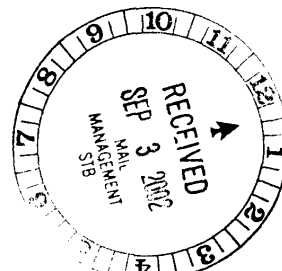


LEONARD, STREET AND DEINARD

PROFESSIONAL ASSOCIATION



August 29, 2002

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SEP 3 2002

Part of
Public Record

Diane P. Gerth

612-335-1463

diane.gerth@leonard.com

The Honorable Vernon A. Williams
Secretary
Service Transportation Board
1925 K Street N.W.
Washington, D.C. 20423-0001

206146

**Re: Canada Southern Railway Company; Notice of Exemption,
STB Docket No. AB-584 (Sub No. 1X)**

Dear Mr. Williams:

Please find enclosed for filing the original and ten copies of Canada Southern Railway Company's Environmental and Historic Reports for the above-referenced Notice of Exemption Abandonment, which is scheduled to be filed next month. All of the parties on the attached list of parties consulted are also being served on this date.

In addition, enclosed is a self-addressed stamped envelope and a copy of this letter to be stamped with the filing date and returned to the undersigned.

If you have any questions regarding this matter, please feel free to call me.

Very truly yours,

LEONARD, STREET AND DEINARD

Diane P. Gerth

DPG:km

Enclosure

cc: Victoria Rutson (STB/SEA)

Dana White

Anne Dragicevic

Denyse Nepveu

150 SOUTH FIFTH STREET SUITE 2300 MINNEAPOLIS, MINNESOTA 55402 TEL 612-335-1500 FAX 612-335-1657

LAW OFFICES IN MINNEAPOLIS, SAINT PAUL, MANKATO, SAINT CLOUD AND WASHINGTON, D.C.
1848388v1 (13M84011.DOC)

WWW.LEONARD.COM

August 29, 2002
Page 2

Paul Clegg
Bill Tuttle
Judy Mitchell
Paul Dyster
Parties on the Attached List of Parties Consulted

SERVICE LIST FOR
ENVIRONMENTAL & HISTORICAL REPORT
STB DOCKET NO. AB-584 (SUB. NO. 1X)



FEDERAL AGENCIES

Appropriate Regional Office(s) of the
U.S. Environmental Protection Agency

Region 2 Office
U.S. Environmental Protection Agency
Jacob K. Javits Federal Building
290 Broadway
New York, NY 10007
Tel: (212) 637-3000

U.S. Fish and Wildlife Service

Northeast Region Office
Region 5
300 Westgate Center Drive
Hadley, MA 01035-9589
Tel: (413) 253-8200

U.S. Army Corps of Engineers – Buffalo District

U.S. Army Corps of Engineer
U. S. Army Engineer District, Buffalo
1776 Niagra Street
Buffalo, NY 14207-3199
Tel: (716) 879-4330

National Park Service

National Center for Recreation and Conservation
U.S. Department of the Interior
National Park Service
1849 C Street NW
Washington, DC 20240

U.S. Soil and Conservation Service

United States Department of Agriculture
Natural Resources Conservation Service
Office of the Chief
Post Office Box 2890
Washington, D.C. 20013
Tel: (202)720-4525

National Geodetic Survey and U.S. Geological Survey

National Geodetic Survey
NOAA
N/NGS2, Room 8813
Silver Spring, MD 20910
Attn.: Mr. Edward McKay
Tel: (301) 713-3191

Director
U.S. Geological Survey
Headquarters, John W. Powell Federal Building
12201 Sunrise Valley Drive, MS 100
Reston, VA 20192
Tel: (703) 648-7411

STATE AGENCIES CONSULTED

State Clearinghouse

New York State Clearinghouse
Division of the Budget
State Capitol
Albany, NY 12224
Tel: (518)474-1605

State Department of Transportation

Joseph H. Boardman, Commissioner
New York State Department of Transportation
5-504 Harriman State Office Campus
1220 Washington Avenue
Albany, New York 12232
Tel: (518) 457-4422

State Environmental Protection Agency

Department of Environmental Conservation
50 Wolf Road
Albany, NY 12233
Tel: (518)457-3446

State Water Quality Official

Department of Environmental Conservation
Office of Water Quality and Environmental Remediation
625 Broadway
Albany, NY 12233-1013
Tel: (518)402-8559
Fax: (518)402-9016

State Historic Preservation Office

New York State Parks, Recreation and Historic Preservation
Agency Building #1
Empire State Plaza
Albany, NY 12188-1089
Tel: (518)2378643 ext. 272

State Coastal Zone Management Agency

New York Department of State
Division of Coastal Resources
41 State Street
Albany, NY 12231
Tel: (518)474-6000

State Planning Agency

N/A

REGIONAL PLANNING AGENCIES

Niagara County

Niagara County Department of Planning, Development & Tourism
139 Niagara Street
Lockport, New York 14094-2740
Tel: (800)338-7890

OTHER POLITICAL ENTITIES AND/OR
INDIAN RESERVATIONS THROUGH WHICH THE LINE RUNS

Indian Reservations

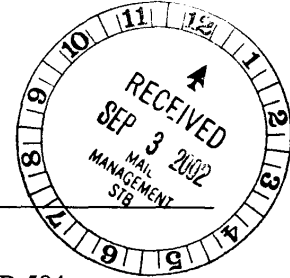
N/A

Niagara County

Clyde L. Burmaster
Chairman – Niagara County
Niagara County Courthouse, First Floor
175 Hawley Street
Lockport, NY 14094

United States Coast Guard
Rear Admiral James D. Hull
1240 East 9th Street
Cleveland, OH 44199-2060

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC



CANADA SOUTHERN RAILWAY)
COMPANY-- ABANDONMENT OF)
TRACKAGE LOCATED IN NIAGARA)
COUNTY, NEW YORK)

DOCKET NO. AB-584
(SUB-NO. 1X)

ABANDONMENT OF TRACKAGE LOCATED
BETWEEN MILE POST 0.0 AND MILE POST 0.15 IN NIAGARA FALLS, NEW YORK,
WHICH TRAVERSES THROUGH UNITED STATES POSTAL ZIP CODE 14305, NIAGARA
COUNTY, STATE OF NEW YORK

NOTICE OF EXEMPTION
PURSUANT TO 49 U.S.C. SECTION 10502 AND 49 C.F.R. PART 1152.50

ENVIRONMENTAL AND HISTORIC REPORTS
IN COMPLIANCE WITH
49 C.F.R. PART 1105

CANADA SOUTHERN
RAILWAY COMPANY

ENTERED
Office of Proceedings

SEP 3 2002

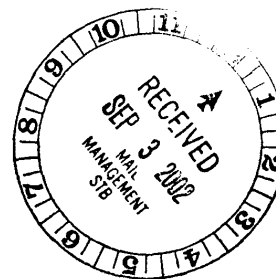
Part of
Public Record

LEONARD, STREET AND DEINARD
Professional Association

Diane P. Gerth, Esq.
150 South 5th Street, Suite 2300
Minneapolis, MN 55402
Tel. (612) 335-1463
Fax (612) 335-1657

Attorney for Applicant
Service Date: August 29, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC



CANADA SOUTHERN RAILWAY	)	
COMPANY-- ABANDONMENT OF	)	DOCKET NO. AB-584
TRackage LOCATED IN NIAGARA	)	(SUB-NO. 1X)
COUNTY, NEW YORK	)	

