

Federal Railroad Administration (FRA) CATEGORICAL EXCLUSION WORKSHEET

Note: The purpose of this worksheet is to assist proposal sponsors in gathering and organizing materials for environmental analysis required under the National Environmental Policy Act (NEPA), particularly for proposals, which may qualify as Categorical Exclusions and to assist the FRA in evaluating requests from project sponsors for categorical exclusion determinations. Categorical Exclusions are categories of actions (i.e. types of projects) that the FRA has determined, based on its experience, typically do not individually or cumulatively have a significant effect on the human environment and which generally do not require the preparation of either an environmental impact statement or an environmental assessment.

Submission of the worksheet by itself does not meet NEPA requirements. FRA must concur in writing with the proposal sponsor's Categorical Exclusion recommendation for NEPA requirements to be met. Please complete this worksheet using compatible word processing software and submit and transmit the completed form in electronic format.

<i>For Agency Use</i>	<i>Date Received:</i>
<i>Reviewed By:</i> <i>Date:</i>	<i>Recommendation for action:</i> <input type="checkbox"/> <i>Accept</i> <input type="checkbox"/> <i>Return for Revisions</i> <input type="checkbox"/> <i>Not Eligible</i>
<i>Comments:</i>	
<i>Concurrence by Counsel:</i> <input type="checkbox"/> <i>Accept Recommendation</i> <input type="checkbox"/> <i>Return with Comments</i>	<i>Reviewed By:</i> <i>Date:</i>
<i>Comments:</i>	
<i>Concurrence by Approving Official:</i>	<i>Date:</i>

I. PROPOSAL DESCRIPTION

Proposal Sponsor Indiana Department of Transportation	Date Submitted	FRA Identification Number (if any)
Proposal Title IN-Indiana Gateway, Burdick Universal Crossover		
Location (Include Street Address, City or Township, County, and State) NSR Chicago Line, Milepost CD479.3, Burdick, Indiana		
Contact Person Mr. Keith Bucklew	Phone 317-233-2376	E-mail Address kbucklew@indot.in.gov
<p>Note: Fully describe the proposal including specifics that may be of environmental concern such as: widening an embankment to stabilize roadbed; repairing or replacing bridge piers foundations, including adding rip-rap in a waterway; earthwork and altering natural (existing) drainage patterns and creating new water discharge; contaminated water needing treatment; building a new or adding on to a shop building; fueling or collection of fuel or oil and contaminated water; building or extending a siding; and building or adding on to a yard.</p>		
<p>Description of Proposal The proposed project represents the addition of a universal crossover between two immediately adjacent tracks at milepost CD479.3 of the NSR Chicago Line. All work will be within existing NSR right-of-way, no property acquisition is required for the project.</p>		

Purpose and Need of Proposal

There is a demonstrated need to reduce overall rail traffic congestion and increase operational fluidity at this location on a line segment which is part of the primary route of intercity passenger rail service in this area of northwestern Indiana. This line segment also boasts one of the highest freight train volumes in the nation, as well as a significant volume of intercity passenger trains that require consistent on-time performance.

The Burdick Universal Crossover will provide rail dispatchers the ability to reroute trains between the two main track in a zone that currently does not have this capability. It is located at a point just east of the existing control point CP-482 (Porter) where multiple routes converge onto the Chicago Line. Currently the closest point east of CP-482 where trains can be crossed over from track #1 to track #2 is at milepost CD466.6 (RH only) or CD463.8 (Universal). The added flexibility will enable freight operations on this segment of track to be more efficiently staged for routing through Porter, and thus will enhance the flow of Amtrak intercity trains to and from the Amtrak Michigan Line and CSXT Grand Rapids Line.

By adding this new rail infrastructure, additional track capacity and routing options will be created. Dispatchers will gain needed flexibility in the vicinity of a key junction. This will reduce congestion and improve operational consistency and drive improvements in on-time performance.

II. NEPA CLASS OF ACTION

Answer the following questions to determine the proposal's potential class of action.

A. Will the proposal substantially impact the natural, social and / or human environment?

YES (Contact FRA) NO (Continue)

Actions that will significantly impact the environment require preparation of an Environmental Impact Statement. These proposals typically include construction or extension of rail lines or rail facilities including passenger, high speed, or freight rail activities.

B. Is the significance of the proposal's social, economic or environmental impacts unknown?

YES (Contact FRA) NO (Continue)

C. Does Section 4(f) of the Department of Transportation Act apply? (i.e. proposal requires the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance, as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site.)

YES (Contact FRA) NO (Continue)

D. Is the proposal likely to require detailed evaluation of more than a few potential impacts?

YES (Contact FRA) NO (Continue)

E. Is the proposal likely to generate intense public discussion or concern, even though it may be limited to a relatively small subset of the community?

YES (Contact FRA) NO (Continue)

F. Is the proposal inconsistent with any Federal, State, or local law, regulation, ordinance, or Judicial or administrative determination relating to environmental protection?

YES (Contact FRA) NO (Continue)

G. Is the proposal an integral part of a program of current Federally supported actions which, when considered separately, would not be classified as major actions, but when considered together may result in substantial impacts?

- YES (Contact FRA) NO (Continue)

If the answer to any of the questions B through G is "YES", contact the FRA to determine whether the proposal requires preparation of an Environmental Assessment.

H. Is the proposal consistent with one of the following potential Categorical Exclusions?

FRA Procedures for Considering Environmental Impacts, 64 FR 28545 (May 26, 1999)

- YES (Mark category and continue as indicated) NO (Contact FRA)

- Financial assistance or procurements solely for planning or design activities that do not commit the FRA or its applicants to a particular course of action affecting the environment. *(stop and submit to FRA)*
- State rail assistance grants for acquisition. *(Continue to Part III)*
- Operating assistance to a railroad to continue existing service or to increase service to meet demand, where the assistance will not result in a change in the effect on the environment. *(stop and submit to FRA)*
- Acquisition of existing railroad equipment, track and bridge structures, electrification, communication, signaling or security facilities, stations, maintenance of way and maintenance of equipment bases, and other existing railroad facilities or the right to use such facilities, for the purpose of conducting operations of a nature and at a level of use similar to those presently or previously existing on the subject properties. *(Complete Part III, Sections H, I, U, & V and submit to FRA)*
- Research, development and/or demonstration of advances in signal, communication and/or train control systems on existing rail lines provided that such research, development and/or demonstrations do not require the acquisition of substantial amounts of right-of-way, and do not substantially alter the traffic density [or operational] characteristics of the existing rail line. *(Continue to Part III)*
- Temporary replacement of an essential rail facility if repairs are commenced immediately after the occurrence of a natural disaster or catastrophic failure. *(Continue to Part III)*
- Changes in plans for a proposal for which an environmental document has been prepared, where the changes would not alter the environmental impacts of the action. *(Continue to Part III describing the full consequences of the changes only)*
- Maintenance of: existing railroad equipment; track and bridge structures; electrification, communication, signaling, or security facilities; stations; maintenance-of-way and maintenance-of-equipment bases; and other existing railroad-related facilities. ("Maintenance" means work, normally provided on a periodic basis, which does not change the existing character of the facility, and may include work characterized by other terms under specific FRA programs) *(Continue to Part III)*
- Financial assistance for the construction of minor loading and unloading facilities, provided that proposals are consistent with local zoning, do not involve the acquisition of a significant amount of land, and do not significantly alter the traffic density characteristics of existing rail or highway facilities. *(Continue to Part III)*
- Minor rail line additions including construction of side tracks, passing tracks, crossovers, short connections between existing rail lines, and new tracks within existing rail yards, provided that such additions are consistent with existing zoning, do not involve acquisition of a significant amount of right of way, and do not substantially alter the traffic density characteristics of the existing rail lines or rail facilities. *(Continue to Part III)*
- Improvements to existing facilities to service, inspect, or maintain rail passenger equipment, including expansion of existing buildings, the construction of new buildings and outdoor facilities, and the reconfiguration of yard tracks. *(Continue to Part III)*
- Environmental remediation through improvements to existing and former railroad track, infrastructure, stations and facilities, for the purpose of preventing or correcting environmental pollution of soil, air or water. *(Continue to Part III)*
- Replacement, reconstruction, or rehabilitation of an existing railroad bridge, including replacement with a culvert, that does not require the acquisition of a significant amount of right-of-way. *(Continue to Part III)*

III. PROPOSAL INFORMATION FOR CATEGORICAL EXCLUSIONS

Complete Part III unless indicated otherwise in Part II and submit to FRA.

For work to fixed facilities, maps displaying the following, as applicable, are required to be attached for FRA review:

- Proposal vicinity
- Proposal Site Plan indicating the USGS Quadrangle and Section
- Other Information as necessary to complete Part III

A. Describe how the proposal satisfies the purpose and need identified in Part I:

The Burdick Universal Crossover provides a new routing option at this key location, and creates additional track capacity there. The crossover will provide rail dispatchers needed flexibility, and provide enhanced operational capacity in the vicinity of the new control point. By increasing fluidity, and enhancing the options available to progress trains through opposing or stopped traffic, rail congestion will be reduced and operational consistency and on-time performance improved through this area.

B. Location & Land Use: *For fixed facilities, attach a map or diagram, at an appropriate scale, identifying the location of the proposal site and if applicable, the surrounding land uses and zoning of the site and surrounding properties. If the proposal would require many pages of maps or diagrams, include only a location map and contact FRA to determine if additional information is required. A map or diagram that identifies locations of critical resource areas, wetlands, potential historic sites, or sensitive noise receptors such as schools, hospitals, and residences should be included if there is the potential for impacts to these resources.*

Briefly describe the existing land use of the proposal site and surrounding properties and resources.

The proposed project site is located along two existing tracks near a rural crossing. Land use in the immediate vicinity is farmland. A County Engineer garage/maintenance facility is located near the crossing, but will not be affected. The project consists of constructing a universal crossover between two existing tracks. Attachment A includes mapping and aerial photographs of the project area.

C. Historic Resources: *If any cultural, historic, or archaeological resources are located in the immediate vicinity of the proposal, check and describe the resource(s) and then describe any potential effect of the proposal on the resource(s). Consultation with the SHPO is necessary when these resources are potentially affected.*

Cultural:

Historical:

Archaeological:

Has consultation with the State Historic Preservation Officer occurred? If so, describe and attach relevant correspondence.

Consultation with SHPO: A preliminary review of the National Register of Historic Places database with the Department of the Interior/National Park Service indicates there are no properties listed on the NRHP in proximity to the project area. The proposed project will be completed entirely within NS right-of-way. Coordination with the Division of Historic Preservation and Archaeology (DHPA), Indiana Department of

Natural Resources, includes a project description, preliminary design, and photographs from a field visit. This correspondence may be found in Attachment B.

- D. Public Notification:** *Briefly describe any public outreach efforts undertaken on behalf of the proposal, if any. Indicate opportunities the public has had to comment on the proposal (e.g., Board meetings, open houses, special hearings).*

This project is considered to be a part of the INDOT passenger rail funding initiative and is intended to focus on relieving major rail congestion in Northwest Indiana for the benefit of three proposed high speed passenger rail lines and freight rail. Press releases are included in Attachment C.

Indicate prominent concerns expressed by agencies or the public regarding the proposal, if any.

N/A

- E. Transportation:** *Would the proposal have a detrimental effect on other railway operations or impact road traffic, or increase demand for parking?*

No (continue) Yes, describe potential transportation, traffic, and parking impacts, and address capacity constraints and potential impacts to existing railroad and highway operations. Include maps or diagrams indicating any impacts and any proposed modifications to existing railways or roadways or parking facilities. Also, summarize any consultation that has occurred with other railroads or highway authorities whose operations this project will impact.

The proposed project will improve freight and passenger rail operations by reducing congestion, and will not negatively impact road traffic.

- F. Noise and Vibration:** *Are permanent noise or vibration impacts likely?*

No (continue) Yes, describe how the proposal will involve noise impacts. If the proposal will result in a change in noise sources (number or speed of trains, stationary sources, etc.) and sensitive receptors (residences, hospitals, schools, parks, etc.) are present, apply screening distances for noise and vibration assessment found in FRA noise impact assessment guidance manual (and FTA's manual as needed) and compare proposal location with nearest receptor(s). If the screening distance is not achieved, attach a "General Noise and/or Vibration Assessment."

Noise Vibration

No sensitive noise receptors were identified within the screening distance. The project will not result in an increased number of train operations, increased speeds or new stationary noise sources. The project will not result in moving train operations closer to noise sensitive receptor sites. Therefore, the project, as proposed, will result in no new permanent noise or vibration impacts.

As a result of the general assessment(s) are there noise or vibration impacts?

No (continue) Yes (Describe and provide map identifying sensitive receptors):

G. Air Quality: *Does the proposal have the potential to increase concentrations of ambient criteria pollutants to levels that exceed the NAAQS, lead to the establishment of a new non-attainment area, or delay achievement of attainment?*

No (continue) Yes, attach an emissions analysis for General Conformity regarding Carbon Monoxide (CO), Ozone (O₃), Particulate Matter (PM₁₀), Nitrous Oxides (NO_x), and Carbon Dioxide (CO₂), and include a hot spot analysis if indicated. Describe any substantial impacts from the proposal.

The purpose of the Burdick project is to improve rail operations and reduce congestion. Therefore, implementation of the project will reduce the number of idling trains in the area, thereby decreasing the amount of airborne pollutants. Porter County is designated by the USEPA as non-attainment for ozone.

Is the proposal located in a Non-Attainment or Maintenance area?

No (continue) Yes, for which of the following pollutants:

Carbon Monoxide (CO) Ozone (O₃) Particulate Matter (PM₁₀)

H. Hazardous Materials: *Does the proposal involve the use or handling of hazardous materials?*

No (continue) Yes, describe use and measures that will mitigate any potential for release and contamination.

The proposed project does not involve the use of hazardous materials.

I. Hazardous Waste: *If the proposal site is in a developed area or was previously developed or used for industrial or agricultural production, is it likely that hazardous materials will be encountered by undertaking the proposal? (Prior to acquiring land or a facility with FRA funds, FRA must be consulted regarding the potential presence of hazardous materials)*

No, explain why not and describe the steps taken to determine that hazardous materials are not present on the proposal site and then continue to question I.

A site visit and USEPA enviromapper database review indicated that no hazardous materials were present on or adjoining to the study area. Enviromapper information has been included as Attachment D. The Porter County Highway Department garage is located adjacent to the eastern terminus of the study area. This property will not be impacted by the project and no right of way is required. Any areas suspected to contain or generate petroleum or hazardous waste are located at least 165 feet from the intersection of the tracks and County Route 250E. Photographs of the study area can be found in Attachment A.

Yes, complete a Phase I site assessment and attach.

If a Phase I survey was completed, is a Phase II site assessment recommended?

No (continue) Yes, describe the mitigation and clean-up measures that will be taken to remediate any hazardous materials present and what steps will be taken to ensure that the local community is protected from contamination during construction and operation of the proposal.

J. Property Acquisition: *Is property acquisition needed for the proposal?*

No (continue) Yes, indicate whether the acquisition will result in relocation of businesses or individuals. **Note:** *To ensure eligibility for Federal participation, grantees may not acquire property with either local matching or Federal funds prior to completing the NEPA process and receiving written FRA concurrence in both the NEPA recommendation and property appraisals.*

The proposed project is entirely within existing NSR right-of-way. No property acquisition is required.

K. Community Disruption and Environmental Justice: *Does the proposal present potentially disruptive impacts to adjacent communities?*

No (continue) Yes, provide a socio-economic profile of the affected community. Indicate whether the proposal will have a disproportionately high and adverse effect on minority or low-income populations. Describe any potential adverse effects and any community resources likely to be impacted. Describe outreach efforts targeted specifically at minority or low-income populations.

The Burdick project will reduce train congestion, and thereby reduce the number of stationary/idle trains in that area. This will provide an environmental benefit to the community. The study area does not contain a disproportionately high minority or poverty level population. Total percent minority populations within a one mile radius of the study area consist of 6.8%, compared to 7.9% for Porter County and 14.1% for the state. Total poverty level populations consist of 3.8%, compared to 5.8% for Porter County and 9.2% for the state. There will be no acquisitions required and no community resources will be impacted or displaced. No Native American tribes (either federally recognized or other) are located within the study area. Environmental justice information has been included as Attachment E.

L. Impacts On Wetlands: *Does the proposal temporarily or permanently impact wetlands or require alterations to streams or waterways?*

No (continue) Yes, show wetlands and waters on the site map and classification. Describe the proposal's potential impact to on-site and adjacent wetlands and waters and attach any coordination with the State and US Army Corps of Engineers.

All work will be within existing NSR right-of-way. A site visit was completed July 21, 2009; no wetlands, streams or other waterways were identified within the study area/construction limits. Agency coordination with the USFWS, IDNR and the USACE has been initiated (August 20, 2009) and is included in Attachment F.

M. Floodplain Impacts: *Is the proposal located within the 100-year floodplain or are regulated floodways affected?*

No (continue) Yes, describe the potential for impacts due to changes in floodplain capacity or water flow, if any. If impacts are likely, attach scale maps describing potential impacts and describe any coordination with regulatory entities.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Community Panel Number 180201 0005C, the project area is located in a Zone C or upland area. There are no floodplains within the limits of the proposed project. The FIRM panel has been included in Attachment G.

N. Water Quality: *Are protected waters of special quality or concern, essential fish habitats, or protected drinking water resources present at or directly adjacent to the proposal site?*

No (continue) Yes, describe water resource and the potential for impact from the proposal, and any coordination with regulatory entities.

The project, once completed, will not result in additional water runoff, generation of wastewater or change the existing drainage or groundwater recharge patterns of the area. Therefore, no long term negative impact on local groundwater or surface water quality will occur as a result of the project. There are no streams located within the limits of the proposed project. Therefore essential fish habitats will not be affected.

O. Navigable Waterways: *Does the proposal cross or have effect on a navigable waterway?*

No (continue) Yes, describe potential for impact and any coordination with US Coast Guard. There are no waterways located within the limits of the proposed project.

P. Coastal Zones: *Is the proposal in a designated coastal zone?*

No (continue) Yes, describe coordination with the State regarding consistency with the coastal zone management plan and attach the State finding if available.

The State of Indiana is a participant in the National Coastal Zone Management Program. Indiana's coastal zone is located in the northern portions of Lake, Porter, and LaPorte Counties. This project is located in Porter County and within the Lake Michigan Coastal Program (LMCP) area. According to the LMCP Federal Consistency Nonrule Policy Document, not all federal agency actions require a federal consistency review and certification. Indiana reviews and lists actions deemed to potentially have an environmental impact to the coastal resources of the state. Table A in Section III of the policy document details the federal agency actions that the LMCP would require a consistency determination. The project, as proposed, is exempted from federal consistency review and requires no further agency coordination.

Q. Prime and Unique Farmlands: *Does the proposal involve the use of any prime or unique farmlands?*

No (continue) Yes, describe potential for impact and any coordination with the Soil Conservation Service of the US Department of Agriculture.

All work is confined within the existing right of way and does not have the potential to impact adjacent farmland. Aerial photographs can be found in Attachment A.

R. Ecologically Sensitive Areas And Endangered Species: *Are any ecologically sensitive natural areas, designated wildlife or waterfowl refuges, or designated critical habitat areas (woodlands, prairies, wetlands, rivers, lakes, streams, and geological formations determined to be essential for the survival of a threatened or endangered species) within or directly adjacent to the proposal site?*

No (continue) Yes, describe them and the potential for impact. Describe any consultation with the State and the US Fish and Wildlife Service about the impacts to these natural areas and on threatened and endangered fauna and flora that may be affected. If required prepare a biological assessment and attach.

A site visit was completed July 21, 2009; no ecologically sensitive natural areas and endangered species were identified within or adjacent to the study area. Agency coordination with the USFWS and IDNR has been initiated (August 20, 2009) regarding the potential occurrence of any federal and/or state listed species within and adjacent to the proposed project and have been included as Attachment F.

S. Safety And Security: *Are there safety or security concerns about the proposal?*

No (continue) Yes, describe the safety or security concerns and the measures that would need to be taken to provide for the safe and secure operation of the proposal after its construction.

No safety or security concerns have been identified.

T. Construction Impacts: *Are major construction period impacts likely?*

No (continue) Yes, describe the construction plan and identify impacts due to construction noise, utility disruption, debris and spoil disposal, and address air and water quality impacts, safety and security issues, and disruptions of traffic and access to property and attach scale maps as necessary.

Construction impacts will be of a relatively short duration during active construction. Best management practices for dust and noise suppression will be followed. Debris and spoil disposal, if generated, will be removed according to state and local regulations.

U. Cumulative Impacts: *Are cumulative impacts likely?*

A "cumulative impact" is the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts may include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or resulting from smaller actions that individually have no significant impact. Determining the cumulative environmental consequences of an action requires delineating the cause-and-effect relationships between the multiple actions and the resources, ecosystems, and human communities of concern.

- No (continue) Yes, describe the reasonably foreseeable:
 (a) Direct impacts, which are caused by the action and occur at the same time and place.

(b) Indirect impacts, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect impacts may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

V. Related Federal, State, or Local Actions: *Indicate whether the proposal requires any of the following actions (e.g., permits) by other Agencies and attach copies of relevant correspondence. It is not necessary to attach voluminous permit applications if a single cover Agency transmittal will indicate that a permit has been granted. Permitting issues can be described in the relevant resource discussion in sections B-S above.*

- Section 106** *Historic and Culturally Significant Properties*
- Section 401/404** *Wetlands and Water*
- USCG 404** *Navigable Waterways*
- Executive Orders** *Wetlands, Floodplains, Environmental Justice*
- Clean Air Act** *Air Quality*
- Endangered Species Act** *Threatened and Endangered Biological Resources*
- Magnuson-Stevens Fishery Conservation and Management Act** *Essential Fish Habitat*
- Safe Drinking Water Act**
- Other State or Local Requirements** (Describe)

X. Mitigation: Describe mitigation measures which address identified impacts and have been incorporated into the proposal, if any.

No mitigation will be required.

