

U.S. Department of Transportation

Federal Railroad Administration

FINDING OF NO SIGNIFICANT IMPACT

Elkhart Siding and Track Construction Project

Milepost (MP) 161.90 to 170.45, Logan County, Illinois

November 2013

Introduction: The Illinois Department of Transportation (IDOT) proposes to undertake construction of a siding track along the mainline service line of the Union Pacific Railroad (UPRR) and various track improvements between Milepost (MP) 161.90 to MP 170.45 in Logan County (the Project). This Project would create an 8.55 mile parallel siding track from Fogarty to Mount Fulcher, Illinois and passing through Broadwell and Elkhart. The siding track has been evaluated in an Environmental Assessment (EA) prepared by IDOT to analyze and document whether the Project has significant effects on the environment. The EA also addresses improvements to signalization and at-grade rail-roadway crossings and reconstruction of the mainline track.

The Project is part of the Chicago-St. Louis High-Speed Rail Corridor Project (Original Project). For the Original Project, IDOT identified 22 miles of freight sidings in a final environmental impact statement (Final EIS). However, the exact locations of the sidings were not determined and no siding improvements in Logan County were proposed or assumed. The Federal Railroad Administration (FRA) issued a Record of Decision (ROD), dated January 8, 2004, which selected the Preferred Alternative as described in the Original Project Final EIS, and adopted an incremental approach to upgrading the line to support 110-mph high speed rail (HSR) service using the existing Chicago–St. Louis Amtrak route.

FRA must comply with the National Environmental Policy Act (NEPA) of 1969 (42 USC § 4321 et seq.), as amended, as the Federal agency providing grant funding for the Project. This Finding of No Significant Impact (FONSI) is made by FRA based on the information in the EA prepared by IDOT to comply with NEPA, FRA's Procedures for Considering Environmental Impacts (64 FR 28545, May 6, 1999), and other related laws.

Statement of Purpose and Need: The identification of the purpose and need is significant in determining the reasonable range of alternatives to consider for the Project. The need defines the key problems to be addressed and explains their underlying causes. The purpose states clearly why the Project is being proposed and identifies potential anticipated outcomes. The Elkhart Siding and Track Construction Project is an important component of the Original Project.

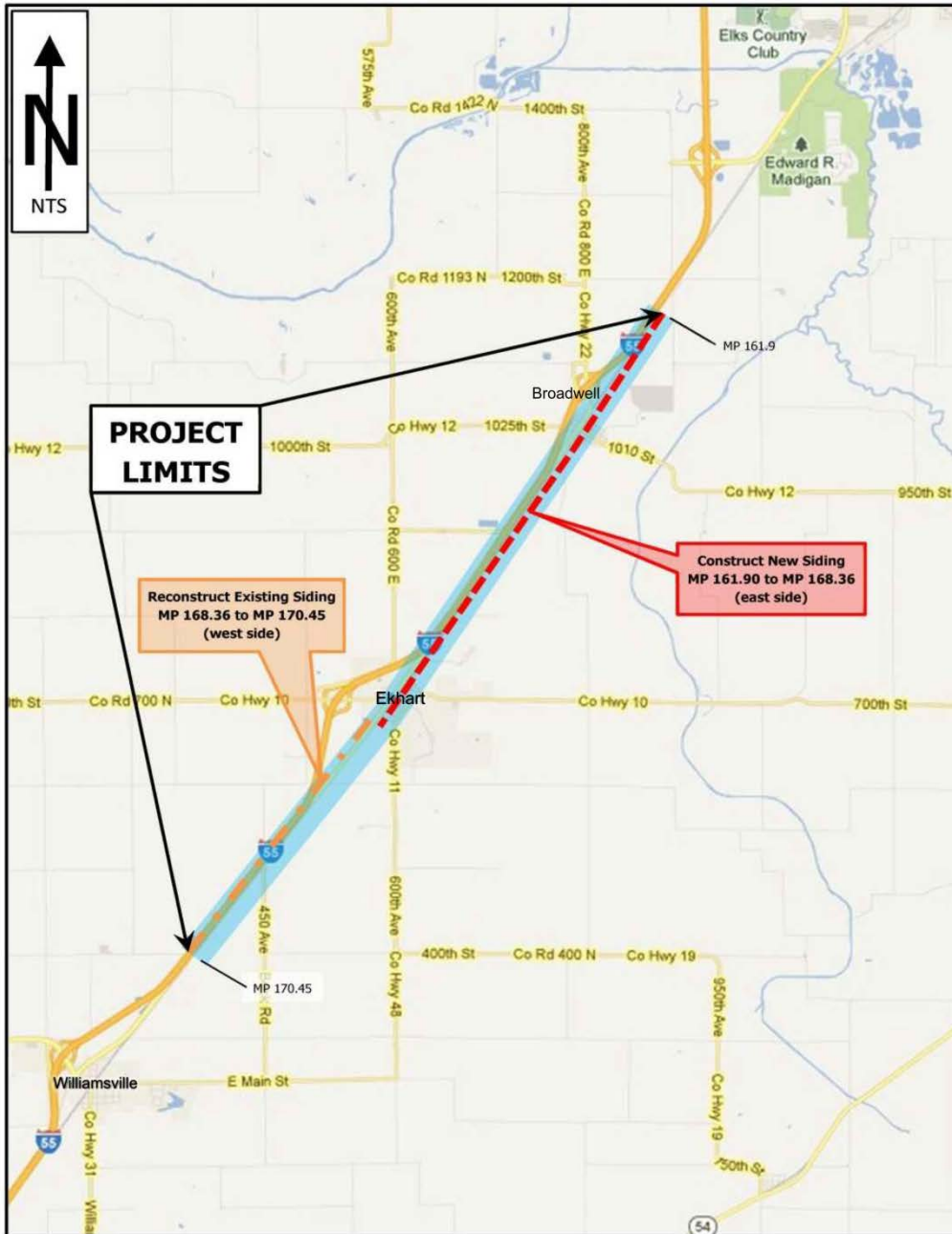
Purpose: The purpose of the Project is to make improvements which will reduce passenger train delays that occur because of frequent freight trains and a lack of passing opportunity and will allow for increased train speeds. A new siding, improvements to an existing siding, gate reinforcements, and signal system upgrades will reduce delays and accommodate the increase in train speed.