ABANDONMENT OF TRackage LOCATED
BETWEEN MILE POST 0.0 AND MILE POST 0.15 IN NIAGARA FALLS, NEW YORK,
WHICH TRAVERSES THROUGH UNITED STATES POSTAL ZIP CODE 14305, NIAGARA
COUNTY, STATE OF NEW YORK

NOTICE OF EXEMPTION
PURSUANT TO 49 U.S.C. SECTION 10502 AND 49 C.F.R. PART 1152.50

ENVIRONMENTAL REPORT
IN COMPLIANCE WITH
49 C.F.R. PART 1105.7

The following information is submitted to the Surface Transportation Board by Canada Southern Railway Company in accordance with the Board's reporting requirements as set forth in 49 C.F.R. Section 1105.7, for the purpose of assisting the Board in its preparation of an environmental document regarding Canada Southern's Petition for Exemption under 49 U.S.C. 10505 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting the abandonment of a 0.15 +/- mile line of railroad between milepost 0.00 +/- and milepost 0.15 +/- which traverses through United States Postal Service Zip Code 14305, in Niagara Falls, Niagara County, New York. The bridge as issue is currently owned by the Niagara River Bridge Company (NRBC), which is owned by the Canada Southern Railway Company. All of Canada Southern's stock is held by CNCP Niagara Windsor partnership, a partnership of Canadian Pacific Railway Company (CPR) and Canadian National Railway Company (CN). While the underlying carrier is Canada Southern, both CN and CP's subsidiary, the Delaware & Hudson Railway Company, have trackage rights over the bridge. These trackage rights will be discontinued in the near future.

REQUIREMENTS OF 49 C.F.R. SECTION 1105.7 (49 C.F.R. Ch. X)

Section 1105.7(b) (1) - (11) Distribution:

(b) At least 20 days prior to filing with the Board a notice of exemption, petition for exemption, or an application for abandonment or discontinuance the applicant must serve copies of the Environmental Report on:

- (1) The State Clearinghouse of each State involved (or other state equivalent agency if the State has no clearinghouse);
- (2) The State Environmental Protection Agency of each State involved;
- (3) The State Coastal Zone Management Agency for any state where the proposed activity would affect land or water uses within that State's coastal zone;
- (4) The head of each county (or comparable political entity including any Indian reservation) through which the line goes;
- (5) The appropriate regional offices of the Environmental Protection Agency;
- (6) The U.S. Fish and Wildlife Service;
- (7) The U.S. Army Corps of Engineers;
- (8) The National Park Service;
- (9) The U.S. Soil Conservation Service;
- (10) The National Geodetic Survey (formerly known as the Coast and Geodetic Survey) as designated agent for the National Geodetic Survey and the U.S. Geological Survey; and;
- (11) Any other agencies that have been consulted in preparing the report.

See attached List of Parties Consulted and Certificate of Service - Exhibit No. 1.

Section 1105.7(c) Certification of Service of Environmental Report:

(c) Certification. In its Environmental Report, the applicant must certify that it has sent copies of the Environmental Report to the agencies listed and within the time specified in paragraph (b) of this section and that it has consulted with all appropriate agencies in preparing the report. These consultations should be made far enough in advance to afford those agencies a reasonable opportunity to provide meaningful input.

See attached List of Parties Consulted and Certificate of Service - Exhibit No. 1.

Section 1105.7(c) Publication of Newspaper Notice of Intent to Abandon:

Finally, in every abandonment exemption case, applicant shall certify that it has published in a newspaper of general circulation in each county through which the line passes a notice that alerts the public to the proposed abandonment, to available reuse alternatives, and to how it may participate in the STB proceeding.

The Notice for Publication specified at 49 C.F.R. Part 1105.12 was published on August 28, 2002, in the Niagara Gazette, Niagara Falls, NY. (See Exhibit No. 2, Certification of publication.)

Section 1105.7(d) Documentation:

(d) Documentation. Any written responses received from agencies that were contacted in preparing the Environmental Report shall be attached to the report. Oral responses from such agencies shall be briefly summarized in the report and the names, titles, and telephone numbers of the persons contacted shall be supplied. A copy of, or appropriate citation to, any reference materials relied upon also shall be provided.

All of the agencies referenced at 49 C.F.R. Part 1105.7(b) (1)-(10) were contacted by letters dated January 31, 2002 to solicit comments (See Exhibits Nos. 1 and 4). Additional followup letters were sent to certain agencies on August 23 and 26, 2002. Input received as of this date has been incorporated along with Canada Southern's analysis, and copies of responses are included in Exhibit No. 3. Subsequent written comments may be received by SEA and Canada Southern.

Status of written and oral comments received:

1105.7(b)(1) State Clearinghouse:

The State of New York Clearinghouse was consulted in a letter dated January 31, 2002. Other state agencies have responded (See Exhibit 3), but the Clearinghouse has not responded directly.

1105.7(b)(2) State Environmental Protection Agency:

To date, no response has been received. Canada Southern's January 31, 2002 letter soliciting a response is included in Exhibit No. 4.

1105.7(b)(3) State Coastal Zone Management Agency for Minnesota:

A response from the New York Department of State, Division of Coastal Resources was received on March 4, 2002, and is included in Exhibit 3. Because the proposed abandonment is located within a Coastal Zone Management Area, the Applicant has been engaged in ongoing consultation with the Division of Coastal Resources. A Coastal Zone Consistency Determination is being sought to ensure that the project is consistent with the Coastal Zone Policies of the State of New York. Included in Exhibit 5 is a draft Federal Consistency Assessment Form that has been submitted to the Division and is currently under discussion. Canada Southern recognizes that the Division's consistency determination is necessary under 49 C.F.R. § 1105.9 and 15 C.F.R. § 930.57.

1105.7(b)(4) Head of Each County Through Which The Line Goes:

Niagara County Chairman Clyde Burmaster was contacted by letter dated January 31, 2002. To date, the Chairman has not responded. However, the Niagara County Department of Planning, Development and Tourism did respond on March 8, 2002 by forwarding a letter from the City of Niagara Falls Department of Community Development. Both letters are included in Exhibit 3.

1105.7(b)(5) Appropriated Regional Offices of the Environmental Protection Agency:

Canada Southern's January 31, 2002 and August 23, 2002 letters soliciting a response are included in Exhibit No. 4. On August 28, 2002, counsel for Canada Southern received a telephone call from Mr. Mark Westrate, EPA Region 2. Mr. Westrate stated that Region 2 would not be responding to the request for comments.

1105.7(b)(6) U.S. Fish and Wildlife Services:

The March 11, 2002 letter of the U.S. Fish and Wildlife Service is included in Exhibit 3.

1105.7(b)(7) U.S. Army Corps of Engineers:

To date, no response has been received. Canada Southern's January 31, 2002 and August 23, 2002 letters soliciting a response are included in Exhibit No. 4.

1105.7(b)(8) National Park Service:

To date, no response has been received. Canada Southern's letter soliciting a response is included in Exhibit No. 4.

1105.7(b)(a) U.S. Natural Resource Conservation Service:

A response from the Natural Resource Conservation Service was received on March 4, 2002. A copy of the response is included in Exhibit No. 3.

1105.7(b)(10) National Geodetic Survey:

The National Geodetic Survey was contacted by correspondence dated January 31, 2002. Its response is included in Exhibit No. 3.

1105.7(b)(10) U.S. Geological Survey:

To date, no response has been received. Canada Southern's letter soliciting a response is included in Exhibit No. 4.