Federal Railroad Administration (FRA) CATEGORICAL EXCLUSION WORKSHEET

Note: The purpose of this worksheet is to assist proposal sponsors in gathering and organizing materials for environmental analysis required under the National Environmental Policy Act (NEPA), particularly for proposals, which may qualify as Categorical Exclusions and to assist the FRA in evaluating requests from project sponsors for categorical exclusion determinations. Categorical Exclusions are categories of actions (i.e. types of projects) that the FRA has determined, based on its experience, typically do not individually or cumulatively have a significant effect on the human environment and which generally do not require the preparation of either an environmental impact statement or an environmental assessment.

Submission of the worksheet by itself does not meet NEPA requirements. FRA must concur in writing with the proposal sponsor's Categorical Exclusion recommendation for NEPA requirements to be met. Please complete this worksheet using compatible word processing software and submit and transmit the completed form in electronic format.

<i>For Agency Use</i>	<i>Date Received:</i>
<i>Reviewed By:</i> <i>Date:</i>	<i>Recommendation for action:</i> <input type="checkbox"/> <i>Accept</i> <input type="checkbox"/> <i>Return for Revisions</i> <input type="checkbox"/> <i>Not Eligible</i>
<i>Comments:</i>	
<i>Concurrence by Counsel:</i> <input type="checkbox"/> <i>Accept Recommendation</i> <input type="checkbox"/> <i>Return with Comments</i>	<i>Reviewed By:</i> <i>Date:</i>
<i>Comments:</i>	
<i>Concurrence by Approving Official:</i>	<i>Date:</i>

I. PROPOSAL DESCRIPTION

Proposal Sponsor Indiana Department of Transportation	Date Submitted	FRA Identification Number (if any)
Proposal Title IN-Indiana Gateway, Porter, Indiana Improvement		
Location (Include Street Address, City or Township, County, and State) Amtrak Michigan Line, Milepost 238-238.5, Porter, Indiana		
Contact Person Mr. Keith Bucklew	Phone 317-233-2376	E-mail Address kbucklew@indot.in.gov
<p>Note: Fully describe the proposal including specifics that may be of environmental concern such as: widening an embankment to stabilize roadbed; repairing or replacing bridge piers foundations, including adding rip-rap in a waterway; earthwork and altering natural (existing) drainage patterns and creating new water discharge; contaminated water needing treatment; building a new or adding on to a shop building; fueling or collection of fuel or oil and contaminated water; building or extending a siding; and building or adding on to a yard.</p>		
<p>Description of Proposal The proposed project represents the addition of a meet/pass siding near two immediately adjacent tracks at milepost 238-238.5 of the Amtrak Michigan line in Porter, Indiana. Proposed work will include #20 power turnouts at each end, and will be constructed to current Amtrak main line standards. The rail corridor at this location formerly contained two main tracks and the vacant roadbed to the south of the existing Amtrak main track will be utilized. All work will be within existing Amtrak right-of-way, no property acquisition is required for the project.</p>		

Purpose and Need of Proposal

There is a demonstrated need to reduce overall rail traffic congestion and increase operational fluidity at this location on a line segment which is part of the primary route of intercity passenger rail service in this area of northwestern Indiana. This line segment has significant volume of intercity passenger trains that require consistent on-time performance.

The Porter Siding will enable Amtrak Michigan Line trains to meet and pass clear of the NSR Chicago Line at this location. Unanticipated meets by Amtrak trains on the NSR Chicago Line can be difficult to accommodate due to overall traffic volume. Due to the configuration and location of other crossovers on the NSR Chicago Line, when an Amtrak meet must occur in vicinity of the Porter it can create significant additional traffic congestion while other east-west traffic must hold for the Amtrak meet to occur.

By adding this new rail infrastructure, additional track capacity will be created and dispatchers will gain needed flexibility in the vicinity of a key junction. This will reduce congestion and improve operational consistency and drive improvements in on-time performance.

II. NEPA CLASS OF ACTION

Answer the following questions to determine the proposal's potential class of action.

A. Will the proposal substantially impact the natural, social and / or human environment?

YES (Contact FRA) NO (Continue)

Actions that will significantly impact the environment require preparation of an Environmental Impact Statement. These proposals typically include construction or extension of rail lines or rail facilities including passenger, high speed, or freight rail activities.

B. Is the significance of the proposal's social, economic or environmental impacts unknown?

YES (Contact FRA) NO (Continue)

C. Does Section 4(f) of the Department of Transportation Act apply? (i.e. proposal requires the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance, as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site.)

YES (Contact FRA) NO (Continue)

D. Is the proposal likely to require detailed evaluation of more than a few potential impacts?

YES (Contact FRA) NO (Continue)

E. Is the proposal likely to generate intense public discussion or concern, even though it may be limited to a relatively small subset of the community?

YES (Contact FRA) NO (Continue)

F. Is the proposal inconsistent with any Federal, State, or local law, regulation, ordinance, or Judicial or administrative determination relating to environmental protection?

YES (Contact FRA) NO (Continue)

G. Is the proposal an integral part of a program of current Federally supported actions which, when considered separately, would not be classified as major actions, but when considered together may result in substantial impacts?

YES (Contact FRA)

NO (Continue)

If the answer to any of the questions B through G is "YES", contact the FRA to determine whether the proposal requires preparation of an Environmental Assessment.

H. Is the proposal consistent with one of the following potential Categorical Exclusions?

FRA Procedures for Considering Environmental Impacts, 64 FR 28545 (May 26, 1999)

YES (Mark category and continue as indicated) NO (Contact FRA)

- Financial assistance or procurements solely for planning or design activities that do not commit the FRA or its applicants to a particular course of action affecting the environment. *(stop and submit to FRA)*
- State rail assistance grants for acquisition. *(Continue to Part III)*
- Operating assistance to a railroad to continue existing service or to increase service to meet demand, where the assistance will not result in a change in the effect on the environment. *(stop and submit to FRA)*
- Acquisition of existing railroad equipment, track and bridge structures, electrification, communication, signaling or security facilities, stations, maintenance of way and maintenance of equipment bases, and other existing railroad facilities or the right to use such facilities, for the purpose of conducting operations of a nature and at a level of use similar to those presently or previously existing on the subject properties. *(Complete Part III, Sections H, I, U, & V and submit to FRA)*
- Research, development and/or demonstration of advances in signal, communication and/or train control systems on existing rail lines provided that such research, development and/or demonstrations do not require the acquisition of substantial amounts of right-of-way, and do not substantially alter the traffic density [or operational] characteristics of the existing rail line. *(Continue to Part III)*
- Temporary replacement of an essential rail facility if repairs are commenced immediately after the occurrence of a natural disaster or catastrophic failure. *(Continue to Part III)*
- Changes in plans for a proposal for which an environmental document has been prepared, where the changes would not alter the environmental impacts of the action. *(Continue to Part III describing the full consequences of the changes only)*
- Maintenance of: existing railroad equipment; track and bridge structures; electrification, communication, signaling, or security facilities; stations; maintenance-of-way and maintenance-of-equipment bases; and other existing railroad-related facilities. ("Maintenance" means work, normally provided on a periodic basis, which does not change the existing character of the facility, and may include work characterized by other terms under specific FRA programs) *(Continue to Part III)*
- Financial assistance for the construction of minor loading and unloading facilities, provided that proposals are consistent with local zoning, do not involve the acquisition of a significant amount of land, and do not significantly alter the traffic density characteristics of existing rail or highway facilities. *(Continue to Part III)*
- Minor rail line additions including construction of side tracks, passing tracks, crossovers, short connections between existing rail lines, and new tracks within existing rail yards, provided that such additions are consistent with existing zoning, do not involve acquisition of a significant amount of right of way, and do not substantially alter the traffic density characteristics of the existing rail lines or rail facilities. *(Continue to Part III)*
- Improvements to existing facilities to service, inspect, or maintain rail passenger equipment, including expansion of existing buildings, the construction of new buildings and outdoor facilities, and the reconfiguration of yard tracks. *(Continue to Part III)*
- Environmental remediation through improvements to existing and former railroad track, infrastructure, stations and facilities, for the purpose of preventing or correcting environmental pollution of soil, air or water. *(Continue to Part III)*
- Replacement, reconstruction, or rehabilitation of an existing railroad bridge, including replacement with a culvert, that does not require the acquisition of a significant amount of right-of-way. *(Continue to Part III)*

III. PROPOSAL INFORMATION FOR CATEGORICAL EXCLUSIONS

Complete Part III unless indicated otherwise in Part II and submit to FRA.

For work to fixed facilities, maps displaying the following, as applicable, are required to be attached for FRA review:

- Proposal vicinity
- Proposal Site Plan indicating the USGS Quadrangle and Section
- Other Information as necessary to complete Part III

A. Describe how the proposal satisfies the purpose and need identified in Part I:

The Porter Siding provides a new meet/pass option for Amtrak Michigan Line trains at location near a key junction. The addition will provide rail dispatchers needed flexibility, and provide enhanced operational capacity in the vicinity of the siding. By increasing fluidity, and enhancing the options available to progress trains through opposing or stopped traffic, rail congestion will be reduced and operational consistency and on-time performance improved through this area.

B. Location & Land Use: *For fixed facilities, attach a map or diagram, at an appropriate scale, identifying the location of the proposal site and if applicable, the surrounding land uses and zoning of the site and surrounding properties. If the proposal would require many pages of maps or diagrams, include only a location map and contact FRA to determine if additional information is required. A map or diagram that identifies locations of critical resource areas, wetlands, potential historic sites, or sensitive noise receptors such as schools, hospitals, and residences should be included if there is the potential for impacts to these resources.*

Briefly describe the existing land use of the proposal site and surrounding properties and resources.

The proposed project site is located between Waverly Road and S.R. 49 in Porter County. The proposed project corridor traverses through a large uninhabited area of woods. There are existing bridge overpasses at I-94 and S.R. 49. Attachment A includes mapping and aerial photographs of the project area.

C. Historic Resources: *If any cultural, historic, or archaeological resources are located in the immediate vicinity of the proposal, check and describe the resource(s) and then describe any potential effect of the proposal on the resource(s). Consultation with the SHPO is necessary when these resources are potentially affected.*

Cultural:

Historical:

Archaeological:

Has consultation with the State Historic Preservation Officer occurred? If so, describe and attach relevant correspondence.

Consultation with SHPO: Preliminary review of the National Register of Historic Places database with the Department of the Interior/National Park Service indicates there are no properties listed on the NRHP in proximity to the project area. The proposed project will be completed entirely within NS right-of-way. Coordination with the Division of Historic Preservation and Archaeology (DHPA), Indiana Department of Natural Resources, includes a project description, preliminary design, and photographs from a field visit. This correspondence may be found in Attachment B.

D. Public Notification: *Briefly describe any public outreach efforts undertaken on behalf of the proposal, if any. Indicate opportunities the public has had to comment on the proposal (e.g., Board meetings, open*

houses, special hearings).

This project is considered to be a part of the INDOT passenger rail funding initiative and is intended to focus on relieving major rail congestion in Northwest Indiana for the benefit of three proposed high speed passenger rail lines and freight rail. Press releases are included in Attachment C.

Indicate prominent concerns expressed by agencies or the public regarding the proposal, if any.

N/A

E. Transportation: *Would the proposal have a detrimental effect on other railway operations or impact road traffic, or increase demand for parking?*

No (continue) Yes, describe potential transportation, traffic, and parking impacts, and address capacity constraints and potential impacts to existing railroad and highway operations. Include maps or diagrams indicating any impacts and any proposed modifications to existing railways or roadways or parking facilities. Also, summarize any consultation that has occurred with other railroads or highway authorities whose operations this project will impact.

The proposed project will improve freight and passenger rail operations by reducing congestion, and will not negatively impact road traffic.

F. Noise and Vibration: *Are permanent noise or vibration impacts likely?*

No (continue) Yes, describe how the proposal will involve noise impacts. If the proposal will result in a change in noise sources (number or speed of trains, stationary sources, etc.) and sensitive receptors (residences, hospitals, schools, parks, etc.) are present, apply screening distances for noise and vibration assessment found in FRA noise impact assessment guidance manual (and FTA's manual as needed) and compare proposal location with nearest receptor(s). If the screening distance is not achieved, attach a "General Noise and/or Vibration Assessment."

Noise Vibration

The project will not result in an increased number of train operations, increased speeds or new stationary noise sources. Constructing the proposed rail siding on the south side of the existing rail line will actually shift train operations further away from the existing noise sensitive receivers located within the project area. Therefore, the project, as proposed, will result in no new permanent noise or vibration impact.

As a result of the general assessment(s) are there noise or vibration impacts?

No (continue) Yes (Describe and provide map identifying sensitive receptors):

G. Air Quality: *Does the proposal have the potential to increase concentrations of ambient criteria pollutants to levels that exceed the NAAQS, lead to the establishment of a new non-attainment area, or delay achievement of attainment?*

No (continue) Yes, attach an emissions analysis for General Conformity regarding Carbon Monoxide (CO), Ozone (O₃), Particulate Matter (PM₁₀), Nitrous Oxides (NO_x), and Carbon Dioxide (CO₂), and include a hot spot analysis if indicated. Describe any substantial impacts from the proposal.

The purpose of the project is to improve rail operations and reduce congestion. Therefore, implementation of the project will reduce the number of idling trains in the area, thereby decreasing the amount of airborne pollutants. Porter County is designated by the USEPA as non-attainment for ozone.

Is the proposal located in a Non-Attainment or Maintenance area?

No (continue) Yes, for which of the following pollutants:

Carbon Monoxide (CO) Ozone (O₃) Particulate Matter (PM₁₀)

H. Hazardous Materials: *Does the proposal involve the use or handling of hazardous materials?*

No (continue) Yes, describe use and measures that will mitigate any potential for release and contamination.

The proposed project does not involve the use of hazardous materials.

I. Hazardous Waste: *If the proposal site is in a developed area or was previously developed or used for industrial or agricultural production, is it likely that hazardous materials will be encountered by undertaking the proposal? (Prior to acquiring land or a facility with FRA funds, FRA must be consulted regarding the potential presence of hazardous materials)*

No, explain why not and describe the steps taken to determine that hazardous materials are not present on the proposal site and then continue to question I.

A site visit and USEPA enviromapper database review indicated that no hazardous materials were present on or adjoining to the study area. Enviromapper information has been included as Attachment D. The Chesterton Utilities Wastewater Treatment plant is located approximately 1000 feet to the southwest of the start of the project area. Due to the relative distance of this facility and based on no evidence of contamination, it is unlikely that this facility represents a concern. This property will not be impacted by the project and no right of way is required. Photographs of the study area can be found in Attachment A.

Yes, complete a Phase I site assessment and attach.

If a Phase I survey was completed, is a Phase II site assessment recommended?

No (continue) Yes, describe the mitigation and clean-up measures that will be taken to remediate any hazardous materials present and what steps will be taken to ensure that the local community is protected from contamination during construction and operation of the proposal.

J. Property Acquisition: *Is property acquisition needed for the proposal?*

No (continue) Yes, indicate whether the acquisition will result in relocation of businesses or individuals. **Note:** *To ensure eligibility for Federal participation, grantees may not acquire property with either local matching or Federal funds prior to completing the NEPA process and receiving written FRA concurrence in both the NEPA recommendation and property appraisals.*

The proposed project is entirely within existing Amtrak right-of-way. No property acquisition is required.

K. Community Disruption and Environmental Justice: *Does the proposal present potentially*

disruptive impacts to adjacent communities?

No (continue) Yes, provide a socio-economic profile of the affected community. Indicate whether the proposal will have a disproportionately high and adverse effect on minority or low-income populations. Describe any potential adverse effects and any community resources likely to be impacted. Describe outreach efforts targeted specifically at minority or low-income populations.

The proposed project will reduce train congestion, and thereby reduce the number of stationary/idle trains in the area. This will provide an environmental benefit to the community. The study area does not contain a disproportionately high minority or poverty level population. Total percent minority populations within a one mile radius of the study area consist of 5.2%, compared to 7.9% for Porter County and 14.1% for the state. Total poverty level populations consist of 6%, compared to 5.8% for Porter County and 9.2% for the state. There will be no acquisitions required and no community resources will be impacted or displaced. No Native American tribes (either federally recognized or other) are located within the study area. Environmental justice information has been included as Attachment E.

L. Impacts On Wetlands: *Does the proposal temporarily or permanently impact wetlands or require alterations to streams or waterways?*

No (continue) Yes, show wetlands and waters on the site map and classification. Describe the proposal's potential impact to on-site and adjacent wetlands and waters and attach any coordination with the State and US Army Corps of Engineers.

All work will be within existing Amtrak right-of-way. A site visit was completed July 21, 2009; no wetlands, streams or other waterways were identified within the study area/construction limits. Agency coordination with the USFWS, IDNR and the USACE has been initiated (August 20, 2009) and is included in Attachment F.

M. Floodplain Impacts: *Is the proposal located within the 100-year floodplain or are regulated floodways affected?*

No (continue) Yes, describe the potential for impacts due to changes in floodplain capacity or water flow, if any. If impacts are likely, attach scale maps describing potential impacts and describe any coordination with regulatory entities.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Community Panel Numbers 180201 0005C and 180425 0025B, the project area is located in a Zone C or upland area. There are no floodplains within the limits of the proposed project. The flood map is included in Attachment G.

N. Water Quality: *Are protected waters of special quality or concern, essential fish habitats, or protected drinking water resources present at or directly adjacent to the proposal site?*

No (continue) Yes, describe water resource and the potential for impact from the proposal, and any coordination with regulatory entities.

The project, once completed, will not result in additional water runoff, generation of wastewater or change the existing drainage or groundwater recharge patterns of the area. Therefore, no long term negative impact on local groundwater or surface water quality will occur as a result of the project. There are no streams located within the limits of the proposed project. Therefore, essential fish habitats will not be affected.

O. Navigable Waterways: *Does the proposal cross or have effect on a navigable waterway?*

No (continue) Yes, describe potential for impact and any coordination with US Coast Guard.

There are no navigable waterways located within the limits of the proposed project.

P. Coastal Zones: *Is the proposal in a designated coastal zone?*

No (continue) Yes, describe coordination with the State regarding consistency with the coastal zone management plan and attach the State finding if available.

The State of Indiana is a participant in the National Coastal Zone Management Program. Indiana's coastal zone is located in the northern portions of Lake, Porter, and LaPorte Counties. This project is located in Porter County and within the Lake Michigan Coastal Program (LMCP) area. According to the LMCP Federal Consistency Nonrule Policy Document, not all federal agency actions require a federal consistency review and certification. Indiana reviews and lists actions deemed to potentially have an environmental impact to the coastal resources of the state. Table A in Section III of the policy document details the federal agency actions that the LMCP would require consistency determination. The project, as proposed, is exempted from federal consistency review and requires no further agency coordination.

Q. Prime and Unique Farmlands: *Does the proposal involve the use of any prime or unique farmlands?*

No (continue) Yes, describe potential for impact and any coordination with the Soil Conservation Service of the US Department of Agriculture.

All work is confined within the existing right of way and does not have the potential to impact farmland. Aerial photographs can be found in Attachment A.

R. Ecologically Sensitive Areas And Endangered Species: *Are any ecologically sensitive natural areas, designated wildlife or waterfowl refuges, or designated critical habitat areas (woodlands, prairies, wetlands, rivers, lakes, streams, and geological formations determined to be essential for the survival of a threatened or endangered species) within or directly adjacent to the proposal site?*

No (continue) Yes, describe them and the potential for impact. Describe any consultation with the State and the US Fish and Wildlife Service about the impacts to these natural areas and on threatened and endangered fauna and flora that may be affected. If required prepare a biological assessment and attach.

A site visit was completed July 21, 2009; no ecologically sensitive natural areas and endangered species were identified within or adjacent to the study area. Agency coordination with the USFWS and IDNR has been initiated (August 20, 2009) regarding the potential occurrence of any federal and/or state listed species within and adjacent to the proposed project and have been included as Attachment F.

S. Safety And Security: *Are there safety or security concerns about the proposal?*

No (continue) Yes, describe the safety or security concerns and the measures that would need to be taken to provide for the safe and secure operation of the proposal after its construction.

No safety or security concerns have been identified.

T. Construction Impacts: *Are major construction period impacts likely?*

No (continue) Yes, describe the construction plan and identify impacts due to construction noise, utility disruption, debris and spoil disposal, and address air and water quality impacts, safety and security issues, and disruptions of traffic and access to property and attach scale maps as necessary.

Construction impacts will be of a relatively short duration during active construction. Best management practices for dust and noise suppression will be followed. Debris and spoil disposal, if generated, will be removed according to state and local regulations.

U. Cumulative Impacts: *Are cumulative impacts likely?*

A "cumulative impact" is the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts may include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or resulting from smaller actions that individually have no significant impact. Determining the cumulative environmental consequences of an action requires delineating the cause-and-effect relationships between the multiple actions and the resources, ecosystems, and human communities of concern.

- No (continue) Yes, describe the reasonably foreseeable:
 (a) Direct impacts, which are caused by the action and occur at the same time and place.

(b) Indirect impacts, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect impacts may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

V. Related Federal, State, or Local Actions: *Indicate whether the proposal requires any of the following actions (e.g., permits) by other Agencies and attach copies of relevant correspondence. It is not necessary to attach voluminous permit applications if a single cover Agency transmittal will indicate that a permit has been granted. Permitting issues can be described in the relevant resource discussion in sections B-S above.*

- Section 106** *Historic and Culturally Significant Properties*
- Section 401/404** *Wetlands and Water*
- USCG 404** *Navigable Waterways*
- Executive Orders** *Wetlands, Floodplains, Environmental Justice*
- Clean Air Act** *Air Quality*
- Endangered Species Act** *Threatened and Endangered Biological Resources*
- Magnuson-Stevens Fishery Conservation and Management Act** *Essential Fish Habitat*
- Safe Drinking Water Act**
- Other State or Local Requirements** (Describe)

X. Mitigation: Describe mitigation measures which address identified impacts and have been incorporated into the proposal, if any.

No mitigation will be required.

Federal Railroad Administration (FRA) CATEGORICAL EXCLUSION WORKSHEET

Note: The purpose of this worksheet is to assist proposal sponsors in gathering and organizing materials for environmental analysis required under the National Environmental Policy Act (NEPA), particularly for proposals, which may qualify as Categorical Exclusions and to assist the FRA in evaluating requests from project sponsors for categorical exclusion determinations. Categorical Exclusions are categories of actions (i.e. types of projects) that the FRA has determined, based on its experience, typically do not individually or cumulatively have a significant effect on the human environment and which generally do not require the preparation of either an environmental impact statement or an environmental assessment.

