMENT OF STATE

CENTRAL ADMINISTRATIVE UNIT

Sandra B. Mortham

Secretary of State

REC'D: 10/1/97

DIVISION OF HISTORICAL RESOURCES

DOCUMENT # 10/2/97 4:12:27 PM

September 17, 1997

Ms. Elaine K. Kaiser, Chief
Section of Environmental Analysis
Surface Transportation Board
Washington, DC 20423



In Reply Refer To:
Frank J. Keel
Historic Preservation Planner
Project File No. 97445

RE: Cultural Resource Assessment Request
Railroad Control Application, Finance Docket No. 33388
Southern/CXS/Conrail Railroad Acquisition
Statewide

Dear Ms. Kaiser:

In accordance with the procedures contained in 36 C.F.R., Part 800 ("Protection of Historic Properties"), we have reviewed the referenced project(s) for possible impact to historic properties listed, or eligible for listing, in the *National Register of Historic Places*. The authority for this procedure is the National Historic Preservation Act of 1966 (Public Law 89-665), as amended.

It is the opinion of this agency that because of the project nature it is considered unlikely that archaeological or historical sites will be affected. Therefore, it is the opinion of this office that the proposed project will have no effect on any sites listed, or eligible for listing in the National Register. The project may proceed without further involvement with this agency.

If you have any questions concerning our comments, please do not hesitate to contact us. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

for *Laura B. Kammer*
George W. Percy, Director
Division of Historical Resources
and
State Historic Preservation Officer

GWP/Kfk

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250 • (850) 488-1480
FAX: (850) 488-3353 • WWW Address <http://www.dos.state.fl.us>

☐ ARCHAEOLOGICAL RESEARCH
(850) 487-2299 • FAX: 414-2207

☒ HISTORIC PRESERVATION
(850) 487-2333 • FAX: 922-0496

☐ HISTORICAL MUSEUMS
(850) 488-1484 • FAX: 921-2503

JAMES E. BICKFORD
SECRETARY

ENVIRONMENTAL DOCUMENT



PAUL E. PATTON
GOVERNOR

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

FRANKFORT OFFICE PARK

14 REILLY RD

FRANKFORT KY 40601

September 3, 1997

CENTRAL ADMINISTRATIVE UNIT
REC'D: 9/9/97
DOCUMENT # 9/10/97 3:22:36 PM

Office of the Secretary
Case Control Unit
Finance Docket No. 33388
Surface Transportation Board
1925 K Street, N. W.
Washington, DC 20423-0001

Attention:
Elaine K. Kaiser
Chief, Section of Environmental Analysis
Environmental Filing



Re: Environmental Report of proposed action and expected environmental effects on Operational Impacts of Consolidation CSX, Norfolk Southern, and Consolidated Rail

Dear Ms. Kaiser:

The Natural Resources and Environmental Protection Cabinet (NREPC) serves as the state clearinghouse for review of environmental documents generated pursuant to the National Environmental Policy Act (NEPA). Within the cabinet, the Commissioner's Office in the Department for Environmental Protection coordinates the review for Kentucky State Agencies.

The Kentucky agencies listed on the attached sheet have been provided an opportunity to review the above referenced report. Responses were received from eleven (marked on attached sheet) of the sixteen agencies, and there were no significant comments from any of the agencies. It has been noted that Kentucky, as identified in the Supplemental Environmental Report, is not one of the States affected by the changes included in the SER, and, therefore, will not be reviewing the SER.

If you should have any questions, please contact me at (502) 564-2150, ext. 112.

Sincerely,

Alex Barber

Enclosure



The following state agencies were given the opportunity to review and provide comments on the above referenced project:

1. Natural Resources and Environmental Protection Cabinet
 - a. Division of Water
 - b. Division of Waste Management
 - c. Division for Air Quality
 - d. Division of Conservation
 - e. Division of Forestry
 - f. Department for Surface Mining, Reclamation and Enforcement
 - g. Kentucky State Nature Preserves Commission
 - h. Department for Natural Resources
- 2. Department of Fish and Wildlife Resources
- 3. Kentucky Heritage Council/The State Historic Preservation Office
4. State Archaeologist, University of Kentucky
- 5. Transportation Cabinet
- 6. Tourism Cabinet, Department of Parks
7. Department of Agriculture
8. Department of Military Affairs
- 9. Department of Health



October 21, 1997

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

HISTORICAL PRESERVATION & HERITAGE COMMISSION

Old State House • 150 Benefit Street • Providence, R.I. 02903-1209

Preservation (401) 277-2678

FAX (401) 277-2968

Heritage (401) 277-2669

TDD (401) 277-3700

**ENVIRONMENTAL
DOCUMENT**



Ms. Elaine K. Kaiser
Chief, Section of Environmental Analysis
Surface Transportation Board
Washington, DC 20423

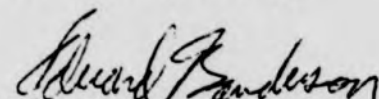
Re: Finance Docket No. 33388 - CSX and Norfolk Southern - Control
and Acquisition - Conrail

Dear Ms. Kaiser:

The Rhode Island Historical Preservation and Heritage Commission staff has reviewed the information your agency has provided on the proposed acquisition of Conrail by the CSX and Norfolk Southern companies. A review of this information indicates that this acquisition will not involve any resources in the State of Rhode Island. Therefore, we concur in your finding that the proposed undertaking will have no effect on historic resources in Rhode Island and no further review by this office is necessary.

These comments are provided in accordance with Section 106 of the National Historic Preservation Act. If you have any questions, please contact Richard E. Greenwood, Project Review Coordinator of our staff.

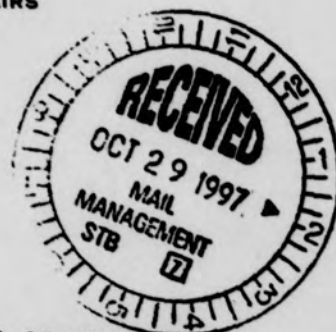
Yours very truly,


Edward F. Sanderson
Executive Director
Deputy State Historic
Preservation Officer

(V:70)

Route: 1-4-97
Wharton
Rutson

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE DIRECTOR



October 24, 1997

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

CENTRAL ADMINISTRATIVE UNIT
REC'D: 10/30/97
DOCUMENT # 11-4-97 4:04:21 PM

Dear Ms. Kaiser:

The DC Historic Preservation Division has received your letter of October 2, 1997 regarding the Railroad Control Application for the consolidation of CSX, NS and Conrail railroad lines in the District of Columbia. We concur with the Surface Transportation Board's finding that this consolidation project will result in No Effect on properties listed or eligible for listing on the National Register of Historic Places.

It is our understanding that if and when any physical alterations to the rail lines or supporting structures, such as the Virginia Avenue Tunnel, are proposed that a separate review will be initiated.

Sincerely,

Hampton Cross
State Historic Preservation Officer

**ENVIRONMENTAL
DOCUMENT**



CENTRAL ADMINISTRATIVE UNIT
REC'D: 10/30/97
DOCUMENT #

RECEIVED
10/2/97

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

September 29, 1997



Mr. David D. Wells
State Historic Preservation Officer
Director, Department of Consumer
and Regulatory Affairs
614 H Street, NW
Suite 1120
Washington, DC 20001

Re: Finance Docket No. 33388 - CSX and Norfolk Southern - Control and
Acquisition - Conrail: National Historic Preservation Act, Section 106

Dear Mr. Cross:

On June 23, 1997, CSX Corporation and CSX Transportation, Inc. (CSX); Norfolk Southern Corporation, and Norfolk Southern Railway Company (NS); and Conrail Inc. and Consolidated Rail Corporation (Conrail) filed a consolidated Railroad Control Application (RCA) with the U.S. Surface Transportation Board (STB) under 49 U.S.C. 11323-25. CSX, NS and Conrail (collectively the Railroads) are jointly seeking authority for CSX and NS to acquire control of Conrail, and for the subsequent division of Conrail's assets (the Acquisition). Receipt of the RCA is the action that formally initiates this proposed undertaking and our role as the Federal lead agency.

The purpose of this letter is to initiate consultation with your office in accordance with Section 106 of the National Historic Preservation Act as amended (Section 106, 16 U.S.C. 470f) and its implementing guidelines (36 CFR Part 800). Consequently, the STB is seeking your comments regarding those projects within our jurisdiction that may have the potential to affect historic properties.¹ This effort is being coordinated with preparation of an Environmental Impact Statement (EIS) to comply with the National Environmental Policy Act (NEPA).

A copy of the Environmental Report (ER) submitted with the RCA was sent to your office by the Railroads. The STB's review of the ER indicates that in Washington DC, there are no proposed changes to rail line segments, rail yards, or intermodal facilities, and no new construction projects. While traffic increases are anticipated on two Conrail segments

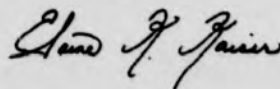
¹ The STB may impose conditions on rail line abandonments and new construction, but has limited jurisdiction over the Acquisition related activities. See 49 CFR Part 1105.8.

(Anacostia to Virginia Avenue and Virginia Avenue to Potomac Yard), no construction or changes to rail line segments are proposed in this Acquisition. Increased traffic is limited to the moving and handling of more rail cars on the existing trackage. Increased traffic does not have the potential to affect historic or cultural resources since the railroad traffic is part of the historic setting and does not involve ground disturbance or physical alteration of the existing facilities.

No rail lines are proposed to be abandoned and no other Acquisition related activities are proposed. However, it has been noted that CSX proposes to make clearance modifications to the Virginia Avenue Tunnel. The STB has requested CSX to define this proposed work and whether it is a component of the Acquisition. As soon as the requested information is received from CSX, the STB will evaluate the potential for effect on historic and cultural resources under Section 106 and will continue consultation with your office.

Except for the clearance modifications to the Virginia Avenue Tunnel, the STB requests your concurrence with its finding that the Acquisition would have no effect on historic resources in Washington, D.C. and that Section 106 consultation with your office has been completed in accordance with the rules and regulations found in 36 CFR Part 800.5b. We look forward to your response on this matter as rapidly as your schedule will allow. If you have any questions, please call the STB's cultural resources technical team leader for the Acquisition, Barry Wharton of HDR Engineering, Inc., at (813) 287-1960 for assistance.

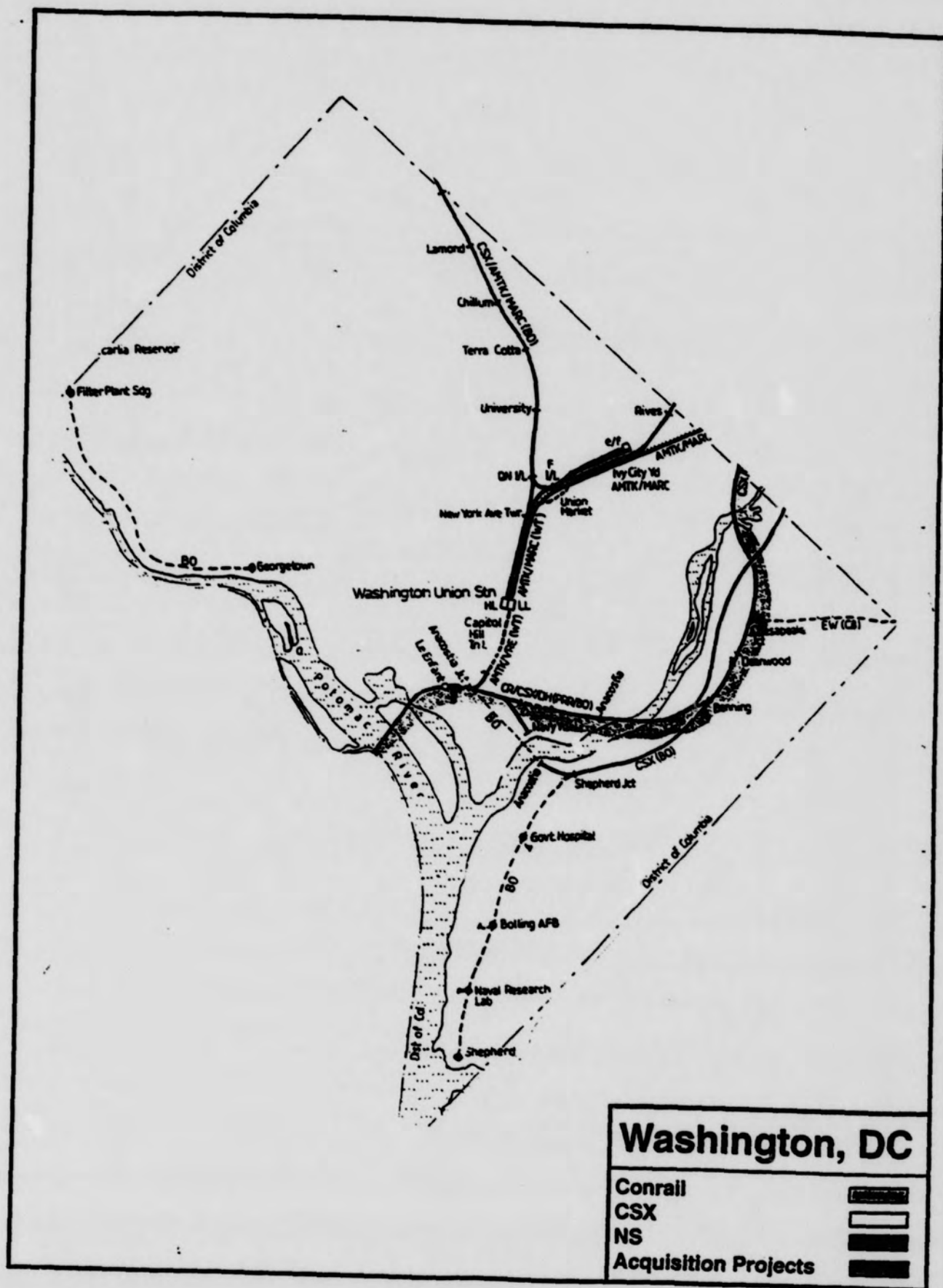
Sincerely yours,



Elaine K. Kaiser
Chief
Section of Environmental Analysis

Enclosure: District of Columbia "Railroad Map"

cc: Paul McGinley, McGinley Hart
John Morton, HDR Engineering
William Novak, DeLeuw, Cather
Barry Wharton, HDR Engineering





SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Section of Environmental Analysis

October 24, 1997

Ms. Patricia Haman
U.S. Environmental Protection Agency
Office of Federal Activities
Ariel Rios Building, Room 7235
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20044

Re: STB/EPA October 9th Meeting on Air Quality Analysis For Proposed Conrail
Acquisition Draft EIS

Dear Ms. Haman:

My staff appreciated the opportunity to meet with you and EPA Region 2 staff in New York on October 9th to go over the approach we are developing to assess potential air quality impacts in the Draft EIS for the proposed Conrail Acquisition. The meeting was very helpful, and I would like in this letter to summarize my understanding of what was discussed and where we stand now.

At the meeting, staff from the Surface Transportation Board's Section of Environmental Analysis (SEA) provided an overview of the air quality analysis being undertaken in the Draft EIS for this 44,000 mile rail system project, and explained that our assessment encompasses local, regional, and systemwide air quality impacts. SEA staff also explained that train emissions from rail line segments and other facilities (rail yards and intermodal facilities), where traffic thresholds for air quality analysis in the Board's environmental rules would be triggered, have been used to determine which counties might have emissions increases above 100 tons per year (50 tons per year or 25 tons per year for NO_x in serious or severe ozone nonattainment areas). NO_x is the main pollutant of concern since other pollutants do not exceed emissions thresholds in the Board's environmental rules except for carbon monoxide at a few locations. Based on the SEA staff's description, EPA Region 2 generally viewed our approach to air quality analysis as reasonable and conservative. EPA staff also agreed that no impacts modeling is feasible in this case.

SEA and EPA staff then discussed different ways in which emission credits could be calculated to take into account the benefits of truck to rail diversions. SEA staff explained that the agency's initial analysis had been done on a county by county basis, as provided in the railroads' environmental documentation, and expressed concern that that approach did not accurately reflect potential truck to rail diversions because major highways do not always coincide with where train emissions arise. EPA staff agreed that a broader approach than a

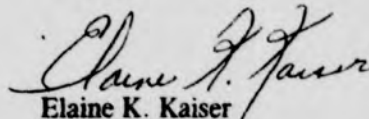
coincide with where train emissions arise. EPA staff agreed that a broader approach than a county approach would be appropriate in this proceeding. Specifically, EPA stated its concurrence with the Ozone Transport Assessment Group's (OTAG) findings that ozone formation is a large scale process involving NOx emissions over the entire eastern half of the United States. EPA staff indicated that, given OTAG's findings, EPA was revising its view of ozone formation issues to broaden the geographic areas that may be considered as offset areas. EPA staff added that a regional or state by state approach might be appropriate in this case.

In addition, EPA staff noted that EPA has granted NOx waivers to certain areas including areas that might be affected by the proposed Conrail Acquisition. EPA staff suggested that the Draft EIS could rely on these NOx waivers to show that NOx emissions above the 25, 50, or 100 ton thresholds discussed above are not significant. In response, SEA staff indicated that it would contact EPA regional offices to determine what nonattainment areas have NOx waivers and incorporate that information into the analysis in the Draft EIS.

Finally, SEA staff stated that it would contact you after they have ascertained where there are NOx waivers, and fine tuned the air quality analysis based on EPA's suggestions and the discussion at the meeting so that you are kept up to date.

If you disagree with my understanding of what transpired at the meeting please let me know as soon as possible. Again, we thank you for taking the time to come to New York and coordinating the meeting with EPA Region 2 staff and my staff. SEA appreciates the opportunity to go over these matters, consult with you, and clarify issues. We are looking forward to continuing to work with you as the EIS process progresses. Thank you again.

Sincerely yours,



Elaine K. Kaiser

Chief

Section of Environmental Analysis

cc: M. Arthurs
R. Kapichak
R. Kelly
J. Walsh
E. Liebsch
M. Wollschlager

APPENDIX N
Synopsis of Federal Regulations

APPENDIX N

Synopsis of Federal Regulations

Table N-1
Federal Regulatory Agencies and Laws

Area(s) of Concern	Agency	Legal Reference	Acronym	Code Sections/ Public Law	Applicability
Air Quality	EPA	Clean Air Act of 1970	CAA	42 U.S.C. Sections 7401 et seq.	<p>1) Project will be required to maintain compliance with the NAAQS. In areas that are non-attainment or in maintenance areas, special SIP provisions may apply.</p> <p>2) NSR, NSPS, and Title V operating permit requirements could possibly apply to construction of intermodal facilities or maintenance facilities if boilers or other emission sources exceeded emission thresholds.</p> <p>3) NESHAPS (National Emissions Standards for Hazardous Air Pollutants) are not likely to apply to railroad operations.</p> <p>NOTE: National Ambient Air Quality Standards (NAAQS) General Conformity Regulations do not apply to mergers.</p>
		<i>Amendments of 1977</i>	CAAA77		
		<i>Amendments of 1990</i>	CAAA90		

Appendix N: Synopsis of Federal Regulations

Area(s) of Concern	Agency	Legal Reference	Acronym	Code Sections/ Public Law	Applicability
Cultural Resources Archeology	DOI	Archaeological Resources Protection Act of 1979	ARPA	16 U.S.C. Section 470, as amended	Where the proposed merger involves construction or abandonment on public lands and Indian lands, The Railroads will need to obtain a permit to conduct excavations from the appropriate land manager and to comply with the provisions of the NHPA, NAGRA, and NARFA.
	(All)	Native American Religious Freedom Act of 1978	NARFA	42 U.S.C. Section 1996	Information on the potential involvement of proposed actions on the character or integrity of sacred sites should be gathered. In the event such sites be identified, authorized representatives of the affected organization should be notified and asked to comment on whether the proposed action will impact the site. Should that organization determine there is an impact, the Railroads are required to enter into consultation in an effort to mitigate the impact.
	(All)	Native American Graves and Repatriation Act	NAGRA	25 U.S.C. Section 3001	Should the proposed merger potentially affect Native American burial sites and related funerary objects, which include but are not limited to burial mounds and other mortuary features, consultation under Section 105 of the rule must be initiated between the Railroads and appropriate descendants or Indian tribal officials. The rule also requires that, following consultation, the Railroads prepare a written plan of action addressing the removal, study, and final disposition of funerary remains and objects.

Appendix N: Synopsis of Federal Regulations

Area(s) of Concern	Agency	Legal Reference	Acronym	Code Sections/ Public Law	Applicability
Endangered Species	DOI-F&WS	Fish and Wildlife Coordination Act of 1934	FWC	16 U.S.C. Section 661-666c	(See below)
		<i>Amended 1946, 1958, 1977</i>			
		Fish and Wildlife Conservation Act of 1980			
		Endangered Species Act of 1973	ESA	16 U.S.C. Sections 1531-1544	<p>This project will require an investigation of potential impacts to E & T species. The primary focus should be on areas where there will be new construction and sections of track which are going to be abandoned.</p> <p>Areas where E&T species populations have been found will require field review to determine the potential impacts within the activity footprint, as well as potential secondary impacts by the proposed action, i.e. construction or abandonment. This field review may require coordination with the regulatory agencies or a local personality regarded by the regulatory agency as an "expert" on the species in question.</p>

Appendix N: Synopsis of Federal Regulations

Area(s) of Concern	Agency	Legal Reference	Acronym	Code Sections/ Public Law	Applicability
Energy		Energy Policy and Conservation Act	EPCA	42 U.S.C. Section 6362(b)	STB must include a statement of the probable impact on energy efficiency and energy conservation as a result of the proposed rail merger. To assure this is addressed, STB must describe the effect of the proposed railroad merger on transportation of energy resources and recyclable commodities. STB must also determine whether the proposed merger will result in an increase or decrease in overall energy efficiency. If the proposed merger will cause diversions from rail to motor carriage of more than 1,000 rail carloads per year, or an average of 50 rail carloads per mile per year for any part of the affected line, then STB must quantify the resulting net change in energy consumption and show the data and methodology used to determine the net change.
Environmental Justice		Executive Order 12898 of 1994			Due to the nature of the proposed action, the likely effects, if any, that may lead to "unbalance" could involve air quality, noise and traffic congestion that would be concentrated in close geographic proximity to expanded railroad operations. The presence of disadvantaged social or economic or racial population living in proximity may coincide with the location of the action, or not, depending upon the local circumstance.
Floodplains	FEMA	National Flood Insurance Act of 1968	NFIA	42 U.S.C. Section 4001-4128	Any construction within a 100-year floodplain must comply with floodplain management agencies restrictions.

Appendix N: Synopsis of Federal Regulations

Area(s) of Concern	Agency	Legal Reference	Acronym	Code Sections/ Public Law	Applicability
		Executive Order 11988 (as amended), Floodplain Management		3 CFR, 1977 (May 24, 1977)	(See above)
Forest Resources	DOA- Forest Service	National Forest Management Act	NFMA	16 U.S.C. Sections 1600-1687	Timber salvage requirements apply for either public or private forest lands.
Hazardous Waste	EPA	Comprehensive Environmental Response, Compensation and Liability Act of 1980	CERCLA	42 U.S.C. Sections 9601-9675	Project will be required to maintain compliance with these standards.
		Superfund Amendments and Reauthorization Act	SARA	42 U.S.C. Sections 11001 et seq.	
		Toxic Substances Control Act	TSCA	15 U.S.C. Sections 2601-2892	Project will be required to maintain compliance with these standards.

Appendix N: Synopsis of Federal Regulations

Area(s) of Concern	Agency	Legal Reference	Acronym	Code Sections/ Public Law	Applicability
Historical and Archaeological Resources	ACHP	Section 106 of the National Historic Preservation Act of 1966	NHPA	16 U.S.C. Sections 470-470t	<p>STB must consult with the State Historic Preservation Officers (SHPOs) and the Advisory Council on Historic Preservation to determine the effects of STB merger approval on cultural resources.</p> <p>Consultation will focus primarily on abandonment and construction activities. Proposed intermodal facility expansions may also become a focus in certain cases, particularly where such actions abut historic architectural structures or districts. The remaining classes of action (e.g., rail yard and rail line enhancements) are not expected to have adverse effects on cultural resources.</p>
Interstate Commerce	STB	Environmental Review		49 CFR 1105.1 et seq.	Statutes applying environmental regulations under STB jurisdiction.
Land Use		Federal Land Management and Policy Act	FLMPA	43 U.S.C. Sections 1701 to 1784	Most elements of the proposed action will occur upon existing rights-of-way or land to be acquired in title by the railroad. Therefore, it is unlikely that public domain lands will be involved. If needed, additional consultation should be made with federal land management agencies in affected states (if any) such as Florida, Illinois, Indiana, Michigan and Ohio.
		Coastal Zone Management Act	CZMA	16 U.S.C. Sections 1451 to 1464	Must be consistent with state coastal zone programs.