Other Comments Received:

New York State Historic Preservation Officer:

Canada Southern has been in contact with the New York State Parks, Recreation and Historic Preservation Office, and has been involved in lengthy, ongoing consultations with the SHPO. A copy of written correspondence received from the SHPO is included in Exhibit No. 3. Because the bridge located on the property is eligible for listing on the National Register of Historic Places, a Memorandum of Agreement outlining the mitigation measures to be undertaken is being negotiated. A draft of the MOA is included in Exhibit No. 5 and has already been supplied to the Section of Environmental Analysis for comment.

Niagara Bridge Commission

A response from the attorney for the Niagara Bridge Commission is included in Exhibit No. 3.

City of Niagara Falls Department of Community Development

A response from the City of Niagara Falls Department of Community Development was included in the response from the Niagara County Department of Planning, Development and Tourism. It is included in Exhibit No. 3.

Section 1105.7(e) Content:

(e) Content. The Environmental Report shall include all of the information specified in this paragraph, except to the extent that applicant explains why any portion(s) are inapplicable. If an historic report is required under Section 1105.8, the Environmental Report should also include the Historic Report required by that section.

A Historic Report pursuant to 49 C.F.R. Section 1105.8 is included and attached to this Report (See Exhibit No. 6).

(1) ALTERNATIVES

Section 1105.7(e)(I) Proposed Action and Alternatives:

(1) Proposed action and alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

The proposed action is the abandonment of a 0.15 mile length of track located entirely within the City of Niagara Falls, New York. Because the track is mainline track, authority to cease rail operations is required from the Surface Transportation Board.

Most of the line of railroad (approximately 500 feet) consists of a single track located on the International Bridge. Approximately 300 feet of track serves as an approach to the International Bridge, with an average right-of-way width of between 50 and 100 feet. There are also two smaller bridges over Lewiston/Main Street and Whirlpool Street that serve as part of the approach to the International Bridge.

The proposed action includes the removal of all rails, ties, spikes, plates, railroad-related utilities, and signaling devices. The ballast would remain in place. All equipment and materials that are removed from the line would either be reused, sold as scrap, or disposed of in accordance with applicable environmental regulations. Currently, negotiations are underway for a potential purchase of the bridge by a third party for non-railroad use. Before the bridge could be reused, engineering studies, environmental review, and substantial planning would be required. Canada Southern's limited action in this abandonment proceeding is to cease rail service over the bridge, remove rail-related structures, and preserve the bridge structures themselves and the approach for appropriate reuse at a later date. The scope of this abandonment proceeding is to obtain authority to cease rail operations and remove rail-related equipment. Any later reuse would be subject to all applicable environmental, historic, land use planning laws and regulations at the appropriate federal, state and local levels.

(2) TRANSPORTATION SYSTEMS

Section 1105.7(e)(2) Transportation System:

(2) Transportation system. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

All rail traffic over this short segment of trackage has been diverted to other routes. There are no shippers located on this line. In the past, Delaware and Hudson and Canadian Pacific traffic over the bridge traveled over trackage rights over Conrail (now CSXT) trackage to Buffalo. Those trackage rights were the subject of a discontinuance filed with the Board on February 13, 2002 in Delaware and Hudson Railway Company – Discontinuance of Trackage Rights – In Niagara and Erie Counties, New York, STB Docket No. AB 156, (Sub. No. 21X). Tracks on the Canadian side of the border have been removed, as the line was declared auxiliary in late 2001. No specific authority from Canadian regulators was necessary to allow removal of that trackage.

(3) LAND USE

Section 1105.7(c)(3) Land Use: Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

The Niagara County Department of Planning, Development and Tourism did respond on March 4, 2002 by forwarding a letter from the City of Niagara Falls Department of Community Development. Both letters are included in Exhibit 3.

In response to the comments of the City of Niagara Falls Department of Community Development, Canada Southern believes that the cessation of rail traffic on this short line of railroad will not interfere with any development plans of the City.

The trains of Canadian Pacific (the main user of the bridge up until late 2001) were primarily through trains and provided very little freight service to shippers in the Niagara Falls area. Niagara Falls will continue to receive rail service from other carriers who have operations at this area. The rails on the Canadian side of this trackage have been removed and that former right-of-way has been sold. On the U.S. side, the trackage rights that allowed rail access to the bridge have been discontinued and that rail traffic has been relocated to a bridge that meets the needs of the rail users far more efficiently. For all practical purposes, there is no longer rail access to this rail-only bridge, and rail traffic over this bridge is unlikely to ever be resumed.

The cessation of rail traffic over this bridge opens up a potential for re-use that is an economic opportunity for the City of Niagara Falls. Re-use as a truck-only bridge has been proposed by the potential purchasers of the bridge.

Those projects outlined by the Department of Community Development will not be affected by the cessation of rail service contemplated in this proceeding. The salvaging activities will be minimal, rail service remains available near this site, and the abandonment opens up re-use potential that would otherwise be foreclosed were the bridge to remain an unused former rail structure.

Section 1105.7(e)(3)(ii): Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

Prime agricultural lands would not be adversely affected by the proposed action, as the line traverses an urban environment that is unsuited for agricultural uses.

Section 1105.7(e)(3)(iii): If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. § 1105.9.

The proposed abandonment is located within a Coastal Zone Management Area. Because of this, the Applicant has been engaged in ongoing consultation with the Division of Coastal Resources. A Coastal Zone Assessment is being undertaken to ensure that the project is consistent with the Coastal Zone Policies of the State of New York. Included in Exhibit 5 with the response of the Division to the environmental scoping letter is a draft Federal Consistency Assessment Form that has been submitted to the Division and is currently under discussion. Canada Southern recognizes that the Division's Consistency Determination is necessary under 49 C.F.R. § 1105.9 and 15 C.F.R. § 930.57.

Section 1105.7(e)(iv): If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

The unique setting and placement of this line in and of itself is likely to make it unsuitable for public use, as the line is an isolated small section of rail line that extends half the way across an International Bridge. The tracks on the Canadian side of the border no longer carry rail traffic and have been removed. The trackage rights on the U.S. side that gave railroads access to the bridge have been discontinued, essentially isolating the bridge. Any alternative public use would almost certainly require the acquisition of substantial land located near the bridge approach on the U.S. side, and would likely require considerable bridge and land acquisition on the Canadian side. In addition, for border security reasons, access to the bridge structure is currently prohibited, and is expected to remain so.

(4) ENERGY

Section 1105.7(c)(4) Energy:

Section 1105.7(e)(4)(i): Describe the effect of the proposed action on transportation of energy resources.

The proposed abandonment will have no effect on the development and transportation of energy resources, or on the movement and/or recovery of recyclable commodities as no such energy resources or recyclable commodities are presently transported over this line.

Section 1105.7(e)(4)(ii): Describe the effect of the proposed action on recyclable commodities.

No impact is anticipated.

Section 1105.7(e)(4)(iii): State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

No impact is anticipated.

Section 1105.7(e)(4)(iv): If the proposed action will cause diversions from rail to motor carriage of more than:

A. 1,000 rail carloads a year; or

B. An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in § 1105.7(e)(4)(iii) need not be supplied if the more detailed information § 1105.7(e)(4)(iv) is required.

The proposed action will not cause diversions from rail to truck of more than 1000 rail carloads per year or more than 50 rail cars per mile per year.

(5) AIR

Section 1105.7(e)(5)(i) Air: If the proposed action will result in either:

A. An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal; or

B. An increase in rail yard activity of at least 100 percent (measured by carload activity); or

C. An average increase in truck traffic or more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

The proposed cessation of rail service over this segment:

A. Will not result in an increase in rail traffic of at least 100% or an increase of at least 8 trains per day on any segment of rail line affected by the proposed abandonment.