Need: Providing a section of extended second main track (siding) in the vicinity of Elkhart addresses operational needs. First, it allows for consolidation of the UPRR and Burlington Northern Santa Fe (BNSF) lines from Fogarty to Mount Fulcher, Illinois and passing through Broadwell and Elkhart, Illinois which will serve to reduce maintenance requirements along with other operational benefits. Second, the siding allows for dual track use between freight trains and for both corridor and long-distance trains to operate without impeding the passenger trains' progress.

Identification of the need for this track arrangement to be located in the Elkhart area was determined by UPRR's capacity analysis of the corridor's operation which resulted in optimized locations for sidings/extended second main track sections.

Study Area: The study area covers an 8.55 mile rail corridor in Logan County, Illinois along the UPRR mainline located between 1200N Road in Fogarty, an unincorporated community in Broadwell Township at the north terminus (MP 161.90), and 450 Avenue in Mount Fulcher, an unincorporated community in Hurlbut Township, at the south terminus (MP 170.45). The Villages of Broadwell and Elkhart are located midway in the corridor.

Alternatives: IDOT evaluated the following alternatives in the EA: (1) the No-Build Alternative; and (2) the Build Alternative. The Build Alternative provides for three main components: 1) the reconstruction and extension of the existing siding track; 2) installation of new signal systems and switch gears; and 3) improvements to the five at-grade rail/roadway crossings (County Road 1200 North and Oak Street in Broadwell; Governor Oglesby Street and County Road 600 North in Elkhart; and 450th Avenue in Williamsville).



Source: google maps, 2013

The Project study area covers 8.55 miles through the incorporated villages of Elkhart and Broadwell (2010 combined population of approximately 550) and the unincorporated communities of Fogarty and Mount Fulcher. Fogarty serves as the northern terminus at 1200N Road while Mount Fulcher at 450 Avenue serves as the southern terminus of the Project study area. These two developed areas are approximately 3.75 miles apart (center-of-town to center-of-town). The land between these municipal districts is dominated by “rural” land consisting of agricultural land, pastureland, grasslands, and open fields. The Project study area is located in the southwestern region of Logan County close to the Sangamon County border. There are no train stations or grade separated bridge crossings in the Project study area. The planned improvements require approximately 29.15 acres of additional ROW and construction easements to accommodate construction of new siding track, reconstruction of the existing UPRR siding track, and reconfiguration and realignment of at-grade roadway crossings.