Appendix N: Synopsis of Federal Regulations

Area(s) of Concern	Agency	Legal Reference	Acronym	Code Sections/ Public Law	Applicability
Navigable Waters	COE/ USCG	Sections 9 and 10 of the Rivers and Harbors Act of 1899	RHA	33 U.S.C. Section 403	Any construction (e.g. new bridges or rehabilitated old structures) must meet navigational clearance limits or guidelines to avoid obstructions. U.S. Coast Guard permits are required for any change effecting navigable waterways of the United States.
Noise	EPA	Noise Control Act	NCA	42 U.S.C. Sections 4901-4918	Project will be required to maintain compliance with the noise standards continued in 40 CFR Parts 201 and 202 and 49 CFR 210.
Recreational Areas and Parks	USDOT	Section 4(f) of the Transportation Act of 1966, as amended		49 U.S.C. Section 303	Will not apply. No Federal DOT funds are involved.
Safety	Federal Railroad Administration	Track Safety Standard		CFR 49 Part 213	FRA sets safety standards that detail minimum standards for railroad track. Trains cannot operate at speeds greater than these specified for the track condition or if frequency of inspection is not in compliance with regulations.
		Railroad Operating Rules and Practices		CFR 40 Parts 217 and 218	These are regulations that the railroads must follow pertaining to the instruction and protection of employees.
		Rules and Regulations Governing Railroad Signal and Train Control Systems		CFR 40 Parts 233, 235 and 236	This specifies minimum safety requirements for train separations (which affects the number of trains using a specific track), inspections, signal systems and interlockings.

Appendix N: Synopsis of Federal Regulations

Area(s) of Concern	Agency	Legal Reference	Acronym	Code Sections/ Public Law	Applicability
		Crossing Signal System Safety		CFR 49 Part 234	This provides minimum inspection, testing, maintenance and failure reporting standards for grade crossing warning systems.
		Hazardous Materials Regulations		CFR 49 Part 172	The law provides minimum requirements regarding marking, labeling and placarding of hazardous shipments as well as employee training.
		Railroad Freight Car Safety Standards		CFR 49 Parts 221, 229, 231, 232 and 240	These regulate passenger, commuter and freight trains' markings, inspections and noise control.
	FHWA	Federal Highway Administration			Project will be required to maintain compliance with safety requirements detailed in Manual on Uniform Traffic Control Devices (MUTCD).
	Dept. of Commerce	Bureau of Explosives			Project will be required to maintain compliance with safety requirements regarding transportation of hazardous and/or flammable materials.
Solid Waste	EPA	Resource Conservation and Recovery Act of 1976	RCRA	42 U.S.C. Sections 6901-6992k	Project will be required to maintain compliance with these standards.
Water Quality	EPA	Clean Water Act, (Federal Water Pollution Control Act)	CWA	33 U.S.C. Sections 1251-1387	Regulates discharge of pollutants into "Waters of the United States" (both from point sources and nonpoint sources), establishes water quality standards program, establishes treatment standards.

Appendix N: Synopsis of Federal Regulations

Area(s) of Concern	Agency	Legal Reference	Acronym	Code Sections/ Public Law	Applicability
		<i>Amended 1977</i> <i>Amended 1981</i>			This will potentially apply to abandonments and constructions. This will include erosion control practices and other mitigation.
	EPA	Safe Drinking Water Act	SDWA	42 U.S.C. Sections 300f-300j-26	Establishes drinking water quality standards. Not likely to impact project unless groundwater contamination becomes an issue.
	COE	Section 404 of the "Clean Water 'Act'" of 1977	CWA-S.404	33 U.S.C. Sections 1251-1387, Section 404	Within the STB's NEPA process all impacts to wetlands and the potential release of fill and/or pollutants into Waters of the U.S. must be investigated. All first order and secondary impacts must be identified for the proposed action. This will require the review of mapping and some field investigations of portions of the proposed action which may impact Waters of the U.S., mainly new construction and impacts caused by abandonment. It will also require coordination with district ACOE offices as well as state regulatory agencies.
	COE/Fed. Agencies	Executive 11990, Protection of Wetlands <i>Amended by Executive Order 12608</i>		3 CFR, 1977, Page 121 52 FR 34617 (September 9, 1987)	(See Section 404 discussion) (See Section 404 discussion)

Appendix N: Synopsis of Federal Regulations

Area(s) of Concern	Agency	Legal Reference	Acronym	Code Sections/ Public Law	Applicability
Wetlands on Farms	DOA- Natural Resource Conser- vation Service	Water Bank Act of 1970	WBA	16 U.S.C. Sections 1301-1311	(See Section 404 discussion)

APPENDIX O
Public Outreach Notices and Materials and List of
Comments Received

APPENDIX O

Public Outreach Notices and Materials and List of Comments Received

In an effort to keep the public informed and involved throughout the proposed Conrail Acquisition's environmental review process, the Section of Environmental Analysis (SEA) is conducting an extensive public outreach program. SEA established a toll-free Environmental Hotline in April 1997 to accommodate inquiries regarding the proposed Acquisition. In July and September 1997, SEA updated the hotline and recorded a Spanish version. On July 8, 1997, SEA activated the Conrail Acquisition Internet web site (<http://www.conrailmerger.com>) providing information about the proposed transaction. The web site is updated on an ongoing basis to provide up-to-date information on Board Decisions affecting the proposed Acquisition.

In July 1997, a Federal Register Notice, a press release, and legal notices announcing the Notice of Intent to prepare an Environmental Impact Statement were issued to facilitate public participation in the study. On July 28, 1997, SEA produced and distributed a Fact Sheet, which invited comments and explained the proposed Acquisition's potential environmental impacts in each of the 24 affected states and Washington, DC. The Fact Sheet was sent to over 8,000 Federal, state, county, and city officials, and other interested parties. In September 1997, SEA updated the Fact Sheet to reflect new operating information provided by the Railroads. SEA also prepared a one-page Frequently Asked Questions publication to answer commonly asked questions about the proposed transaction.

SEA conducted and is continuing to conduct site visits in the affected states to identify areas that could potentially have environmental impacts. SEA is also monitoring media coverage of the proposed Acquisition. The media monitoring began in February 1997 and involves a weekly review of nation-wide newspapers and national trade magazines and journals.

CONTENTS OF APPENDIX O

Environmental Hotline Scripts

Federal Register Notices

Conrail Acquisition Web Site

Press Release and Distribution List

Legal Notice and Newspaper Listing

Fact Sheet and Distribution Summary and Revised Fact Sheet

Frequently Asked Questions Publication

List of Comments Received

Environmental Hotline Scripts

**Surface Transportation Board Environmental Hotline
Conrail Merger**

Draft Script (April 16, 1997)

(Time: Approximately 45 seconds).

Hello, you have reached the Surface Transportation Board's Environmental Hotline for the proposed acquisition and division of Conrail. The Conrail, Norfolk Southern and CSX railroads have notified the Board of their intent to file a joint application. However, the application has not yet been filed.

If you have comments about the environmental aspects or environmental review of the proposed merger, please leave them with your name, mailing address and telephone number, including area code, when you hear the beep. If you would like to speak with a member of the Conrail merger team staff, please say so and someone will return your call.

If you wish to mail us your comments, please send them to:

Surface Transportation Board
Conrail Merger Central Unit
1925 K Street N.W., Suite 450
Washington, DC 20006

Thank you for your call.

**Línea Directa Ambiental del Consejo de Transporte de Superficie
Fusión Conrail
(17 de julio de 1997)**

Hola, esta es la Línea Directa Ambiental del Consejo de Transporte de Superficie de la prevista fusión Conrail. Las compañías ferroviarias Conrail, Norfolk Southern y CSX han presentado una solicitud conjunta con el Consejo para la adquisición y control de Conrail.

Si tiene algún comentario en lo que concierne a temas ambientales o alguna pregunta sobre el proceso de revisión ambiental, haga el favor de mencionarlos, preferiblemente en inglés, y deje su nombre, dirección postal y número de teléfono, incluyendo el prefijo, después de la señal. Si desea hablar con un miembro del equipo de fusión Conrail, por favor menciónelo ahora y alguien se pondrá en contacto con usted.

Si desea enviar sus comentarios por correo, por favor envíelos a la siguiente dirección:

Office of the Secretary
Case Control Unit
Finance Docket No. 33388

Nuestra oficina está situada en la siguiente dirección:
1925 K Street N.W.
Washington, D.C. 20423-0001

En la esquina inferior izquierda, deberá figurar lo siguiente:
Attention: Elaine K. Kaiser
Environmental Filing

Gracias por su llamada.

**Surface Transportation Board Environmental Hotline Conrail Acquisition
(July 17, 1997)**

Hello, you have reached the Surface Transportation Board's Environmental Hotline for the proposed acquisition and control of Conrail. Si desea escuchar este mensaje en Español marque el uno (To hear this message in Spanish press 1). The Conrail, Norfolk Southern and CSX railroads have filed a joint application with the Board for the acquisition and control of Conrail.

If you have comments about environmental issues or questions about the environmental review process, please highlight your comments and leave your name, mailing address and telephone number, including area code, when you hear the beep. If you would like to speak with a member of the Conrail team, please say so and someone will return your call. If you wish to mail us your comments, please send them to:

Office of the Secretary
Case Control Unit
Finance Docket No. 33388

The street address is:

1925 K Street N.W.
Washington, DC 20423-0001

In the lower left hand corner of the envelope, be sure to write:

Attention: Elaine K. Kaiser
Environmental Filing

Thank you for your call.

**Surface Transportation Board Environmental Hotline Conrail Acquisition
(September 30, 1997)**

Hello, you have reached the Surface Transportation Board's Environmental Hotline for the proposed acquisition and control of Conrail. Si desea escuchar este mensaje en Español marque el uno (To hear this message in Spanish press 1). On October 1, 1997, the Board's Section of Environmental Analysis issued the final Scope of the Environmental Impact Statement. SEA is conducting its environmental review of the joint application filed with the Board by Conrail, Norfolk Southern and CSX for the acquisition and control of Conrail. SEA plans to issue a Draft Environmental Impact Statement in late 1997.

If you have comments about environmental issues or questions about the environmental review process, please slowly highlight your comments and leave your name, mailing address and telephone number, including area code, when you hear the beep. If you would like to speak with a member of the Conrail team, please say so and someone will return your call. If you wish to mail us your comments, please send them to:

Office of the Secretary
Case Control Unit
Finance Docket No. 33388

The street address is:

1925 K Street N.W.
Washington, DC 20423-0001

In the lower left hand corner of the envelope, be sure to write:

Attention: Elaine K. Kaiser
Environmental Project Director
Environmental Filing

Thank you for your call.

**Línea Directa Ambiental de la Junta de Transporte de Superficie
Adquisición de Conrail
(9 de octubre de 1997)**

Hola, esta es la Línea Directa Ambiental de la Junta de Transporte de Superficie de la prevista adquisición y control de Conrail. El 1 de octubre de 1997, la Sección de Análisis Medioambiental de la Junta emitió la revisión general definitiva de la Declaración de Impactos Medioambientales. SEA conduce la revisión medioambiental de la solicitud conjunta presentada a la Junta por Conrail, Norfolk Southern y CSX para la adquisición y control de Conrail. SEA tiene previsto emitir un borrador de la Declaración de Impactos Medioambientales a finales de 1997.

Si tiene algún comentario en lo que concierne a temas ambientales o alguna pregunta sobre el proceso de revisión ambiental, haga el favor de mencionarlos lentamente y deje su nombre, dirección postal y número de teléfono, incluyendo el prefijo, después de la señal. Si desea hablar con un miembro del equipo de adquisición de Conrail, por favor menciónelo ahora y alguien se pondrá en contacto con usted.

Si desea enviar sus comentarios por correo, por favor envíelos a la siguiente dirección:

Office of the Secretary
Case Control Unit
Finance Docket No. 33388

Nuestra oficina está situada en la siguiente dirección:
1925 K Street N.W.
Washington, D.C. 20423-0001

En la esquina inferior izquierda, deberá figurar lo siguiente:
Attention: Elaine K. Kaiser
Environmental Filing

Gracias por su llamada.

Federal Register Notices

derived funding sources and must consist of either cash, substantial equipment contributions that are wholly utilized as an integral part of the project, or personnel services dedicated full-time to the project for a substantial period, as long as such personnel are not otherwise supported with Federal funds."

FOR FURTHER INFORMATION CONTACT: Mr. Paul Pisano, FHWA Office of Safety and Traffic Operations R&D, (703)285-2498, 6300 Georgetown Pike, McLean, Va 22101-2296; or Mr. Raymond Resendes, ITS Joint Program Office, (202)366-2182, FHWA, Office of Acquisition Management, (202)366-4227; or Ms. Beverly Russell, FHWA, Office of the Chief Counsel, (202)366-1355, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

Authority: Secs. 6051-6059, Pub. L. 102-240, 105 Stat. 1914, 2189; 23 U.S.C. 307 note, 49 CFR 1.48.

Issued on: July 1, 1997

Edward V.A. Kussy,

Acting Chief Counsel, Federal Highway Administration

[FR Doc. 97-17651 Filed 7-3-97; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33388]

CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Leases/Agreements—Conrail, Inc. and Consolidated Rail Corporation

AGENCY: Surface Transportation Board, DOT

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS) and request for comments on proposed EIS scope.