B. Will not result in an increase in rail yard activity of at least 100% (measured by carload activity).

C. Will not result in an increase in total traffic by 10% or 50 - vehicles per day for any affected road segment. This is based on the current traffic level on the line.

Section 1105.7(e)(5)(ii): If the proposed action affects a class I or non-attainment area under the Clean Air Act, and will result in either:

A. An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line;

B. An increase in rail yard activity of at least 20 percent (measured by carload activity); or

C. An average increase in truck traffic or more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. 10901 (or 49 U.S.C. 10505), or a case involving the

reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment:

- A. Will not result in an increase in rail traffic of at least 50% or an increase of at least 3 trains per day on any segment of rail line affected by the proposed abandonment.
- B. Will not result in an increase in rail yard activity of at least 20% (measured by carload activity).
- C. Will not result in an increase in total traffic by 10% or 50 vehicles per day for any affected road segment.

Section 1105.7(e)(5)(iii): If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency or service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Transportation of ozone depleting materials are not involved.

(6) NOISE

Section 1105.7(e)(6) Noise: If any of the thresholds identified in item (5)(I) of this section are surpassed, state whether the proposed action will cause:

- (i) An incremental increase in noise levels of three decibels Ldn or more; or
- (ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

No threshold in No. 5 will be surpassed.

(7) SAFETY

Section 1105.7(e)(7)(i): Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

No adverse effects are anticipated.

Section 1105.7(e)(7)(ii): If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

Not applicable since hazardous materials will no longer be transported over this line segment.

Section 1105.7(e)(7)(iii): If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There are no known hazardous waste sites and there are no known hazardous material spills on the right of way. An updated Phase I Environmental Site Assessment completed in February 2002, copies of which can be made available.

(8) BIOLOGICAL RESOURCES

Section 1105.7(e)(8)(i) Wildlife: Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

The U.S. Fish and Wildlife Service has indicated that "Except for transient individuals, no Federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area." Temporary displacement of wildlife along the right of way may occur during short periods when salvage operations are conducted. However, this will be a minor and short-lived effect. (See Exhibit No. 3.)

Section 1105.7(e)(8)(ii): State whether wildlife sanctuaries or refuges National or State parks or forests be affected and describe any effects.

No sanctuaries, state parks, or refuges will be adversely affected by the proposed abandonment. The limited salvage activities will not impact National or State parks or forests.

(9) WATER

Section 1105.7(e)(9)(i) Water: Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

The Proposed abandonment does not appear to be inconsistent with applicable federal, state, and/or local water quality standards. Although the bridge itself traverses the Niagara River, there are no in-stream activities anticipated.

Section 1105.7(e)(9)(ii) and (iii): (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the State Environmental Protection or Equivalent Agency if they are unsure whether such permits are required).

Permits under Section 404 of the Clean Water Act are not required for the proposed action. No designated wetlands or 100 year flood plains will be adversely affected. The U.S. Army Corps of Engineers has been notified of the proposed abandonment in letters dated January 31, 2002 and August 23, 2002, but no response has been received. Permits under Section 402 of the Clean Water Act (NPDES permit requirements) are not required for this action as no in-stream salvage activities are contemplated.

Section 1105.7(e)(10) Proposed Mitigation: Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

No adverse environmental impacts are anticipated. Other than using appropriate care in conducting salvage operations, no mitigation will be necessary.

Section 1105.7(e)(11) Additional Information for Rail Constructions: The following additional information should be included for rail construction proposals (including connecting track construction).

Not applicable.

Section 1105.8 Historic Reports: (a) An applicant proposing an action identified in Section 1105.6(a) or (b)), or an action in Section 1105.6(c) that will result in the lease, transfer, or sale of a railroad's line, sites or structures, must submit (with its application, petition or notice) the Historic Report described in paragraph (d) of this section, unless excepted under paragraph (b) of this section. This report should be combined with the Environmental Report where one is required. The purpose of the Historic Report is to provide the Board with sufficient information to conduct the consultation process required by the National Historic Preservation Act.

The Historic Report is attached hereto. (See Exhibit No. 5.)

Section 1105.9 Coastal Zone Management Act Requirements: If the proposed action affects land or water uses within a State coastal zone designated pursuant to the Coastal Zone Management Act (16 U.S.C. 1451 et seq.) applicant must comply with the following procedures.

The proposed abandonment is located within a Coastal Zone Management Area. The Applicant has been engaged in ongoing consultation with the New York Department of State, Division of Coastal Resources. A Coastal Zone consistency determination is being sought to ensure that the project is consistent with the Coastal Zone Policies of the State

of New York. Included in Exhibit 5 is a draft Federal Consistency Assessment Form that has been submitted to the Division and is currently under discussion. Canada Southern recognizes that the Division's Consistency Determination is necessary under 49 C.F.R. § 1105.9 and 15 C.F.R. § 930.57.

END OF REPORT

EXHIBIT NO. 1

(List of Parties Consulted and
Certificate of Service of Environmental and Historic Report)

CERTIFICATE OF SERVICE OF ENVIRONMENTAL AND HISTORIC REPORTS

I hereby certify that on August 29, 2002, I served the Environmental Report and Historic Report relative to S.T.B. Docket No. AB-584 (Sub No. 1X) pursuant to C.F.R. Parts 1152.50, 1105.7(b)(c) and 1105.11 by First Class U.S. Mail properly addressed and with postage prepaid upon the parties listed on the attached List of Parties Consulted.

Dated at Minneapolis, Minnesota this 29th day of August, 2002.


Diane P. Gerth

ENVIRONMENTAL & HISTORICAL REPORT

LIST OF PARTIES CONSULTED

Parties consulted in preparing Environmental and Historical Reports - Canada Southern Railway Company - Abandonment of Line of Railroad running from Mile Post 0.0 +/- and Mile Post 0.15 +/- in Niagara County, State of New York which traverses through United States Postal Service Zip Code 14305 (total mileage: approximately 0.15 +/- miles) -- S.T.B. Docket No. AB-584 (Sub-No. 1X)

FEDERAL AGENCIES

Appropriate Regional Office(s) of the U.S. Environmental Protection Agency

Region 2 Office
U.S. Environmental Protection Agency
Jacob K. Javits Federal Building
290 Broadway
New York, NY 10007
Tel: (212) 637-3000

U.S. Fish and Wildlife Service

Northeast Region Office
Region 5
300 Westgate Center Drive
Hadley, MA 01035-9589
Tel: (413)253-8200

U.S. Army Corps of Engineers - Buffalo District

U.S. Army Corps of Engineer
U. S. Army Engineer District, Buffalo
1776 Niagra Street
Buffalo, NY 14207-3199
Tel: (716)879-4330

National Park Service

National Center for Recreation and Conservation
U.S. Department of the Interior

National Park Service
1849 C Street NW
Washington, DC 20240

U.S. Soil and Conservation Service

United States Department of Agriculture
Natural Resources Conservation Service
Office of the Chief
Post Office Box 2890
Washington, D.C. 20013
Tel: (202)720-4525

National Geodetic Survey and U.S. Geological Survey

National Geodetic Survey
NOAA
N/NGS2, Room 8813
Silver Spring, MD 20910
Attn.: Mr. Edward McKay
Tel: (301) 713-3191