Selected Alternative: IDOT and FRA have selected the Build Alternative for the Elkhart Siding and Track Construction Project. The two major components of the Build Alternative are the construction of new siding track and the replacement of the mainline track along with improvement of the at-grade crossings.

The No-Build Alternative was not selected because it would not meet the purpose and need of the Project. The No-Build Alternative would not enhance capacity and would not increase the fluidity of operations on the UPRR line in the section between Fogarty to Mt. Fulcher, passing through Broadwell and Elkhart. The No-Build Alternative would also not provide the operating flexibility required in view of the growing rail freight traffic and the maintenance needed for the existing Amtrak rail passenger service.

Benefits of the Selected Alternative: Implementation of the Build Alternative would be of immediate benefit to the rail passenger and freight services using this line today, as well as future use for HSR trains. The Build Alternative would improve fluidity of train movement, decrease delays in passenger trains, and reduce congestion in the area between Fogarty to Mt. Fulcher. The siding track would also improve the efficiency of the railroad by allowing for train meets and sorting of cars for freight trains as well as an area for storing trains during maintenance incidents. The upgrade improvements would enhance the safety of train operations through the zone, including those grade crossings within the Project limits.

Environmental Consequences: Based upon the EA, included by reference with its appendices in this FONSI in its entirety, FRA has concluded that the Selected Alternative, including the mitigation measures for unavoidable impacts, would have no foreseeable significant impact on the quality of the natural and human environments.

FRA concurs with the preference of IDOT, and finds the Selected Alternative is best able to achieve the Project purpose and need without significant environmental impacts and by minimizing Project costs.

This FONSI focuses only on those resources that have a reasonable likelihood to be affected by the Project. The following potential impact areas are not located within the Project's study area or would otherwise not be affected by the Project, and are not addressed in this FONSI: air quality; noise and vibration; energy; socioeconomic resources; environmental justice; barriers and accessibility; parks and recreational areas; Section 4(f) properties; coastal zones; and special lands. These resource areas are referenced in the EA.

The potential of the Project to result in an environmental impact is summarized in the following sections.

Water Quality and Water Resources: The Project would result in minor impacts to surface waterways and water quality resulting from culvert replacement and modifications. Minor impact would occur from in-stream bank work and construction activity. A small amount of stream substrate may be permanently removed to accommodate the 11 culvert replacements at more than one intermittent stream location in the Project study area. Impact minimization would be provided through the use and enforcement of Erosion and Sediment Control measures, and National Pollutant Discharge Elimination System (NPDES) permits, that employ Best Management Practices (BMPs) (e.g. silt fences, check dams, and appropriately sized sediment basins).

Permanent BMPs installed following construction (e.g. permanent seeding and use of native vegetation) would further reduce impacts. The Project would not have any impact on groundwater resources, such as existing wells or borings. The HSR trains would not transport any freight that may be a potential contaminant of groundwater resources with the exception of the on-board fuel and other petroleum based products. UPRR has a spill prevention, control, and countermeasure plan to address any potential spill from a locomotive.

FRA finds the construction and operation of the Project would not adversely impact water quality or water resources based on the use of BMP's, as well as permitting by Illinois state agencies.

Critical Habitat, Threatened and Endangered Species: Ten areas of moderate to low quality (grade C to D) prairie were delineated for the Elkhart Siding. The Project would impact three of those remnant prairies with an impact area of 7.23 acres. Areas of temporary impact to prairies will be graded back to the original contour and then seeded with modified IDOT Class 4 native Grass mix. Perennial ryegrass shall not be included in the Class 4 mix. Seed should be planted according to Articles 250.05 and 250.06 of the IDOT Standard Specifications for Road and Bridge Construction (adopted 01-01-2012). On November 20, 2012, the IDNR cleared the siding project for compliance with Ill. Adm. Code Part 1075.

An undetermined number of trees would be removed to construct the proposed improvements. The locations of tree removals are unknown at this time. In order to minimize the potential for impacts to the Indiana bat, UPRR would commit to clearing trees while the Indiana bat is hibernating, September 30 through April 1.

FRA finds that no significant impacts to critical habitat or threatened or endangered species would occur as a result of the Project considering the extensive coordination with the Illinois state agencies and US FWS.