SUMMARY: On June 23, 1997, CSX Corporation and CSX Transportation, Inc. (CSX), Norfolk Southern Corporation, and Norfolk Southern Railway Company (NS), and Conrail Inc. and Consolidated Rail Corporation (Conrail) filed an application (primary application) with the Surface Transportation Board (Board) under 49 U.S.C. 11323-25. NS, CSX, and Conrail are jointly seeking authority for NS and CSX to acquire control of Conrail and for the subsequent division of Conrail's assets. The proposed transaction

involves over 44,000 miles of rail lines and related facilities covering a large portion of the eastern United States. To evaluate and consider the potential environmental impacts that may result from the proposed transaction, the Board's Section of Environmental Analysis (SEA) will prepare an environmental impact statement (EIS). The Board has determined that an EIS is warranted due to the nature and scope of environmental issues (e.g., intercity passenger service and commuter rail service) that may arise. As part of their primary application to the Board, CSX, NS, and Conrail (collectively, Applicants), have filed a detailed operating plan and prepared an Environmental Report (ER). The ER describes the physical and operational changes that would be associated with the proposed transaction and discusses the potential environmental impacts of those changes.

DATES: Written comments on the draft scope are due August 6, 1997.

ADDRESSES: Office of the Secretary, Case Control Unit, STB Finance Docket No. 33388, Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. Attention: Elaine K. Kaiser, Chief, Section of Environmental Analysis, Environmental Filing.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Dalton, SEA Project Manager, Conrail Control Transaction, (202) 565-1530; or Ms. Dana White, SEA Environmental Specialist, at (202) 565-1552. (TDD for the hearing impaired: (202) 565-1695).

SUPPLEMENTARY INFORMATION:

Background

The proposed transaction would result in certain existing Conrail facilities and operations being assigned individually to either CSX or NS through operating agreements or other mechanisms, and certain other existing Conrail facilities and operations being shared by, and operated for the benefit of, both CSX and NS. The result would be an expanded CSX rail system, an expanded NS rail system, and certain areas of joint ownership and operations. CSX and NS would continue to compete with each other in the provision of rail freight services and would expand their competition to areas in which Conrail is currently the only major rail carrier. Each of the two railroads would utilize its existing lines, would operate certain Conrail lines independent of the other, and would jointly operate certain Conrail lines.

Applicants anticipate that the proposed transaction would provide for benefits that include: reduced energy

usage, enhanced safety, reduced highway congestion, reduced system-wide air pollutant emissions, expanded competition, and a more efficient rail transportation system. The proposed transaction, also referred to as the proposed action, is detailed in the primary application and in the operating plan and ER that accompanied it. The proposed transaction includes changes in railroad operations such as increases and decreases in train traffic, changes in activity at rail yards and intermodal facilities, and rail line abandonment and construction projects.

Applicants served the ER concurrently on appropriate federal, state, and local agencies. Federal agencies included: U.S. Army Corps of Engineers, U.S. Department of Agriculture (Forest Service and Natural Resources Conservation Service), U.S. Department of Interior (Bureau of Indian Affairs, Bureau of Land Management, National Park Service, Office of Environmental Project Review, Fish and Wildlife Service), U.S. Department of Transportation (Federal Railroad Administration, Federal Highway Administration, Federal Transit Administration, U.S. Coast Guard), and U.S. Environmental Protection Agency (EPA). State agencies included clearinghouses, state departments of transportation, public service commissions, and historic preservation offices, in the States of AL, CT, DE, FL, GA, IL, IN, KY, LA, MA, MD, MI, MS, MO, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and the District of Columbia. Applicants also served the ER on cities with populations of over 50,000, as well as counties and regional planning organizations that could be affected.

Environmental Review Process and Alternatives

The Board's environmental staff, SEA, is soliciting information and comments on the scope of environmental issues to be addressed in the EIS for the proposed transaction. The National Environmental Policy Act (NEPA) process is intended to assist the Board and the public in identifying and assessing the potential environmental consequences of a proposed action before a decision on that proposed action is made. The first stage of the EIS process is scoping. Scoping is an open process for determining the scope of environmental issues to be addressed in the EIS and their potential for significance.

Existing rail operations are the baseline from which the potential environmental impacts of the proposed transaction will be evaluated. Under the NEPA process, SEA will evaluate only

the potential environmental impacts of operational and physical changes that are directly related to the proposed transaction. SEA will not consider environmental impacts relating to existing rail operations and existing railroad facilities.¹ In making its decision in this proceeding, the Board will consider the EIS, the public comments, and the environmental analysis and recommendations, including any environmental mitigation proposed by SEA. Alternatives to be considered in the EIS are (1) approval of the transaction as proposed; (2) disapproval of the proposed transaction in whole (No-Action alternative); or (3) approval of the proposed transaction with conditions, including environmental mitigation conditions.² Other parties may file "inconsistent or responsive" applications requesting modifications to the proposed transaction, such as requests for trackage rights or the acquisition of particular rail lines. Potential environmental impacts and rail system changes proposed in the inconsistent and responsive applications will be evaluated in the EIS.

Related Activities

NS and CSX requested, and the Board allowed, the proposed construction of seven small rail line connections (Seven Connections) totaling approximately 4 miles, to be filed and reviewed separately from the primary application. This separate environmental review process will address only the potential environmental impacts of the physical construction of these Seven Connections and Applicants' proposed operations over these lines. The operational implications of the transaction as a whole, including proposed operations over these Seven Connections, if authorized, will be examined in the

context of the EIS that is being prepared for the proposed transaction.³

Filing Environmental Comments

SEA encourages broad participation in the EIS process during scoping and review of the Draft EIS (DEIS). Interested agencies and persons are invited to participate in the scoping phase by reviewing the draft scope of the EIS. Due to the broad geographic scope of the proposed transaction, SEA does not plan to conduct public scoping meetings. Written comments on the draft scope of the EIS may be submitted to the Board within the 30-day comment period, as described below, no later than August 6, 1997. It is not necessary to be a Party of Record (as detailed below) to file comments on the draft scope of the EIS and participate in the environmental review process. You need only submit a signed original and 10 copies of your comments to: Office of the Secretary, Case Control Unit, STB Finance Docket No. 33388, Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423-0001.

To ensure proper handling of your comments, you must mark your submission: Attention: Elaine K. Kaiser, Chief, Section of Environmental Analysis, Environmental Filing.

By following this procedure, your comments will be placed in the formal Public Record for this case. In addition, SEA will add your name to its mailing list for distribution of the final scope of the EIS, the DEIS, and Final EIS (FEIS). However, as stated in Board Decision No. 6⁴ in this case, copies of Board decisions, orders, and notices will be served only on persons designated as Parties of Record, Members of Congress, and Governors on the official service list. All other interested persons who wish to receive copies of Board decisions, orders, and notices served in this proceeding are encouraged to make advance arrangements with the Board's copy contractor, DC News & Data, Inc., at (202) 289-4357.

¹ Board Decision No. 5 in this proceeding, issued June 12, 1997, granted Applicants' petition for waiver related to the Seven Connections and explained what the environmental review process for those projects would be. Specifically, SEA intends to prepare a separate Environmental Assessment for each of these small construction projects. However, if SEA determines that any one of the construction proposals could potentially cause or contribute to, significant environmental impacts then the project will be incorporated into the EIS for the overall proposed transaction, and will not be separately considered. Also, no rail operations can begin over these Seven Connections until completion of the EIS process, and issuance of a further decision.

² Board Decision No. 6 was issued May 30, 1997, and published at 62 FR 29387-29391.

Parties of Record

If you wish to become a Party of Record (POR) in this case, you must comply with the more rigorous filing and service requirements explained in Decision No. 6. Specifically, you must notify the Board by August 7, 1997, or 45 days after the primary application was filed, of your intent to participate actively in this proceeding by submitting to the Office of the Secretary, at the above address, an original plus 25 copies of a Notice of Intent to Participate accompanied by a certificate of service. The Notice must demonstrate compliance with the service requirements set forth in the section of Decision No. 6 entitled ADDRESSES. Thereafter, each POR will receive a copy of the official service list that contains the names and addresses of all PORs, upon whom all subsequent filings must be served.

For Additional Information

Contact Mr. Michael Dalton, SEA Project Manager, Conrail Control Transaction, (202) 565-1530; or Ms. Dana White, SEA Environmental Specialist, at (202) 565-1552 (TDD for the hearing impaired: (202) 565-1695). Summary information about the proposed transaction and draft scope of the EIS can be found at the following Internet web site: <http://www.conrailmerger.com>. Requests for summary information on the control transaction and EIS scope can be made through SEA's toll-free Environmental Hotline at (888) 869-1997.

Environmental Review Schedule

The Board has adopted a 350-day procedural schedule for the proposed transaction proceeding,⁵ and has determined that preparation of an EIS is warranted in this case. The 350-day schedule will permit SEA to undertake an EIS that fully considers the environmental consequences of this proposed action. Below is a discussion of how SEA plans to conduct the environmental review process in this case.

On June 23, 1997, Applicants filed an ER containing the information specified in the Board's environmental rules at 49 CFR 1105.7(e), as part of the primary application. The ER was concurrently served on the agencies listed in the Board's environmental rules at 49 CFR 1105.7(b), and other appropriate entities. The ER describes the physical and operational changes in the rail systems and facilities anticipated as a

³ See Decision No. 6. This schedule is based on the filing date (F) of the primary application, which was June 23, 1997.

¹ In merger and control cases, the Board's practice consistently has been to mitigate only those environmental impacts that result directly from the transaction. The Board, like its predecessor, the Interstate Commerce Commission, has not imposed mitigation to remedy preexisting conditions such as those that might make the quality of life in a particular community better, but are not a direct result of the merger (i.e., congestion associated with the existing rail line traffic, or the traffic of other railroads).

² The Board has broad authority to impose conditions in railroad control transactions under 49 U.S.C. 11324 (c). However, the Board's power to impose conditions is not limitless. To survive judicial review, the record must support the imposition of the condition at issue. Moreover, there must be a sufficient nexus between the condition imposed and the transaction before the agency, and the condition imposed must be reasonable. See *United States v. Chesapeake & O Ry.*, 426 U.S. 500, 514-15 (1976); *Consolidated Rail Corp. v. ICC*, 29 F.3d 706, 714 (D.C. Cir. 1994).

result of the proposed transaction. In the ER, Applicants also discuss the potential environmental impacts that would be associated with the anticipated changes.

The next step in the environmental review process is scoping. Based on the Council on Environmental Quality's (CEQ) regulations, the Board's environmental rules at 49 CFR 1105, the ER, and all other information available to date, SEA has prepared this draft scope of the EIS. Written public comments on the draft scope of the EIS are invited, and are due August 6, 1997. After SEA considers all comments submitted by the comment deadline, SEA will prepare a final scope of the EIS. SEA intends to issue the final scope of the EIS in September 1997. This final scope of the EIS will be distributed to all PORs, commenters, and appropriate agencies.

Based on SEA's independent environmental analysis, review of all information available to date, and consultations with appropriate agencies, SEA then will prepare a DEIS. The DEIS will address relevant environmental concerns, as described in the final scope

of the EIS, and recommend appropriate environmental mitigation. In addition, the DEIS will address environmental impacts associated with any inconsistent or responsive applications or settlement agreements.⁶ SEA intends to serve the DEIS in November 1997, approximately 5 months after the primary application was filed in this proceeding. SEA will serve the DEIS on all Parties of Record to this proceeding, commenters who comply with the above-mentioned filing procedures, and appropriate federal, state, and local government agencies. Also, EPA will publish a notice of the availability of the DEIS in the **Federal Register**. The DEIS will have a comment period⁷ of 45 days, as required by CEQ regulations at 40 CFR 1506.10(c).

After considering comments on the DEIS, SEA will issue a FEIS. The FEIS will address comments to the DEIS and will include SEA's final recommendations, including appropriate environmental mitigation. SEA will serve the FEIS in late March or early April, prior to the Board's voting conference, which currently is scheduled to be held April 14, 1998. At

the voting conference, the Board will announce whether it will grant the application, deny the application, or grant it with appropriate conditions, including environmental mitigation conditions. The Board intends to serve a written decision in this case by June 8, 1998. In that decision, the Board will address both environmental and transportation issues and impose any conditions found to be appropriate.

Parties that wish to file an administrative appeal of the Board's written decision (including any environmental conditions that might be imposed) may do so within 20 days from the service date of the Board's decision, as provided in the Board's rules. Any interested party will have approximately 2 months to consider the FEIS prior to commencement of the aforementioned period for filing administrative appeals. The schedule will provide adequate time to pursue administrative review of the Board's June 1998 decision after it is issued. Any administrative appeals will be addressed in a subsequent decision. This process is consistent with CEQ rules, (40 CFR 1506.10 (b)).