Submission of the worksheet by itself does not meet NEPA requirements. FRA must concur in writing with the proposal sponsor's Categorical Exclusion recommendation for NEPA requirements to be met. Please complete this worksheet using compatible word processing software and submit and transmit the completed form in electronic format.

<i>For Agency Use</i>	<i>Date Received:</i>
<i>Reviewed By:</i> <i>Date:</i>	<i>Recommendation for action:</i> <input type="checkbox"/> <i>Accept</i> <input type="checkbox"/> <i>Return for Revisions</i> <input type="checkbox"/> <i>Not Eligible</i>
<i>Comments:</i>	
<i>Concurrence by Counsel:</i> <input type="checkbox"/> <i>Accept Recommendation</i> <input type="checkbox"/> <i>Return with Comments</i>	<i>Reviewed By:</i> <i>Date:</i>
<i>Comments:</i>	
<i>Concurrence by Approving Official:</i>	<i>Date:</i>

I. PROPOSAL DESCRIPTION

Proposal Sponsor Indiana Department of Transportation	Date Submitted	FRA Identification Number (if any)
Proposal Title IN-Indiana Gateway, Burns Harbor Universal Crossover		
Location (Include Street Address, City or Township, County, and State) NSR Chicago Line, Milepost CD485, Burns Harbor, Indiana		
Contact Person Mr. Keith Bucklew	Phone 317-233-2376	E-mail Address kbucklew@indot.in.gov
<p>Note: Fully describe the proposal including specifics that may be of environmental concern such as: widening an embankment to stabilize roadbed; repairing or replacing bridge piers foundations, including adding rip-rap in a waterway; earthwork and altering natural (existing) drainage patterns and creating new water discharge; contaminated water needing treatment; building a new or adding on to a shop building; fueling or collection of fuel or oil and contaminated water; building or extending a siding; and building or adding on to a yard.</p>		
Description of Proposal The proposed project represents the addition of a universal crossover between two immediately adjacent tracks at milepost 485 of the NSR Chicago Line. All work will be within existing NSR right-of-way, no property acquisition is required for the project.		

Purpose and Need of Proposal

There is a demonstrated need to reduce overall rail traffic congestion and increase operational fluidity at this location on a line segment which is part of the primary route of intercity passenger rail service in this area of northwestern Indiana. This line segment also boasts one of the highest freight train volumes in the nation, as well as a significant volume of intercity passenger trains that require consistent on-time performance.

The Burns Harbor (East) Universal Crossover will provide rail dispatchers the ability to reroute trains between the two main track in a zone that currently does not have this capability.

The proposed left hand crossover will enable main line operations to more fully utilize both main track #1 and main track #2 east of the expanded control point, and enable Amtrak movements operating to and from the Michigan Corridor to be crossed to track #1 at this location in the event that track #2 is blocked or out-of-service for maintenance east of this point.

By adding this new rail infrastructure, additional track capacity and routing options will be created. This will reduce congestion and improve operational consistency and drive improvements in on-time performance.

II. NEPA CLASS OF ACTION

Answer the following questions to determine the proposal's potential class of action.

A. Will the proposal substantially impact the natural, social and / or human environment?

YES (Contact FRA) NO (Continue)

Actions that will significantly impact the environment require preparation of an Environmental Impact Statement. These proposals typically include construction or extension of rail lines or rail facilities including passenger, high speed, or freight rail activities.

B. Is the significance of the proposal's social, economic or environmental impacts unknown?

YES (Contact FRA) NO (Continue)

C. Does Section 4(f) of the Department of Transportation Act apply? (i.e. proposal requires the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance, as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site.)

YES (Contact FRA) NO (Continue)

D. Is the proposal likely to require detailed evaluation of more than a few potential impacts?

YES (Contact FRA) NO (Continue)

E. Is the proposal likely to generate intense public discussion or concern, even though it may be limited to a relatively small subset of the community?

YES (Contact FRA) NO (Continue)

F. Is the proposal inconsistent with any Federal, State, or local law, regulation, ordinance, or Judicial or administrative determination relating to environmental protection?

YES (Contact FRA) NO (Continue)

G. Is the proposal an integral part of a program of current Federally supported actions which, when considered separately, would not be classified as major actions, but when considered together may result in substantial impacts?

- YES (Contact FRA) NO (Continue)

If the answer to any of the questions B through G is "YES", contact the FRA to determine whether the proposal requires preparation of an Environmental Assessment.

H. Is the proposal consistent with one of the following potential Categorical Exclusions?

FRA Procedures for Considering Environmental Impacts, 64 FR 28545 (May 26, 1999)

- YES (Mark category and continue as indicated) NO (Contact FRA)

- Financial assistance or procurements solely for planning or design activities that do not commit the FRA or its applicants to a particular course of action affecting the environment. *(stop and submit to FRA)*
- State rail assistance grants for acquisition. *(Continue to Part III)*
- Operating assistance to a railroad to continue existing service or to increase service to meet demand, where the assistance will not result in a change in the effect on the environment. *(stop and submit to FRA)*
- Acquisition of existing railroad equipment, track and bridge structures, electrification, communication, signaling or security facilities, stations, maintenance of way and maintenance of equipment bases, and other existing railroad facilities or the right to use such facilities, for the purpose of conducting operations of a nature and at a level of use similar to those presently or previously existing on the subject properties. *(Complete Part III, Sections H, I, U, & V and submit to FRA)*
- Research, development and/or demonstration of advances in signal, communication and/or train control systems on existing rail lines provided that such research, development and/or demonstrations do not require the acquisition of substantial amounts of right-of-way, and do not substantially alter the traffic density [or operational] characteristics of the existing rail line. *(Continue to Part III)*
- Temporary replacement of an essential rail facility if repairs are commenced immediately after the occurrence of a natural disaster or catastrophic failure. *(Continue to Part III)*
- Changes in plans for a proposal for which an environmental document has been prepared, where the changes would not alter the environmental impacts of the action. *(Continue to Part III describing the full consequences of the changes only)*
- Maintenance of: existing railroad equipment; track and bridge structures; electrification, communication, signaling, or security facilities; stations; maintenance-of-way and maintenance-of-equipment bases; and other existing railroad-related facilities. ("Maintenance" means work, normally provided on a periodic basis, which does not change the existing character of the facility, and may include work characterized by other terms under specific FRA programs) *(Continue to Part III)*
- Financial assistance for the construction of minor loading and unloading facilities, provided that proposals are consistent with local zoning, do not involve the acquisition of a significant amount of land, and do not significantly alter the traffic density characteristics of existing rail or highway facilities. *(Continue to Part III)*
- Minor rail line additions including construction of side tracks, passing tracks, crossovers, short connections between existing rail lines, and new tracks within existing rail yards, provided that such additions are consistent with existing zoning, do not involve acquisition of a significant amount of right of way, and do not substantially alter the traffic density characteristics of the existing rail lines or rail facilities. *(Continue to Part III)*
- Improvements to existing facilities to service, inspect, or maintain rail passenger equipment, including expansion of existing buildings, the construction of new buildings and outdoor facilities, and the reconfiguration of yard tracks. *(Continue to Part III)*
- Environmental remediation through improvements to existing and former railroad track, infrastructure, stations and facilities, for the purpose of preventing or correcting environmental pollution of soil, air or water. *(Continue to Part III)*
- Replacement, reconstruction, or rehabilitation of an existing railroad bridge, including replacement with a culvert, that does not require the acquisition of a significant amount of right-of-way. *(Continue to Part III)*

III. PROPOSAL INFORMATION FOR CATEGORICAL EXCLUSIONS

Complete Part III unless indicated otherwise in Part II and submit to FRA.

For work to fixed facilities, maps displaying the following, as applicable, are required to be attached for FRA review:

- Proposal vicinity
- Proposal Site Plan indicating the USGS Quadrangle and Section
- Other Information as necessary to complete Part III

A. Describe how the proposal satisfies the purpose and need identified in Part I:

The Burns Harbor (East) Universal Crossover provides a new routing option at this location. The crossover will provide rail dispatchers needed flexibility, and provide enhanced operational capacity in the vicinity of the modified / expanded control point. By increasing fluidity, and enhancing the options available to progress trains through opposing or stopped traffic, rail congestion will be reduced and operational consistency and on-time performance improved through this area.

B. Location & Land Use: *For fixed facilities, attach a map or diagram, at an appropriate scale, identifying the location of the proposal site and if applicable, the surrounding land uses and zoning of the site and surrounding properties. If the proposal would require many pages of maps or diagrams, include only a location map and contact FRA to determine if additional information is required. A map or diagram that identifies locations of critical resource areas, wetlands, potential historic sites, or sensitive noise receptors such as schools, hospitals, and residences should be included if there is the potential for impacts to these resources.*

Briefly describe the existing land use of the proposal site and surrounding properties and resources.

The proposed project site is located along two existing tracks near an industrial area north of US12 and SR149 interchange. The Burns Harbor rail yard exists immediately to the west and Mittal Steel to the north. Attachment A includes mapping and aerial photographs of the project area.

C. Historic Resources: *If any cultural, historic, or archaeological resources are located in the immediate vicinity of the proposal, check and describe the resource(s) and then describe any potential effect of the proposal on the resource(s). Consultation with the SHPO is necessary when these resources are potentially affected.*

Cultural:

Historical:

Archaeological:

Has consultation with the State Historic Preservation Officer occurred? If so, describe and attach relevant correspondence.

Consultation with SHPO: Preliminary review of the National Register of Historic Places database with the Department of the Interior/National Park Service indicates there are no properties listed on the NRHP in proximity to the project area. The proposed project will be completed entirely within NS right-of-way. Coordination with the Division of Historic Preservation and Archaeology (DHPA), Indiana Department of Natural Resources, includes a project description, preliminary design, and photographs from a field visit. This correspondence may be found in Attachment B.

- D. Public Notification:** *Briefly describe any public outreach efforts undertaken on behalf of the proposal, if any. Indicate opportunities the public has had to comment on the proposal (e.g., Board meetings, open houses, special hearings).*

This project is considered to be a part of the INDOT passenger rail funding initiative and is intended to focus on relieving major rail congestion in Northwest Indiana for the benefit of three proposed high speed passenger rail lines and freight rail. Press releases are included in Attachment C.

Indicate prominent concerns expressed by agencies or the public regarding the proposal, if any.

N/A

- E. Transportation:** *Would the proposal have a detrimental effect on other railway operations or impact road traffic, or increase demand for parking?*

No (continue) Yes, describe potential transportation, traffic, and parking impacts, and address capacity constraints and potential impacts to existing railroad and highway operations. Include maps or diagrams indicating any impacts and any proposed modifications to existing railways or roadways or parking facilities. Also, summarize any consultation that has occurred with other railroads or highway authorities whose operations this project will impact.

The proposed project will improve freight and passenger rail operations by reducing congestion, and will not negatively impact road traffic.

- F. Noise and Vibration:** *Are permanent noise or vibration impacts likely?*

No (continue) Yes, describe how the proposal will involve noise impacts. If the proposal will result in a change in noise sources (number or speed of trains, stationary sources, etc.) and sensitive receptors (residences, hospitals, schools, parks, etc.) are present, apply screening distances for noise and vibration assessment found in FRA noise impact assessment guidance manual (and FTA's manual as needed) and compare proposal location with nearest receptor(s). If the screening distance is not achieved, attach a "General Noise and/or Vibration Assessment."

Noise Vibration

No sensitive noise receptors were identified within the screening distance. The project will not result in an increased number of train operations, increased speeds or new stationary noise sources. The project will not result in moving train operations closer to noise sensitive receptor sites. Therefore, the project, as proposed, will result in no new permanent noise or vibration impacts.

As a result of the general assessment(s) are there noise or vibration impacts?

No (continue) Yes (Describe and provide map identifying sensitive receptors):

G. Air Quality: *Does the proposal have the potential to increase concentrations of ambient criteria pollutants to levels that exceed the NAAQS, lead to the establishment of a new non-attainment area, or delay achievement of attainment?*

No (continue) Yes, attach an emissions analysis for General Conformity regarding Carbon Monoxide (CO), Ozone (O₃), Particulate Matter (PM₁₀), Nitrous Oxides (NO_x), and Carbon Dioxide (CO₂), and include a hot spot analysis if indicated. Describe any substantial impacts from the proposal.

The purpose of the project is to improve rail operations and reduce congestion. Therefore, implementation of the project will reduce the number of idling trains in the area, thereby decreasing the amount of airborne pollutants. Porter County is designated by the USEPA as non-attainment for ozone.

Is the proposal located in a Non-Attainment or Maintenance area?

No (continue) Yes, for which of the following pollutants:

Carbon Monoxide (CO) Ozone (O₃) Particulate Matter (PM₁₀)

H. Hazardous Materials: *Does the proposal involve the use or handling of hazardous materials?*

No (continue) Yes, describe use and measures that will mitigate any potential for release and contamination.

The proposed project does not involve the use of hazardous materials.

I. Hazardous Waste: *If the proposal site is in a developed area or was previously developed or used for industrial or agricultural production, is it likely that hazardous materials will be encountered by undertaking the proposal? (Prior to acquiring land or a facility with FRA funds, FRA must be consulted regarding the potential presence of hazardous materials)*

No, explain why not and describe the steps taken to determine that hazardous materials are not present on the proposal site and then continue to question I.

A site visit and USEPA enviromapper database review indicated that no hazardous materials were present on or adjoining to the study area. Enviromapper information has been included as Attachment D. The Bethlehem Steel - Burns Harbor Division is located approximately 450 feet to the south. While this facility generates and disposes of significant amounts of hazardous materials or wastes and is subject to at least one corrective action, it does not represent a concern due to the relative distance and lack of deep excavation. The Levy Co Separation plant and US Can Co. - Burns Harbor Plant 10 are located at the intersection of US 12 and SR 149, approximately 450 feet to the south. These facilities generate some amount of hazardous waste and the US Can Co. is subject to corrective actions. These facilities also do not represent a concern due to the relative distance and the lack of deep excavation. Any areas suspected to contain or generate petroleum or hazardous waste are located at least 450 feet to the south of the proposed project area. Photographs of the study area can be found in Attachment A.

Yes, complete a Phase I site assessment and attach.

If a Phase I survey was completed, is a Phase II site assessment recommended?

No (continue) Yes, describe the mitigation and clean-up measures that will be taken to remediate any hazardous materials present and what steps will be taken to ensure that the local community is protected from contamination during construction and operation of the proposal.

J. Property Acquisition: *Is property acquisition needed for the proposal?*

No (continue) Yes, indicate whether the acquisition will result in relocation of businesses or

individuals. **Note:** *To ensure eligibility for Federal participation, grantees may not acquire property with either local matching or Federal funds prior to completing the NEPA process and receiving written FRA concurrence in both the NEPA recommendation and property appraisals.*

The proposed project is entirely within existing NSR right-of-way. No property acquisition is required.

K. Community Disruption and Environmental Justice: *Does the proposal present potentially disruptive impacts to adjacent communities?*

No (continue) Yes, provide a socio-economic profile of the affected community. Indicate whether the proposal will have a disproportionately high and adverse effect on minority or low-income populations. Describe any potential adverse effects and any community resources likely to be impacted. Describe outreach efforts targeted specifically at minority or low-income populations.

The proposed project will reduce train congestion, and thereby reduce the number of stationary/idle trains in the area. This will provide an environmental benefit to the community. Total percent minority populations within a one mile radius of the study area consist of 8.8%, compared to 7.9% for Porter County and 14.1% for the state. Total poverty level populations consist of 6.5%, compared to 5.8% for Porter County and 9.2% for the state. Although the local environmental justice populations examined were slightly higher than the county or state averages, none of the populations will be impacted by this project. There will be no acquisitions required and no community resources will be impacted or displaced. No Native American tribes (either federally recognized or other) are located within the study area. Environmental justice information has been included as Attachment E.

L. Impacts On Wetlands: *Does the proposal temporarily or permanently impact wetlands or require alterations to streams or waterways?*

No (continue) Yes, show wetlands and waters on the site map and classification. Describe the proposal's potential impact to on-site and adjacent wetlands and waters and attach any coordination with the State and US Army Corps of Engineers.

All work will be within existing NSR right-of-way. A site visit was completed July 21, 2009; no wetlands, streams or other waterways were identified within the study area/construction limits. Agency coordination with the USFWS, IDNR and the USACE has been initiated (August 20, 2009) and is included in Attachment F.

M. Floodplain Impacts: *Is the proposal located within the 100-year floodplain or are regulated floodways affected?*

No (continue) Yes, describe the potential for impacts due to changes in floodplain capacity or water flow, if any. If impacts are likely, attach scale maps describing potential impacts and describe any coordination with regulatory entities.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Community Panel Numbers 180201 0005C and 180425 0025B, the project area is located in a Zone C or upland area. There are no floodplains within the limits of the proposed project. The flood map is included in Attachment G.

N. Water Quality: *Are protected waters of special quality or concern, essential fish habitats, or protected drinking water resources present at or directly adjacent to the proposal site?*

No (continue) Yes, describe water resource and the potential for impact from the proposal, and any coordination with regulatory entities.

The project, once completed, will not result in additional water runoff, generation of wastewater or change the existing drainage or groundwater recharge patterns of the area. Therefore, no long term negative impact on local groundwater or surface water quality will occur as a result of the project. There is a channelized drainageway

near the south end of the project area though the project will have no affect on essential fish habitats.

- O. Navigable Waterways:** *Does the proposal cross or have effect on a navigable waterway?*
 No (continue) Yes, describe potential for impact and any coordination with US Coast Guard.

There are no navigable waterways located within the limits of the proposed project.

- P. Coastal Zones:** *Is the proposal in a designated coastal zone?*
 No (continue) Yes, describe coordination with the State regarding consistency with the coastal zone management plan and attach the State finding if available.

The State of Indiana is a participant in the National Coastal Zone Management Program. Indiana's coastal zone is located in the northern portions of Lake, Porter, and LaPorte Counties. This project is located in Porter County and within the Lake Michigan Coastal Program (LMCP) area. According to the LMCP Federal Consistency Nonrule Policy Document, not all federal agency actions require a federal consistency review and certification. Indiana reviews and lists actions deemed to potentially have an environmental impact to the coastal resources of the state. Table A in Section III of the policy document details the federal agency actions that the LMCP would require consistency determination. The project, as proposed, is exempted from federal consistency review and requires no further agency coordination.

- Q. Prime and Unique Farmlands:** *Does the proposal involve the use of any prime or unique farmlands?*
 No (continue) Yes, describe potential for impact and any coordination with the Soil Conservation Service of the US Department of Agriculture.

All work is confined within the existing right of way and does not have the potential to impact farmland. Farmland is not located within the vicinity of the project. Aerial photographs can be found in Attachment A.

- R. Ecologically Sensitive Areas And Endangered Species:** *Are any ecologically sensitive natural areas, designated wildlife or waterfowl refuges, or designated critical habitat areas (woodlands, prairies, wetlands, rivers, lakes, streams, and geological formations determined to be essential for the survival of a threatened or endangered species) within or directly adjacent to the proposal site?*

No (continue) Yes, describe them and the potential for impact. Describe any consultation with the State and the US Fish and Wildlife Service about the impacts to these natural areas and on threatened and endangered fauna and flora that may be affected. If required prepare a biological assessment and attach.

Site visit was completed July 21, 2009; no ecologically sensitive natural areas and endangered species were identified within or adjacent to the study area. Agency coordination with the USFWS and IDNR has been initiated (August 20, 2009) regarding the potential occurrence of any federal and/or state listed species within and adjacent to the proposed project and have been included as Attachment F.

- S. Safety And Security:** *Are there safety or security concerns about the proposal?*
 No (continue) Yes, describe the safety or security concerns and the measures that would need to be taken to provide for the safe and secure operation of the proposal after its construction.

No safety or security concerns have been identified.

- T. Construction Impacts:** *Are major construction period impacts likely?*
 No (continue) Yes, describe the construction plan and identify impacts due to construction noise, utility disruption, debris and spoil disposal, and address air and water quality impacts, safety and security issues, and disruptions of traffic and access to property and attach scale maps as necessary.

Construction impacts will be of a relatively short duration during active construction. Best management practices for dust and noise suppression will be followed. Debris and spoil disposal, if generated, will be removed according to state and local regulations. If contaminated soil is encountered, it will be segregated and sampled prior to disposal.

- U. Cumulative Impacts:** *Are cumulative impacts likely?*

A "cumulative impact" is the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts may include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or resulting from smaller actions that individually have no significant impact. Determining the cumulative environmental consequences of an action requires delineating the cause-and-effect relationships between the multiple actions and the resources, ecosystems, and human communities of concern.

- No (continue) Yes, describe the reasonably foreseeable:
 (a) Direct impacts, which are caused by the action and occur at the same time and place.

(b) Indirect impacts, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect impacts may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

- V. Related Federal, State, or Local Actions:** *Indicate whether the proposal requires any of the following actions (e.g., permits) by other Agencies and attach copies of relevant correspondence. It is not necessary to attach voluminous permit applications if a single cover Agency transmittal will indicate that a permit has been granted. Permitting issues can be described in the relevant resource discussion in sections B-S above.*

- Section 106** *Historic and Culturally Significant Properties*
- Section 401/404** *Wetlands and Water*
- USCG 404** *Navigable Waterways*
- Executive Orders** *Wetlands, Floodplains, Environmental Justice*
- Clean Air Act** *Air Quality*
- Endangered Species Act** *Threatened and Endangered Biological Resources*
- Magnuson-Stevens Fishery Conservation and Management Act** *Essential Fish Habitat*
- Safe Drinking Water Act**
- Other State or Local Requirements** (Describe)

- X. Mitigation:** Describe mitigation measures which address identified impacts and have been

incorporated into the proposal, if any.

No mitigation will be required.

Federal Railroad Administration (FRA) CATEGORICAL EXCLUSION WORKSHEET

Note: The purpose of this worksheet is to assist proposal sponsors in gathering and organizing materials for environmental analysis required under the National Environmental Policy Act (NEPA), particularly for proposals, which may qualify as Categorical Exclusions and to assist the FRA in evaluating requests from project sponsors for categorical exclusion determinations. Categorical Exclusions are categories of actions (i.e. types of projects) that the FRA has determined, based on its experience, typically do not individually or cumulatively have a significant effect on the human environment and which generally do not require the preparation of either an environmental impact statement or an environmental assessment.