Agriculture: The Project would have minimal impacts to agricultural land along the corridor resulting in no measurable losses in crop productivity. A total of 29.15 acres of agricultural land would be converted from agricultural use to a developed land use. Proposed right-of-way (ROW) to be acquired would be narrow strips of land that are parallel to the mainline tracks and would not create severed, landlocked, or uneconomic remnant farms. The Project would not result in loss of farm residences or agricultural buildings.

FRA finds that, due to the availability of agricultural land within the Project study area and in the region, the Project's conversion of agricultural land to transportation and developed use along the corridor does not represent a significant impact. The loss in agricultural income would be negligible and no measurable losses in crop productivity would result from the Project.

Wetlands and Waters of the U.S.: The assessment of potential wetland impacts from the Project is based upon direct and indirect impacts related to the placement of fill for new bridge abutments or piers and embankment for new track adjacent to the existing tracks during construction within the proposed ROW

and environmental survey limits. Wetland impacts related to construction would include vegetation removal, placement of clean fill, and changes to the wetland hydrologic regime. Approximately 8.54 acres from 29 wetlands would be impacted by the Project. Under the implementing regulations of the Illinois Interagency Wetland Policy Act of 1989 (IWPA), impacts to wetlands having a Floristic Quality Index (FQI) rating of 20 or greater require 5.5 to 1.0 mitigation ratios. An FQI score below 10 suggests a site of poor natural quality, between 10 and 20 suggests a site of fair natural quality and an FQI of 20 or more suggest that a site has evidence of native character and may be considered an environmental asset. There are no wetlands in the Project area with an FQI rating of 20 or greater. The FQI ratings for all but two of the wetlands were below 9; with one wetland rated a 9 and one wetland rated a 10.96.

Avoidance and minimization can be accomplished by narrowing the railroad cross-section with the use of retaining walls, steeper embankments, and bridging critical wetland resources. Avoiding and minimizing impacts to wetland resources may be constrained by other critical resources or local issues. Objectives for mitigation would be established in consultation with regulatory and resource agencies.

The wetland sites and waters of the U.S. (WOUS) come under jurisdiction of the Rock Island District of the U. S. Army Corps of Engineers (USACE). This includes, but is not limited to, the Section 404 permit from the USACE, Section 401 Water Quality Certification from the Illinois Environmental Protection Agency (IEPA), and other permits that may be required. Prior to construction and as part of the wetland permitting process, the UPRR would coordinate with IDOT and USACE to secure the necessary wetland permits and mitigation as required for the Section 404 Permit and in compliance with the Interagency Wetland Policy Act of 1989.

The layout for the Project has been designed to avoid wetland impacts to the extent feasible. The 2004 ROD states that all practical measures to minimize wetland impacts will be taken. The ROD further states that compensation for wetland impacts will be provided through purchase of credits in an approved wetland mitigation bank. If an approved wetland mitigation bank is not available at the time of permitting, then mitigation will occur by conversion of non-wetland areas into wetlands. Monitoring will occur for wetlands greater than 0.25 acres and will be monitored according to IDOT's Wetland Action Plan and any conditions stipulated by the USACE.

FRA finds that no significant impacts to wetlands would occur considering the mitigation of the wetlands in coordination with the USACE and Illinois state agencies.

Floodplains: The Project would require eleven (11) culvert crossings allowing for existing surface drainage swales to drain on either side of or underneath the rail line. The intermittent streams that are crossed by the Project do not have FEMA mapped 100-year floodplains. None of the intermittent stream

crossings require bridges in the Project study area. However, proposed improvements include five culvert replacements at the Elkhart Slough and four unnamed streams within two separate 100-year floodplain limits (MP 165.00 and between MP 167.00 to MP 168.00).

FRA finds the construction and operation of the Project would have some minor impacts to floodplains but would be minimized with the use of BMP's as well as permitting by Illinois state agencies. Culvert replacements and extensions required for Project construction would comply with the IDNR Office of Water Resources Statewide Permit, which does not require the permit application to be filed if certain construction requirements are met, as detailed in IDNR Statewide Permit 12. Unavoidable permanent impacts would require proper sizing of hydraulic structures and compensatory storage, therefore the Project is in accordance with EO 11988, Floodplain Management, since the existing floodplain capacity would not be impacted.

Visual Resources: The proposed Project is located parallel to the existing mainline track and in an area of developed land use with some agricultural land use and grassland/shrubland habitat. There are no forested areas within the proposed siding location, although there are trees located throughout the Project area. There are no historic properties within the viewshed of the Project area. There would be some minor impacts to visual resources due to tree removals.