PROJECTED SCHEDULE⁷

• Preliminary Environmental Report ⁸ submitted to SEA. (F-30) ⁹	May 16, 1997
• Primary Application and Environmental Report filed. (F)	June 23, 1997
• Notice of Intent to Prepare an Environmental Impact Statement and Environmental Impact Statement Scoping Notice issued. (Federal Register Notice)	July 7, 1997
• Comments on the Draft Scope of the Environmental Impact Statement due (end of 30-day comment period).	Aug. 6, 1997
• Descriptions of Inconsistent and Responsive Applications filed. (F + 60)	Aug. 22, 1997
• Last day to file Preliminary Draft Environmental Assessments for the Seven Separate Construction Projects referenced in Decision No. 9.	Sept. 5, 1997
• Final Scope of the Environmental Impact Statement issued.	Sept. 1997
• Responsive Environmental Reports and Verified Environmental Statements due. (F + 100)	Oct. 1, 1997
• Inconsistent and Responsive Applications due. (F + 120)	Oct. 21, 1997
• Draft Environmental Impact Statement served.	Nov. 1997
• Draft Environmental Impact Statement comments due (end of 45-day comment period).	Jan. 1998
• Final Environmental Impact Statement served.	Late Mar. or Early Apr., 1998
• Oral Argument	Apr. 9, 1998
• Voting Conference	Apr. 14, 1998
• Final Decision served	June 8, 1998
• Administrative Appeals Filing Deadline	June 29, 1998

⁷ Actual dates may vary slightly. These are the dates that will apply if the Board accepts the primary application as filed on June 23, 1997.

⁸ The Preliminary Environmental Report contained preliminary, descriptive information on the proposed transaction.

⁹ "F" is the filing date of the primary application. The Board established the time periods related to the filing date in the procedural schedule set out in Decision No. 6 in this proceeding.

Draft Scope of the EIS

Proposed Action and Definition of Alternatives

The proposed action is Applicants' proposed acquisition and control, jointly or individually, of Conrail's rail

lines and facilities, as explained in the primary application's operating plan and ER. The proposed transaction includes changes in railroad operations such as increases and decreases in train traffic on rail lines, changes in activity at rail yards and intermodal facilities,

and rail line abandonment and construction projects.

Reasonable or feasible alternatives that will be evaluated in the EIS are (1) the proposed action, (2) the no-action alternative, and (3) the proposed action with conditions, including

⁶ Under the procedural schedule previously established for this proceeding (Decision No. 6), inconsistent and responsive applicants must provide a description of the proposed inconsistent or responsive application by day F + 60.

Inconsistent and responsive applicants must file Responsive Environmental Reports or verified statements by day F + 100, indicating that there are no potentially significant environmental impacts. They must file inconsistent and responsive

applications by day F + 120. SEA anticipates that the issues addressed in the final scope of the EIS will be similar to issues that may be raised in any subsequent filing of inconsistent or responsive applications.

environmental mitigation conditions. Proposed modifications to the proposed transaction as requested by other parties in their inconsistent or responsive applications will also be addressed in the EIS.

Environmental Impact Analysis

Analysis in the EIS will address proposed activities and their potential environmental impacts, as appropriate. The scope of the analysis will include the following types of activities:

1. Anticipated changes in level of operations on rail lines (e.g., an increase in average trains per day) for those rail line segments which meet or exceed the Board's thresholds for environmental review in 49 CFR 1105.7. In cases where the Board's environmental rules do not provide a threshold, the EIS generally will use increases of eight (8) trains per day or more as the threshold for addressing environmental impacts. Where appropriate, available system-wide data will be used.

2. Proposed rail line abandonments.

3. Proposed changes in activity at rail yards and intermodal facilities to the extent such changes may exceed the Board's thresholds for environmental analysis in 49 CFR 1105.7.

4. Proposed requests for trackage rights or rail line acquisitions that may be included in inconsistent and responsive applications.

5. Proposed physical construction of rail line segments other than the Seven Connections discussed above and in Decision No. 9.¹⁰ Subsequent references to construction projects in this scoping document do not include these Seven Connections. Alternatives to construction could include feasible alternate alignments that may be environmentally preferable.

Impact Categories

The EIS will address potential impacts on the environment that will include the areas of safety, transportation systems, land use, energy, air quality, noise, biological resources, water resources, socioeconomic effects directly related to physical changes in the environment, environmental justice, and cultural and historic resources, as described below.

¹⁰As noted in Decision No. 9, in reviewing the Seven Connections separately, the Board will consider the regulatory and environmental aspects of these proposed constructions and Applicants' proposed operations over these lines together in the context of whether to authorize each individual physical construction project. The operational implications of the proposed transaction as a whole, including operations over the 4 or so miles embraced in the Seven Connections will be examined in the context of the EIS for the overall control transaction.

1. Safety

The EIS will:

A. Address rail highway grade crossing safety factors, as appropriate.

B. Consider increased probability of train accidents, derailments, and other incidents, as appropriate.

C. Address potential effects of increased freight traffic on commuter and intercity passenger service operations.

D. Discuss the potential environmental impacts of the proposed transaction on public health and safety with respect to the transportation of hazardous materials, including:

(1) Changes in the types of hazardous materials and quantities transported or re-routed;

(2) Nature of the hazardous materials being transported;

(3) Applicants' safety practices and protocols;

(4) Applicants' safety record (to the extent available) on derailments, accidents and hazardous materials spills;

(5) Any existing contingency plans to address accidental spills;

(6) Probability of increased spills given railroad safety statistics and applicable Federal Railroad Administration requirements; and

(7) Location and types of hazardous substances at hazardous waste sites or hazardous materials spills on the right-of-way of any proposed construction or rail line abandonment site.

2. Transportation System

The EIS will:

A. Describe system-wide effects of the proposed operational changes, constructions, and rail line abandonments and evaluate potential environmental impacts on commuter rail service and interstate passenger service.

B. Discuss potential diversions of freight traffic from trucks to rail and from rail to trucks, as appropriate.

C. Address, as appropriate, vehicular delays at rail crossings and intermodal facilities due to increases in rail related operations. A range of typical rail operations and traffic conditions will be defined for purposes of evaluating the impacts of potential vehicular delays. Transportation impacts at grade crossings will be evaluated for those crossings having average daily vehicle trips of 5,000 or more.¹¹

3. Land Use

The EIS will

¹¹Crossings with average daily vehicle trips of fewer than 5,000 vehicles per day typically do not experience serious delays.

A. Describe whether the proposed rail line construction and abandonment activities are consistent with existing land use plans.

B. Describe environmental impacts associated with the proposed construction of new rail lines or expansion of facilities as to acres of prime farmland potentially removed from production.

C. Discuss consistency of proposed rail line construction and abandonment activities with applicable coastal zone requirements.

4. Energy

The EIS will:

A. Describe the potential environmental impact of the proposed transaction on transportation of energy resources and recyclable commodities to the extent such information is available.

B. Discuss the overall increase or decrease in energy efficiency (fuel use) from truck-to-rail diversions, based on estimates of such diversions subject to the Board's thresholds in 49 CFR 1105.7 (e)(4)(iv), for diversions of 1,000 rail carloads per year, or fifty (50) rail carloads per mile per year for any line segment.

C. Discuss estimated changes in energy efficiency of rail-to-truck diversions that exceed the Board's environmental thresholds in 49 CFR 1105.7(e)(4)(iv).

5. Air Quality

The EIS will:

A. Evaluate air emissions increases that exceed the Board's environmental thresholds in 49 CFR 1105.7(e)(5)(i), in an air quality attainment or maintenance area as designated under the Clean Air Act as it existed on the date the primary application was filed.¹² The thresholds are as follows:

(1) A 100 percent increase in rail traffic or an increase of eight (8) trains a day on any segment of rail line affected by the proposal; or

(2) An increase in rail yard activity of at least 100 percent or more; or

(3) An increase in truck traffic of more than ten (10) percent of the average daily traffic or fifty (50) vehicles a day.

B. Evaluate emissions increases, if the proposed transaction affects a Class I or non-attainment area as designated under the Clean Air Act as of the date the

¹²Air quality attainment areas are areas which comply with national ambient air quality standards for particulate matter, sulfur dioxide, nitrogen oxides, ozone, carbon monoxide, and lead. Non-attainment areas are areas which do not comply with one or more ambient air quality standards. Maintenance areas are areas which were non-attainment in the past but have air quality which complies with standards at present. These areas are designated by EPA.

application was filed. Thresholds for Class I and non-attainment areas are as follows:

(1) An increase in rail traffic of at least fifty (50) percent or an increase of three (3) trains a day or more; or

(2) An increase in rail yard activity of at least twenty (20) percent; or

(3) An increase in truck traffic of more than ten (10) percent of the average daily traffic or fifty (50) vehicles a day.

C. Discuss the net increase in emissions from increased railroad operations associated with the proposed transaction.

D. Evaluate potential air quality benefits of system-wide emission reductions that would result from projected truck-to-rail diversions. Net increases, less any estimated reductions due to truck-to-rail diversions, will be compared to the entire emission inventory for affected non-attainment areas. This discussion will be based on emission inventory data provided by the appropriate state agency.

E. Identify the following information for the anticipated transportation of ozone depleting materials (such as nitrogen oxide and freon):

(1) Materials and quantity;

(2) Applicants' safety practices;

(3) Applicants' safety record (to the extent available) on derailments, accidents, and spills;

(4) Contingency plans to address accidental spills; and

(5) Likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

F. Discuss potential air emissions increases from vehicle delays at rail crossings where the rail crossing is projected to experience an increase in rail traffic over the thresholds described above in Section 5A for attainment and maintenance areas and in Section 5B for Class I and non-attainment areas, and which have an average daily vehicle traffic level above 5,000. Such increases will be factored into the net emissions estimates for the affected area.

The EIS will not:

Address ambient impacts of net increases or decreases of emissions related to rail operations changes, traffic delay analysis, and truck to rail diversions, due to the infeasibility of incorporating such analysis into local and regional air quality impacts analyses, emissions databases, and air quality modeling protocols for a project that involves over 44,000 miles of rail lines and related facilities covering a large portion of the eastern half of the United States. Given the broad geographical scope of the proposed transaction, it is not feasible to do in any reasonable amount of time the thousands of modeling analyses that would be required to assess such impacts.

6. Noise

The EIS will:

A. Describe potential noise impacts of the proposed transaction for those areas that exceed the Board's environmental thresholds identified in Section 5A of the Air Quality discussion.

B. Identify whether the proposed transaction will cause:

(1) An incremental increase in noise levels of three decibels Ldn or more; or

(2) An increase to a noise level of 65 decibels Ldn or greater. If so, an estimate of the number of sensitive receptors (e.g., schools, libraries, hospitals, residences) within such areas will be made based on census data or other available information. Such receptors will be estimated for the area that may increase to 65 decibels Ldn due to proposed transaction-related activities.

7. Biological Resources

The EIS will:

A. Discuss potential environmental impacts from proposed rail line construction and abandonment projects on federal endangered or threatened species or designated critical habitats.

B. Discuss the effects of proposed rail line construction and abandonment projects on wildlife sanctuaries or

refuges, and national or state parks or forests.

8. Water Resources

The EIS will:

A. Discuss whether potential impacts from proposed rail line construction and abandonment projects may be inconsistent with applicable federal or state water quality standards.

B. Discuss whether permits may be required under Sections 404 or 402 of the Clean Water Act (33 U.S.C. 1344) for any proposed rail line construction and abandonment projects and whether any such projects have the potential to encroach upon any designated wetlands or 100-year floodplains.

9. Socioeconomic Issues

The EIS will address socioeconomic issues shown to be directly related to changes in the physical environment as a result of the proposed transaction.

10. Environmental Justice

The EIS will:

(1) Report on the demographics in the immediate vicinity of any area where major activity such as an abandonment or construction is proposed;

(2) Evaluate whether such activities potentially have a disproportionately high and adverse health effect or environmental impact on any minority or low-income group.

11. Cultural and Historic Resources

The EIS will address potential impacts from proposed rail line construction and abandonment projects on cultural and historic resources that are on, or immediately adjacent to, a railroad right-of-way.

Issued: July 1, 1997.

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams,

Secretary.

[FR Doc. 97-17631 Filed 7-3-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 96-113; Notice 2]

Ford Motor Company; Denial of Application for Decision of Inconsequential Noncompliance

This notice denies the application by Ford Motor Company (Ford) for exemption from the notification and remedy requirements of 49 U.S.C. 30118 and 30120 for a noncompliance with the requirements of 49 CFR 571.118 Federal Motor Vehicle Safety Standard No. 118 "Power-Operated Window, Partition, and Roof Panel Systems." Ford applied for the exemption on the basis that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published on October 28, 1996, and an opportunity afforded for comment (61 FR 55686).