Submission of the worksheet by itself does not meet NEPA requirements. FRA must concur in writing with the proposal sponsor's Categorical Exclusion recommendation for NEPA requirements to be met. Please complete this worksheet using compatible word processing software and submit and transmit the completed form in electronic format.

<i>For Agency Use</i>	<i>Date Received:</i>
<i>Reviewed By:</i> <i>Date:</i>	<i>Recommendation for action:</i> <input type="checkbox"/> <i>Accept</i> <input type="checkbox"/> <i>Return for Revisions</i> <input type="checkbox"/> <i>Not Eligible</i>
<i>Comments:</i>	
<i>Concurrence by Counsel:</i> <input type="checkbox"/> <i>Accept Recommendation</i> <input type="checkbox"/> <i>Return with Comments</i>	<i>Reviewed By:</i> <i>Date:</i>
<i>Comments:</i>	
<i>Concurrence by Approving Official:</i>	<i>Date:</i>

I. PROPOSAL DESCRIPTION

Proposal Sponsor Indiana Department of Transportation	Date Submitted	FRA Identification Number (if any)
Proposal Title IN-Indiana Gateway, Burns Harbor Improvements		
Location (Include Street Address, City or Township, County, and State) NSR Chicago Line, Milepost CD487, Burns Harbor, Indiana		
Contact Person Mr. Keith Bucklew	Phone 317-233-2376	E-mail Address kbucklew@indot.in.gov
<p>Note: Fully describe the proposal including specifics that may be of environmental concern such as: widening an embankment to stabilize roadbed; repairing or replacing bridge piers foundations, including adding rip-rap in a waterway; earthwork and altering natural (existing) drainage patterns and creating new water discharge; contaminated water needing treatment; building a new or adding on to a shop building; fueling or collection of fuel or oil and contaminated water; building or extending a siding; and building or adding on to a yard.</p>		
Description of Proposal The proposed project represents the replacement and expansion of control point, a new high speed universal crossover, and a crossover for access to Chicago, South Shore and South Bend railroad. All work will be within existing NSR right-of-way, no property acquisition is required for the project.		

Purpose and Need of Proposal

There is a demonstrated need to reduce overall rail traffic congestion and increase operational fluidity at this location on a line segment which is part of the primary route of intercity passenger rail service in this area of northwestern Indiana. This line segment also boasts one of the highest freight train volumes in the nation, as well as a significant volume of intercity passenger trains that require consistent on-time performance.

The Burns Harbor (West) Universal Crossover will provide rail dispatchers the ability to reroute trains in a new direction between the two main track in a zone that currently does not have this capability. The project will also increase the operating speed for an existing routing option so that it is consistent with immediately adjacent operations.

By adding this new rail infrastructure, and improving an existing operating characteristic, additional track capacity and routing options will be created in the vicinity of this location. This will reduce congestion and improve operational consistency and drive improvements in on-time performance.

II. NEPA CLASS OF ACTION

Answer the following questions to determine the proposal's potential class of action.

A. Will the proposal substantially impact the natural, social and / or human environment?

YES (Contact FRA) NO (Continue)

Actions that will significantly impact the environment require preparation of an Environmental Impact Statement. These proposals typically include construction or extension of rail lines or rail facilities including passenger, high speed, or freight rail activities.

B. Is the significance of the proposal's social, economic or environmental impacts unknown?

YES (Contact FRA) NO (Continue)

C. Does Section 4(f) of the Department of Transportation Act apply? (i.e. proposal requires the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance, as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site.)

YES (Contact FRA) NO (Continue)

D. Is the proposal likely to require detailed evaluation of more than a few potential impacts?

YES (Contact FRA) NO (Continue)

E. Is the proposal likely to generate intense public discussion or concern, even though it may be limited to a relatively small subset of the community?

YES (Contact FRA) NO (Continue)

F. Is the proposal inconsistent with any Federal, State, or local law, regulation, ordinance, or Judicial or administrative determination relating to environmental protection?

YES (Contact FRA) NO (Continue)

G. Is the proposal an integral part of a program of current Federally supported actions which, when considered separately, would not be classified as major actions, but when considered together may result in substantial impacts?

YES (Contact FRA) NO (Continue)

If the answer to any of the questions B through G is "YES", contact the FRA to determine whether the proposal requires preparation of an Environmental Assessment.

H. Is the proposal consistent with one of the following potential Categorical Exclusions?

FRA Procedures for Considering Environmental Impacts, 64 FR 28545 (May 26, 1999)

YES (Mark category and continue as indicated) NO (Contact FRA)

- Financial assistance or procurements solely for planning or design activities that do not commit the FRA or its applicants to a particular course of action affecting the environment. *(stop and submit to FRA)*
- State rail assistance grants for acquisition. *(Continue to Part III)*
- Operating assistance to a railroad to continue existing service or to increase service to meet demand, where the assistance will not result in a change in the effect on the environment. *(stop and submit to FRA)*
- Acquisition of existing railroad equipment, track and bridge structures, electrification, communication, signaling or security facilities, stations, maintenance of way and maintenance of equipment bases, and other existing railroad facilities or the right to use such facilities, for the purpose of conducting operations of a nature and at a level of use similar to those presently or previously existing on the subject properties. *(Complete Part III, Sections H, I, U, & V and submit to FRA)*
- Research, development and/or demonstration of advances in signal, communication and/or train control systems on existing rail lines provided that such research, development and/or demonstrations do not require the acquisition of substantial amounts of right-of-way, and do not substantially alter the traffic density [or operational] characteristics of the existing rail line. *(Continue to Part III)*
- Temporary replacement of an essential rail facility if repairs are commenced immediately after the occurrence of a natural disaster or catastrophic failure. *(Continue to Part III)*
- Changes in plans for a proposal for which an environmental document has been prepared, where the changes would not alter the environmental impacts of the action. *(Continue to Part III describing the full consequences of the changes only)*
- Maintenance of: existing railroad equipment; track and bridge structures; electrification, communication, signaling, or security facilities; stations; maintenance-of-way and maintenance-of-equipment bases; and other existing railroad-related facilities. ("Maintenance" means work, normally provided on a periodic basis, which does not change the existing character of the facility, and may include work characterized by other terms under specific FRA programs) *(Continue to Part III)*
- Financial assistance for the construction of minor loading and unloading facilities, provided that proposals are consistent with local zoning, do not involve the acquisition of a significant amount of land, and do not significantly alter the traffic density characteristics of existing rail or highway facilities. *(Continue to Part III)*
- Minor rail line additions including construction of side tracks, passing tracks, crossovers, short connections between existing rail lines, and new tracks within existing rail yards, provided that such additions are consistent with existing zoning, do not involve acquisition of a significant amount of right of way, and do not substantially alter the traffic density characteristics of the existing rail lines or rail facilities. *(Continue to Part III)*
- Improvements to existing facilities to service, inspect, or maintain rail passenger equipment, including expansion of existing buildings, the construction of new buildings and outdoor facilities, and the reconfiguration of yard tracks. *(Continue to Part III)*
- Environmental remediation through improvements to existing and former railroad track, infrastructure, stations and facilities, for the purpose of preventing or correcting environmental pollution of soil, air or water. *(Continue to Part III)*
- Replacement, reconstruction, or rehabilitation of an existing railroad bridge, including replacement with a culvert, that does not require the acquisition of a significant amount of right-of-way. *(Continue to Part III)*

III. PROPOSAL INFORMATION FOR CATEGORICAL EXCLUSIONS

Complete Part III unless indicated otherwise in Part II and submit to FRA.

For work to fixed facilities, maps displaying the following, as applicable, are required to be

attached for FRA review:

- Proposal vicinity
- Proposal Site Plan indicating the USGS Quadrangle and Section
- Other Information as necessary to complete Part III

A. Describe how the proposal satisfies the purpose and need identified in Part I:

The Burns Harbor (West) Universal Crossover provides a new routing option at this location. The crossover will provide rail dispatchers needed flexibility, and provide enhanced operational capacity in the vicinity of the modified / expanded control point. By increasing fluidity, and enhancing the options available to progress trains through opposing or stopped traffic, rail congestion will be reduced and operational consistency and on-time performance improved through this area.

B. Location & Land Use: *For fixed facilities, attach a map or diagram, at an appropriate scale, identifying the location of the proposal site and if applicable, the surrounding land uses and zoning of the site and surrounding properties. If the proposal would require many pages of maps or diagrams, include only a location map and contact FRA to determine if additional information is required. A map or diagram that identifies locations of critical resource areas, wetlands, potential historic sites, or sensitive noise receptors such as schools, hospitals, and residences should be included if there is the potential for impacts to these resources.*

Briefly describe the existing land use of the proposal site and surrounding properties and resources.

The proposed project site is located along multiple existing tracks near the western end of NSR Burns Harbor Yard, immediately north and parallel to Dunes Highway (US12) near S.R. 249. Several industrial complexes are located north of the existing tracks. Attachment A includes mapping and aerial photographs of the project area.

C. Historic Resources: *If any cultural, historic, or archaeological resources are located in the immediate vicinity of the proposal, check and describe the resource(s) and then describe any potential effect of the proposal on the resource(s). Consultation with the SHPO is necessary when these resources are potentially affected.*

Cultural:

Historical:

Archaeological:

Has consultation with the State Historic Preservation Officer occurred? If so, describe and attach relevant correspondence.

Consultation with SHPO: A preliminary review of the National Register of Historic Places database with the Department of the Interior/National Park Service indicates there are no properties listed on the NRHP in proximity to the project area. The proposed project will be completed entirely within NS right-of-way. Coordination with the Division of Historic Preservation and Archaeology (DHPA), Indiana Department of Natural Resources, includes a project description, preliminary design, and photographs from a field visit. This correspondence may be found in Attachment B.

D. Public Notification: *Briefly describe any public outreach efforts undertaken on behalf of the proposal, if any. Indicate opportunities the public has had to comment on the proposal (e.g., Board meetings, open houses, special hearings).*

This project is considered to be a part of the INDOT passenger rail funding initiative and is intended to focus on relieving major rail congestion in Northwest Indiana for the benefit of three proposed high speed passenger rail lines and freight rail. Press releases are included in Attachment C.

Indicate prominent concerns expressed by agencies or the public regarding the proposal, if any.

N/A

- E. Transportation:** *Would the proposal have a detrimental effect on other railway operations or impact road traffic, or increase demand for parking?*
 No (continue) Yes, describe potential transportation, traffic, and parking impacts, and address capacity constraints and potential impacts to existing railroad and highway operations. Include maps or diagrams indicating any impacts and any proposed modifications to existing railways or roadways or parking facilities. Also, summarize any consultation that has occurred with other railroads or highway authorities whose operations this project will impact.

The proposed project will improve freight and passenger rail operations by reducing congestion, and will not negatively impact road traffic.

- F. Noise and Vibration:** *Are permanent noise or vibration impacts likely?*
 No (continue) Yes, describe how the proposal will involve noise impacts. If the proposal will result in a change in noise sources (number or speed of trains, stationary sources, etc.) and sensitive receptors (residences, hospitals, schools, parks, etc.) are present, apply screening distances for noise and vibration assessment found in FRA noise impact assessment guidance manual (and FTA's manual as needed) and compare proposal location with nearest receptor(s). If the screening distance is not achieved, attach a "General Noise and/or Vibration Assessment."

Noise Vibration

The project will not result in an increased number of train operations, increased speeds or new stationary noise sources. The project will not result in moving train operations closer to noise sensitive receptor sites. Therefore, the project, as proposed, will result in no new permanent noise or vibration impacts.

As a result of the general assessment(s) are there noise or vibration impacts?

No (continue) Yes (Describe and provide map identifying sensitive receptors):

- G. Air Quality:** *Does the proposal have the potential to increase concentrations of ambient criteria pollutants to levels that exceed the NAAQS, lead to the establishment of a new non-attainment area, or delay achievement of attainment?*

No (continue) Yes, attach an emissions analysis for General Conformity regarding Carbon Monoxide (CO), Ozone (O₃), Particulate Matter (PM₁₀), Nitrous Oxides (NO_x), and Carbon Dioxide (CO₂), and include a hot spot analysis if indicated. Describe any substantial impacts from the proposal.

The purpose of the project is to improve rail operations and reduce congestion. Therefore, implementation of the project will reduce the number of idling trains in the area, thereby decreasing the amount of airborne pollutants. Porter County is designated by the USEPA as non-attainment for ozone.

Is the proposal located in a Non-Attainment or Maintenance area?

No (continue) Yes, for which of the following pollutants:

Carbon Monoxide (CO) Ozone (O₃) Particulate Matter (PM₁₀)

- H. Hazardous Materials:** *Does the proposal involve the use or handling of hazardous materials?*

No (continue) Yes, describe use and measures that will mitigate any potential for release and contamination.

The proposed project does not involve the use of hazardous materials.

I. Hazardous Waste: *If the proposal site is in a developed area or was previously developed or used for industrial or agricultural production, is it likely that hazardous materials will be encountered by undertaking the proposal?* (Prior to acquiring land or a facility with FRA funds, FRA must be consulted regarding the potential presence of hazardous materials)

No, explain why not and describe the steps taken to determine that hazardous materials are not present on the proposal site and then continue to question I.

A site visit and USEPA enviromapper database review indicated that no hazardous materials were immediately visible but were present on the study area. Enviromapper information has been included as Attachment D. The project is located within the Conrail Burns yard, which is listed as a RCRA generator of hazardous materials. Any excavated material suspected to contain petroleum or hazardous contamination will be removed, staged and sampled prior to disposal. There are no records of violations, corrective actions or enforcement measures for this facility. Photographs of the study area can be found in Attachment A.

Yes, complete a Phase I site assessment and attach.

If a Phase I survey was completed, is a Phase II site assessment recommended?

No (continue) Yes, describe the mitigation and clean-up measures that will be taken to remediate any hazardous materials present and what steps will be taken to ensure that the local community is protected from contamination during construction and operation of the proposal.

J. Property Acquisition: *Is property acquisition needed for the proposal?*

No (continue) Yes, indicate whether the acquisition will result in relocation of businesses or individuals. **Note:** *To ensure eligibility for Federal participation, grantees may not acquire property with either local matching or Federal funds prior to completing the NEPA process and receiving written FRA concurrence in both the NEPA recommendation and property appraisals.*

The proposed project is entirely within existing NSR right-of-way. No property acquisition is required.

K. Community Disruption and Environmental Justice: *Does the proposal present potentially disruptive impacts to adjacent communities?*

No (continue) Yes, provide a socio-economic profile of the affected community. Indicate whether the proposal will have a disproportionately high and adverse effect on minority or low-income populations. Describe any potential adverse effects and any community resources likely to be impacted. Describe outreach efforts targeted specifically at minority or low-income populations.

The proposed project will reduce train congestion, and thereby reduce the number of stationary/idle trains in the area. This will provide an environmental benefit to the community. Total percent minority populations within a one mile radius of the study area consist of 12.1%, compared to 7.9% for Porter County and 14.1% for the state. Total poverty level populations consist of 10.4%, compared to 5.8% for Porter County and 9.2% for the state. Although the local environmental justice populations examined were slightly higher than the county or state averages, none of the populations will be impacted by this project. There will be no acquisitions required and no community resources will be impacted or displaced. No Native American tribes (either federally recognized or other) are located within the study area. Environmental justice information has been included as Attachment E.

- L. Impacts On Wetlands:** *Does the proposal temporarily or permanently impact wetlands or require alterations to streams or waterways?*
 No (continue) Yes, show wetlands and waters on the site map and classification. Describe the proposal's potential impact to on-site and adjacent wetlands and waters and attach any coordination with the State and US Army Corps of Engineers.

All work will be within existing NSR right-of-way. A site visit was completed July 21, 2009; no wetlands, streams or other waterways were identified within the study area/construction limits. Agency coordination with the USFWS, IDNR and the USACE has been initiated (August 20, 2009) and is included in Attachment F.

- M. Floodplain Impacts:** *Is the proposal located within the 100-year floodplain or are regulated floodways affected?*
 No (continue) Yes, describe the potential for impacts due to changes in floodplain capacity or water flow, if any. If impacts are likely, attach scale maps describing potential impacts and describe any coordination with regulatory entities.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Community Panel Number 180202 0010B, the project area is located in a Zone C or upland area. There are no floodplains within the limits of the proposed project. The flood map is included in Attachment G.

- N. Water Quality:** *Are protected waters of special quality or concern, essential fish habitats, or protected drinking water resources present at or directly adjacent to the proposal site?*
 No (continue) Yes, describe water resource and the potential for impact from the proposal, and any coordination with regulatory entities.

The project, once completed, will not result in additional water runoff, generation of wastewater or change the existing drainage or groundwater recharge patterns of the area. Therefore, no long term negative impact on local groundwater or surface water quality will occur as a result of the project. There is a channelized drainageway near the south end of the project area though the project will have no affect on essential fish habitats.

- O. Navigable Waterways:** *Does the proposal cross or have effect on a navigable waterway?*
 No (continue) Yes, describe potential for impact and any coordination with US Coast Guard.

There are no navigable waterways located within the limits of the proposed project.

- P. Coastal Zones:** *Is the proposal in a designated coastal zone?*
 No (continue) Yes, describe coordination with the State regarding consistency with the coastal zone management plan and attach the State finding if available.

The State of Indiana is a participant in the National Coastal Zone Management Program. Indiana's coastal zone is located in the northern portions of Lake, Porter, and LaPorte Counties. This project is located in Porter County and within the Lake Michigan Coastal Program (LMCP) area. According to the LMCP Federal Consistency Nonrule Policy Document, not all federal agency actions require a federal consistency review and certification. Indiana reviews and lists actions deemed to potentially have an environmental impact to the coastal resources of the state. Table A in Section III of the policy document details the federal agency actions that the LMCP would require consistency determination. The project, as proposed, is exempted from federal consistency review and requires no further agency coordination.

- Q. Prime and Unique Farmlands:** *Does the proposal involve the use of any prime or unique farmlands?*
 No (continue) Yes, describe potential for impact and any coordination with the Soil Conservation Service of the US Department of Agriculture.
- All work is confined within the existing right of way and does not have the potential to impact farmland. Farmland is not located within the vicinity of the project. Aerial photographs can be found in Attachment A.
- R. Ecologically Sensitive Areas And Endangered Species:** *Are any ecologically sensitive natural areas, designated wildlife or waterfowl refuges, or designated critical habitat areas (woodlands, prairies, wetlands, rivers, lakes, streams, and geological formations determined to be essential for the survival of a threatened or endangered species) within or directly adjacent to the proposal site?*
 No (continue) Yes, describe them and the potential for impact. Describe any consultation with the State and the US Fish and Wildlife Service about the impacts to these natural areas and on threatened and endangered fauna and flora that may be affected. If required prepare a biological assessment and attach.
- A site visit was completed July 21, 2009; no ecologically sensitive natural areas and endangered species were identified within or adjacent to the study area. Agency coordination with the USFWS and IDNR has been initiated (August 20, 2009) regarding the potential occurrence of any federal and/or state listed species within and adjacent to the proposed project and have been included as Attachment F.
- S. Safety And Security:** *Are there safety or security concerns about the proposal?*
 No (continue) Yes, describe the safety or security concerns and the measures that would need to be taken to provide for the safe and secure operation of the proposal after its construction.
- No safety or security concerns have been identified.
- T. Construction Impacts:** *Are major construction period impacts likely?*
 No (continue) Yes, describe the construction plan and identify impacts due to construction noise, utility disruption, debris and spoil disposal, and address air and water quality impacts, safety and security issues, and disruptions of traffic and access to property and attach scale maps as necessary.
- Construction impacts will be of a relatively short duration during active construction. Best management practices for dust and noise suppression will be followed. Debris and spoil disposal, if generated, will be removed according to state and local regulations. If contaminated soil is encountered, it will be segregated and sampled prior to disposal.
- U. Cumulative Impacts:** *Are cumulative impacts likely?*
 A "cumulative impact" is the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts may include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or resulting from smaller actions that individually have no significant impact. Determining the cumulative environmental consequences of an action requires delineating the cause-and-effect relationships between the multiple actions and the resources, ecosystems, and human communities of concern.
- No (continue) Yes, describe the reasonably foreseeable:
- (a) Direct impacts, which are caused by the action and occur at the same time and place.
- (b) Indirect impacts, which are caused by the action and are later in time or farther

removed in distance, but are still reasonably foreseeable. Indirect impacts may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

- V. Related Federal, State, or Local Actions:** *Indicate whether the proposal requires any of the following actions (e.g., permits) by other Agencies and attach copies of relevant correspondence. It is not necessary to attach voluminous permit applications if a single cover Agency transmittal will indicate that a permit has been granted. Permitting issues can be described in the relevant resource discussion in sections B-S above.*

- Section 106** *Historic and Culturally Significant Properties*
- Section 401/404** *Wetlands and Water*
- USCG 404** *Navigable Waterways*
- Executive Orders** *Wetlands, Floodplains, Environmental Justice*
- Clean Air Act** *Air Quality*
- Endangered Species Act** *Threatened and Endangered Biological Resources*
- Magnuson-Stevens Fishery Conservation and Management Act** *Essential Fish Habitat*
- Safe Drinking Water Act**
- Other State or Local Requirements** (Describe)

- X. Mitigation:** Describe mitigation measures which address identified impacts and have been incorporated into the proposal, if any.

No mitigation will be required.

Federal Railroad Administration (FRA) CATEGORICAL EXCLUSION WORKSHEET

Note: The purpose of this worksheet is to assist proposal sponsors in gathering and organizing materials for environmental analysis required under the National Environmental Policy Act (NEPA), particularly for proposals, which may qualify as Categorical Exclusions and to assist the FRA in evaluating requests from project sponsors for categorical exclusion determinations. Categorical Exclusions are categories of actions (i.e. types of projects) that the FRA has determined, based on its experience, typically do not individually or cumulatively have a significant effect on the human environment and which generally do not require the preparation of either an environmental impact statement or an environmental assessment.