Temporary easements would be needed for construction access and to stage materials; however, these easements would not require the relocation of residences, or permanently impact scenic resources.

FRA finds that there would be no significant long-term impacts to the visual setting of the Project area due to the Project's location adjacent to the mainline track and the general land use setting.

Transportation: There are no proposed changes in the number of Amtrak trains in the Project study area and no new stations proposed in this section of the HSR corridor. This Project would facilitate an increase in ridership over time that would in turn increase HSR passenger rail viability.

Rail: Projected freight operations would increase with the construction of new intermodal facilities proposed in Joliet and Alton. The cities of Joliet and Alton are not within the Project area evaluated by IDOT in the EA, and although the new proposed intermodal facilities would be removed by a great distance from the Elkhart Siding, the new facilities would have an influence on the volume of freight traffic experienced in the Project area. Rail operations would be affected without siding tracks in this portion of the route to allow through movement.

The Project would result in improvements to on-time rail performance on the existing route and provide for shorter trip times. Temporary delays during construction would be experienced, affecting operating speeds in construction zones and affecting schedules due to the necessity of temporary track shutdowns.

FRA finds that the Project would not result in significant impacts to freight or passenger transport, would result in beneficial effects to the regional transportation of goods, and would improve on-time performance and provide more efficient trip-times for rail passengers.

Motor Vehicles: The Project would result in temporary impacts to vehicular operations during construction of the additional siding track, replacement/construction of the mainline track, and at-grade roadway crossovers, and the installation of the new four-quadrant gates with vehicle detection equipment at roadway crossings. In some cases, temporary diversion of traffic to adjacent crossings could be required. Minor and temporary impacts to vehicular traffic could affect emergency services, schools, businesses, and other local activities requiring vehicular access, but only on a short term basis during Project construction.

The Project has no additional permanent impacts to vehicular traffic or parking and there are no changes to access. The identification and process by which grade crossing closures will occur associated with the alignment have been previously cleared in the Grade Crossing Closure and Enhancement FRA categorical exclusion (CE) signed on October 18, 2011. There are four (4) grade crossings within the limits of this proposal that would require temporary closings. Since there are no changes to access and no grade crossing closures, there are no impacts to bicyclists or pedestrians.

The Project is expected to have a positive impact on bicycle and pedestrian transportation through design improvements at the at-grade crossings. Design elements include the dimensions, flatness, height, surface, and flangeway design (depth and width) of the crossing and also the crossing angle. Fencing installed in the municipalities of Broadwell and Elkhart would channel pedestrians to access locations at cross roads where crossings incorporate design features specifically considering pedestrian movement.

FRA finds that the Project would not result in significant impacts to motor vehicle traffic and would result in beneficial effects due to safety measures provided at the at-grade crossings.

Land Use, Zoning, and Property Acquisitions: The Project would impact land use with the acquisition of approximately 29.15 acres of ROW. The land use categories and percentages for the ROW to be acquired are as follows: Grassland: 35%; Hedgerow: 30%; Shrubland: 27%; and Developed Land (Urban): 8%.

No businesses would be displaced as part of the proposed Project. Five structures are identified on preliminary Project plans as potentially being displaced and may require relocation: a shed in Broadwell (MP 163.40), grain elevators in Broadwell (MP 163.42), grain elevators in Broadwell (MP 163.46), warehouse-storage buildings in Broadwell (MP 163.51), and a grain elevator in Elkhart (MP 167.11). Construction would also require temporary road closures. Temporary easements or purchase of ROW needed for construction access and to stage materials would not require the relocation of businesses or residences. IDOT would acquire ROW in compliance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (Uniform Relocation Act) (Title 42 USC 4601-4655), as amended. IDOT would implement the provisions of the State of Illinois Relocation Assistance Plan in accordance with the Uniform Relocation Act.

FRA finds the Project would not result in significant impact to local land use or zoning.

Public Health and Safety: The Project would not impact public health and safety because there would be no permanent change in the existing traffic flow patterns due to the proposed improvements. The Project would result in no permanent impacts to community services or facilities. The Project would also have a potential minor temporary impact on emergency response times from delays at crossings and temporary closures due to construction at grade crossings. All measures would be taken during the construction phase to coordinate with emergency service providers in order to mitigate any potential impacts due to construction activity conflicts.