Paragraph S4(e) of Standard No. 118 requires that "power operated windows may be closed only" during the interval between the time the locking device which controls the activation of the vehicle's engine is turned off and the opening of either of a two-door vehicle's doors or, in the case of a vehicle with more than two doors, the opening of either of its front doors.

From September 18, 1995, through July 31, 1996, Ford manufactured approximately 57,400 Mercury Villager and 46,500 Nissan Quest vehicles that do not comply with Paragraph S4(e) because their power-operated windows can be closed after the ignition key is turned to the "off" position and the right front (passenger) door is opened.

Ford supported its application for inconsequential noncompliance with the following arguments:

In the affected Villager and Quest vehicles, it is likely that as long as the driver's door has not been opened, an adult (the driver) would remain present in the vehicle to supervise any children because a driver would exit the vehicle through the driver's door under all but the most extraordinary circumstances. As previously noted, the power window operation is canceled when the driver door is opened—the door through which the operator would be expected to exit the vehicle—thus eliminating any potential risk associated with operation of the power windows by unsupervised children remaining in the vehicle. In addition, the design of the front door power window control switches located on the door arm rests is such that closing these windows requires the switch to be pulled up and held. Further the switches are recessed in a cavity below the switch assembly surface. The intent of these design features is to minimize the chance of unintentional activation of

power window closing that could, with other switch design configurations, result from a child leaning or resting a foot on the switch. An additional feature that minimizes the potential risk of injury to unsupervised children in the affected vehicles is that no power window switch controls are located in the rear seat positions, and the control switches for the third row seat optional power quarter windows are located in an overhead console in the front passenger compartment, relatively out of sight. In addition to the items cited above to mitigate the risk of injury, the Villager and Quest owner guides warn against leaving children unattended in the vehicle, specifically warn of the potential danger of children playing with the vehicle's power windows, and identify the fact that the accessory delay feature allows the power windows to be operated for a fifteen minute period after the ignition is turned off or until the driver door is opened.

Neither Ford nor Nissan is aware of any field or owner reports or allegations of injuries related to this condition. We (Ford) believe the likelihood of unsupervised children left in one of the affected vehicles being exposed to injury during the fifteen minute period after the ignition key has been turned off and a driver has exited the vehicle through other than the driver's door is very remote, and therefore the noncompliance presents no reasonably anticipated risk to motor vehicle safety. We (Ford) request that the agency find this condition to be inconsequential to motor vehicle safety, and accordingly that Ford and Nissan be exempted from the notice and remedy requirements of the Code. The agency recently granted a petition from Volkswagen of America, Inc., as documented in *Federal Register*, Volume 60, page 48197, (September 18, 1995), for vehicles with power windows operating in a manner similar to the affected Villagers and Quests.

No comments were received in response to the public notice.

Ford is correct that the Volkswagen noncompliance is similar. The power windows in the noncompliant Volkswagen GTIs and Jetta IIs could be operated when the ignition key was in the "off" position and the passenger side front door has been opened. And as in the Mercury and Nissan vehicles, if the operator exits by the driver's door, the system is disabled. In granting Volkswagen's application, the agency concluded that it was "not likely that an operator would exit by means of the passenger door since that would entail passing over the cumbersome console between the two seats. Thus, the purpose of the requirement in this situation is still highly likely to be met." (61 FR at 48198).

The agency examined the front seating area in the noncompliant Mercury and Nissan vehicles and found no console or other impediment such as a transmission tunnel that would hinder a driver from exiting on the passenger

side. Indeed, a prudent driver might well choose to exit by the front passenger door when parked on a busy city street. Thus, the configuration of the vehicles that the agency exempted from notification and remedy is clearly distinguishable from that of the Mercury/Nissan vehicles for which exemption is sought. Further, there is a greater floor pan to ceiling height resulting in the seating in the Quests and Villagers being more upright, making it easier for the driver to move across the front seats and out the passenger side.

The purpose of requiring inoperative power windows is to reduce the possibility of unsupervised children operating them. The agency is sensitive to the fact that a greater number of children are likely to be at risk from Ford's noncompliance. Although children can be carried in the approximately 20,000 GTIs and Jetta IIs that were excused from notification and remedy, these passenger cars are not advertised and promoted for family use in the same manner that minivans are marketed, including the approximately 103,900 noncomplying Villagers and Quests.

For the reasons expressed above, it is hereby found that the applicant has not met its burden of persuasion that the noncompliance herein described is inconsequential to motor vehicle safety, and the application is denied.

(Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on September 24, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97-25971 Filed 9-30-97; 8:45 a.m.]

BILLING CODE 4910-68-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33388]

CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Leases/Agreements—Conrail, Inc. and Consolidated Rail Corporation

AGENCY: Surface Transportation Board.

ACTION: Notice of final scope of environmental impact statement (EIS).

SUMMARY: On June 23, 1997, CSX Corporation and CSX Transportation, Inc. (CSX), Norfolk Southern Corporation, and Norfolk Southern

Railway Company (NS), and Conrail Inc. and Consolidated Rail Corporation (Conrail) filed an application (primary application) with the Surface Transportation Board (Board) under 49 U.S.C. 11323-25. NS, CSX, and Conrail are jointly seeking authority for NS and CSX to acquire control of Conrail and for the subsequent division of some of Conrail's assets and for the joint operation of other Conrail assets. The proposed transaction involves more than 44,000 miles of rail lines and related facilities covering a large portion of the eastern United States. To evaluate and consider the potential environmental impacts that might result from the proposed transaction, the Board's Section of Environmental Analysis (SEA) is preparing an environmental impact statement (EIS). The Board has determined that an EIS is warranted due to the nature and scope of environmental issues that may arise. SEA published the draft scope of the EIS in the *Federal Register* on July 7, 1997, a 30-day public comment period on the draft scope ended August 6, 1997, and the final scope of the EIS is included as part of this notice. Changes made to the draft scope are detailed in the Response to Comments section of this notice.

DATES: SEA expects to distribute the Draft EIS for public review and comment in November 1997.

ADDRESSES: Office of the Secretary, Case Control Unit, STB Finance Docket No. 33388, Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001.

In the lower left-hand corner of the envelope, include: Attention: Elaine K. Kaiser, Chief, Section of Environmental Analysis, Environmental Filing.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Dalton, SEA Project Manager, Conrail Control Transaction, (202) 565-1530; or Ms. Dana White, SEA Environmental Specialist, at (202) 565-1552. (TDD for the hearing impaired: (202) 565-1695)

SUPPLEMENTARY INFORMATION:

Background

The proposed transaction, also referred to as the proposed action, would result in the individual assignment of certain existing Conrail facilities and operations to either CSX or NS through operating agreements or other mechanisms, and the sharing and operation of other existing Conrail facilities and operations for the benefit of both CSX and NS. This would result in an expanded CSX rail system, an expanded NS rail system, and certain areas of joint ownership and operation.

According to CSX, NS, and Conrail (collectively, Applicants), CSX and NS would continue to compete with each other in providing rail freight services and would expand their competition to areas in which Conrail is currently the only major rail carrier. Each of the two railroads would utilize its existing lines, would operate certain Conrail lines independently of the other, and would jointly operate certain Conrail lines.

Applicants anticipate that the proposed transaction would provide benefits that include: reduced energy usage, enhanced safety, reduced highway congestion, reduced system-wide air pollutant emissions, expanded competition, and a more efficient rail transportation system. The proposed transaction includes changes in railroad operations such as increases and decreases in train traffic, changes in activity at rail yards and intermodal facilities, rail line abandonments and rail line connection construction projects. The proposed transaction is detailed in the primary application, and is discussed in specific terms in the operating plans and the environmental report (ER) that are part of the application. The ER describes the physical and operational changes that would be associated with the proposed transaction and discusses the potential environmental impacts of those changes. Applicants also filed corrected and supplemental information in the Errata and Supplemental ER on August 28, 1997.

Applicants served the ER, the Errata and the Supplemental ER on appropriate Federal, state, and local agencies. Applicants also served these documents on affected cities with populations of more than 50,000, as well as on counties and regional planning organizations that could be affected.

Environmental Review Process and Alternatives

The National Environmental Policy Act (NEPA) process is intended to assist the Board and the public in identifying and assessing the potential environmental consequences of a proposed action before the Board may make a decision on a proposed action. During scoping, the first phase of the NEPA process, the Board's environmental staff, SEA, published a draft scope in July 1997, soliciting information and comments on the scope of environmental issues to be addressed in the EIS for the proposed transaction. Under the NEPA process, SEA will evaluate the potential environmental impacts of operational and physical changes that are related to the proposed

transaction. Existing rail operations are the baseline against which the potential environmental impacts of the proposed transaction will be evaluated. SEA will not propose mitigation of environmental impacts relating to existing rail operations and existing railroad facilities.¹

In making its decision in this proceeding, the Board will consider public comments and SEA's environmental analysis contained in the EIS, including any proposed environmental mitigation. The alternatives SEA will consider in the EIS are: (1) Approval of the transaction as proposed; (2) disapproval of the proposed transaction in whole (No-Action alternative); and, (3) approval of the proposed transaction with conditions, including environmental mitigation conditions.²

Other parties may file inconsistent or responsive applications requesting modifications to the proposed transaction, such as requests for trackage rights or the acquisition of particular rail lines. The EIS will address potential environmental impacts and rail system changes proposed in the inconsistent and responsive applications.

Relationship With Other Agencies

The authority of the Board is broad and extends to all matters affecting change in rail operations resulting directly from the proposed transaction. Conditions may be imposed to mitigate adverse environmental impacts that are the result of the proposed transaction, or any alternative considered and approved by the Board. In determining appropriate conditions for the transaction, the Board will exercise its authority with due regard for the jurisdiction and expertise of other Federal agencies (e.g., the Federal Railroad Administration, the Environmental Protection Agency, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service).

¹ In merger and control cases, the Board's practice consistently has been to mitigate only those environmental impacts that result from the transaction. The Board, like its predecessor, the Interstate Commerce Commission, has not imposed mitigation to remedy preexisting conditions such as those that might make the quality of life in a particular community better, but are not a direct result of the merger (i.e., congestion associated with the existing rail line traffic, or the traffic of other railroads).

² The Board has broad authority to impose conditions in railroad control transactions under 49 U.S.C. 11324 (c). However, the Board's power to impose conditions is not limitless; the record must support the imposition of the condition at issue. Moreover, there must be a sufficient relationship between the condition imposed and the transaction before the agency, and the condition imposed must be reasonable.

Related Activities

NS and CSX requested, and the Board allowed, the proposed construction of seven small rail line connections (Seven Connections) totaling approximately four miles to be filed and reviewed separately from the primary application. This separate environmental review process will address only the potential environmental impacts of the physical construction of these Seven Connections and Applicants' proposed operations over these individual lines. The operational implications of the transaction as a whole, including proposed operations over these Seven Connections, if authorized, will be examined in the context of the EIS that is being prepared for the proposed transaction.³

Public Participation

SEA encourages broad participation in the EIS process during scoping and review of the Draft EIS. Interested agencies and persons were invited to participate in the scoping phase by reviewing the draft scope of the EIS. Due to the broad geographic scope of the proposed transaction, SEA did not conduct public scoping meetings. However, in addition to publication of the draft scope of the EIS in the *Federal Register* on July 7, 1997, SEA implemented an extensive public outreach program to notify the public that SEA was soliciting comments on the draft scope of the EIS and to encourage public participation in the environmental review process.

SEA distributed information about the proposed transaction and SEA's intent to prepare an EIS through the following outreach activities:

- On July 3, 1997, a scoping package that included the draft scope of the EIS was distributed to approximately 1,900 Federal, state and local elected and agency officials. In this package, the Board also announced its intent to prepare an EIS and requested comments on the draft scope.

- On July 7, 1997, SEA published a notice in the *Federal Register* to

announce the Board's intent to prepare an EIS, to publish the draft scope of the EIS, and to request comments on the proposed scope.

- In July 1997, a press release detailing this same information was distributed to the media in the 24 affected states, and a legal notice was placed in the newspapers with the highest circulation for each of the potentially affected counties.

- During July and August 1997, SEA also prepared and widely distributed a Fact Sheet describing the proposed transaction to 7,000 elected officials, agencies and organizations for cities and counties potentially affected by the proposed transaction.

- To further assist SEA in receiving input from the public, SEA established a toll-free environmental hotline (1-888-869-1997), established a website (www.conrailmerger.com), and initiated media monitoring services that involved a weekly review of newspaper articles.