Submission of the worksheet by itself does not meet NEPA requirements. FRA must concur in writing with the proposal sponsor's Categorical Exclusion recommendation for NEPA requirements to be met. Please complete this worksheet using compatible word processing software and submit and transmit the completed form in electronic format.

<i>For Agency Use</i>	<i>Date Received:</i>
<i>Reviewed By:</i> <i>Date:</i>	<i>Recommendation for action:</i> <input type="checkbox"/> <i>Accept</i> <input type="checkbox"/> <i>Return for Revisions</i> <input type="checkbox"/> <i>Not Eligible</i>
<i>Comments:</i>	
<i>Concurrence by Counsel:</i> <input type="checkbox"/> <i>Accept Recommendation</i> <input type="checkbox"/> <i>Return with Comments</i>	<i>Reviewed By:</i> <i>Date:</i>
<i>Comments:</i>	
<i>Concurrence by Approving Official:</i>	<i>Date:</i>

I. PROPOSAL DESCRIPTION

Proposal Sponsor Indiana Department of Transportation	Date Submitted	FRA Identification Number (if any)
Proposal Title IN-Indiana Gateway, Millers, Indiana Improvements		
Location (Include Street Address, City or Township, County, and State) NSR Chicago Line, Milepost CD490.1-492.4, Millers, Indiana		
Contact Person Mr. Keith Bucklew	Phone 317-233-2376	E-mail Address kbucklew@indot.in.gov
<p>Note: Fully describe the proposal including specifics that may be of environmental concern such as: widening an embankment to stabilize roadbed; repairing or replacing bridge piers foundations, including adding rip-rap in a waterway; earthwork and altering natural (existing) drainage patterns and creating new water discharge; contaminated water needing treatment; building a new or adding on to a shop building; fueling or collection of fuel or oil and contaminated water; building or extending a siding; and building or adding on to a yard.</p>		
<p>Description of Proposal The proposed project represents the addition of two universal crossovers between two immediately adjacent tracks of the NSR Chicago Line. In addition, an existing siding will be upgraded and extended. All work will be within existing NSR right-of-way, no property acquisition is required for the project.</p>		

Purpose and Need of Proposal

There is a demonstrated need to reduce overall rail traffic congestion and increase operational fluidity on this line segment which is part of the primary route of intercity passenger rail service in this area of northwestern Indiana. This line segment also boasts one of the highest freight train volumes in the nation, as well as a significant volume of intercity passenger trains that require consistent on-time performance.

The Millers Siding Improvement will provide rail dispatchers an additional 2+ mile segment of main line quality track which will have the ability of meeting / passing / temporary storage of trains of up to 11,000 ft in length clear of public at grade road crossings. The improvement makes use of and adds to approximately 8,000 ft of existing low speed side track, and add universal crossovers at each end of the segment enabling two tracks to be utilized for through movements at any time should one of the three tracks be blocked by traffic or out-of-service for maintenance. This provides dispatchers additional flexibility in this location when routing passenger traffic around freight traffic for purposes of an overtake.

By creating an enhanced facility from a currently underutilized asset, additional track capacity and routing options will be created at this location. This will reduce congestion and improve operational consistency and drive improvements in on-time performance in the vicinity of the improvement.

II. NEPA CLASS OF ACTION

Answer the following questions to determine the proposal's potential class of action.

A. Will the proposal substantially impact the natural, social and / or human environment?

YES (Contact FRA) NO (Continue)

Actions that will significantly impact the environment require preparation of an Environmental Impact Statement. These proposals typically include construction or extension of rail lines or rail facilities including passenger, high speed, or freight rail activities.

B. Is the significance of the proposal's social, economic or environmental impacts unknown?

YES (Contact FRA) NO (Continue)

C. Does Section 4(f) of the Department of Transportation Act apply? (i.e. proposal requires the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance, as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site.)

YES (Contact FRA) NO (Continue)

D. Is the proposal likely to require detailed evaluation of more than a few potential impacts?

YES (Contact FRA) NO (Continue)

E. Is the proposal likely to generate intense public discussion or concern, even though it may be limited to a relatively small subset of the community?

YES (Contact FRA) NO (Continue)

F. Is the proposal inconsistent with any Federal, State, or local law, regulation, ordinance, or Judicial or administrative determination relating to environmental protection?

YES (Contact FRA) NO (Continue)

G. Is the proposal an integral part of a program of current Federally supported actions which, when considered separately, would not be classified as major actions, but when considered together may result in substantial impacts?

- YES (Contact FRA) NO (Continue)

If the answer to any of the questions B through G is "YES", contact the FRA to determine whether the proposal requires preparation of an Environmental Assessment.

H. Is the proposal consistent with one of the following potential Categorical Exclusions?

FRA Procedures for Considering Environmental Impacts, 64 FR 28545 (May 26, 1999)

- YES (Mark category and continue as indicated) NO (Contact FRA)

- Financial assistance or procurements solely for planning or design activities that do not commit the FRA or its applicants to a particular course of action affecting the environment. (*stop and submit to FRA*)
- State rail assistance grants for acquisition. (*Continue to Part III*)
- Operating assistance to a railroad to continue existing service or to increase service to meet demand, where the assistance will not result in a change in the effect on the environment. (*stop and submit to FRA*)
- Acquisition of existing railroad equipment, track and bridge structures, electrification, communication, signaling or security facilities, stations, maintenance of way and maintenance of equipment bases, and other existing railroad facilities or the right to use such facilities, for the purpose of conducting operations of a nature and at a level of use similar to those presently or previously existing on the subject properties. (*Complete Part III, Sections H, I, U, & V and submit to FRA*)
- Research, development and/or demonstration of advances in signal, communication and/or train control systems on existing rail lines provided that such research, development and/or demonstrations do not require the acquisition of substantial amounts of right-of-way, and do not substantially alter the traffic density [or operational] characteristics of the existing rail line. (*Continue to Part III*)
- Temporary replacement of an essential rail facility if repairs are commenced immediately after the occurrence of a natural disaster or catastrophic failure. (*Continue to Part III*)
- Changes in plans for a proposal for which an environmental document has been prepared, where the changes would not alter the environmental impacts of the action. (*Continue to Part III describing the full consequences of the changes only*)
- Maintenance of: existing railroad equipment; track and bridge structures; electrification, communication, signaling, or security facilities; stations; maintenance-of-way and maintenance-of-equipment bases; and other existing railroad-related facilities. ("Maintenance" means work, normally provided on a periodic basis, which does not change the existing character of the facility, and may include work characterized by other terms under specific FRA programs) (*Continue to Part III*)
- Financial assistance for the construction of minor loading and unloading facilities, provided that proposals are consistent with local zoning, do not involve the acquisition of a significant amount of land, and do not significantly alter the traffic density characteristics of existing rail or highway facilities. (*Continue to Part III*)
- Minor rail line additions including construction of side tracks, passing tracks, crossovers, short connections between existing rail lines, and new tracks within existing rail yards, provided that such additions are consistent with existing zoning, do not involve acquisition of a significant amount of right of way, and do not substantially alter the traffic density characteristics of the existing rail lines or rail facilities. (*Continue to Part III*)
- Improvements to existing facilities to service, inspect, or maintain rail passenger equipment, including expansion of existing buildings, the construction of new buildings and outdoor facilities, and the reconfiguration of yard tracks. (*Continue to Part III*)
- Environmental remediation through improvements to existing and former railroad track, infrastructure, stations and facilities, for the purpose of preventing or correcting environmental pollution of soil, air or water. (*Continue to Part III*)
- Replacement, reconstruction, or rehabilitation of an existing railroad bridge, including replacement with a culvert, that does not require the acquisition of a significant amount of right-of-way. (*Continue to Part III*)

III. PROPOSAL INFORMATION FOR CATEGORICAL EXCLUSIONS

Complete Part III unless indicated otherwise in Part II and submit to FRA.

For work to fixed facilities, maps displaying the following, as applicable, are required to be attached for FRA review:

- Proposal vicinity
- Proposal Site Plan indicating the USGS Quadrangle and Section
- Other Information as necessary to complete Part III

A. Describe how the proposal satisfies the purpose and need identified in Part I:

The Millers Siding Improvement provides needed additional track capacity, clear of public at grade road crossings, having a length which is adequate to accommodate a modern freight train. The crossovers at each end of the improved segment will provide rail dispatchers needed flexibility, and provide enhanced operational capacity in the vicinity of the new control points. By increasing available capacity at this location the options available to progress trains through opposing, stopped, or lower priority traffic are increased. As a result rail congestion will be reduced and operational consistency and on-time performance improved through this area.

B. Location & Land Use: *For fixed facilities, attach a map or diagram, at an appropriate scale, identifying the location of the proposal site and if applicable, the surrounding land uses and zoning of the site and surrounding properties. If the proposal would require many pages of maps or diagrams, include only a location map and contact FRA to determine if additional information is required. A map or diagram that identifies locations of critical resource areas, wetlands, potential historic sites, or sensitive noise receptors such as schools, hospitals, and residences should be included if there is the potential for impacts to these resources.*

Briefly describe the existing land use of the proposal site and surrounding properties and resources.

The proposed project site is located along multiple existing tracks immediately north and parallel to Dunes Highway (US12), from County Line Road on the east to Lake Street on the west. Adjacent to the eastern end of the project is the Indiana Dunes National Lakeshore (see Section R), while the western end is characterized as more suburban Gary, Indiana. Attachment A includes mapping and aerial photographs of the project area.

C. Historic Resources: *If any cultural, historic, or archaeological resources are located in the immediate vicinity of the proposal, check and describe the resource(s) and then describe any potential effect of the proposal on the resource(s). Consultation with the SHPO is necessary when these resources are potentially affected.*

Cultural:

Historical:

Archaeological:

Has consultation with the State Historic Preservation Officer occurred? If so, describe and attach relevant correspondence.

Consultation with SHPO: A preliminary review of the National Register of Historic Places database with the Department of the Interior/National Park Service indicates there are no properties listed on the NRHP in

proximity to the project area. The proposed project will be completed entirely within NS right-of-way. Coordination with the Division of Historic Preservation and Archaeology (DHPA), Indiana Department of Natural Resources, includes a project description, preliminary design, and photographs from a field visit. This correspondence may be found in Attachment B.

D. Public Notification: *Briefly describe any public outreach efforts undertaken on behalf of the proposal, if any. Indicate opportunities the public has had to comment on the proposal (e.g., Board meetings, open houses, special hearings).*

This project is considered to be a part of the INDOT passenger rail funding initiative and is intended to focus on relieving major rail congestion in Northwest Indiana for the benefit of three proposed high speed passenger rail lines and freight rail. Press releases are included in Attachment C.

Indicate prominent concerns expressed by agencies or the public regarding the proposal, if any.

N/A

E. Transportation: *Would the proposal have a detrimental effect on other railway operations or impact road traffic, or increase demand for parking?*

No (continue) Yes, describe potential transportation, traffic, and parking impacts, and address capacity constraints and potential impacts to existing railroad and highway operations. Include maps or diagrams indicating any impacts and any proposed modifications to existing railways or roadways or parking facilities. Also, summarize any consultation that has occurred with other railroads or highway authorities whose operations this project will impact.

The proposed project will improve freight and passenger rail operations by reducing congestion, and will not negatively impact road traffic.

F. Noise and Vibration: *Are permanent noise or vibration impacts likely?*

No (continue) Yes, describe how the proposal will involve noise impacts. If the proposal will result in a change in noise sources (number or speed of trains, stationary sources, etc.) and sensitive receptors (residences, hospitals, schools, parks, etc.) are present, apply screening distances for noise and vibration assessment found in FRA noise impact assessment guidance manual (and FTA's manual as needed) and compare proposal location with nearest receptor(s). If the screening distance is not achieved, attach a "General Noise and/or Vibration Assessment."

Noise Vibration

The project will not result in an increased number of train operations, increased speeds or new stationary noise sources. The project will not result in moving train operations closer to noise sensitive receptor sites. There are several residential noise receptor sites located on the south side of the existing rail line. The project proposes extending a rail line along the north side of the existing tracks which will result in moving train operations away from the existing receptor sites possibly reducing noise levels. Therefore, the project, as proposed, will result in no new permanent noise or vibration impacts.

As a result of the general assessment(s) are there noise or vibration impacts?

No (continue) Yes (Describe and provide map identifying sensitive receptors):

G. Air Quality: *Does the proposal have the potential to increase concentrations of ambient criteria pollutants to levels that exceed the NAAQS, lead to the establishment of a new non-attainment area, or delay achievement of attainment?*

No (continue) Yes, attach an emissions analysis for General Conformity regarding Carbon Monoxide (CO), Ozone (O₃), Particulate Matter (PM₁₀), Nitrous Oxides (NO_x), and Carbon Dioxide (CO₂), and include a hot spot analysis if indicated. Describe any substantial impacts from the proposal.

The purpose of the project is to improve rail operations and reduce congestion. Therefore, implementation of the project will reduce the number of idling trains in the area, thereby decreasing the amount of airborne pollutants. Lake County is designated by the USEPA as non-attainment for ozone.

Is the proposal located in a Non-Attainment or Maintenance area?

No (continue) Yes, for which of the following pollutants:

Carbon Monoxide (CO) Ozone (O₃) Particulate Matter (PM₁₀)

H. Hazardous Materials: *Does the proposal involve the use or handling of hazardous materials?*

No (continue) Yes, describe use and measures that will mitigate any potential for release and contamination.

The proposed project does not involve the use of hazardous materials.

I. Hazardous Waste: *If the proposal site is in a developed area or was previously developed or used for industrial or agricultural production, is it likely that hazardous materials will be encountered by undertaking the proposal? (Prior to acquiring land or a facility with FRA funds, FRA must be consulted regarding the potential presence of hazardous materials)*

No, explain why not and describe the steps taken to determine that hazardous materials are not present on the proposal site and then continue to question I.

A site visit and USEPA enviromapper database review indicated that no hazardous materials were present on or adjoining to the study area. Enviromapper information has been included as Attachment D. The Kennedy King Middle School is listed as a RCRA small quantity generator of hazardous waste and is located more than 1000 feet to the north of the central portion of the study area for projects 5a-5d. The Indiana Bell telephone company is located more than 1,000 feet to the south of the west central portion of project 5e and is listed as a RCRA generator of hazardous waste. Due to the relative distance of these facilities and based on no evidence of contamination, it is unlikely that they represent a concern. These properties will not be impacted by the project and no right of way is required. There were no indications of violations, corrective actions or enforcement for either facility. Photographs of the study area can be found in Attachment A.

Yes, complete a Phase I site assessment and attach.

If a Phase I survey was completed, is a Phase II site assessment recommended?

No (continue) Yes, describe the mitigation and clean-up measures that will be taken to remediate any hazardous materials present and what steps will be taken to ensure that the local community is protected from contamination during construction and operation of the proposal.

J. Property Acquisition: *Is property acquisition needed for the proposal?*

No (continue) Yes, indicate whether the acquisition will result in relocation of businesses or individuals. **Note:** *To ensure eligibility for Federal participation, grantees may not acquire property with either local matching or Federal funds prior to completing the NEPA process and receiving written FRA concurrence in both the NEPA recommendation and property appraisals.*

The proposed project is entirely within existing NSR right-of-way. No property acquisition is required.

K. Community Disruption and Environmental Justice: *Does the proposal present potentially disruptive impacts to adjacent communities?*

No (continue) Yes, provide a socio-economic profile of the affected community. Indicate whether the proposal will have a disproportionately high and adverse effect on minority or low-income populations. Describe any potential adverse effects and any community resources likely to be impacted. Describe outreach efforts targeted specifically at minority or low-income populations.

The proposed project will reduce train congestion, and thereby reduce the number of stationary/idle trains in the area. This will provide an environmental benefit to the community. Total percent minority populations within a one mile radius of the study area consist of a range of 74.1 to 84.9%, compared to 7.9% for Porter County, 39.5% for Lake County and 14.1% for the state. Total poverty level populations range from 9.8 to 20.6%, compared to 5.8% for Porter County, 12% for Lake County and 9.2% for the state. Although the local environmental justice populations examined were slightly higher than the county or state averages, none of the populations will be impacted by this project. There will be no acquisitions required and no community resources will be impacted or displaced. No Native American tribes (either federally recognized or other) are located within the study area. Environmental justice information has been included as Attachment E.

L. Impacts On Wetlands: *Does the proposal temporarily or permanently impact wetlands or require alterations to streams or waterways?*

No (continue) Yes, show wetlands and waters on the site map and classification. Describe the proposal's potential impact to on-site and adjacent wetlands and waters and attach any coordination with the State and US Army Corps of Engineers.

All work will be within existing NSR right-of-way. Site visits were completed July 21 and August 10, 2009. No wetlands, streams or other waterways were identified within the study area/construction limits. However, wetlands were identified immediately north of the project area and outside of the proposed construction limits; therefore no impacts, temporarily or permanently, are expected. Agency coordination with the USFWS, IDNR and the USACE has been initiated (August 20, 2009) and is included in Attachment F.

M. Floodplain Impacts: *Is the proposal located within the 100-year floodplain or are regulated floodways affected?*

No (continue) Yes, describe the potential for impacts due to changes in floodplain capacity or water flow, if any. If impacts are likely, attach scale maps describing potential impacts and describe any coordination with regulatory entities.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Community Panel Numbers 180132 0004C and 180132 0002C, the project area is located in a Zone C or upland area. There are no floodplains within the limits of the proposed project. The flood map is included as Attachment G.

N. Water Quality: *Are protected waters of special quality or concern, essential fish habitats, or protected drinking water resources present at or directly adjacent to the proposal site?*

No (continue) Yes, describe water resource and the potential for impact from the proposal, and any coordination with regulatory entities.

The project, once completed, will not result in additional water runoff, generation of wastewater or change the existing drainage or

groundwater recharge patterns of the area. Therefore, no long term negative impact on local groundwater or surface water quality will occur as a result of the project. There are no streams or other watercourses located within the study area. The project will have no affect on essential fish habitats.

O. Navigable Waterways: *Does the proposal cross or have effect on a navigable waterway?*

No (continue) Yes, describe potential for impact and any coordination with US Coast Guard.

There are no navigable waterways located within the limits of the proposed project.

P. Coastal Zones: *Is the proposal in a designated coastal zone?*

No (continue) Yes, describe coordination with the State regarding consistency with the coastal zone management plan and attach the State finding if available.

The State of Indiana is a participant in the National Coastal Zone Management Program. Indiana's coastal zone is located in the northern portions of Lake, Porter, and LaPorte Counties. This project is located in Lake County and within the Lake Michigan Coastal Program (LMCP) area. According to the LMCP Federal Consistency Nonrule Policy Document, not all federal agency actions require a federal consistency review and certification. Indiana reviews and lists actions deemed to potentially have an environmental impact to the coastal resources of the state. Table A in Section III of the policy document details the federal agency actions that the LMCP would require consistency determination. The project, as proposed, is exempted from federal consistency review and requires no further agency coordination.

Q. Prime and Unique Farmlands: *Does the proposal involve the use of any prime or unique farmlands?*

No (continue) Yes, describe potential for impact and any coordination with the Soil Conservation Service of the US Department of Agriculture.

All work is confined within the existing right of way and does not have the potential to impact farmland. Farmland is not located within the vicinity of the project. Aerial photographs can be found in Attachment A.

R. Ecologically Sensitive Areas And Endangered Species: *Are any ecologically sensitive natural areas, designated wildlife or waterfowl refuges, or designated critical habitat areas (woodlands, prairies, wetlands, rivers, lakes, streams, and geological formations determined to be essential for the survival of a threatened or endangered species) within or directly adjacent to the proposal site?*

No (continue) Yes, describe them and the potential for impact. Describe any consultation with the State and the US Fish and Wildlife Service about the impacts to these natural areas and on threatened and endangered fauna and flora that may be affected. If required prepare a biological assessment and attach.

Site visits were completed July 21 and August 11, 2009; no ecologically sensitive natural areas and endangered species were identified within the study area/construction limits. However, the study area is bordered by Indiana Dunes National Lakeshore land along the length of the project. Agency coordination with the USFWS and IDNR has been initiated (August 20, 2009) regarding the potential occurrence of any federal and/or state listed species within and adjacent to the proposed project and have been included as Attachment F.

S. Safety And Security: *Are there safety or security concerns about the proposal?*

No (continue) Yes, describe the safety or security concerns and the measures that would need to be taken to provide for the safe and secure operation of the proposal after its construction.

No safety or security concerns have been identified.

T. Construction Impacts: *Are major construction period impacts likely?*

No (continue) Yes, describe the construction plan and identify impacts due to construction noise, utility disruption, debris and spoil disposal, and address air and water quality impacts, safety and security issues, and disruptions of traffic and access to property and attach scale maps as necessary.

Construction impacts will be of a relatively short duration during active construction. Best management practices for dust and noise suppression will be followed. Debris and spoil disposal, if generated, will be removed according to state and local regulations. If contaminated soil is encountered, it will be segregated and sampled prior to disposal.

U. Cumulative Impacts: *Are cumulative impacts likely?*

A "cumulative impact" is the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts may include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or resulting from smaller actions that individually have no significant impact. Determining the cumulative environmental consequences of an action requires delineating the cause-and-effect relationships between the multiple actions and the resources, ecosystems, and human communities of concern.

No (continue) Yes, describe the reasonably foreseeable:

(a) Direct impacts, which are caused by the action and occur at the same time and place.

(b) Indirect impacts, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect impacts may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

V. Related Federal, State, or Local Actions: *Indicate whether the proposal requires any of the following actions (e.g., permits) by other Agencies and attach copies of relevant correspondence. It is not necessary to attach voluminous permit applications if a single cover Agency transmittal will indicate that a permit has been granted. Permitting issues can be described in the relevant resource discussion in sections B-S above.*

Section 106 *Historic and Culturally Significant Properties*

Section 401/404 *Wetlands and Water*

USCG 404 *Navigable Waterways*

Executive Orders *Wetlands, Floodplains, Environmental Justice*

Clean Air Act *Air Quality*

Endangered Species Act *Threatened and Endangered Biological Resources*

Magnuson-Stevens Fishery Conservation and Management Act *Essential Fish Habitat*

Safe Drinking Water Act

Other State or Local Requirements (Describe)

- X. Mitigation:** Describe mitigation measures which address identified impacts and have been incorporated into the proposal, if any.

