

EO-2795
LB



GLBT

Kenneth Blodgett to: sandyclaus2000

05/25/2016 02:57 PM

Ms. Linden,

I am responding to your recent inquiry directed to Phillis Johnson-Ball of OEA's staff. With regard to the six-month prefilng waiver, I would direct you to the Board's environmental rules (available in entirety on the Board's website), specifically 49 C.F.R. 1105.10 (c) which I have copied below.

(c) Waivers. (1) The provisions of paragraphs (a)(1) or (a)(4) of this section or any STB-established time frames in paragraph (b) of this section may be waived or modified where appropriate. (2) Requests for waiver of Sec. 1105.10(a)(1) must describe as completely as possible the anticipated environmental effects of the proposed action, and the timing of the proposed action, and show that all or part of the six month lead period is not appropriate.

I have attached copies of the applicant's waiver request which was received subsequent to their meeting with OEA staff, and the Board's letter granting the waiver which are available on te Board's website for your review.



Linden.pdf

The applicant's letter above indicates the purpose of the proposed construction. The proposed action action is not a project that is proposed or sponsored by the federal government. In cases such as this, courts have held that the project's purpose and need should be defined by the private applicant's goals, in conjunction with the agency's enabling statute.

Please feel free to contact me at 202-245-0305 if you have additional questions.



GLBT rail line vetting procedures

Sandy

to:

Phillis.Johnson-Ball

05/15/2016 09:51 PM

Hide Details

From: "Sandy" <sandyclaus2000@att.net>

To: <Phillis.Johnson-Ball@stb.dot.gov>

History: This message has been forwarded.

Phyllis, I met you at the STB scoping meetings in Valparaiso and Lowell, Indiana. I now understand that you signed off on reducing the mandated 6 month notification period. I would like to know who had the authority to change this notification period and what reasons were given to change the time line? I also would like to know why time and money is being spent on Environmental Impact Studies before a Purpose and Need decision has been made. To save time is not a valid excuse. You don't start framing out a house before you put the foundation in first! I would assume there is a definite procedure in place to vet projects. Why are changes now being made in this case? Looking forward to your response.

Respectfully, Sandy Linden



September 16, 2014

Kathryn K. Floyd

T 202-344-4696

F 202.344.8300

kkfloyd@venable.com

VIA EMAIL

Vicki Rutson
Director
Office of Environmental Analysis
Surface Transportation Board
325 E Street, SW
Washington, DC 20423

Re: Finance Docket No. 35952, Great Lakes Basin Railroad Project

Dear Vicki:

As you are aware, Great Lakes Basin, LLC is proposing to construct and operate a new rail line that would create a freight rail bypass around Chicago. This project is known as the Great Lakes Basin Railroad Project (GLBRP).

The basic purpose of the GLBRP is to provide a safe, reliable freight rail bypass around Chicago that has multiple interchanges with Class I railroads and avoids major population centers. The line—consisting of approximately 275 miles of new freight railroad—would travel from southern Wisconsin to eastern Indiana, looping around the Chicago rail hub. Great Lakes Basin intends to seek the Surface Transportation Board's authority to construct and operate the GLBRP.

On September 14, 2015, Great Lakes Basin representatives met with you and Dave Navecky at the Board's offices. We discussed information compiled during the GLBRP's development phase, as well as various environmental and planning considerations relevant to the project.

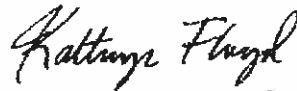
Great Lakes Basin hereby requests a waiver of the 49 C.F.R. §1105.10(a) requirement that an applicant consult with OEA at least 6 months prior to seeking the Board's authority to construct and operate a rail line, if the proposed construction would require preparation of an Environmental Impact Statement. We believe that the six-month pre-notification is not needed with respect to this project for several reasons. First, as you are aware, Great Lakes Basin is continuing to prepare substantial engineering and environmental data, and plans to submit further information to OEA in the future. Second, pursuant to the Board's procedures, Great Lakes Basin intends to utilize an independent third-party consultant, to be

Vicki Rutson
September 16, 2015
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selected by OEA, to prepare the necessary agency environmental documentation for the project. Third, in light of the overall GLBRP schedule, a six-month delay would needlessly impede the progress of this important project.

Please let me know if you have any questions. We greatly appreciate your assistance and look forward to working with you on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathryn Kusske Floyd". The signature is written in a cursive, flowing style.

Kathryn Kusske Floyd

cc: Phillis Johnson-Ball
Dave Navecky
Frank Patton



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

September 22, 2015

Kathryn Kusske Floyd
Venable LLP
575 Seventh Street, NW
Washington, DC 20004

Re: STB Docket No. FD 35952, Great Lakes Basin LLC – Authority to Construct and Operate a Rail Line in Wisconsin, Illinois and Indiana - Granting Waiver of Six-Month Prefiling Notice Requirement

Dear Ms. Floyd:

Pursuant to 49 C.F.R. § 1105.10(c), we are granting your request of September 16, 2015 for a waiver of the six-month prefiling notice generally required for construction projects under 49 C.F.R. § 1105.10(a)(1).

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) met with you and Jay Johnson of Venable LLP, and representatives of Great Lakes Basin LLC (GLB) on September 14, 2015. The GLB representatives included Jim Wilson, President, and Frank Patton, Managing Partner. At the meeting, GLB explained that it would be seeking authority from the Board to construct and operate a new rail line that would connect several Class I railroads and serve as a loop around the Chicago rail hub. As GLB explained, the proposed rail line would enable through traffic to bypass Chicago and provide more consistent and decreased rail travel times in the Midwest region. The proposed rail line would be approximately 275 miles long and would extend from southern Wisconsin, through Illinois to northwestern Indiana. The project is known as the Great Lakes Basin Railroad Project (GLBRP).

At the September 14, 2015 meeting, OEA provided a general overview of the Board's environmental review process, OEA's role in the process, and the use of third-party consultants. Based on this initial meeting and your letter request, OEA believes it has adequate information to grant this request and that GLB is sufficiently aware of OEA's environmental process.

If you have any questions, please feel free to contact Phillis Johnson-Ball of my staff at 202-245-0304.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with the first name "Victoria" and last name "Rutson" clearly distinguishable.

Victoria Rutson
Director
Office of Environmental Analysis

cc: Jay Johnson