Director
U.S. Geological Survey
Headquarters, John W. Powell Federal Building
12201 Sunrise Valley Drive, MS 100
Reston, VA 20192
Tel: (703) 648-7411

STATE AGENCIES CONSULTED

State Clearinghouse

New York State Clearinghouse
Division of the Budget
State Capitol
Albany, NY 12224
Tel: (518)474-1605

State Department of Transportation

Joseph H. Boardman, Commissioner
New York State Department of Transportation
5-504 Harriman State Office Campus
1220 Washington Avenue
Albany, New York 12232
Tel: (518) 457-4422

State Environmental Protection Agency

Department of Environmental Conservation
50 Wolf Road
Albany, NY 12233
Tel: (518)457-3446

State Water Quality Official

Department of Environmental Conservation
Office of Water Quality and Environmental Remediation
625 Broadway
Albany, NY 12233-1013
Tel: (518)402-8559
Fax: (518)402-9016

State Historic Preservation Office

New York State Parks, Recreation and Historic Preservation
Agency Building #1
Empire State Plaza
Albany, NY 12188-1089
Tel: (518)2378643 ext. 272

State Coastal Zone Management Agency

New York Department of State
Division of Coastal Resources
41 State Street
Albany, NY 12231
Tel: (518)474-6000

State Planning Agency

N/A

REGIONAL PLANNING AGENCIES

Niagara County

Niagara County Department of Planning, Development & Tourism
139 Niagara Street
Lockport, New York 14094-2740
Tel: (800)338-7890

OTHER POLITICAL ENTITIES AND/OR
INDIAN RESERVATIONS THROUGH WHICH THE LINE RUNS

Indian Reservations

N/A

Niagara County

Clyde L. Burmaster
Chairman – Niagara County
Niagara County Courthouse, First Floor
175 Hawley Street
Lockport, NY 14094

United States Coast Guard
Rear Admiral James D. Hull
1240 East 9th Street
Cleveland, OH 44199-2060

EXHIBIT NO. 2

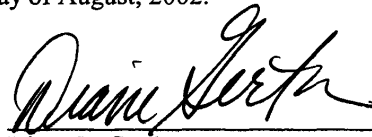
(Certification of Diane P. Gerth Publication of Newspaper Notice in Newspaper
of General Circulation in Counties where Line is Situated and Affidavits of Publication)

(49 C.F.R. Part 1105.12)

CERTIFICATE OF PUBLICATION OF PUBLIC NOTICE
IN NEWSPAPER OF GENERAL CIRCULATION IN NIAGARA COUNTY, NEW YORK

I hereby certify that relative to S.T.B. Docket No. AB-584 (Sub-No. 1X) pursuant to C.F.R. Parts 1152.50 and 1105.12, on August 28, 2002, a public legal notice was published in the Niagara Gazette, a newspaper of general circulation in Niagara County, New York, the county in which the subject trackage is located. .

Dated at Minneapolis, Minnesota this 29th day of August, 2002.

A handwritten signature in cursive script, appearing to read "Diane Gerth", is written over a horizontal line.

Diane P. Gerth

STATE OF NEW YORK

NIAGARA COUNTY,} SS. _____

Laurie Fasciano, of said county, being duly sworn, deposes and says that
she is now and during the whole time hereinafter mentioned was the Legal
Clerk of

THE NIAGARA GAZETTE

A newspaper published in the County and State aforesaid, and that the annexed
printed legal # 421099 was printed and published in said paper at least
once a week for 1 successive weeks, commencing on the 28th
day of Aug, and ending on the 28th day of Aug, 20 02

Laurie Fasciano
Principal Clerk

Subscribed and sworn to me before this 28th day of Aug, 20 02

Amy M. Banks
Notary Public

12/15/05
Expiration Date

Amy M. Banks
Notary Public
State of New York
Qualified in Niagara County
No. 01BA6000433
My Commission Expires December 15 20 05

NOTICE

Canada Southern Railway Company gives notice that on or about September 15, 2002, it intends to file with the Surface Transportation Board, Washington, DC 20423, a Notice of Exemption under 49 U.S.C. 10505 from the prior approval requirements of 49 U.S.C. 10503, et seq., permitting the abandonment of a 0.15 mile line of railroad between milepost 0.0 and milepost 0.15, which traverses through United States Postal Service Zip Code 14303, in the City of Niagara Falls, Niagara County, New York. The proceedings will be docketed as No. AB-584 (Sub No. IX).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the Notice of Exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the SEA, Surface Transportation Board, 1225 K Street NW, Washington, DC, 20423-0001, or by calling SEA at 202-365-1674.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1225 K Street NW, Washington, DC 20423-0001. [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Services at 202-927-7597. Copies of any comments or requests for conditions should be served on the applicant's representative, Diane F. Gerth at Leonard, Street and Deinard, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402, 612-335-1500.

Canada Southern Railroad Company
#421099P, August 28, 2002

NOTICE

Canada Southern Railway Company gives notice that on or about September 15, 2002, it intends to file with the Surface Transportation Board, Washington, DC 20423, a Notice of Exemption under 49 U.S.C. 10505 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting the abandonment of a 0.15 mile line of railroad between milepost 0.0 and milepost 0.15, which traverses through United States Postal Service Zip Code 14305, in the City of Niagara Falls, Niagara County, New York. The proceeding will be docketed as No. AB-584 (Sub No. 1X).

The Board's Section of Environmental analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the Notice of Exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the SEA, Surface Transportation Board, 1925 K Street NW, Washington, DC, 20423-0001, or by calling SEA at 202-565-1674.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street NW, Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Services at 202-927-7597. Copies of any comments or requests for conditions should be served on the applicant's representative, Diane P. Gerth at Leonard, Street and Deinard, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402, 612-335-1500.

Canada Southern Railroad Company

EXHIBIT NO. 3

(Responses to Environmental Scoping Correspondence Sent January 31, 2002)



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
National Geodetic Survey
Silver Spring, Maryland 20910-3282

February 13, 2002

Ms. Victoria J. Rutson
Acting Chief, Section of
Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

RECEIVED

FEB 19 2002

Dear Ms. Rutson:

The area in question on the map that is part of the Draft Environment Report for the proposed rail line abandonment of Canada Southern Railway Co. for 0.15 miles of track from Mile Post 0.0 to Mile Post 0.15, in Niagara County, New York, STB Docket No. AB-584 (Sub-No. 1X), has been reviewed within the scope of National Geodetic Survey (NGS) responsibility and expertise and in terms of the impact of the proposed actions on NGS activities and projects.

As a result of this review, five geodetic station markers have been identified that might be affected by the proposed abandonment; data sheets for these markers are enclosed. If there are any planned activities which could disturb or destroy these markers, NGS requires not less than 90 days' notification in advance of such activities in order to plan for their relocation.

If further information is needed for these geodetic station markers, my address is NOAA, N/NGS2, Room 8813, 1315 East-West Highway, Silver Spring, Maryland 20910-3282, telephone: 301-713-3191, fax: 301-713-4324, e-mail: Ed.McKay@noaa.gov.

Sincerely,

Edward J. McKay

Edward J. McKay
Chief, Spatial Reference
System Division

Enclosure

cc: D. Gerth - LS&D



Printed on Recycled Paper



CANADA SOUTHERN RAILWAY COMPANY

NIAGARA COUNTY, NEW YORK

STB DOCKET NO. AB-584 (SUB-NO. 1X)

5 GEODETIC CONTROL MARKS IN THE PROPOSED ABANDONMENT AREA

PID	DESIGNATION	LATITUDE	LONGITUDE
OG0203	SUSPENSION BRIDGE	N430637	W0790313
OG0235	CUSTOMS	N430634	W0790320
OG0236	RAPIDS	N430635	W0790321
OGI039	REF MON 17 41 IWC	N430637	W0790326
OG0234	3550	N430633	W0790335

The NGS Data Sheet

See file dsdata.txt for more information about the datasheet.