The SEA study team established a comprehensive database to record and maintain all comments received in writing and via telephone and the website. Written comments on the draft scope of the EIS were due to the Board within the 30-day comment period, which ended on August 6, 1997. All comments have been placed in the Public Record for this proceeding. In preparing the final scope of the EIS, SEA has considered all the environmental comments.

Response to Comments: SEA received more than 170 comments concerning the draft scope of the EIS. Twenty-one comments were received from Federal agencies, including the U.S. Departments of Agriculture, Commerce, Housing and Urban Development, Interior, and Transportation; the U.S. Army Corps of Engineers; the U.S. Coast Guard; and the Environmental Protection Agency. Forty-eight comments were received from state agencies in AL, DE, FL, GA, IL, IN, KY, LA, MD, MA, MI, MS, MO, NC, NJ, NY, OH, PA, RI, SC, TN, VT, VA, and WV. Seventy-eight comments were received from local, county, and regional agencies from the states of AL, DE, DC, FL, GA, IL, IN, KY, LA, MD, MA, MI, NC, NJ, NY, OH, PA, TN, and VA. Nine comments were received from citizens in DE, GA, and OH. Five businesses—including Interstate Commodities, Inc., Johnson Environmental Consulting Group, Inc., Newark (DE) Center for Creative Learning, Newark (DE) Day Nursery, and Port Richmond Community Council, Inc., provided comment, as did a rail carrier, National Railroad Passenger Corporation (Amtrak). Seven comments were

received from other interested parties, including the League of Women Voters of New Castle County, DE; the American Public Transit Association; The Waterfront Historic Area League, New Bedford, MA; Indianapolis Power & Light Company, IN; Downtown Newark, DE; University of Delaware, DE; and Rutgers, The State University of New Jersey School of Law. The comments covered a broad range of topics, including air quality, water resources, noise, at-grade highway safety, rail accidents, emergency vehicle response times, hazardous materials transportation and spills, environmental justice, and current and future commuter rail service.

SEA reviewed and considered all comments received in its preparation of the final scope of the EIS. The final scope reflects changes made because of comments on the draft scope of the EIS. Other changes in the final scope of the EIS were made for clarification.

Specifically, the Safety Section of the final scope of the EIS provides that grade crossing safety generally will be considered for at-grade highway crossings with average daily traffic levels of 5,000 or more vehicles. In applying this threshold for the review of at-grade crossings in past environmental documents, SEA found it to be a conservative baseline.

SEA received several comments concerning hazardous waste. In response, section 1(D)(7) of the final scope of the EIS was added to indicate that the Draft EIS will assess the locations and types of hazardous waste sites and spills on the rights-of-way of proposed construction projects and rail line abandonments. SEA notes, however, that other Federal and state agencies have primary jurisdiction for investigation, clean-up, and remediation of hazardous waste sites.

SEA received approximately 20 comments related to potential impacts on commuter rail service. In response, Section 2 of the final scope has been expanded to include an analysis of potential passenger diversions, and reasonably foreseeable commuter rail inception or expansion plans (i.e., where capital improvements are planned, approved, and funded). Section 2 also addresses comments requesting that SEA discuss the potential impacts of increased train traffic on movable (draw) bridges over navigable channels.

Section 4, Energy, has been clarified in the final scope to address estimated system-wide changes in energy efficiency (fuel use), including the impact of truck-to-rail diversions. Section 4(C) addresses the overall

³ Board Decision No. 9 in this proceeding, issued June 12, 1997, granted Applicants' petition for waiver related to the Seven Connections and explained what the environmental review process for those projects would be. Specifically, SEA intends to prepare a separate Environmental Assessment for each of these small construction projects. However, if SEA determines that any one of the construction proposals could potentially cause, or contribute to, significant environmental impacts, then the project will be incorporated into the EIS for the overall proposed transaction, and will not be separately considered. Also, no rail operations can begin over these Seven Connections until completion of the EIS process, and issuance of a further decision.

estimated changes in energy efficiency resulting from rail-to-truck diversions subject to the Board's regulatory thresholds in 49 CFR 1105.7(e)(4)(iv).

Section 5, Air Quality, has been expanded to include the calculation of net increases of emissions from the proposed transaction for counties where increases in locomotive emissions are projected to be 100 tons or more per year. Section 6, Noise, has been modified to reflect the actual data that are available to analyze noise impacts. Estimates of receptors will be developed where noise levels are predicted to rise to 65 decibels L_{dn} or greater as a result of rail traffic increases related to the proposed transaction.

Section 9, Environmental Justice, has been expanded in the final scope to include a report on the demographics in the vicinity of rail line segments with projected rail traffic increases of eight (8) trains or more per day. The portion of Section 3 of the final scope of the EIS, involving Socioeconomic Issues, includes a consideration of socioeconomic impacts to the extent that they result directly from changes to the physical environment due to the proposed transaction. That approach is consistent with the U.S. Supreme Court decision in *Metropolitan Edison Co. v. People Against Nuclear Energy*, 460 U.S. 766 (1982). Those most directly and immediately affected by the proposed transaction, the employees of the consolidating carriers, will be covered by the labor protection afforded by the Board in considering the merits of the proposed transaction. Therefore, these impacts need not be addressed in the EIS. Section 3 also has been expanded to specifically state that the EIS will address the potential environmental impacts of proposed rail line construction and abandonment activities on Native American reservations and sacred sites.

Several comments on the draft scope of the EIS suggested there be an analysis of the cumulative impacts of certain environmental effects related to the proposed transaction. The final scope of the EIS indicates the Draft EIS will undertake cumulative effects analyses related to the proposed transaction where such effects could have regional or system-wide impacts. The effects to be analyzed will include air quality and energy. Cumulative effects also may be analyzed for other projects or activities related to the proposed transaction where information is provided in a timely fashion to the Board describing those projects, their interrelationship to the proposed transaction, and the type and severity of the potential environmental impacts, and SEA

determines that there is the likelihood of significant environmental impacts.

Parties of Record

The Board received 228 notices of designation as a Party of Record (POR). As stated in Board Decision No. 6 in this case,⁴ copies of Board decisions, orders, and notices will be served only on persons designated as PORs, members of Congress, and governors on the Board's official service list. All other interested persons who wish to receive copies of Board decisions, orders, and notices served in this proceeding are encouraged to make advance arrangements with the Board's copy contractor, DC News & Data, Inc., at (202) 289-4357.

For Additional Information

Contact Mr. Michael Dalton, SEA Project Manager, Conrail Control Transaction, (202) 565-1530; or Ms. Dana White, SEA Environmental Specialist, at (202) 565-1552 (TDD for the hearing impaired: (202) 565-1695). Summary information about the proposed transaction and the final scope of the EIS can be found at the following Internet web site: <http://www.conrailmerger.com>. Requests for summary environmental information on the proposed transaction and the EIS process can be made through SEA's toll-free Environmental Hotline at (888) 869-1997.

Environmental Review Schedule

The Board has adopted a 350-day procedural schedule for this proceeding,⁵ and has determined that preparation of an EIS is warranted in this case. The 350-day schedule will permit SEA to prepare an EIS that fully considers the potential environmental consequences of this proposed action. Below is a discussion of how SEA plans to conduct the environmental review process in this case.

On June 23, 1997, Applicants filed an ER containing the information specified in the Board's environmental rules at 49 CFR 1105.7(e), as part of the primary application. The ER was served concurrently on the agencies listed in the Board's environmental rules at 49 CFR 1105.7(b), and other appropriate entities. The ER describes the physical and operational changes in the rail systems and facilities anticipated as a result of the proposed transaction. In the ER, Applicants also discuss the potential environmental impacts that

would be associated with the anticipated changes. The Applicants have provided, and continue to provide, SEA with supplemental information to the ER. Also, as previously discussed, on August 28, 1997, the Applicants filed an Errata and Supplemental ER.

Based on the Council on Environmental Quality's (CEQ) regulations, the Board's environmental rules at 49 CFR 1105, the ER, the draft scope, the comments received on the draft scope, and all other information available to date, SEA has prepared this final scope of the EIS. This final scope of the EIS will be distributed to all PORs, interested parties, and appropriate agencies.

Based on SEA's independent environmental analysis, review of all information available to date, and consultations with appropriate agencies, SEA will prepare a Draft EIS. The Draft EIS will address relevant environmental concerns, as described in the final scope of the EIS, and will recommend appropriate environmental mitigation. In addition, the Draft EIS will include environmental impacts associated with any inconsistent or responsive applications or settlement agreements.⁶ SEA intends to serve the Draft EIS in November 1997. SEA will serve the Draft EIS on all PORs to this proceeding, all interested parties, appropriate Federal, state, and local government agencies, and any other parties specifically requesting a copy of the Draft EIS. In addition, the Environmental Protection Agency will publish a notice of the availability of the Draft EIS in the *Federal Register*. There will be a 45-day comment period on the Draft EIS, as required by CEQ regulations at 40 CFR 1506.10(c).

After considering comments on the Draft EIS, SEA will issue a Final EIS. The Final EIS will address comments on the Draft EIS and will include SEA's final recommendations, including appropriate environmental mitigation. Environmental comments not received in accordance with the 45-day comment period for the Draft EIS will not be incorporated into the Final EIS. The Final EIS and SEA's final environmental

⁴ Under the procedural schedule previously established for this proceeding in Decision No. 6, inconsistent and responsive applicants must provide a description of the proposed inconsistent or responsive application by August 22, 1997. Inconsistent and responsive applicants must file Responsive Environmental Reports or verified statements indicating that there are no potentially significant environmental impacts by October 1, 1997. They must file inconsistent and responsive applications by October 21, 1997. SEA anticipates that the issues addressed in the final scope of the EIS will be similar to issues that may be raised in any subsequent filing of inconsistent or responsive applications.

⁵ Board Decision No. 6 was issued May 30, 1997, and published at 62 FR 29387-29391.

⁶ See Decision No. 6. This schedule is based on the filing date (F) of the primary application, which was June 23, 1997.

recommendations serve as the basis for the Board's disposition of environmental issues.

SEA plans to serve the Final EIS in late March or early April 1998, prior to the Board's voting conference, which currently is scheduled for April 14, 1998. At the voting conference, the Board will announce whether it will grant or deny the application, or grant it with appropriate conditions, including environmental mitigation conditions. The Board intends to serve a written decision in this case by June 8, 1998. In that decision, the Board will address both environmental and transportation issues and impose any conditions deemed appropriate.

Parties who wish to file an administrative appeal of the Board's written decision (including any environmental conditions that the Board might impose) may do so within 20 days from the service date of the Board's written decision, as provided in the Board's rules. Any interested party will have approximately two months to consider the Final EIS prior to commencement of the aforementioned period for filing administrative appeals. The schedule will provide adequate time to pursue administrative review of the Board's June 1998 decision after it is issued. Any administrative appeals will be addressed in a subsequent decision. This process is consistent with CEQ rules (40 CFR 1506.10(b)).

Projected Schedule⁷

- Preliminary Environmental Report⁸ submitted to SEA. (F-30).⁹—May 16, 1997.
- Primary Application and Environmental Report filed.—(F). June 23, 1997.
- Notice of Intent to Prepare an Environmental Impact Statement and Environmental Impact Statement Scoping Notice issued. (Federal Register Notice).—July 7, 1997.
- Comments on the Draft Scope of the Environmental Impact Statement due (end of 30-day comment period).—August 6, 1997.
- Descriptions of Inconsistent and Responsive Applications filed. (F + 60).—August 22, 1997.
- Preliminary Draft Environmental Assessments for the Seven Separate Construction Projects referenced in Decision No. 9.—September 5, 1997.

⁷ Actual dates for environmental documents may vary slightly.

⁸ The Preliminary Environmental Report contained preliminary, descriptive information on the proposed transaction.

⁹ "F" is the filing date of the primary application. The Board established the time periods related to the filing date in the procedural schedule set out in Decision No. 6 in this proceeding.

- Final Scope of the Environmental Impact Statement issued.—September 1997.
- Responsive Environmental Reports and Verified Environmental Statements due. (F + 100).—October 1, 1997.
- Inconsistent and Responsive Applications due. (F + 120).—October 21, 1997.
- Draft Environmental Impact Statement served.—November 1997.
- Draft Environmental Impact Statement comments due (end of 45-day comment period).—January 1998.
- Final Environmental Impact Statement served.—Late March or Early April 1998.
- Oral Argument.—April 9, 1998.
- Voting Conference.—April 14, 1998.
- Final Decision served.—June 8, 1998.
- Administrative Appeals filing deadline.—June 29, 1998.

Final Scope of the EIS

Proposed Action and Definition of Alternatives

The proposed action is Applicants' proposed acquisition and control, jointly or individually, of Conrail's rail lines and facilities, as explained in the primary application's operating plan and ER. The proposed transaction includes changes in railroad operations such as increases and decreases in train traffic on rail lines, changes in activity at rail yards and intermodal facilities, and rail line abandonment and construction projects.

