

Federal Railroad Administration
Finding of No Significant Impacts (FONSI)
for
Kennedy Avenue Railroad Overpass Project

In 2021, the Indiana Department of Transportation (INDOT), in coordination with the Federal Highway Administration (FHWA), prepared an Environmental Assessment (EA) for the Kennedy Avenue Reconstruction Between US 30 and Main Street Project to evaluate potential impacts to the human and natural environment, in accordance with the National Environmental Policy Act (NEPA). FHWA signed its Finding of No Significant Impact (FONSI) for the project in July 2022. As described in the EA and FONSI, one component of the FHWA project includes replacement of the at-grade railroad crossing on Kennedy Avenue with an overpass bridge and associated improvements to widen the road (referred to as phase 1 in the EA). At the time of the EA, funding for the railroad crossing replacement had not been identified. In 2022, the Town of Schererville, the local agency proposing the project, applied for funding through the Federal Railroad Administration's (FRA) Railroad Crossing Elimination Grant Program, and the Town was awarded the funding for construction only in 2023. In 2024, INDOT and FHWA conducted a re-evaluation or additional investigation of the phase 1 portion of the project to update minor details associated with the project description and re-assess impacts based on current conditions (FHWA approved the re-evaluation on September 30, 2024). FRA is approving the funding for construction of phase 1 of the FHWA project and has reviewed the EA and supporting documentation to support its action under NEPA.

The FHWA EA described the phase 1 portion of the overall project as follows:

Phase 1 is for construction of a grade separation at the [Norfolk Southern Railroad] railroad corridor...Within the limits of this phase, the existing Kennedy Avenue roadway will be widened from 2 lanes (one in each direction) to four 11-foot wide lanes (two in each direction). The proposed overpass will cross the railroad corridor using a beam type bridge structure. Mechanically stabilized earth (MSE) walls will be constructed on both side of the roadway to minimize the project footprint. The overpass will accommodate four lanes of traffic. The overpass bridge will provide the minimum 23-foot vertical and 26-foot horizontal clearances as required by the American Railway Engineering and Maintenance-of- Way Association (AREMA) and the railroads. Guardrail will be required on the east and west side of the roadway from the bridge to the point where the elevated roadway transitions down to the existing roadway elevation. The project will construct a storm water detention facility and access driveway in the northeast quadrant of the bridge to facilitate access to a linear parcel on the north side of the railroad and allow for storm water management.

The Town's funding application describes the FRA project as follows:

The Kennedy Avenue Railroad Overpass project, located in Schererville, Indiana, will close an at-grade crossing and replace it with an overpass while increasing the operational capacity and connectivity of this key north-south arterial roadway. Improvements will include widening the roadway, improving system connectivity, and correcting roadway geometric and drainage deficiencies on Kennedy Avenue. The project includes decommissioning the existing at-grade railroad crossing of Kennedy Avenue in favor of a grade-separated overpass bridge. The current crossing is responsible for carrying close to 10,000 vehicles daily over the two Wisconsin Central Limited/Canadian National tracks, which carry 32 trains a day. It also crosses two inactive Norfolk Southern tracks. This project is expected to improve existing capacity challenges, eliminate safety risks for motorists and railroad operators, and enhance system connectivity in a region that lacks sufficient north-south arterial roads.

The additional investigation (re-evaluation) document describes the following additional activities as part of the FHWA phase 1 project and FRA project:

Approximately 1,872.5 feet of new watermain will be placed, of which approximately 1,551 feet will be trenched and approximately 321.5 feet will be bored under the railroad ROW and Seberger Ditch. Approximately 1,807.5 feet of new sewer forcemain will be placed, of which approximately 1,497.3 feet will be trenched and approximately 310.2 feet will be bored under the railroad ROW and Seberger Ditch.

Floodway compensation for project fill to Seberger Ditch floodway by excavating 1.3 acres/6,170 cys within the existing Hartsdale Pond regional detention basin. Excavated material will be moved offsite.

Floodway planting mitigation areas of approximately 0.14 acre of non-wetland forest (43 canopy trees; 22 understory trees and shrubs) and approximately 0.21 acre of early successional habitat (wet tolerant low stature native grasses and forbs) in the southwest and southeast quadrants of the new Kennedy Avenue bridge in the Seberger Ditch floodway.