DATABASE = Sybase , PROGRAM = datasheet; VERSION = 6:58

1 National Geodetic Survey, Retrieval Date = FEBRUARY 13, 2002

OG0203 *****

OG0203 DESIGNATION - SUSPENSION BRIDGE

OG0203 PID - OG0203

OG0203 STATE/COUNTY- NY/NIAGARA

OG0203 USGS QUAD -

OG0203

OG0203

*CURRENT SURVEY CONTROL

OG0203

OG0203* NAD 83(1986)- 43 06 37. (N) 079 03 13. (W) SCALED

OG0203* NAVD 88 - 177.869 (meters) 583.56 (feet) ADJUSTED

OG0203

OG0203 GEOID HEIGHT- -35.72 (meters) GEOID99

OG0203 DYNAMIC HT - 177.825 (meters) 583.41 (feet) COMP

OG0203 MODELED GRAV- 980,372.7 (mgal) NAVD 88

OG0203

OG0203 VERT ORDER - FIRST CLASS II

OG0203

OG0203.The horizontal coordinates were scaled from a topographic map and have

OG0203.an estimated accuracy of +/- 6 seconds.

OG0203

OG0203.The orthometric height was determined by differential leveling.

OG0203.and adjusted by the National Geodetic Survey in June 1991.

OG0203

OG0203.The geoid height was determined by GEOID99.

OG0203

OG0203.The dynamic height is computed by dividing the NAVD 88

OG0203.geopotential number by the normal gravity value computed on the

OG0203.Geodetic Reference System of 1980 (GRS 80) ellipsoid at 45

OG0203.degrees latitude (g = 980.6199 gals.).

OG0203

OG0203.The modeled gravity was interpolated from observed gravity values.

OG0203

OG0203; North East Units Estimated Accuracy

OG0203;SPC NY W - 345,530. 311,720. MT (+/- 180 meters Scaled)

OG0203

SUPERSEDED SURVEY CONTROL

OG0203

OG0203

OG0203 NGVD 29 - 178.026 (m) 584.07 (f) ADJ UNCH 1 2

OG0203

OG0203.Superseded values are not recommended for survey control.

OG0203.NGS no longer adjusts projects to the NAD 27 or NGVD 29 datums.

OG0203.See file dsdata.txt to determine how the superseded data were derived.

OG0203

OG0203_MARKER: B = BOLT

OG0203_SETTING: 30 = WALL

OG0203_STABILITY: D = MARK OF QUESTIONABLE OR UNKNOWN STABILITY

OG0203

OG0203 HISTORY - Date Condition Report By

OG0203 HISTORY - UNK MONUMENTED USLS

OG0203 HISTORY - 1942 GOOD USLS

OG0203 HISTORY - 19991127 MARK NOT FOUND USPSQD

OG0203

OG0203

STATION DESCRIPTION

OG0203

OG0203'DESCRIBED BY US LAKE SURVEY 1942

OG0203'IN NIAGARA FALLS.

OG0203'AT NIAGARA FALLS, NIAGARA COUNTY, AT THE INTERSECTION OF TENTH AND
OG0203'DEPOT STREETS, AT THE ABANDONED SUSPENSION BRIDGE PASSENGER STATION
OG0203'OF THE NEW YORK CENTRAL RAILROAD, IN THE WEST WALL OF THE BUILDING,
OG0203'0.5 FOOT FROM THE NORTHWEST CORNER, AND ABOUT 3-1/2 FEET ABOVE THE
OG0203'GROUND. THE CENTER OF A BRASS BOLT, LEADED HORIZONTALLY INTO THE
OG0203'WALL AND MARKED BY THE CHISELED LETTERS B M AND AN ARROW.

OG0203

STATION RECOVERY (1999)

OG0203

OG0203

OG0203'RECOVERY NOTE BY US POWER SQUADRON 1999

OG0203'MARK NOT FOUND.

*** retrieval complete.

Elapsed Time = 00:00:01

The NGS Data Sheet

See file dsdata.txt for more information about the datasheet.

DATABASE = Sybase , PROGRAM = datasheet, VERSION = 6.58

1 National Geodetic Survey, Retrieval Date = FEBRUARY 13, 2002

OG0235 *****

OG0235 DESIGNATION - CUSTOMS

OG0235 PID - OG0235

OG0235 STATE/COUNTY- NY/NIAGARA

OG0235 USGS QUAD -

OG0235

OG0235

*CURRENT SURVEY CONTROL

OG0235

OG0235* NAD 83(1986)- 43 06 34. (N) 079 03 20. (W) SCALED

OG0235* NAVD 88 - 169.986 (meters) 557.70 (feet) ADJUSTED

OG0235

OG0235 GEOID HEIGHT- -35.72 (meters) GEOID99

OG0235 DYNAMIC HT - 169.945 (meters) 557.56 (feet) COMP

OG0235 MODELED GRAV- 980,372.6 (mgal) NAVD 88

OG0235

OG0235 VERT ORDER - FIRST CLASS 0

OG0235

OG0235.The horizontal coordinates were scaled from a topographic map and have

OG0235.an estimated accuracy of +/- 6 seconds.

OG0235

OG0235.The orthometric height was determined by differential leveling

OG0235.and adjusted by the National Geodetic Survey in June 1991.

OG0235

OG0235.The geoid height was determined by GEOID99.

OG0235

OG0235.The dynamic height is computed by dividing the NAVD 88

OG0235.geopotential number by the normal gravity value computed on the

OG0235.Geodetic Reference System of 1980 (GRS 80) ellipsoid at 45

OG0235.degrees latitude (g = 980.6199 gals.).

OG0235

OG0235.The modeled gravity was interpolated from observed gravity values.

OG0235

OG0235; North East Units Estimated Accuracy

OG0235;SPC NY W - 345,440. 311,570. MT (+/- 180 meters Scaled)

OG0235

SUPERSEDED SURVEY CONTROL

OG0235

OG0235.No superseded survey control is available for this station.

OG0235

OG0235_MARKER: DD = SURVEY DISK

OG0235_SETTING: 36 = BRIDGE

OG0235_STABILITY: B = PROBABLY HOLD POSITION/ELEVATION WELL

OG0235

OG0235 HISTORY - Date Condition Report By

OG0235 HISTORY - UNK MONUMENTED USLS

OG0235 HISTORY - 1970 GOOD USLS

OG0235 HISTORY - 1977 GOOD NGS

OG0235

STATION DESCRIPTION

OG0235

OG0235'DESCRIBED BY US LAKE SURVEY 1970

OG0235'IN NIAGARA FALLS.

OG0235'IS IN NIAGARA FALLS, NIAGARA COUNTY, NEW YORK, ON THE WEST SIDE OF

OG0235'WHIRLPOOL STREET, BETWEEN ONTARIO AND BATH AVENUES, ON THE NORTHEAST

OG0235'CORNER OF BRIDGE PIER FOUNDATION OF THE SOUTHERLY OF TWO RAILROAD

OG0235'BRIDGES, 93.6 FEET SOUTH OF SOUTHEAST BRIDGE WALL OF NORTHERLY
OG0235'BRIDGE, 38.0 FEET WEST OF CENTERLINE OF WHIRLPOOL STREET, 1.0 FOOT
OG0235'SOUTH OF NORTHEAST CORNER OF FOUNDATION, 1/2-FOOT ABOVE THE GROUND
OG0235'SURFACE, BEING HIGHEST POINT OVER CROSS AT CENTER OF BRONZE DISC SET
OG0235'INTO THE CONCRETE.