Two aspects of the Project would have a positive safety impact: installation of four-quadrant crossing gates (one at-grade crossing in Broadwell, one at-grade crossing in Elkhart, and two at-grade crossings in rural sections of Logan County) and the installation of fencing along the tracks in the municipalities of Broadwell and Elkhart. The design improvements at the at-grade crossings would have a positive safety impact on pedestrians and bicyclists. Fencing at the edge of roadway crossings without dedicated sidewalks would be extended to the crossing signal preventing pedestrians and bicyclists from circumventing the crossing arm when it is down.

FRA finds that the Project would not result in significant impacts to public health and safety.

Contaminated Sites and Hazardous Waste: The Preliminary Environmental Site Assessment (PESA) identified 15 potential recognized environmental conditions (REC's). Of the 15 identified REC's, only 4 of the sites were due to database concerns. The evaluation of potential adverse environmental impacts contained in the PESA includes observations, historical records research and review of database

information. Six of the identified RECs have been determined as impacting the proposed ROW or construction easements of planned improvements.

The PESA noted that historical coal mining activities have taken place in the Elkhart Siding project corridor. Coal maps show that the nearest documented mine shafts were approximately 1.5 miles from the project limits. However, the PESA states that local residents in Elkhart state a new mine shaft was opened in July 2012, located approximately 0.4 miles from the rail line. The location of this new mine shaft was not documented in ISGS Mine Notes or confirmed with coal mine personnel.

A summary of the PESA findings notes that 6 of the 15 RECs fall within approximately 5 acres of the proposed ROW or proposed construction easements. An assessment of these potential impacts still needs to be determined by IDOT, which may require a Preliminary Site Investigation (PSI) prior to construction. Therefore, under the Project, the potential exists for impacts from the 6 REC sites listed in the PESA.

FRA finds the Project would not be affected by hazardous materials since known or potentially contaminated sites have been identified, prior to construction activities that could involve the release of transport of contaminated materials as well as any handling, in accordance with state and federal requirements. Appropriate design measures would be implemented to avoid known contaminated sites.

Cultural Resources: Of nine (9) known historic properties identified within the City of Elkhart, none are located within the Project limits. No properties were listed in Broadwell. No historic properties are listed on the National Register of Historic Places (NRHP) for Broadwell, Elkhart, or the Project study area.

In a letter dated February 19, 2013, the State Historic Preservation Officer (SHPO) concurred on February 19, 2013 with the FRA that no historic properties would be adversely affected by this Project. See Appendix B for a copy of the SHPO letter.

FRA finds the Project would not adversely affect historic properties.

Construction Impacts: Impacts associated with construction of the improvements would be local and temporary and include noise, vibration, dust, and traffic disruptions. There is also the potential for impacts to intermittent streams and wetlands.

These temporary impacts would occur from operation of equipment for the construction of an additional siding track, construction of the existing mainline track, installation of new crossing gates and signal devices and equipment, and reconfiguration and realignment of at-grade roadway crossings. Normal traffic may be flagged at various times to allow entry and exit of construction equipment to the Project sites using adjacent or nearby rail/highway grade crossings. Such occurrences may be viewed by

motorists as an inconvenience. However, these impacts would be temporary, and existing vehicular travel would be restored after construction has been completed.

The Project may require periodic reduction in the operating speed of trains that pass through construction zones. Also, there may be a need to adjust the schedule of rail operations if activities require temporary shutdown of selected track sections. Such schedule and/or operations adjustments would be necessary when there is a potential safety risk due to the proximity of moving trains and construction activities that are incompatible with ongoing train traffic. Such delays or disruptions may be similar to normal maintenance activities under existing conditions.

Construction could cause temporary impact to wetlands, streams, and surrounding stream banks as the track improvements are made (replacement of rail, crossties and track ballast, removal and replacement of trackside equipment). In the section where the siding track is being constructed, culverts or bridge structures would be extended or replaced. These procedures are primarily restricted to the existing ROW, although there are also wetlands located within the additional ROW necessary for the Project.

IDOT will minimize potential impacts by requiring contractors to: 1) avoid wetlands during the establishment of construction staging areas and other construction activities; and 2) employ erosion, sedimentation and bank stabilization practices at or near creeks or creek crossings. Construction of the proposed Project will comply with BMPs for dust suppression. Debris and spoil disposal, if generated, would be removed according to state and local regulations.

