

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]

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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.

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.

⁴ 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

⁵ 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 period 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 SCHEDULE ⁷

• 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.

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 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:

¹¹ Crossings 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

¹² Air 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]

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