The overpass project is necessary to reduce traffic congestion and delays on Kennedy Avenue due to stopped trains and reduce the risk of motor vehicle accidents at the railroad crossing. The existing at-grade crossing is considered one of the worst in the northwestern Indiana region because it has caused substantial delays to travelers, including emergency service vehicles, and resulted in numerous rear-end crashes annually. The purpose of the project is to create a grade-separated crossing of the railroad and improve the roadway to reduce congestion and the risk of accidents.

Although FRA was not originally involved with the FHWA NEPA process, FRA designated FHWA as the lead Federal agency for the environmental review process, including NEPA and applicable federal laws in March 2024. Pursuant to 40 CFR § 1506.3(c), FRA reviewed the FHWA environmental documentation (EA/FONSI and additional investigation document) and concluded FRA's federal action, as described above, is substantially the same as the action evaluated in FHWA's EA (December 2021) and additional investigation document (September 2024).

Pursuant to 40 CFR § 1506.3(a), FRA determined the FHWA documentation is sufficient and meets the standards for an adequate EA under NEPA (42 U.S.C. §§ 4321 et seq.), the Council on Environmental Quality NEPA implementing regulations (40 CFR Parts 1500-1508), and the FHWA/FTA/FRA joint regulations implementing NEPA (23 CFR Part 771). In addition, the FHWA environmental documentation supports the conclusion under Section 4(f) of the United States Department of Transportation Act (49 USC § 303) and the FHWA/FTA/FRA joint implementing regulations (23 CFR part 774) (Section 4(f)) that the FRA project will not result in any Section 4(f) uses.

Pursuant to 36 CFR § 800.2(a)(2), FRA designated FHWA the lead Federal agency for compliance with Section 106 of the National Historic Preservation Act (NHPA; 54 U.S.C. § 306108) and its implementing regulations (36 CFR part 800). FHWA made a finding of no historic properties affected for the overall project under Section 106 and consulted with the Indiana State Historic Preservation Officer, who concurred with the finding in February 2021. FRA re-evaluated the finding based on current information about the FRA project and historic properties and confirmed that no changes to the project or conditions related to the historic environment warrant re-initiation of consultation with the State Historic Preservation Officer.

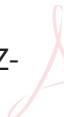
Pursuant to 50 CFR § 402.7, FRA designated FHWA the lead Federal agency for compliance with Section 7 of the Endangered Species Act (ESA; 16 U.S.C. § 1536). FHWA evaluated the potential effects of the overall project on federally listed species and critical habitat under Section 7. FHWA concluded

that the project may affect, but is not likely to adversely affect the northern long-eared bat and Indiana bat and will have no effect on other species or critical habitat, and the U.S. Fish and Wildlife Service concurred with the determination in October 2020. FRA re-evaluated the determination based on an updated species list and current information about the FRA project and biological environment and confirmed that no new species effects were identified and additional consultation with the Service is not warranted.

Pursuant to 40 CFR § 93.153, FRA reviewed the air quality analysis conducted as part of the additional investigation to support a Clean Air Act General Conformity review. Lake County, where the Town of Schererville is located, is designated as nonattainment for ozone and sulfur dioxide; therefore, an emission inventory for ozone precursor emissions was done to support the air quality analysis. Based on the analysis, FRA confirmed that ozone precursor emission levels resulting from the FRA project would not exceed the U.S. Environmental Protection Agency *de minimis* thresholds. A conformity determination is not necessary for the project per 40 CFR § 93.153(c)(1).

FRA has carefully considered the project record and is adopting and incorporating by reference FHWA's EA and additional investigation document. Based on the analysis therein, FRA has determined that its action (phase 1 of the FHWA project) will have no foreseeable significant impact on the quality of the human or natural environment provided it is implemented in accordance with the environmental commitments identified in FHWA's EA and adopted by FRA. FRA, relying on FHWA's evaluation as the lead Federal agency, has also satisfied requirements under the NHPA, ESA, DOT Act, and other applicable laws.

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October 21, 2024

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Date