FRA finds that based on the evaluation the construction impacts and construction traffic would cease following completion of the Project, and the construction or operation of the Project would not adversely impact overall rail or motor vehicle transportation.

Indirect and Cumulative Impacts: Indirect impacts can be associated with the consequences of land use change and development that would be indirectly supported by changes in local access or mobility. Indirect impacts differ from those directly associated with the construction and operation of a project itself and are often caused by what is commonly referred to as “induced development.” Induced development includes a variety of alterations such as changes in land use, economic vitality, property values and/or population density. The potential for secondary impacts to occur is determined in part by local land-use and development-planning objectives and the physical location of the Project.

As with any new construction, there will be additional energy expended as a result of the Project that will contribute to the cumulative impact.

The Project would provide some beneficial contributions to cumulative impacts. The proposed improved operability of freight and passenger rail service by the construction of expanded and new siding is expected to provide an overall benefit to air quality. Air quality benefits are also expected as potential motorists move to the faster Amtrak service that will be using energy efficient equipment. The improvements to the grade crossing treatments would benefit the safety of motorists crossing the railroad.

FRA finds that the Project would not result in any significant adverse indirect or cumulative impacts.

Public Comments on the Environmental Assessment: Coordination efforts began in the early stages of the Project and were designed to maintain consistent communication with residents, public officials, businesses, property owners, stakeholders, and regulatory agencies during the environmental process. On September 16, 2013 the EA was released for 30-day public review and comment period. The document was on display on the IDOT and FRA websites. On October 1, 2013 an open house was held in Lincoln, Illinois, where the public was invited to attend the meeting to review the document, provide comment and ask questions of the Project team. No comments were received on the EA during the public comment period.

Commitments and Mitigation Measures: IDOT will be required to comply with all applicable federal, state, and local permitting requirements during the implementation of the Project; which will include:

- Public Law 95-217, Clean Water Act of 1977, 33 USC § 1251-1376
- Section 106 of the National Historic Preservation Act of 1966, as amended, 16 USC § 470
- Section 404 of the Federal Water Pollution Control Act (CWA), 33 USC § 1344
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 USC § 4601 et seq.
- Executive Order 11990, Protection of Wetlands, 42 FR 26961, signed May 24, 1977
- Americans with Disabilities Act of 1990 (42 USC Chapter 126, and 47 USC Chapter 5)

The following commitments and mitigation measures have been identified to further reduce impacts of the Project. Additional measures may also be implemented as necessary and as identified.

Water Quality and Water Resources:

- UPRR Commitment. Impacts from silt and sedimentation will be minimized through adherence to erosion control measures.

Wetlands and Waters of the U.S.:

- UPRR Commitment. Prior to construction and as part of the wetland permitting process, necessary wetland mitigation as required for the Section 404 permit will be secured.
- UPRR Commitment. Unavoidable adverse wetland impacts are subject to the applicable replacement ratios specified in 17 Ill. Adm. Code Part 1090.50 (c)(8). In accordance with the IDOT Wetlands Action Plan, the proposed improvements are Programmatic Review Actions and coordination with the IDNR is not required. Programmatic Review Actions are those which involve impacts to wetlands only in areas where construction is within existing ROW or in new ROW which is contiguous to the existing ROW and for which there is no practicable alternative which would avoid adverse wetlands impacts. The UPRR will secure the required Section 404 permit and coordinate with the USACE, USFWS, and the IDNR.

Critical Habitat, Threatened and Endangered Species:

- UPRR Commitment. To the extent practical, the UPRR should avoid and minimize impacts to prairie areas. The UPRR should notify the IDOT Bureau of Design and Environment as soon as unavoidable impacts are known.
- UPRR Commitment. Areas of temporary impact to prairies will be graded back to the original contour and then seeded with modified IDOT Class 4 native Grass mix. Perennial ryegrass shall not be included in the Class 4 mix. Seed should be planted according to Articles 250.05 and 250.06 of the IDOT Standard Specifications for Road and Bridge Construction (adopted 01-01-2012)
- UPRR Commitment. No tree clearing will be allowed between April 1 and September 30 in order to protect the Indiana bat.

Contaminated Sites and Hazardous Waste:

- UPRR Commitment. Accidental spills of hazardous materials and wastes during construction or operation of the transportation system require special response measures. Occurrences will be handled in accordance with local government response procedures. Refueling, storage of fuels, or maintenance of construction equipment will not be allowed within 100 feet of wetlands or water bodies to avoid accidental spills impacting these resources.