OG0235

OG0235

STATION RECOVERY (1977)

OG0235

OG0235'RECOVERY NOTE BY NATIONAL GEODETIC SURVEY 1977

OG0235'RECOVERED IN GOOD CONDITION.

*** retrieval complete.

Elapsed Time = 00:00:02

The NGS Data Sheet

See file dsdata.txt for more information about the datasheet.

DATABASE = Sybase , PROGRAM = datasheet, VERSION = 6.58

1 National Geodetic Survey, Retrieval Date = FEBRUARY 13, 2002

OG0236 *****

OG0236 DESIGNATION - RAPIDS

OG0236 PID - OG0236

OG0236 STATE/COUNTY- NY/NIAGARA

OG0236 USGS QUAD -

OG0236

OG0236 *CURRENT SURVEY CONTROL

OG0236

OG0236* NAD 83(1986)- 43 06 35. (N) 079 03 21. (W) SCALED

OG0236* NAVD 88 - 113.40 (+/-2cm) 372.0 (feet) VERTCON

OG0236

OG0236 GEOID HEIGHT- -35.72 (meters) GEOID99

OG0236

OG0236 VERT ORDER - ? (See Below)

OG0236

OG0236.The horizontal coordinates were scaled from a topographic map and have

OG0236.an estimated accuracy of +/- 6 seconds.

OG0236

OG0236.The NAVD 88 height was computed by applying the VERTCON shift value to

OG0236.the NGVD 29 height (displayed under SUPERSEDED SURVEY CONTROL.)

OG0236.The vertical order pertains to the superseded datum.

OG0236

OG0236.The geoid height was determined by GEOID99.

OG0236

OG0236; North East Units Estimated Accuracy

OG0236;SPC NY W - 345,470. 311,540. MT (+/- 180 meters Scaled).

OG0236

OG0236 SUPERSEDED SURVEY CONTROL

OG0236

OG0236 NGVD 29 - 113.563 (m) 372.58 (f) ADJ UNCH ?

OG0236

OG0236.Superseded values are not recommended for survey control.

OG0236.NGS no longer adjusts projects to the NAD 27 or NGVD 29 datums.

OG0236.See file dsdata.txt to determine how the superseded data were derived.

OG0236

OG0236 MARKER: DD = SURVEY DISK

OG0236 SETTING: 36 = BRIDGE

OG0236 STAMPING: BM RAPIDS

OG0236 STABILITY: B = PROBABLY HOLD POSITION/ELEVATION WELL

OG0236

OG0236 HISTORY - Date Condition Report By

OG0236 HISTORY - UNK MONUMENTED USLS

OG0236 HISTORY - 1934 GOOD USLS

OG0236

OG0236 STATION DESCRIPTION

OG0236

OG0236'DESCRIBED BY US LAKE SURVEY 1934

OG0236'IN NIAGARA FALLS.

OG0236'IN THE GORGE AT NIAGARA FALLS, NIAGARA COUNTY, ABOUT 297 FEET SOUTH

OG0236'OF THE SOUTH SIDE OF THE EAST ABUTMENT OF THE NEW YORK CENTRAL

OG0236'RAILROAD CANTILEVER BRIDGE, IN THE TOP OF A CONCRETE RETAINING WALL

OG0236'ALONG THE RIVER SIDE OF THE OLD GORGE ROUTE TRACK BED, 2.4 FEET NORTH

OG0236'OF THE SOUTH END OF THE WALL, AND 1 FOOT FROM ITS EAST EDGE. A CROSS

OG0236'ON A UNITED STATES LAKE SURVEY STANDARD DISK, STAMPED BM RAPIDS.

*** retrieval complete.
Elapsed Time = 00:00:02

The NGS Data Sheet

See file dsdata.txt for more information about the datasheet.

DATABASE = Sybase , PROGRAM = datasheet, VERSION = 6.58

1 National Geodetic Survey, Retrieval Date = FEBRUARY 13, 2002

OG1039 *****

OG1039 DESIGNATION - REF MON 17 41 IWC

OG1039 PID - OG1039

OG1039 STATE/COUNTY- NY/NIAGARA

OG1039 USGS QUAD -

OG1039

OG1039

*CURRENT SURVEY CONTROL

OG1039

OG1039* NAD 83(1996)- 43 06 37.30946(N) 079 03 26.18744(W) : ADJUSTED

OG1039* NAVD 88 - 175. (meters) 574. (feet) SCALED

OG1039

OG1039 LAPLACE CORR- 1.02 (seconds) DEFLEC99

OG1039 GEOID HEIGHT- -35.72 (meters) GEOID99

OG1039

OG1039 HORZ ORDER - THIRD

OG1039

OG1039.The horizontal coordinates were established by classical geodetic methods

OG1039.and adjusted by the National Geodetic Survey in January 1999.

OG1039

OG1039.The orthometric height was scaled from a topographic map.

OG1039

OG1039.The Laplace correction was computed from DEFLEC99 derived deflections.

OG1039

OG1039.The geoid height was determined by GEOID99.

OG1039

OG1039; North East Units Scale Converg.

OG1039;SPC NY W - 345,539.022 311,426.016 MT 0.99995580 -0 19 26.0

OG1039;UTM 17 - 4,774,902.363 658,066.717 MT 0.99990737 +1 19 40.6

OG1039

SUPERSEDED SURVEY CONTROL

OG1039

OG1039 NAD 83(1986)- 43 06 37.31507(N) 079 03 26.18520(W) AD() 3

OG1039 NAD 27 - 43 06 37.11592(N) 079 03 27.02218(W) AD() 3

OG1039

OG1039.Superseded values are not recommended for survey control.

OG1039.NGS no longer adjusts projects to the NAD 27 or NGVD 29 datums.

OG1039.See file dsdata.txt to determine how the superseded data were derived.

OG1039

OG1039 MARKER: Z = SEE DESCRIPTION

OG1039_SETTING: 7 = SET IN TOP OF CONCRETE MONUMENT

OG1039_STABILITY: C = MAY HOLD, BUT OF TYPE COMMONLY SUBJECT TO

OG1039+STABILITY: SURFACE MOTION

OG1039

OG1039 HISTORY - Date Condition Report By

OG1039 HISTORY - 1912 MONUMENTED IWC

OG1039 HISTORY - 1941 GOOD IBC

OG1039 HISTORY - 1963 MARK NOT FOUND IBC

OG1039 HISTORY - 1967 SEE DESCRIPTION IBC

OG1039

STATION DESCRIPTION

OG1039

OG1039'DESCRIBED BY INTERNATIONAL WATERWAYS COMMISSION 1912 (JLS)

OG1039'THE STATION IS CONSTRUCTED IN THE FORM OF THE FRUSTUM OF A CONE WITH

OG1039'A HEMISPHERICAL TOP. THESE MONUMENTS ARE 2-1/2 FEET HIGH, 2 FEET IN

OG1039'DIAMETER AT THE BASE, 1-1/2 FEET IN DIAMETER AT THE TOP, AND WITH A

OG1039'RADIUS FOR THE HEMISPHERICAL CROWN OF 9 INCHES. THE CONCRETE
OG1039'FOUNDATIONS EXTEND 5 FEET BELOW THE SURFACE EXCEPT WHERE SOLID ROCK
OG1039'OCCURS AT A LESSER DEPTH, WHEN THE MONUMENT IS BUILT ON AND BONDED TO
OG1039'THE ROCK BY SEVERAL IRON PINS. EACH MONUMENT HAS ITS CENTER MARKED
OG1039'BY A BRASS PLUG 3/4 INCH IN DIAMETER, WITH A SMALL DRILL HOLE IN THE
OG1039'CENTER, AND EACH MONUMENT HAS A NUMBER CAST IN THE SIDE.