No mitigation will be required.

Federal Railroad Administration (FRA) CATEGORICAL EXCLUSION WORKSHEET

Note: The purpose of this worksheet is to assist proposal sponsors in gathering and organizing materials for environmental analysis required under the National Environmental Policy Act (NEPA), particularly for proposals, which may qualify as Categorical Exclusions and to assist the FRA in evaluating requests from project sponsors for categorical exclusion determinations. Categorical Exclusions are categories of actions (i.e. types of projects) that the FRA has determined, based on its experience, typically do not individually or cumulatively have a significant effect on the human environment and which generally do not require the preparation of either an environmental impact statement or an environmental assessment.

Submission of the worksheet by itself does not meet NEPA requirements. FRA must concur in writing with the proposal sponsor's Categorical Exclusion recommendation for NEPA requirements to be met. Please complete this worksheet using compatible word processing software and submit and transmit the completed form in electronic format.

<i>For Agency Use</i>	<i>Date Received:</i>
<i>Reviewed By:</i> <i>Date:</i>	<i>Recommendation for action:</i> <input type="checkbox"/> <i>Accept</i> <input type="checkbox"/> <i>Return for Revisions</i> <input type="checkbox"/> <i>Not Eligible</i>
<i>Comments:</i>	
<i>Concurrence by Counsel:</i> <input type="checkbox"/> <i>Accept Recommendation</i> <input type="checkbox"/> <i>Return with Comments</i>	<i>Reviewed By:</i> <i>Date:</i>
<i>Comments:</i>	
<i>Concurrence by Approving Official:</i>	<i>Date:</i>

I. PROPOSAL DESCRIPTION

Proposal Sponsor Indiana Department of Transportation	Date Submitted	FRA Identification Number (if any)
Proposal Title IN-Indiana Gateway, Gary Universal Crossover		
Location (Include Street Address, City or Township, County, and State) NSR Chicago Line, Milepost CD494.5, Gary, Indiana		
Contact Person Mr. Keith Bucklew	Phone 317-233-2376	E-mail Address kbucklew@indot.in.gov
<p>Note: Fully describe the proposal including specifics that may be of environmental concern such as: widening an embankment to stabilize roadbed; repairing or replacing bridge piers foundations, including adding rip-rap in a waterway; earthwork and altering natural (existing) drainage patterns and creating new water discharge; contaminated water needing treatment; building a new or adding on to a shop building; fueling or collection of fuel or oil and contaminated water; building or extending a siding; and building or adding on to a yard.</p>		
<p>Description of Proposal The proposed project represents the addition of a universal crossover between two immediately adjacent tracks at milepost 494.5 of the NSR Chicago Line. All work will be within existing NSR right-of-way, no property acquisition is required for the project.</p>		

Purpose and Need of Proposal

There is a demonstrated need to reduce overall rail traffic congestion and increase operational fluidity at this location on a line segment which is part of the primary route of intercity passenger rail service in this area of northwestern Indiana. This line segment also boasts one of the highest freight train volumes in the nation, as well as a significant volume of intercity passenger trains that require consistent on-time performance.

The Gary Universal Crossover will provide rail dispatchers the ability to reroute trains between the two main track in a zone that currently does not have this capability. flexibility will enable freight operations on this segment of track to be more efficiently staged for routing through CP-497 (~2 miles to the west) where a route to another freight carrier enters/exits the Chicago Line.

By adding this new rail infrastructure, additional track capacity and routing options will be created. Dispatchers will gain needed flexibility in the vicinity of a interchange point. This will reduce congestion and improve operational consistency and drive improvements in on-time performance.

II. NEPA CLASS OF ACTION

Answer the following questions to determine the proposal's potential class of action.

A. Will the proposal substantially impact the natural, social and / or human environment?

YES (Contact FRA) NO (Continue)

Actions that will significantly impact the environment require preparation of an Environmental Impact Statement. These proposals typically include construction or extension of rail lines or rail facilities including passenger, high speed, or freight rail activities.

B. Is the significance of the proposal's social, economic or environmental impacts unknown?

YES (Contact FRA) NO (Continue)

C. Does Section 4(f) of the Department of Transportation Act apply? (i.e. proposal requires the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance, as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site.)

YES (Contact FRA) NO (Continue)

D. Is the proposal likely to require detailed evaluation of more than a few potential impacts?

YES (Contact FRA) NO (Continue)

E. Is the proposal likely to generate intense public discussion or concern, even though it may be limited to a relatively small subset of the community?

YES (Contact FRA) NO (Continue)

F. Is the proposal inconsistent with any Federal, State, or local law, regulation, ordinance, or Judicial or administrative determination relating to environmental protection?

YES (Contact FRA) NO (Continue)

G. Is the proposal an integral part of a program of current Federally supported actions which, when considered separately, would not be classified as major actions, but when considered together may result in substantial impacts?

YES (Contact FRA) NO (Continue)

If the answer to any of the questions B through G is "YES", contact the FRA to determine whether the proposal requires preparation of an Environmental Assessment.

H. Is the proposal consistent with one of the following potential Categorical Exclusions?

FRA Procedures for Considering Environmental Impacts, 64 FR 28545 (May 26, 1999)

YES (Mark category and continue as indicated) NO (Contact FRA)

- Financial assistance or procurements solely for planning or design activities that do not commit the FRA or its applicants to a particular course of action affecting the environment. (*stop and submit to FRA*)
- State rail assistance grants for acquisition. (*Continue to Part III*)
- Operating assistance to a railroad to continue existing service or to increase service to meet demand, where the assistance will not result in a change in the effect on the environment. (*stop and submit to FRA*)
- Acquisition of existing railroad equipment, track and bridge structures, electrification, communication, signaling or security facilities, stations, maintenance of way and maintenance of equipment bases, and other existing railroad facilities or the right to use such facilities, for the purpose of conducting operations of a nature and at a level of use similar to those presently or previously existing on the subject properties. (*Complete Part III, Sections H, I, U, & V and submit to FRA*)
- Research, development and/or demonstration of advances in signal, communication and/or train control systems on existing rail lines provided that such research, development and/or demonstrations do not require the acquisition of substantial amounts of right-of-way, and do not substantially alter the traffic density [or operational] characteristics of the existing rail line. (*Continue to Part III*)
- Temporary replacement of an essential rail facility if repairs are commenced immediately after the occurrence of a natural disaster or catastrophic failure. (*Continue to Part III*)
- Changes in plans for a proposal for which an environmental document has been prepared, where the changes would not alter the environmental impacts of the action. (*Continue to Part III describing the full consequences of the changes only*)
- Maintenance of: existing railroad equipment; track and bridge structures; electrification, communication, signaling, or security facilities; stations; maintenance-of-way and maintenance-of-equipment bases; and other existing railroad-related facilities. ("Maintenance" means work, normally provided on a periodic basis, which does not change the existing character of the facility, and may include work characterized by other terms under specific FRA programs) (*Continue to Part III*)
- Financial assistance for the construction of minor loading and unloading facilities, provided that proposals are consistent with local zoning, do not involve the acquisition of a significant amount of land, and do not significantly alter the traffic density characteristics of existing rail or highway facilities. (*Continue to Part III*)
- Minor rail line additions including construction of side tracks, passing tracks, crossovers, short connections between existing rail lines, and new tracks within existing rail yards, provided that such additions are consistent with existing zoning, do not involve acquisition of a significant amount of right of way, and do not substantially alter the traffic density characteristics of the existing rail lines or rail facilities. (*Continue to Part III*)
- Improvements to existing facilities to service, inspect, or maintain rail passenger equipment, including expansion of existing buildings, the construction of new buildings and outdoor facilities, and the reconfiguration of yard tracks. (*Continue to Part III*)
- Environmental remediation through improvements to existing and former railroad track, infrastructure, stations and facilities, for the purpose of preventing or correcting environmental pollution of soil, air or water. (*Continue to Part III*)
- Replacement, reconstruction, or rehabilitation of an existing railroad bridge, including replacement with a culvert, that does not require the acquisition of a significant amount of right-of-way. (*Continue to Part III*)

III. **PROPOSAL INFORMATION FOR CATEGORICAL EXCLUSIONS**

Complete Part III unless indicated otherwise in Part II and submit to FRA.

For work to fixed facilities, maps displaying the following, as applicable, are required to be attached for FRA review:

- Proposal vicinity
- Proposal Site Plan indicating the USGS Quadrangle and Section
- Other Information as necessary to complete Part III

A. Describe how the proposal satisfies the purpose and need identified in Part I:

The Gary Universal Crossover provides a new routing option at this key location, and creates additional track capacity there. The crossover will provide rail dispatchers needed flexibility, and provide enhanced operational capacity in the vicinity of the new control point. By increasing fluidity, and enhancing the options available to progress trains through opposing or stopped traffic, rail congestion will be reduced and operational consistency and on-time performance improved through this area.

B. Location & Land Use: *For fixed facilities, attach a map or diagram, at an appropriate scale, identifying the location of the proposal site and if applicable, the surrounding land uses and zoning of the site and surrounding properties. If the proposal would require many pages of maps or diagrams, include only a location map and contact FRA to determine if additional information is required. A map or diagram that identifies locations of critical resource areas, wetlands, potential historic sites, or sensitive noise receptors such as schools, hospitals, and residences should be included if there is the potential for impacts to these resources.*

Briefly describe the existing land use of the proposal site and surrounding properties and resources.

The proposed project site is located along two existing tracks in Gary, Indiana. The project begins at Tennessee Street to the east and ends near Virginia Steet to the west. The area adjacent to the proposed project is open and uninhabited. Attachment A includes mapping and aerial photographs of the project area.

C. Historic Resources: *If any cultural, historic, or archaeological resources are located in the immediate vicinity of the proposal, check and describe the resource(s) and then describe any potential effect of the proposal on the resource(s). Consultation with the SHPO is necessary when these resources are potentially affected.*

Cultural:

Historical:

Archaeological:

Has consultation with the State Historic Preservation Officer occurred? If so, describe and attach relevant correspondence.

Consultation with SHPO: A preliminary review of the National Register of Historic Places database with the Department of the Interior/National Park Service indicates there are no properties listed on the NRHP in proximity to the project area. The proposed project will be completed entirely within NS right-of-way. Coordination with the Division of Historic Preservation and Archaeology (DHPA), Indiana Department of Natural Resources, includes a project description, preliminary design, and photographs from a field visit. This correspondence may be found in Attachment B.

D. Public Notification: *Briefly describe any public outreach efforts undertaken on behalf of the proposal, if any. Indicate opportunities the public has had to comment on the proposal (e.g., Board meetings, open*

houses, special hearings).

This project is considered to be a part of the INDOT passenger rail funding initiative and is intended to focus on relieving major rail congestion in Northwest Indiana for the benefit of three proposed high speed passenger rail lines and freight rail. Press releases are included in Attachment C.

Indicate prominent concerns expressed by agencies or the public regarding the proposal, if any.

N/A

E. Transportation: *Would the proposal have a detrimental effect on other railway operations or impact road traffic, or increase demand for parking?*

No (continue) Yes, describe potential transportation, traffic, and parking impacts, and address capacity constraints and potential impacts to existing railroad and highway operations. Include maps or diagrams indicating any impacts and any proposed modifications to existing railways or roadways or parking facilities. Also, summarize any consultation that has occurred with other railroads or highway authorities whose operations this project will impact.

The proposed project will improve freight and passenger rail operations by reducing congestion, and will not negatively impact road traffic.

F. Noise and Vibration: *Are permanent noise or vibration impacts likely?*

No (continue) Yes, describe how the proposal will involve noise impacts. If the proposal will result in a change in noise sources (number or speed of trains, stationary sources, etc.) and sensitive receptors (residences, hospitals, schools, parks, etc.) are present, apply screening distances for noise and vibration assessment found in FRA noise impact assessment guidance manual (and FTA's manual as needed) and compare proposal location with nearest receptor(s). If the screening distance is not achieved, attach a "General Noise and/or Vibration Assessment."

Noise Vibration

The project will not result in an increased number of train operations, increased speeds or new stationary noise sources. The project will not result in moving train operations closer to noise sensitive receptor sites. Therefore, the project, as proposed, will result in no new permanent noise or vibration impacts.

As a result of the general assessment(s) are there noise or vibration impacts?

No (continue) Yes (Describe and provide map identifying sensitive receptors):

G. Air Quality: *Does the proposal have the potential to increase concentrations of ambient criteria pollutants to levels that exceed the NAAQS, lead to the establishment of a new non-attainment area, or delay achievement of attainment?*

No (continue) Yes, attach an emissions analysis for General Conformity regarding Carbon Monoxide (CO), Ozone (O₃), Particulate Matter (PM₁₀), Nitrous Oxides (NO_x), and Carbon Dioxide (CO₂), and include a hot spot analysis if indicated. Describe any substantial impacts from the proposal.

The purpose of the project is to improve rail operations and reduce congestion. Therefore, implementation of the project will reduce the number of idling trains in the area, thereby decreasing the amount of airborne pollutants. Lake County is designated by the USEPA as non-attainment for ozone.

Is the proposal located in a Non-Attainment or Maintenance area?

No (continue) Yes, for which of the following pollutants:

Carbon Monoxide (CO) Ozone (O₃) Particulate Matter (PM₁₀)

- H. Hazardous Materials:** *Does the proposal involve the use or handling of hazardous materials?*
 No (continue) Yes, describe use and measures that will mitigate any potential for release and contamination.

The proposed project does not involve the use of hazardous materials.

- I. Hazardous Waste:** *If the proposal site is in a developed area or was previously developed or used for industrial or agricultural production, is it likely that hazardous materials will be encountered by undertaking the proposal?* (Prior to acquiring land or a facility with FRA funds, FRA must be consulted regarding the potential presence of hazardous materials)

No, explain why not and describe the steps taken to determine that hazardous materials are not present on the proposal site and then continue to question I.

A site visit and USEPA enviromapper database review indicated that no hazardous materials were present on or adjoining to the study area. Enviromapper information has been included as Attachment D. A commercial facility is located to the north of the eastern portion of the project area, but is not listed on any database. A visual inspection indicated that there were no concerns on this site that have the potential to impact the project. Photographs of the study area can be found in Attachment A.

Yes, complete a Phase I site assessment and attach.

If a Phase I survey was completed, is a Phase II site assessment recommended?

No (continue) Yes, describe the mitigation and clean-up measures that will be taken to remediate any hazardous materials present and what steps will be taken to ensure that the local community is protected from contamination during construction and operation of the proposal.

- J. Property Acquisition:** *Is property acquisition needed for the proposal?*

No (continue) Yes, indicate whether the acquisition will result in relocation of businesses or individuals. **Note:** *To ensure eligibility for Federal participation, grantees may not acquire property with either local matching or Federal funds prior to completing the NEPA process and receiving written FRA concurrence in both the NEPA recommendation and property appraisals.*

The proposed project is entirely within existing NSR right-of-way. No property acquisition is required.

- K. Community Disruption and Environmental Justice:** *Does the proposal present potentially disruptive impacts to adjacent communities?*

No (continue) Yes, provide a socio-economic profile of the affected community. Indicate whether the proposal will have a disproportionately high and adverse effect on minority or low-income populations. Describe any potential adverse effects and any community resources likely to be impacted. Describe outreach efforts targeted specifically at minority or low-income populations.

The proposed project will reduce train congestion, and thereby reduce the number of stationary/idle trains in the area. This will provide an environmental benefit to the community. Total percent minority populations within a one mile radius of the study area consist of 96.8%, compared to 39.5% for Lake County and 14.1% for the state. Total poverty level populations are 35.3% compared to 12% for Lake County and 9.2% for the state. Although the local environmental justice populations examined were slightly higher than the county or state averages, none of the populations will be impacted by this project. There will be no acquisitions required and no community resources will be impacted or displaced. No Native American tribes (either federally recognized or other) are located within the study area. Environmental justice information has been included as Attachment E.

L. Impacts On Wetlands: *Does the proposal temporarily or permanently impact wetlands or require alterations to streams or waterways?*

No (continue) Yes, show wetlands and waters on the site map and classification. Describe the proposal's potential impact to on-site and adjacent wetlands and waters and attach any coordination with the State and US Army Corps of Engineers.

All work will be within existing NSR right-of-way. A site visit was completed July 21, 2009; no wetlands, streams or other waterways were identified within the study area/construction limits. Agency coordination with the USFWS, IDNR and the USACE has been initiated (August 20, 2009) and is included in Attachment F.

M. Floodplain Impacts: *Is the proposal located within the 100-year floodplain or are regulated floodways affected?*

No (continue) Yes, describe the potential for impacts due to changes in floodplain capacity or water flow, if any. If impacts are likely, attach scale maps describing potential impacts and describe any coordination with regulatory entities.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Community Panel Number 180132 0007C, the project area is located in a Zone C or upland area. There are no floodplains within the limits of the proposed project. The flood map is included as Attachment G.

N. Water Quality: *Are protected waters of special quality or concern, essential fish habitats, or protected drinking water resources present at or directly adjacent to the proposal site?*

No (continue) Yes, describe water resource and the potential for impact from the proposal, and any coordination with regulatory entities.

The project, once completed, will not result in additional water runoff, generation of wastewater or change the existing drainage or groundwater recharge patterns of the area. Therefore, no long term negative impact on local groundwater or surface water quality will occur as a result of the project. There are no streams or other watercourses located within the study area. The project will have no affect on essential fish habitats.

O. Navigable Waterways: *Does the proposal cross or have effect on a navigable waterway?*

No (continue) Yes, describe potential for impact and any coordination with US Coast Guard.

There are no navigable waterways located within the limits of the proposed project.

P. Coastal Zones: *Is the proposal in a designated coastal zone?*

No (continue) Yes, describe coordination with the State regarding consistency with the coastal zone management plan and attach the State finding if available.

The State of Indiana is a participant in the National Coastal Zone Management Program. Indiana's coastal zone is located in the northern portions of Lake, Porter, and LaPorte Counties. This project is located in Lake County and within the Lake Michigan Coastal Program (LMCP) area. According to the LMCP Federal Consistency Nonrule Policy Document, not all federal agency actions require a federal consistency review and certification. Indiana reviews and lists actions deemed to potentially have an environmental impact to the coastal resources of the state. Table A in Section III of the policy document details the federal agency actions that the LMCP would require consistency determination. The project, as proposed, is exempted from federal consistency review and requires no further agency coordination.

Q. Prime and Unique Farmlands: *Does the proposal involve the use of any prime or unique*

farmlands?

No (continue) Yes, describe potential for impact and any coordination with the Soil Conservation Service of the US Department of Agriculture.

All work is confined within the existing right of way and does not have the potential to impact farmland. Farmland is not located within the vicinity of the project. Aerial photographs can be found in Attachment A.

R. Ecologically Sensitive Areas And Endangered Species: *Are any ecologically sensitive natural areas, designated wildlife or waterfowl refuges, or designated critical habitat areas (woodlands, prairies, wetlands, rivers, lakes, streams, and geological formations determined to be essential for the survival of a threatened or endangered species) within or directly adjacent to the proposal site?*

No (continue) Yes, describe them and the potential for impact. Describe any consultation with the State and the US Fish and Wildlife Service about the impacts to these natural areas and on threatened and endangered fauna and flora that may be affected. If required prepare a biological assessment and attach.

A site visit was completed July 21, 2009; no ecologically sensitive natural areas and endangered species were identified within or adjacent to the study area. Agency coordination with the USFWS and IDNR has been initiated (August 20, 2009) regarding the potential occurrence of any federal and/or state listed species within and adjacent to the proposed project and have been included as Attachment F.

S. Safety And Security: *Are there safety or security concerns about the proposal?*

No (continue) Yes, describe the safety or security concerns and the measures that would need to be taken to provide for the safe and secure operation of the proposal after its construction.

No safety or security concerns have been identified.

T. Construction Impacts: *Are major construction period impacts likely?*

No (continue) Yes, describe the construction plan and identify impacts due to construction noise, utility disruption, debris and spoil disposal, and address air and water quality impacts, safety and security issues, and disruptions of traffic and access to property and attach scale maps as necessary.

Construction impacts will be of a relatively short duration during active construction. Best management practices for dust and noise suppression will be followed. Debris and spoil disposal, if generated, will be removed according to state and local regulations. If contaminated soil is encountered, it will be segregated and sampled prior to disposal.

U. Cumulative Impacts: *Are cumulative impacts likely?*

A "cumulative impact" is the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts may include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or resulting from smaller actions that individually have no significant impact. Determining the cumulative environmental consequences of an action requires delineating the cause-and-effect relationships between the multiple actions and the resources, ecosystems, and human communities of concern.

No (continue) Yes, describe the reasonably foreseeable:

(a) Direct impacts, which are caused by the action and occur at the same time and place.

(b) Indirect impacts, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect impacts may

include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

- V. Related Federal, State, or Local Actions:** *Indicate whether the proposal requires any of the following actions (e.g., permits) by other Agencies and attach copies of relevant correspondence. It is not necessary to attach voluminous permit applications if a single cover Agency transmittal will indicate that a permit has been granted. Permitting issues can be described in the relevant resource discussion in sections B-S above.*

- Section 106** *Historic and Culturally Significant Properties*
- Section 401/404** *Wetlands and Water*
- USCG 404** *Navigable Waterways*
- Executive Orders** *Wetlands, Floodplains, Environmental Justice*
- Clean Air Act** *Air Quality*
- Endangered Species Act** *Threatened and Endangered Biological Resources*
- Magnuson-Stevens Fishery Conservation and Management Act** *Essential Fish Habitat*
- Safe Drinking Water Act**
- Other State or Local Requirements** (Describe)

- X. Mitigation:** Describe mitigation measures which address identified impacts and have been incorporated into the proposal, if any.

No mitigation will be required.

Federal Railroad Administration (FRA) CATEGORICAL EXCLUSION WORKSHEET

Note: The purpose of this worksheet is to assist proposal sponsors in gathering and organizing materials for environmental analysis required under the National Environmental Policy Act (NEPA), particularly for proposals, which may qualify as Categorical Exclusions and to assist the FRA in evaluating requests from project sponsors for categorical exclusion determinations. Categorical Exclusions are categories of actions (i.e. types of projects) that the FRA has determined, based on its experience, typically do not individually or cumulatively have a significant effect on the human environment and which generally do not require the preparation of either an environmental impact statement or an environmental assessment.