Reasonable or feasible alternatives that will be evaluated in the EIS are: (1) Approval of the proposed transaction; (2) the No-Action alternative; and (3) approval of the proposed transaction with conditions, including environmental mitigation conditions. Proposed modifications to the proposed transaction as requested by other parties in their inconsistent or responsive applications also will be addressed in the EIS.

Environmental Impact Analysis

Analysis in the EIS will address proposed activities and their potential environmental impacts, as appropriate. The scope of the analysis will include the following types of activities:

1. Anticipated changes in level of operations on rail lines (e.g., an increase in average trains per day) for those rail line segments that meet or exceed the Board's thresholds for environmental review in 49 CFR 1105.7. In circumstances where the Board's environmental rules do not provide a threshold, the EIS generally will use increases of eight trains per day or more

as the threshold for addressing environmental impacts.

2. Proposed rail line abandonments.
3. Proposed changes in activity at rail yards and intermodal facilities to the extent such changes may exceed the Board's thresholds for environmental analysis in 49 CFR 1105.7.
4. Proposed requests for trackage rights or rail line acquisitions that meet or exceed the Board's thresholds that may be included in inconsistent and responsive applications.
5. Proposed physical construction of rail line segments other than the Seven Connections discussed above and in Decision No. 9.¹⁰ Subsequent references to construction projects in this scoping document do not include these Seven Connections. Alternatives to construction may include feasible alternate alignments that may be environmentally preferable.

Environmental Impact Categories

The EIS will address potential impacts on the environment that will include the areas of safety, transportation systems, land use, energy, air quality, noise, biological resources, water resources, socioeconomic effects related to physical changes in the environment, environmental justice, and cultural and historic resources, as described below.

1. Safety

The EIS will:

- A. Consider at-grade rail crossing accident probability and safety factors. This will generally include grade crossings with average daily traffic levels of 5,000 or more trips.¹¹ Accident probability analysis will address the potential for rail and vehicle accidents.
- B. Consider increased probability of train accidents and derailments due to increased traffic on a system-wide basis.
- C. Address potential effects of increased freight traffic on commuter and intercity passenger service operations.

D. Discuss the potential environmental impacts of the proposed transaction on public health and safety with respect to the transportation of hazardous materials, including:

¹⁰ As noted in Decision No. 9, in reviewing the Seven Connections separately, the Board will consider the regulatory and environmental aspects of these proposed constructions and Applicants' proposed operations over these lines together in the context of whether to authorize each individual physical construction project. The operational implications of the proposed transaction as a whole, including operations over the four or so miles embraced in the Seven Connections, will be examined in the context of the EIS for the overall proposed transaction.

¹¹ Previous SEA environmental analyses have used the 5,000 average daily traffic level threshold.

(1) Changes in the types of hazardous materials and quantities transported or re-routed;

(2) Nature of the hazardous materials being transported;

(3) Applicants' safety practices and protocols;

(4) Applicants' relevant safety data on derailments, accidents and hazardous materials spills;

(5) Contingency plans to address accidental spills;

(6) Probability of increased spills given railroad safety statistics and applicable Federal Railroad Administration requirements; and

(7) Location and types of hazardous substances at hazardous waste sites or hazardous materials spills on the right-of-way of any proposed connection or rail line abandonment site.

E. Address local truck traffic increases attributable to increased intermodal activities.

F. Address safety issues associated with the integration of differing rail operating systems and procedures.

2. Transportation Systems

The EIS will:

A. Describe system-wide effects of the proposed operational changes, constructions, and rail line abandonments, and evaluate potential impacts on commuter rail service and intercity passenger (Amtrak) service. Estimates will be made of the number of passengers who may be diverted from commuter rail to other modes of transportation due to constraints resulting from the proposed transaction that limit the number of passenger trains.

B. Evaluate those commuter rail line segments that would experience increased freight traffic as a result of the proposed transaction for the capability of the rail line segments to accommodate the reasonably foreseeable addition of commuter trains.

C. Discuss potential effects on proposed passenger rail service where such future rail operation inception or expansion is reasonably foreseeable (i.e., where capital improvements are planned, approved, and funded).

D. Discuss potential diversions of freight traffic from trucks to rail and from rail to trucks, as appropriate.

E. Address vehicular delays at rail crossings and intermodal facilities due to increases in rail-related operations as a result of the proposed transaction. Estimates of typical delays at grade crossings will be made for crossings that have vehicle traffic levels of 5,000 ADT or more and that exceed train traffic increases of three trains per day for non-

attainment areas or eight trains per day for attainment areas.

F. Discuss potential effects of increased train traffic on railroad bridges that cross navigation channels to the extent that such bridges allow only one mode of transportation to pass at a time.

3. Land Use and Socioeconomics

The EIS will:

A. Describe whether the proposed rail line construction and abandonment activities are consistent with existing land use plans.

B. Describe environmental impacts associated with the proposed construction of new rail lines or expansion of facilities as to acres of prime farmland potentially removed from production.

C. Discuss consistency of proposed rail line construction and abandonment activities with applicable coastal zone requirements.

D. Address potential environmental impacts of proposed rail line construction and abandonment activities on Native American reservations and sacred sites.

E. Address socioeconomic issues shown to be related to changes in the physical environment as a result of the proposed transaction.

4. Energy

The EIS will:

A. Describe the potential environmental impact of the proposed transaction on transportation of energy resources and recyclable commodities to the extent that such information is available.

B. Discuss estimated changes in energy efficiency from truck-to-rail diversions.

C. Discuss the effect on energy efficiency (fuel use) from rail-to-truck diversions based on estimates of diversions which are subject to the Board's thresholds in 49 CFR 1105.7(e)(4)(iv).

5. Air Quality

The EIS will:

A. Evaluate air emissions increases where the proposed post-acquisition activity would exceed the Board's environmental thresholds in 49 CFR 1105.7(e)(5)(i), in an air quality attainment or maintenance area as designated under the Clean Air Act as it existed on the date the primary application was filed.¹² Thresholds are as follows:

¹² Air quality attainment areas are areas that comply with national ambient air quality standards for particulate matter, sulfur dioxide, nitrogen

(1) A 100 percent increase in rail traffic (measured in gross-ton miles annually) or an increase of eight trains a day on any segment of rail line affected by the proposal; or

(2) An increase in rail yard activity of at least 100 percent or more; or

(3) An increase in truck traffic at an intermodal facility of more than 10 percent of the average daily traffic or 50 vehicles a day.

B. Evaluate air emissions increases where the proposed post-acquisition activity would exceed the Board's environmental thresholds for a non-attainment area as designated under the Clean Air Act as of the date the application was filed. Thresholds for non-attainment areas are as follows:

(1) An increase in rail traffic of at least 50 percent (measured in gross-ton miles annually) or an increase of three trains a day or more; or

(2) An increase in rail yard activity of at least 20 percent; or

(3) An increase in truck traffic at intermodal facilities of more than 10 percent of the average daily traffic or 50 vehicles a day.

C. Discuss the net increase in emissions from increased railroad operations associated with the proposed transaction. Net emissions changes will be calculated for counties with projected transaction-related emissions increases of:

(1) 100 tons per year or more of any pollutant in attainment areas;

(2) 50 tons per year or more of nitrogen oxides or volatile organic compounds in serious¹³ ozone non-attainment areas; or

(3) 25 tons per year or more of nitrogen oxides or volatile organic compounds in severe¹⁴ ozone non-attainment areas.

D. Evaluate potential air quality benefits of system-wide emission reductions that would result from projected truck-to-rail diversions. Net increases, less any estimated reductions due to truck-to-rail diversions, will be compared to the entire emission inventory for affected non-attainment areas. This evaluation will be based on emission inventory data provided by the appropriate state agency.

oxides, ozone, carbon monoxide, and lead. Non-attainment areas are areas that do not comply with one or more ambient air quality standards. Maintenance areas are areas that were non-attainment in the past but have air quality that complies with standards at present. All of these areas are designated by EPA.

¹³⁻¹⁴ Ozone non-attainment areas are further classified as Marginal, Moderate, Serious, Severe, or Extreme Areas. These classifications are based on the level, in parts per million (ppm), of ozone measured for each area. Serious Areas are defined as containing 0.160 to 0.180 ppm, and Severe Areas are defined as containing 0.180 to 0.280 ppm.

E. Discuss the following information regarding the anticipated transportation of ozone depleting materials (such as nitrogen oxide and freon):

- (1) Materials and quantity;
- (2) Applicants' safety practices;
- (3) Applicants' safety record (to the extent available) on derailments, accidents, and spills;
- (4) Contingency plans to address accidental spills; and
- (5) Likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

F. Discuss potential air emissions increases from vehicle delays at rail crossings where the rail crossing is projected to experience an increase in rail traffic over the thresholds described above in Section 5(A) for attainment and maintenance areas, and in Section 5(B) for non-attainment areas, and which have an average daily vehicle traffic level above 5,000. Such increases will be factored into the net emissions estimates for the affected area.

6. Noise

The EIS will:

A. Describe potential noise impacts of the proposed transaction for those areas that exceed the Board's environmental thresholds identified in Section 5A of the Air Quality discussion.

B. Identify whether the proposed transaction-related increases in rail traffic will cause an increase to a noise level of 65 decibels L_{DN} or greater. If so, an estimate of the number of sensitive receptors (e.g., schools and residences) within such areas will be made.

C. Identify transaction-related activities that have the potential to result in an increase in noise level of 3 decibels L_{DN} or more.

7. Biological Resources

The EIS will:

A. Discuss the potential environmental impacts of proposed rail line construction and abandonment projects on federal endangered or threatened species or designated critical habitats.

B. Discuss the effects of proposed rail line construction and abandonment projects on wildlife sanctuaries or refuges, and national or state parks or forests.

8. Water Resources

The EIS will:

A. Discuss whether potential impacts from proposed rail line construction and abandonment projects may be inconsistent with applicable federal or state water quality standards.

B. Discuss whether permits may be required under Sections 404 or 402 of

the Clean Water Act (33 U.S.C. 1344) for any proposed rail line construction and abandonment projects, and whether any such projects have the potential to encroach upon any designated wetlands or 100-year floodplains.

9. Environmental Justice

The EIS will:

A. Report on the demographics in the immediate vicinity of any area where major activity such as an abandonment or construction is proposed.

B. Report on the demographics in the vicinity of rail lines with projected rail traffic increases above eight trains per day.

C. Evaluate whether such activities potentially have a disproportionately high and adverse health effect or environmental impact on any minority or low-income group.

10. Cultural and Historic Resources

The EIS will address potential impacts from proposed rail line construction and abandonment projects on cultural and historic resources that are on, or immediately adjacent to, a railroad right-of-way.

11. Cumulative Effects

The EIS will:

A. Address cumulative effects of environmental impacts that have regional or system-wide ramifications. This analysis will be done for environmental impacts that warrant such analysis given the context and scope of the proposed transaction. The environmental effects to be analyzed include air quality and energy.

B. Evaluate cumulative effects, as appropriate, for other projects or activities that relate to the proposed transaction, where information is provided to the Board that describes (1) those other projects or activities, (2) their interrelationship with the proposed transaction, (3) the type and severity of the potential environmental impacts; and SEA determines that there is the likelihood of significant environmental impacts. This information must be provided to the Board within sufficient time to allow for review and analysis within the schedule for the preparation of the EIS.

C. Discuss the potential environmental impacts of construction or facility modification activities within railroad-owned property affected by the proposed merger, and additional environmental impacts related to the proposed transaction but not subject to Board approval, in order to identify cumulative impacts.

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams,
Secretary.

[FR Doc. 97-26039 Filed 9-30-97; 8:45 am]

BILLING CODE 4915-09-P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

September 19, 1997.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Financial Management Service (FMS)

OMB Number: 1510-0007.

Form Number: SF 1199A.

Type of Review: Extension.

Title: Direct Deposit Sign-Up Form.

Description: The Direct Deposit Sign-Up Form is used by recipients to authorize the deposit of Federal payments into their accounts at financial institutions. This information is used to route the Direct Deposit payment to the correct account at the correct financial institution. It identifies persons who have executed the form.

Respondents: Individuals or households, Business or other for-profit, Federal Government.

Estimated Number of Respondents/Recordkeepers: 2,197,960.

Estimated Burden Hours Per Response/Recordkeeper: 10 minutes.

Frequency of Response: Other (one-time).

Estimated Total Reporting/Recordkeeping Burden: 373,653 hours.

Clearance Officer: Jacqueline R. Perry, (301) 344-8577, Financial Management Service, 3361-L 75th Avenue, Landover, MD 20785.

OMB Reviewer: Alexander T. Hunt (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 97-26024 Filed 9-30-97; 8:45 am]

BILLING CODE 4810-35-P