- IDOT Commitment. IDOT would make an avoidance determination (i.e. IDOT would determine if a recognized environmental condition (REC) for state and state jurisdiction ROW can be avoided) at a future date pertaining to the identified recognized environmental conditions (REC) for state and state jurisdiction ROW. If the Project cannot avoid the identified RECs, then a Phase II Preliminary Site Investigation (PSI) would be prepared for the applicable locations on state and state jurisdiction roadway ROW.
- IDOT Commitment. Further environmental studies would be conducted if the proposed improvements require excavation, including subsurface utility relocation, on a property with an easement for state or state jurisdiction roadway ROW. A Preliminary Site Investigation (PSI) will be conducted for state and state jurisdiction roadway ROW prior to acquisition of any contaminated parcel, and/or required temporary or permanent easements.
- IDOT Commitment. In some cases, the portion of the Project that involves an REC can be risk managed for state and state jurisdiction ROW, and not require additional assessment. If risk managing is not possible, further environmental study is required, specifically a PSI, to determine the nature and extent of possible contamination for state or state jurisdiction roadway ROW.
- UPRR and IDOT Commitment. Special waste issues encountered during construction will be managed in accordance with UPRR standard specifications and special provisions or the “IDOT Standard Specifications for Road and Bridge Construction and Supplemental Specifications and Recurring Special Provisions.”
- IDOT Commitment. If construction is managed by IDOT, Special waste issues encountered during construction will be managed in accordance with the IDOT “Standard Specifications for Road and Bridge Construction and Supplemental Specifications and Recurring Special Provisions.”
- UPRR Commitment. In the case of an emergency involving hazardous material, UPRR would enact a hazardous materials emergency response plan.

Floodplains:

- UPRR Commitment. Temporary impacts to floodplains will be restored following construction. Permanent impacts would require proper sizing of hydraulic structures and compensatory storage where required.

Construction Impacts:

- UPRR Commitment. BMPs for dust will be followed. Debris and spoil disposal, if generated, will be removed according to state and local regulations.

- UPRR Commitment. A NPDES permit will be obtained from the IEPA for construction stormwater discharges. A SWPPP will be prepared containing BMPs to minimize the discharge of sediment. Additionally, the SWPPP will contain BMPs for proper materials handling and management to prevent any chemical or material discharge into surface waters. A local stormwater permit will be required for all hydraulic structures. A permit will also be required from the IDNR for all structure replacements/extensions. Culverts within the project study area will comply with the non-notification Statewide Permit requirements.
- UPRR Commitment. UPRR will ensure that all equipment will be in good working order and maintained, including the exhaust systems.

Public Health and Safety:

- IDOT Commitment. Fencing construction will be coordinated with the local communities. Fencing is provided to increase safety for pedestrians.

Conclusion: FRA finds that the Elkhart Siding and Track Construction Project, as presented and assessed in the attached Environmental Assessment (EA), satisfies the requirements of FRA's Procedures for Considering Environmental Impacts (64 FR 28545, May 26, 1999) and NEPA (42 USC § 4321 *et seq.*), and the Project would have no foreseeable significant impact on the quality of the human or natural environment provided it is implemented in accordance with the commitments identified in this Finding of No Significant Impact (FONSI). As the Project sponsor, IDOT is responsible for ensuring all environmental commitments identified in this FONSI are fully implemented. The EA provides sufficient evidence and analysis for FRA to determine that an environmental impact statement is not required for the Project as presented.



Joseph C. Szabo
Administrator
Federal Railroad Administration

11/22/13

Date

This document has been prepared in accordance with FRA's Procedures for Considering Environmental Impacts and NEPA by the FRA's Office of Railroad Policy and Development, with assistance from FRA's Office of Chief Counsel. This document was prepared in November 2013. For further information regarding this document contact:

Andréa E. Martin
Environmental Protection Specialist
Federal Railroad Administration
1200 New Jersey Avenue SE
Washington, DC 20590
Phone: (202) 493-6201

The following organization assisted the Program Office in the preparation of the attached Environmental Assessment:

IDOT Bureau of High Speed and Passenger Rail
James R. Thompson Center
100 West Randolph Street, Suite 6-600
Chicago, IL 60601