Submission of the worksheet by itself does not meet NEPA requirements. FRA must concur in writing with the proposal sponsor's Categorical Exclusion recommendation for NEPA requirements to be met. Please complete this worksheet using compatible word processing software and submit and transmit the completed form in electronic format.

<i>For Agency Use</i>	<i>Date Received:</i>
<i>Reviewed By:</i> <i>Date:</i>	<i>Recommendation for action:</i> <input type="checkbox"/> <i>Accept</i> <input type="checkbox"/> <i>Return for Revisions</i> <input type="checkbox"/> <i>Not Eligible</i>
<i>Comments:</i>	
<i>Concurrence by Counsel:</i> <input type="checkbox"/> <i>Accept Recommendation</i> <input type="checkbox"/> <i>Return with Comments</i>	<i>Reviewed By:</i> <i>Date:</i>
<i>Comments:</i>	
<i>Concurrence by Approving Official:</i>	<i>Date:</i>

I. PROPOSAL DESCRIPTION

Proposal Sponsor Indiana Department of Transportation	Date Submitted	FRA Identification Number (if any)
Proposal Title IN-Indiana Gateway, Pine Yard Area Improvements		
Location (Include Street Address, City or Township, County, and State) NSR Chicago Line, Milepost CD497.1-501.3, Gary, Indiana		
Contact Person Mr. Keith Bucklew	Phone 317-233-2376	E-mail Address kbucklew@indot.in.gov
<p>Note: Fully describe the proposal including specifics that may be of environmental concern such as: widening an embankment to stabilize roadbed; repairing or replacing bridge piers foundations, including adding rip-rap in a waterway; earthwork and altering natural (existing) drainage patterns and creating new water discharge; contaminated water needing treatment; building a new or adding on to a shop building; fueling or collection of fuel or oil and contaminated water; building or extending a siding; and building or adding on to a yard.</p>		
Description of Proposal The proposed project represents several improvements within Pine Yard in Gary Indiana. The proposed projects include rebuilding signals and installing high speed turnout to Pine Yard extension, a two-mile extension of a siding, the addition of a power turnout to access Pine Yard, an upgrade of an existing passing siding, a new passing siding extension and high speed turnout. All work will be within existing NSR right-of-way, no property acquisition is required for the project.		

Purpose and Need of Proposal

There is a demonstrated need to reduce overall rail traffic congestion and increase operational fluidity on this line segment which is part of the primary route of intercity passenger rail service in this area of northwestern Indiana. This line segment also boasts one of the highest freight train volumes in the nation, as well as a significant volume of intercity passenger trains that require consistent on-time performance.

The Pine Yard Area Improvements will provide rail dispatchers an additional 4+ mile segment of main line quality track which will provide the of meeting / passing / temporary storing of multiple trains of up to 11,000 ft in length clear of public at grade road crossings. The project also enable Pine Yard to be worked from the proposed track segment, as opposed to Track #1, creating additional capacity on this line segment. The improvement makes use of, and adds to, approximately 5,000 ft of existing low speed side track. In addition, new routing options will be added to the to the universal crossovers currently located at at each end of the segment. This enables two tracks to be utilized for through movements at any time should one of the three tracks be blocked by traffic or out-of-service for maintenance. This provides dispatchers additional flexibility in this location to route passenger traffic around opposing or stopped freight traffic, for purposes of an overtake.

By creating an enhanced facility from a currently underutilized asset, additional track capacity and routing options for active meeting, passing, and overtaking of trains will be created at this location. This will reduce congestion and improve operational consistency and drive improvements in on-time performance in the vicinity of the improvement.

II. NEPA CLASS OF ACTION

Answer the following questions to determine the proposal's potential class of action.

A. Will the proposal substantially impact the natural, social and / or human environment?

YES (Contact FRA) NO (Continue)

Actions that will significantly impact the environment require preparation of an Environmental Impact Statement. These proposals typically include construction or extension of rail lines or rail facilities including passenger, high speed, or freight rail activities.

B. Is the significance of the proposal's social, economic or environmental impacts unknown?

YES (Contact FRA) NO (Continue)

C. Does Section 4(f) of the Department of Transportation Act apply? (i.e. proposal requires the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance, as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site.)

YES (Contact FRA) NO (Continue)

D. Is the proposal likely to require detailed evaluation of more than a few potential impacts?

YES (Contact FRA) NO (Continue)

E. Is the proposal likely to generate intense public discussion or concern, even though it may be limited to a relatively small subset of the community?

YES (Contact FRA) NO (Continue)

F. Is the proposal inconsistent with any Federal, State, or local law, regulation, ordinance, or Judicial or administrative determination relating to environmental protection?

- YES (Contact FRA) NO (Continue)

G. Is the proposal an integral part of a program of current Federally supported actions which, when considered separately, would not be classified as major actions, but when considered together may result in substantial impacts?

- YES (Contact FRA) NO (Continue)

If the answer to any of the questions B through G is "YES", contact the FRA to determine whether the proposal requires preparation of an Environmental Assessment.

H. Is the proposal consistent with one of the following potential Categorical Exclusions?

FRA Procedures for Considering Environmental Impacts, 64 FR 28545 (May 26, 1999)

- YES (Mark category and continue as indicated) NO (Contact FRA)

- Financial assistance or procurements solely for planning or design activities that do not commit the FRA or its applicants to a particular course of action affecting the environment. *(stop and submit to FRA)*
- State rail assistance grants for acquisition. *(Continue to Part III)*
- Operating assistance to a railroad to continue existing service or to increase service to meet demand, where the assistance will not result in a change in the effect on the environment. *(stop and submit to FRA)*
- Acquisition of existing railroad equipment, track and bridge structures, electrification, communication, signaling or security facilities, stations, maintenance of way and maintenance of equipment bases, and other existing railroad facilities or the right to use such facilities, for the purpose of conducting operations of a nature and at a level of use similar to those presently or previously existing on the subject properties. *(Complete Part III, Sections H, I, U, & V and submit to FRA)*
- Research, development and/or demonstration of advances in signal, communication and/or train control systems on existing rail lines provided that such research, development and/or demonstrations do not require the acquisition of substantial amounts of right-of-way, and do not substantially alter the traffic density [or operational] characteristics of the existing rail line. *(Continue to Part III)*
- Temporary replacement of an essential rail facility if repairs are commenced immediately after the occurrence of a natural disaster or catastrophic failure. *(Continue to Part III)*
- Changes in plans for a proposal for which an environmental document has been prepared, where the changes would not alter the environmental impacts of the action. *(Continue to Part III describing the full consequences of the changes only)*
- Maintenance of: existing railroad equipment; track and bridge structures; electrification, communication, signaling, or security facilities; stations; maintenance-of-way and maintenance-of-equipment bases; and other existing railroad-related facilities. ("Maintenance" means work, normally provided on a periodic basis, which does not change the existing character of the facility, and may include work characterized by other terms under specific FRA programs) *(Continue to Part III)*
- Financial assistance for the construction of minor loading and unloading facilities, provided that proposals are consistent with local zoning, do not involve the acquisition of a significant amount of land, and do not significantly alter the traffic density characteristics of existing rail or highway facilities. *(Continue to Part III)*
- Minor rail line additions including construction of side tracks, passing tracks, crossovers, short connections between existing rail lines, and new tracks within existing rail yards, provided that such additions are consistent with existing zoning, do not involve acquisition of a significant amount of right of way, and do not substantially alter the traffic density characteristics of the existing rail lines or rail facilities. *(Continue to Part III)*
- Improvements to existing facilities to service, inspect, or maintain rail passenger equipment, including expansion of existing buildings, the construction of new buildings and outdoor facilities, and the reconfiguration of yard tracks. *(Continue to Part III)*
- Environmental remediation through improvements to existing and former railroad track, infrastructure, stations and facilities, for the purpose of preventing or correcting environmental pollution of soil, air or water.

(Continue to Part III)

- Replacement, reconstruction, or rehabilitation of an existing railroad bridge, including replacement with a culvert, that does not require the acquisition of a significant amount of right-of-way. (Continue to Part III)

III. PROPOSAL INFORMATION FOR CATEGORICAL EXCLUSIONS

Complete Part III unless indicated otherwise in Part II and submit to FRA.

For work to fixed facilities, maps displaying the following, as applicable, are required to be attached for FRA review:

- Proposal vicinity
- Proposal Site Plan indicating the USGS Quadrangle and Section
- Other Information as necessary to complete Part III

A. Describe how the proposal satisfies the purpose and need identified in Part I:

The Pine Yard Area Improvements provides needed additional track capacity, clear of public at grade road crossings, having a length which is adequate to accommodate a modern freight train. The crossovers at each end of the improved segment will provide rail dispatchers needed flexibility, and provide enhanced operational capacity in the vicinity of the new control points. By increasing available capacity at this location the options available to progress trains through opposing, stopped, or lower priority traffic are increased. As a result rail congestion will be reduced and operational consistency and on-time performance improved through this area.

B. Location & Land Use: *For fixed facilities, attach a map or diagram, at an appropriate scale, identifying the location of the proposal site and if applicable, the surrounding land uses and zoning of the site and surrounding properties. If the proposal would require many pages of maps or diagrams, include only a location map and contact FRA to determine if additional information is required. A map or diagram that identifies locations of critical resource areas, wetlands, potential historic sites, or sensitive noise receptors such as schools, hospitals, and residences should be included if there is the potential for impacts to these resources.*

Briefly describe the existing land use of the proposal site and surrounding properties and resources.

The proposed project site is located within Pine Yard in Gary, Indiana, north of I-90 near the Gary-Chicago International Airport. The areas adjacent to Pine Yard are characterized by dense industrial development. Attachment A includes mapping and aerial photographs of the project area.

C. Historic Resources: *If any cultural, historic, or archaeological resources are located in the immediate vicinity of the proposal, check and describe the resource(s) and then describe any potential effect of the proposal on the resource(s). Consultation with the SHPO is necessary when these resources are potentially affected.*

Cultural:

Historical:

Archaeological:

Has consultation with the State Historic Preservation Officer occurred? If so, describe and attach relevant correspondence.

Consultation with SHPO: A preliminary review of the National Register of

Historic Places database with the Department of the Interior/National Park Service indicates there are no properties listed on the NRHP in proximity to the project area. The proposed project will be completed entirely within NS right-of-way. Coordination with the Division of Historic Preservation and Archaeology (DHPA), Indiana Department of Natural Resources, includes a project description, preliminary design, and photographs from a field visit. This correspondence may be found in Attachment B.

D. Public Notification: *Briefly describe any public outreach efforts undertaken on behalf of the proposal, if any. Indicate opportunities the public has had to comment on the proposal (e.g., Board meetings, open houses, special hearings).*

This project is considered to be a part of the INDOT passenger rail funding initiative and is intended to focus on relieving major rail congestion in Northwest Indiana for the benefit of three proposed high speed passenger rail lines and freight rail. Press releases are included in Attachment C.

Indicate prominent concerns expressed by agencies or the public regarding the proposal, if any.

N/A

E. Transportation: *Would the proposal have a detrimental effect on other railway operations or impact road traffic, or increase demand for parking?*

No (continue) Yes, describe potential transportation, traffic, and parking impacts, and address capacity constraints and potential impacts to existing railroad and highway operations. Include maps or diagrams indicating any impacts and any proposed modifications to existing railways or roadways or parking facilities. Also, summarize any consultation that has occurred with other railroads or highway authorities whose operations this project will impact.

The proposed project will improve freight and passenger rail operations by reducing congestion, and will not negatively impact road traffic.

F. Noise and Vibration: *Are permanent noise or vibration impacts likely?*

No (continue) Yes, describe how the proposal will involve noise impacts. If the proposal will result in a change in noise sources (number or speed of trains, stationary sources, etc.) and sensitive receptors (residences, hospitals, schools, parks, etc.) are present, apply screening distances for noise and vibration assessment found in FRA noise impact assessment guidance manual (and FTA's manual as needed) and compare proposal location with nearest receptor(s). If the screening distance is not achieved, attach a "General Noise and/or Vibration Assessment."

Noise Vibration

The project will not result in an increased number of train operations, increased speeds or new stationary noise sources. There are no noise sensitive receptor sites located within the project limits. Therefore, the project, as proposed, will result in no new permanent noise or vibration impacts.

As a result of the general assessment(s) are there noise or vibration impacts?

No (continue) Yes (Describe and provide map identifying sensitive receptors):

G. Air Quality: *Does the proposal have the potential to increase concentrations of ambient criteria pollutants to levels that exceed the NAAQS, lead to the establishment of a new non-attainment area, or delay achievement of attainment?*

No (continue) Yes, attach an emissions analysis for General Conformity regarding Carbon Monoxide (CO), Ozone (O₃), Particulate Matter (PM₁₀), Nitrous Oxides (NO_x), and Carbon Dioxide (CO₂), and include a hot spot analysis if indicated. Describe any substantial impacts from the proposal.

The purpose of the project is to improve rail operations and reduce congestion. Therefore, implementation of the project will reduce the number of idling trains in the area, thereby decreasing the amount of airborne pollutants. Lake County is designated by the USEPA as non-attainment for ozone.

Is the proposal located in a Non-Attainment or Maintenance area?

No (continue) Yes, for which of the following pollutants:

Carbon Monoxide (CO) Ozone (O₃) Particulate Matter (PM₁₀)

H. Hazardous Materials: *Does the proposal involve the use or handling of hazardous materials?*

No (continue) Yes, describe use and measures that will mitigate any potential for release and contamination.

The proposed project does not involve the use of hazardous materials.

I. Hazardous Waste: *If the proposal site is in a developed area or was previously developed or used for industrial or agricultural production, is it likely that hazardous materials will be encountered by undertaking the proposal? (Prior to acquiring land or a facility with FRA funds, FRA must be consulted regarding the potential presence of hazardous materials)*

No, explain why not and describe the steps taken to determine that hazardous materials are not present on the proposal site and then continue to question I.

A site visit and USEPA enviromapper database review indicated that no hazardous materials were present on or adjoining to the study area. Enviromapper information has been included as Attachment D. The BMI facility located at 1100 North Clark Street is listed as a RCRA generator of hazardous waste and is located more than 1000 feet to the south of the central portion of the study area. Due to the relative distance of this facility and based on no evidence of contamination, it is unlikely that this site represents a concern. This property will not be impacted by the project and no right of way is required. There were no indications of violations, corrective actions or enforcement for this facility. Photographs of the study area can be found in Attachment A.

Yes, complete a Phase I site assessment and attach.

If a Phase I survey was completed, is a Phase II site assessment recommended?

No (continue) Yes, describe the mitigation and clean-up measures that will be taken to remediate any hazardous materials present and what steps will be taken to ensure that the local community is protected from contamination during construction and operation of the proposal.

J. Property Acquisition: *Is property acquisition needed for the proposal?*

No (continue) Yes, indicate whether the acquisition will result in relocation of businesses or individuals. **Note:** *To ensure eligibility for Federal participation, grantees may not acquire property with either local matching or Federal funds prior to completing the NEPA process and receiving written FRA concurrence in both the NEPA recommendation and property appraisals.*

The proposed project is entirely within existing NSR right-of-way. No property acquisition is required.

K. Community Disruption and Environmental Justice: *Does the proposal present potentially disruptive impacts to adjacent communities?*

No (continue) Yes, provide a socio-economic profile of the affected community. Indicate whether the proposal will have a disproportionately high and adverse effect on minority or low-income populations. Describe any potential adverse effects and any community resources likely to be impacted. Describe outreach efforts targeted specifically at minority or low-income populations.

The proposed project will reduce train congestion, and thereby reduce the number of stationary/idle trains in the area. This will provide an environmental benefit to the community. Total percent minority populations within a one mile radius of the study area consist of a range of 98.2%, compared to 39.5% for Lake County and 14.1% for the state. Total poverty level populations are 32.9% compared to 12% for Lake County and 9.2% for the state. Although the local environmental justice populations examined were slightly higher than the county or state averages, none of the populations will be impacted by this project. There will be no acquisitions required and no community resources will be impacted or displaced. No Native American tribes (either federally recognized or other) are located within the study area. Environmental justice information has been included as Attachment E.

L. Impacts On Wetlands: *Does the proposal temporarily or permanently impact wetlands or require alterations to streams or waterways?*

No (continue) Yes, show wetlands and waters on the site map and classification. Describe the proposal's potential impact to on-site and adjacent wetlands and waters and attach any coordination with the State and US Army Corps of Engineers.

All work will be within existing NSR right-of-way. Site visits were completed July 21 and August 11, 2009. No wetlands, streams or other waterways were identified within the study area/construction limits. However, wetlands were identified immediately north of the project area and outside of the proposed construction limits; therefore no impacts, temporarily or permanently, are expected. Agency coordination with the USFWS, IDNR and the USACE has been initiated (August 20, 2009) and is included in Attachment F.

M. Floodplain Impacts: *Is the proposal located within the 100-year floodplain or are regulated floodways affected?*

No (continue) Yes, describe the potential for impacts due to changes in floodplain capacity or water flow, if any. If impacts are likely, attach scale maps describing potential impacts and describe any coordination with regulatory entities.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Community Panel Number 180132 0017C, the project area is located in a Zone C or upland area. There are no floodplains within the limits of the proposed project. The flood map is included in Attachment G.

N. Water Quality: *Are protected waters of special quality or concern, essential fish habitats, or protected drinking water resources present at or directly adjacent to the proposal site?*

No (continue) Yes, describe water resource and the potential for impact from the proposal, and any coordination with regulatory entities.

The project, once completed, will not result in additional water runoff, generation of wastewater or change the existing drainage or groundwater recharge patterns of the area. Therefore, no long term negative impact on local groundwater or surface water quality will occur as a result of the project. There are no streams or other watercourses located within the study area. The project will have no

affect on essential fish habitats.

O. Navigable Waterways: *Does the proposal cross or have effect on a navigable waterway?*

No (continue) Yes, describe potential for impact and any coordination with US Coast Guard.

There are no navigable waterways located within the limits of the proposed project.

P. Coastal Zones: *Is the proposal in a designated coastal zone?*

No (continue) Yes, describe coordination with the State regarding consistency with the coastal zone management plan and attach the State finding if available.

The State of Indiana is a participant in the National Coastal Zone Management Program. Indiana's coastal zone is located in the northern portions of Lake, Porter, and LaPorte Counties. This project is located in Lake County and within the Lake Michigan Coastal Program (LMCP) area. According to the LMCP Federal Consistency Nonrule Policy Document, not all federal agency actions require a federal consistency review and certification. Indiana reviews and lists actions deemed to potentially have an environmental impact to the coastal resources of the state. Table A in Section III of the policy document details the federal agency actions that the LMCP would require consistency determination. The project, as proposed, is exempted from federal consistency review and requires no further agency coordination.

Q. Prime and Unique Farmlands: *Does the proposal involve the use of any prime or unique farmlands?*

No (continue) Yes, describe potential for impact and any coordination with the Soil Conservation Service of the US Department of Agriculture.

All work is confined within the existing right of way and does not have the potential to impact farmland. Farmland is not located within the vicinity of the project. Aerial photographs can be found in Attachment A.

R. Ecologically Sensitive Areas And Endangered Species: *Are any ecologically sensitive natural areas, designated wildlife or waterfowl refuges, or designated critical habitat areas (woodlands, prairies, wetlands, rivers, lakes, streams, and geological formations determined to be essential for the survival of a threatened or endangered species) within or directly adjacent to the proposal site?*

No (continue) Yes, describe them and the potential for impact. Describe any consultation with the State and the US Fish and Wildlife Service about the impacts to these natural areas and on threatened and endangered fauna and flora that may be affected. If required prepare a biological assessment and attach.

Site visits were completed July 21 and August 11, 2009; no ecologically sensitive natural areas and endangered species were identified within or adjacent to the study area. Agency coordination with the USFWS and IDNR has been initiated (August 20, 2009) regarding the potential occurrence of any federal and/or state listed species within and adjacent to the proposed project and have been included as Attachment F.

S. Safety And Security: *Are there safety or security concerns about the proposal?*

No (continue) Yes, describe the safety or security concerns and the measures that would need to be taken to provide for the safe and secure operation of the proposal after its construction.

No safety or security concerns have been identified.

T. Construction Impacts: *Are major construction period impacts likely?*

No (continue) Yes, describe the construction plan and identify impacts due to construction noise, utility disruption, debris and spoil disposal, and address air and water quality impacts, safety and security issues, and disruptions of traffic and access to property and attach scale maps as necessary.

Construction impacts will be of a relatively short duration during active construction. Best management practices for dust and noise suppression will be followed. Debris and spoil disposal, if generated, will be removed according to state and local regulations. If contaminated soil is encountered, it will be segregated and sampled prior to disposal.

U. Cumulative Impacts: *Are cumulative impacts likely?*

A "cumulative impact" is the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts may include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or resulting from smaller actions that individually have no significant impact. Determining the cumulative environmental consequences of an action requires delineating the cause-and-effect relationships between the multiple actions and the resources, ecosystems, and human communities of concern.

No (continue) Yes, describe the reasonably foreseeable:

(a) Direct impacts, which are caused by the action and occur at the same time and place.

(b) Indirect impacts, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect impacts may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

V. Related Federal, State, or Local Actions: *Indicate whether the proposal requires any of the following actions (e.g., permits) by other Agencies and attach copies of relevant correspondence. It is not necessary to attach voluminous permit applications if a single cover Agency transmittal will indicate that a permit has been granted. Permitting issues can be described in the relevant resource discussion in sections B-S above.*

Section 106 *Historic and Culturally Significant Properties*

Section 401/404 *Wetlands and Water*

USCG 404 *Navigable Waterways*

Executive Orders *Wetlands, Floodplains, Environmental Justice*

Clean Air Act *Air Quality*

Endangered Species Act *Threatened and Endangered Biological Resources*

Magnuson-Stevens Fishery Conservation and Management Act *Essential Fish Habitat*

Safe Drinking Water Act

Other State or Local Requirements (Describe)

X. Mitigation: Describe mitigation measures which address identified impacts and have been

incorporated into the proposal, if any.

No mitigation will be required.

Federal Railroad Administration (FRA) CATEGORICAL EXCLUSION WORKSHEET

Note: The purpose of this worksheet is to assist proposal sponsors in gathering and organizing materials for environmental analysis required under the National Environmental Policy Act (NEPA), particularly for proposals, which may qualify as Categorical Exclusions and to assist the FRA in evaluating requests from project sponsors for categorical exclusion determinations. Categorical Exclusions are categories of actions (i.e. types of projects) that the FRA has determined, based on its experience, typically do not individually or cumulatively have a significant effect on the human environment and which generally do not require the preparation of either an environmental impact statement or an environmental assessment.

Submission of the worksheet by itself does not meet NEPA requirements. FRA must concur in writing with the proposal sponsor's Categorical Exclusion recommendation for NEPA requirements to be met. Please complete this worksheet using compatible word processing software and submit and transmit the completed form in electronic format.

<i>For Agency Use</i>	<i>Date Received:</i>
<i>Reviewed By:</i> <i>Date:</i>	<i>Recommendation for action:</i> <input type="checkbox"/> <i>Accept</i> <input type="checkbox"/> <i>Return for Revisions</i> <input type="checkbox"/> <i>Not Eligible</i>
<i>Comments:</i>	
<i>Concurrence by Counsel:</i> <input type="checkbox"/> <i>Accept Recommendation</i> <input type="checkbox"/> <i>Return with Comments</i>	<i>Reviewed By:</i> <i>Date:</i>
<i>Comments:</i>	
<i>Concurrence by Approving Official:</i>	<i>Date:</i>

I. PROPOSAL DESCRIPTION

Proposal Sponsor Indiana Department of Transportation	Date Submitted	FRA Identification Number (if any)
Proposal Title IN-Indiana Gateway, Whiting, Indiana Area Improvements		
Location (Include Street Address, City or Township, County, and State) NSR Chicago Line, Milepost CD505.9-506.6, Gary, Indiana		
Contact Person Mr. Keith Bucklew	Phone 317-233-2376	E-mail Address kbucklew@indot.in.gov
<p>Note: Fully describe the proposal including specifics that may be of environmental concern such as: widening an embankment to stabilize roadbed; repairing or replacing bridge piers foundations, including adding rip-rap in a waterway; earthwork and altering natural (existing) drainage patterns and creating new water discharge; contaminated water needing treatment; building a new or adding on to a shop building; fueling or collection of fuel or oil and contaminated water; building or extending a siding; and building or adding on to a yard.</p>		
Description of Proposal The proposed project represents the construction of a new control point and new high speed universal crossover. In addition, a track rehabilitation is proposed on former line in order to improve connectivity. All work will be within existing NSR right-of-way, no property acquisition is required for the project.		

Purpose and Need of Proposal

There is a demonstrated need to reduce overall rail traffic congestion and increase operational fluidity at this location on a line segment which is part of the primary route of intercity passenger rail service in this area of northwestern Indiana. This line segment also boasts one of the highest freight train volumes in the nation, as well as a significant volume of intercity passenger trains that require consistent on-time performance.

The Whiting Area Improvements will provide rail dispatchers an contiguous ~5.6 mile segment of main line quality track which can be used for the meeting / passing / temporary storing of up to 11,000 ft in length clear of public at grade road crossings. The project also enables freight trains entering/exiting/working the adjacent Colehour Yard to do so from the proposed contiguous track segment, as opposed using Main Track #2. This creates significant additional capacity on this line segment. The improvement adds approximately 0.5 miles of new track that ties into the existing yard track #3 and track #19, which are currently separated from one another. This addition fills a long existing gap in infrastructure. In addition, new routing options will be added to the to the control points that are currently located at at each end of the new segment. The additional routing options will enables two tracks to be utilized for through movements at any time should one of the three tracks be blocked by traffic or out-of-service for maintenance. This provides dispatchers additional flexibility through this location to route passenger traffic around opposing or stopped traffic.

By creating an enhanced facility from two currently isolated sections of track, additional track capacity and routing options for active meeting, passing, overtaking, and switching of trains will be created at this location. This will reduce congestion and improve operational consistency and drive improvements in on-time performance in the vicinity of the improvement.

II. NEPA CLASS OF ACTION

Answer the following questions to determine the proposal's potential class of action.

A. Will the proposal substantially impact the natural, social and / or human environment?

YES (Contact FRA) NO (Continue)

Actions that will significantly impact the environment require preparation of an Environmental Impact Statement. These proposals typically include construction or extension of rail lines or rail facilities including passenger, high speed, or freight rail activities.

B. Is the significance of the proposal's social, economic or environmental impacts unknown?

YES (Contact FRA) NO (Continue)

C. Does Section 4(f) of the Department of Transportation Act apply? (i.e. proposal requires the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance, as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site.)

YES (Contact FRA) NO (Continue)

D. Is the proposal likely to require detailed evaluation of more than a few potential impacts?

YES (Contact FRA) NO (Continue)

E. Is the proposal likely to generate intense public discussion or concern, even though it

may be limited to a relatively small subset of the community?

YES (Contact FRA) NO (Continue)

F. Is the proposal inconsistent with any Federal, State, or local law, regulation, ordinance, or Judicial or administrative determination relating to environmental protection?

YES (Contact FRA) NO (Continue)

G. Is the proposal an integral part of a program of current Federally supported actions which, when considered separately, would not be classified as major actions, but when considered together may result in substantial impacts?

YES (Contact FRA) NO (Continue)

If the answer to any of the questions B through G is "YES", contact the FRA to determine whether the proposal requires preparation of an Environmental Assessment.

H. Is the proposal consistent with one of the following potential Categorical Exclusions?

FRA Procedures for Considering Environmental Impacts, 64 FR 28545 (May 26, 1999)

YES (Mark category and continue as indicated) NO (Contact FRA)

- Financial assistance or procurements solely for planning or design activities that do not commit the FRA or its applicants to a particular course of action affecting the environment. (*stop and submit to FRA*)
- State rail assistance grants for acquisition. (*Continue to Part III*)
- Operating assistance to a railroad to continue existing service or to increase service to meet demand, where the assistance will not result in a change in the effect on the environment. (*stop and submit to FRA*)
- Acquisition of existing railroad equipment, track and bridge structures, electrification, communication, signaling or security facilities, stations, maintenance of way and maintenance of equipment bases, and other existing railroad facilities or the right to use such facilities, for the purpose of conducting operations of a nature and at a level of use similar to those presently or previously existing on the subject properties. (*Complete Part III, Sections H, I, U, & V and submit to FRA*)
- Research, development and/or demonstration of advances in signal, communication and/or train control systems on existing rail lines provided that such research, development and/or demonstrations do not require the acquisition of substantial amounts of right-of-way, and do not substantially alter the traffic density [or operational] characteristics of the existing rail line. (*Continue to Part III*)
- Temporary replacement of an essential rail facility if repairs are commenced immediately after the occurrence of a natural disaster or catastrophic failure. (*Continue to Part III*)
- Changes in plans for a proposal for which an environmental document has been prepared, where the changes would not alter the environmental impacts of the action. (*Continue to Part III describing the full consequences of the changes only*)
- Maintenance of: existing railroad equipment; track and bridge structures; electrification, communication, signaling, or security facilities; stations; maintenance-of-way and maintenance-of-equipment bases; and other existing railroad-related facilities. ("Maintenance" means work, normally provided on a periodic basis, which does not change the existing character of the facility, and may include work characterized by other terms under specific FRA programs) (*Continue to Part III*)
- Financial assistance for the construction of minor loading and unloading facilities, provided that proposals are consistent with local zoning, do not involve the acquisition of a significant amount of land, and do not significantly alter the traffic density characteristics of existing rail or highway facilities. (*Continue to Part III*)
- Minor rail line additions including construction of side tracks, passing tracks, crossovers, short connections between existing rail lines, and new tracks within existing rail yards, provided that such additions are consistent with existing zoning, do not involve acquisition of a significant amount of right of way, and do not substantially alter the traffic density characteristics of the existing rail lines or rail facilities. (*Continue to Part III*)
- Improvements to existing facilities to service, inspect, or maintain rail passenger equipment, including expansion of existing buildings, the construction of new buildings and outdoor facilities, and the

reconfiguration of yard tracks. *(Continue to Part III)*

- Environmental remediation through improvements to existing and former railroad track, infrastructure, stations and facilities, for the purpose of preventing or correcting environmental pollution of soil, air or water. *(Continue to Part III)*
- Replacement, reconstruction, or rehabilitation of an existing railroad bridge, including replacement with a culvert, that does not require the acquisition of a significant amount of right-of-way. *(Continue to Part III)*

III. PROPOSAL INFORMATION FOR CATEGORICAL EXCLUSIONS

Complete Part III unless indicated otherwise in Part II and submit to FRA.

For work to fixed facilities, maps displaying the following, as applicable, are required to be attached for FRA review:

- Proposal vicinity
- Proposal Site Plan indicating the USGS Quadrangle and Section
- Other Information as necessary to complete Part III

A. Describe how the proposal satisfies the purpose and need identified in Part I:

The Whiting Area Improvements provides needed additional track capacity by filling-in a key segment that has never existed. The crossovers at each end of the improved segment will provide rail dispatchers needed flexibility, and provide enhanced operational capacity in the vicinity of the new control points. By increasing available capacity at this location the options available to progress trains through opposing, stopped, or lower priority traffic are increased. As a result rail congestion will be reduced and operational consistency and on-time performance improved through this area.

B. Location & Land Use: *For fixed facilities, attach a map or diagram, at an appropriate scale, identifying the location of the proposal site and if applicable, the surrounding land uses and zoning of the site and surrounding properties. If the proposal would require many pages of maps or diagrams, include only a location map and contact FRA to determine if additional information is required. A map or diagram that identifies locations of critical resource areas, wetlands, potential historic sites, or sensitive noise receptors such as schools, hospitals, and residences should be included if there is the potential for impacts to these resources.*

Briefly describe the existing land use of the proposal site and surrounding properties and resources.

The proposed project site is located along multiple existing tracks between at-grade crossing of E. 117 Street and a point 2500 feet east of at-grade crossing with Lake Street in Whiting, Indiana. The area immediately north of the tracks is open to lightly developed (water treatment plant), while the area to the south is primarily residential. Attachment A includes mapping and aerial photographs of the project area.

C. Historic Resources: *If any cultural, historic, or archaeological resources are located in the immediate vicinity of the proposal, check and describe the resource(s) and then describe any potential effect of the proposal on the resource(s). Consultation with the SHPO is necessary when these resources are potentially affected.*

- Cultural:
- Historical:
- Archaeological:

Has consultation with the State Historic Preservation Officer occurred? If so, describe and attach relevant

correspondence.

Consultation with SHPO: A preliminary review of the National Register of Historic Places database with the Department of the Interior/National Park Service indicates there are no properties listed on the NRHP in proximity to the project area. The proposed project will be completed entirely within NS right-of-way. Coordination with the Division of Historic Preservation and Archaeology (DHPA), Indiana Department of Natural Resources, includes a project description, preliminary design, and photographs from a field visit. This correspondence may be found in Attachment B.

D. Public Notification: *Briefly describe any public outreach efforts undertaken on behalf of the proposal, if any. Indicate opportunities the public has had to comment on the proposal (e.g., Board meetings, open houses, special hearings).*

This project is considered to be a part of the INDOT passenger rail funding initiative and is intended to focus on relieving major rail congestion in Northwest Indiana for the benefit of three proposed high speed passenger rail lines and freight rail. Press releases are included in Attachment C.

Indicate prominent concerns expressed by agencies or the public regarding the proposal, if any.

N/A

E. Transportation: *Would the proposal have a detrimental effect on other railway operations or impact road traffic, or increase demand for parking?*

No (continue) Yes, describe potential transportation, traffic, and parking impacts, and address capacity constraints and potential impacts to existing railroad and highway operations. Include maps or diagrams indicating any impacts and any proposed modifications to existing railways or roadways or parking facilities. Also, summarize any consultation that has occurred with other railroads or highway authorities whose operations this project will impact.

The proposed project will improve freight and passenger rail operations by reducing congestion, and will not negatively impact road traffic.

F. Noise and Vibration: *Are permanent noise or vibration impacts likely?*

No (continue) Yes, describe how the proposal will involve noise impacts. If the proposal will result in a change in noise sources (number or speed of trains, stationary sources, etc.) and sensitive receptors (residences, hospitals, schools, parks, etc.) are present, apply screening distances for noise and vibration assessment found in FRA noise impact assessment guidance manual (and FTA's manual as needed) and compare proposal location with nearest receptor(s). If the screening distance is not achieved, attach a "General Noise and/or Vibration Assessment."

Noise Vibration

The project will not result in an increased number of train operations, increased speeds or new stationary noise sources. Therefore, the project, as proposed, will result in no new permanent noise or vibration impacts.

As a result of the general assessment(s) are there noise or vibration impacts?

No (continue) Yes (Describe and provide map identifying sensitive receptors):

G. Air Quality: *Does the proposal have the potential to increase concentrations of ambient criteria pollutants to levels that exceed the NAAQS, lead to the establishment of a new non-attainment area, or delay achievement of attainment?*

No (continue) Yes, attach an emissions analysis for General Conformity regarding Carbon Monoxide (CO), Ozone (O₃), Particulate Matter (PM₁₀), Nitrous Oxides (NO_x), and Carbon Dioxide (CO₂), and include a hot spot analysis if indicated. Describe any substantial impacts from the proposal.

The purpose of the project is to improve rail operations and reduce congestion. Therefore, implementation of the project will reduce the number of idling trains in the area, thereby decreasing the amount of airborne pollutants. Lake County is designated by the USEPA as non-attainment for ozone.

Is the proposal located in a Non-Attainment or Maintenance area?

No (continue) Yes, for which of the following pollutants:

Carbon Monoxide (CO) Ozone (O₃) Particulate Matter (PM₁₀)

H. Hazardous Materials: *Does the proposal involve the use or handling of hazardous materials?*

No (continue) Yes, describe use and measures that will mitigate any potential for release and contamination.

The proposed project does not involve the use of hazardous materials.

I. Hazardous Waste: *If the proposal site is in a developed area or was previously developed or used for industrial or agricultural production, is it likely that hazardous materials will be encountered by undertaking the proposal? (Prior to acquiring land or a facility with FRA funds, FRA must be consulted regarding the potential presence of hazardous materials)*

No, explain why not and describe the steps taken to determine that hazardous materials are not present on the proposal site and then continue to question I.

A site visit and USEPA enviromapper database review indicated that no hazardous materials were present on or adjoining to the study area. Enviromapper information has been included as Attachment D. A commercial facility that resembles a water treatment plant is located to the immediate north of the central portion of the project area, but is not listed on any database. A visual inspection indicated that there were no concerns on this site that have the potential to impact the project. Photographs of the study area can be found in Attachment A.

Yes, complete a Phase I site assessment and attach.

If a Phase I survey was completed, is a Phase II site assessment recommended?

No (continue) Yes, describe the mitigation and clean-up measures that will be taken to remediate any hazardous materials present and what steps will be taken to ensure that the local community is protected from contamination during construction and operation of the proposal.

J. Property Acquisition: *Is property acquisition needed for the proposal?*

No (continue) Yes, indicate whether the acquisition will result in relocation of businesses or individuals. **Note:** *To ensure eligibility for Federal participation, grantees may not acquire property with either local matching or Federal funds prior to completing the NEPA process and receiving written FRA concurrence in both the NEPA recommendation and property appraisals.*

The proposed project is entirely within existing NSR right-of-way. No property acquisition is required.

K. Community Disruption and Environmental Justice: *Does the proposal present potentially disruptive impacts to adjacent communities?*

No (continue) Yes, provide a socio-economic profile of the affected community. Indicate

whether the proposal will have a disproportionately high and adverse effect on minority or low-income populations. Describe any potential adverse effects and any community resources likely to be impacted. Describe outreach efforts targeted specifically at minority or low-income populations.

The proposed project will reduce train congestion, and thereby reduce the number of stationary/idle trains in the area. This will provide an environmental benefit to the community. Total percent minority populations within a one mile radius of the study area consists of 19.9%, compared to 39.5% for Lake County and 14.1% for the state. Total poverty level populations are 11% compared to 12% for Lake County and 9.2% for the state. Although the local environmental justice populations examined were slightly higher than the state averages, none of the populations will be impacted by this project. There will be no acquisitions required and no community resources will be impacted or displaced. No Native American tribes (either federally recognized or other) are located within the study area. Environmental justice information has been included as Attachment E.

L. Impacts On Wetlands: *Does the proposal temporarily or permanently impact wetlands or require alterations to streams or waterways?*

No (continue) Yes, show wetlands and waters on the site map and classification. Describe the proposal's potential impact to on-site and adjacent wetlands and waters and attach any coordination with the State and US Army Corps of Engineers.

All work will be within existing NSR right-of-way. A site visit was completed July 21, 2009; no wetlands, streams or other waterways were identified within the study area/construction limits. Agency coordination with the USFWS, IDNR and the USACE has been initiated (August 20, 2009) and is included in Attachment F.

M. Floodplain Impacts: *Is the proposal located within the 100-year floodplain or are regulated floodways affected?*

No (continue) Yes, describe the potential for impacts due to changes in floodplain capacity or water flow, if any. If impacts are likely, attach scale maps describing potential impacts and describe any coordination with regulatory entities.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Community Panel Number 180313 0001C, the project area is located in a Zone C or upland area. There are no floodplains within the limits of the proposed project. The flood map is included as Attachment G.

N. Water Quality: *Are protected waters of special quality or concern, essential fish habitats, or protected drinking water resources present at or directly adjacent to the proposal site?*

No (continue) Yes, describe water resource and the potential for impact from the proposal, and any coordination with regulatory entities.

The project, once completed, will not result in additional water runoff, generation of wastewater or change the existing drainage or groundwater recharge patterns of the area. Therefore, no long term negative impact on local groundwater or surface water quality will occur as a result of the project. There are no streams or other watercourses located within the study area. The project will have no affect on essential fish habitats.

O. Navigable Waterways: *Does the proposal cross or have effect on a navigable waterway?*

No (continue) Yes, describe potential for impact and any coordination with US Coast Guard.

There are no navigable waterways located within the limits of the proposed project.

P. Coastal Zones: *Is the proposal in a designated coastal zone?*

No (continue) Yes, describe coordination with the State regarding consistency with the coastal zone management plan and attach the State finding if available.

The State of Indiana is a participant in the National Coastal Zone Management Program. Indiana's coastal zone is located in the northern portions of Lake, Porter, and LaPorte Counties. This project is located in Lake County and within the Lake Michigan Coastal Program (LMCP) area. According to the LMCP Federal Consistency Nonrule Policy Document, not all federal agency actions require a federal consistency review and certification. Indiana reviews and lists actions deemed to potentially have an environmental impact to the coastal resources of the state. Table A in Section III of the policy document details the federal agency actions that the LMCP would require consistency determination. The project, as proposed, is exempted from federal consistency review and requires no further agency coordination.

Q. Prime and Unique Farmlands: *Does the proposal involve the use of any prime or unique farmlands?*

No (continue) Yes, describe potential for impact and any coordination with the Soil Conservation Service of the US Department of Agriculture.

All work is confined within the existing right of way and does not have the potential to impact farmland. Farmland is not located within the vicinity of the project. Aerial photographs can be found in Attachment A.

R. Ecologically Sensitive Areas And Endangered Species: *Are any ecologically sensitive natural areas, designated wildlife or waterfowl refuges, or designated critical habitat areas (woodlands, prairies, wetlands, rivers, lakes, streams, and geological formations determined to be essential for the survival of a threatened or endangered species) within or directly adjacent to the proposal site?*

No (continue) Yes, describe them and the potential for impact. Describe any consultation with the State and the US Fish and Wildlife Service about the impacts to these natural areas and on threatened and endangered fauna and flora that may be affected. If required prepare a biological assessment and attach.

A site visit was completed July 21, 2009; no ecologically sensitive natural areas and endangered species were identified within or adjacent to the study area. Agency coordination with the USFWS and IDNR has been initiated (August 20, 2009) regarding the potential occurrence of any federal and/or state listed species within and adjacent to the proposed project and have been included as Attachment F.

S. Safety And Security: *Are there safety or security concerns about the proposal?*

No (continue) Yes, describe the safety or security concerns and the measures that would need to be taken to provide for the safe and secure operation of the proposal after its construction.

No safety or security concerns have been identified.

T. Construction Impacts: *Are major construction period impacts likely?*

No (continue) Yes, describe the construction plan and identify impacts due to construction noise, utility disruption, debris and spoil disposal, and address air and water quality impacts, safety and security issues, and disruptions of traffic and access to property and attach scale maps as necessary.

Construction impacts will be of a relatively short duration during active construction. Best management practices for dust and noise suppression will be followed. Debris and spoil disposal, if generated, will be removed according to state and local regulations. If contaminated soil is encountered, it will be segregated and sampled prior to disposal.

U. Cumulative Impacts: Are cumulative impacts likely?

A "cumulative impact" is the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts may include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or resulting from smaller actions that individually have no significant impact. Determining the cumulative environmental consequences of an action requires delineating the cause-and-effect relationships between the multiple actions and the resources, ecosystems, and human communities of concern.

No (continue) Yes, describe the reasonably foreseeable:

(a) Direct impacts, which are caused by the action and occur at the same time and place.

(b) Indirect impacts, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect impacts may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

V. Related Federal, State, or Local Actions: *Indicate whether the proposal requires any of the following actions (e.g., permits) by other Agencies and attach copies of relevant correspondence. It is not necessary to attach voluminous permit applications if a single cover Agency transmittal will indicate that a permit has been granted. Permitting issues can be described in the relevant resource discussion in sections B-S above.*

Section 106 *Historic and Culturally Significant Properties*

Section 401/404 *Wetlands and Water*

USCG 404 *Navigable Waterways*

Executive Orders *Wetlands, Floodplains, Environmental Justice*

Clean Air Act *Air Quality*

Endangered Species Act *Threatened and Endangered Biological Resources*

Magnuson-Stevens Fishery Conservation and Management Act *Essential Fish Habitat*

Safe Drinking Water Act

Other State or Local Requirements (Describe)

X. Mitigation: Describe mitigation measures which address identified impacts and have been incorporated into the proposal, if any.

No mitigation will be required.