OG1039

OG1039

OG1039

STATION RECOVERY (1941)

OG1039'RECOVERY NOTE BY INTERNATIONAL BOUNDARY COMMISSION 1941 (JGH)

OG1039'ON THE UNITED STATES SIDE OF THE NIAGARA RIVER, ABOUT 300 FEET NORTH

OG1039'OF THE EAST END OF THE WHIRLPOOL RAPIDS RAILWAY BRIDGE. THE

OG1039'MONUMENT WAS FOUND IN GOOD CONDITION, BUT ALMOST COMPLETELY BURIED

OG1039'WITH ITS TOP ABOUT LEVEL WITH THE SURFACE OF THE GROUND. A HOLE 6

OG1039'FEET IN DIAMETER AND 1 FOOT IN DEPTH WAS DUG AROUND THE MONUMENT AS

OG1039'CENTER. MONUMENT 16 AND MARKED TRIANGULATION

OG1039'STATIONS---POST-SUB---,---CUSTOM---,---RAPID---, AND---BURR-SUB---ARE

OG1039'VISIBLE FROM THE MONUMENT.

OG1039

OG1039

OG1039

STATION RECOVERY (1963)

OG1039'RECOVERY NOTE BY INTERNATIONAL BOUNDARY COMMISSION 1963 (NWS)

OG1039'STATION DESTROYED BUT TO BE REBUILT AT A LATER DATE.

OG1039

OG1039

OG1039

STATION RECOVERY (1967)

OG1039'RECOVERY NOTE BY INTERNATIONAL BOUNDARY COMMISSION 1967 (HGD)

OG1039'REFERENCE MONUMENT 17 - 67 WAS ESTABLISHED TO REPLACE THIS MONUMENT.

OG1039'SEE DESCRIPTION THEREOF.

*** retrieval complete.

Elapsed Time = 00:00:02

The NGS Data Sheet

See file dsdata.txt for more information about the datasheet.

DATABASE = Sybase , PROGRAM = datasheet, VERSION = 6.58

1 National Geodetic Survey, Retrieval Date = FEBRUARY 13, 2002

OG0234 *****

OG0234 DESIGNATION - 3550

OG0234 PID - OG0234

OG0234 STATE/COUNTY- NY/NIAGARA

OG0234 USGS QUAD -

OG0234

OG0234

*CURRENT SURVEY CONTROL

OG0234

OG0234*	NAD 83(1986)-	43 06 33.	(N)	079 03 35.	(W)	SCALED
OG0234*	NAVD 88	- 169.293	(meters)	555.42	(feet)	ADJUSTED

OG0234

OG0234	GEOID HEIGHT-	-35.72	(meters)			GEOID99
--------	---------------	--------	----------	--	--	---------

OG0234	DYNAMIC HT -	169.252	(meters)	555.29	(feet)	COMP
--------	--------------	---------	----------	--------	--------	------

OG0234	MODELED GRAV-	980,372.6	(mgal)			NAVD 88
--------	---------------	-----------	--------	--	--	---------

OG0234

OG0234 VERT ORDER - FIRST CLASS 0

OG0234

OG0234.The horizontal coordinates were scaled from a topographic map and have

OG0234.an estimated accuracy of +/- 6 seconds.

OG0234

OG0234.The orthometric height was determined by differential leveling

OG0234.and adjusted by the National Geodetic Survey in June 1991.

OG0234

OG0234.The geoid height was determined by GEOID99.

OG0234

OG0234.The dynamic height is computed by dividing the NAVD 88

OG0234.geopotential number by the normal gravity value computed on the

OG0234.Geodetic Reference System of 1980 (GRS 80) ellipsoid at 45

OG0234.degrees latitude (g = 980.6199 gals.).

OG0234

OG0234.The modeled gravity was interpolated from observed gravity values.

OG0234

OG0234;	North	East	Units	Estimated Accuracy
---------	-------	------	-------	--------------------

OG0234;SPC NY W	- 345,410.	311,230.	MT	(+/- 180 meters Scaled)
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OG0234

SUPERSEDED SURVEY CONTROL

OG0234

OG0234.No superseded survey control is available for this station.

OG0234

OG0234_MARKER: Z = SEE DESCRIPTION

OG0234_SETTING: 36 = ABUTMENT

OG0234_STABILITY: B = PROBABLY HOLD POSITION/ELEVATION WELL

OG0234

OG0234	HISTORY	- Date	Condition	Report By
--------	---------	--------	-----------	-----------

OG0234	HISTORY	- UNK	MONUMENTED	USLS
--------	---------	-------	------------	------

OG0234	HISTORY	- 1970	GOOD	USLS
--------	---------	--------	------	------

OG0234	HISTORY	- 1977	GOOD	NGS
--------	---------	--------	------	-----

OG0234

OG0234

STATION DESCRIPTION

OG0234

OG0234'DESCRIBED BY US LAKE SURVEY 1970

OG0234'IN NIAGARA FALLS.

OG0234'LOWER ARCH BRIDGE CARRYING RAILWAY AND A ROADWAY OVER NIAGARA RIVER,

OG0234'0.5 MILE NORTHEAST OF POST OFFICE, TABLET IN EAST FACE OF CONCRETE

OG0234'RETAINING WALL ON NORTH SIDE OF WEST OR CANADIAN END ABUTMENT, 13.5

OG0234' FEET NORTH OF MOST NORTHERLY STEEL GIRDER, 2.2 FEET SOUTH OF
OG0234' NORTHEAST CORNER AND 2 FEET ABOVE SIDEWALK LEVEL.

OG0234

OG0234

STATION RECOVERY (1977)

OG0234

OG0234' RECOVERY NOTE BY NATIONAL GEODETIC SURVEY 1977

OG0234' RECOVERED IN GOOD CONDITION.

*** retrieval complete.

Elapsed Time = 00:00:02



Natural Resources Conservation Service
P.O. Box 2890
Washington, D.C. 20013

February 28, 2002

RECEIVED

MAR 04 2002

Leonard, Street and Deinard
150 South Fifth Street
Suite 2300
Minneapolis, Minnesota 55402

Attn: Diane P. Gerth, Esq.

NRCS Environmental Document Number 2566

Re: STB Docket No. AB-584 (Sub No. 1X)

The USDA - Natural Resources Conservation Service has received your correspondence dated January 31, 2002 and offers the following comments:

It is suggested that any contracts undertaken for the demolition processes of this project contain quality control provisions that will assure that no demolition debris or materials or materials or equipment used by the contractors in the accomplishment of the work of the contracts are not discharged or otherwise allowed to be located or remain on property adjacent to the limits of work.

It is suggested that definitive limits of work be established for the work of this project and that the limits of work not include adjacent wetlands or agricultural land.

It is suggested that the same requirements be established whether or not the work is done by contract or by the railroad company's own crews.

Should you have questions concerning this correspondence, I may be reached at telephone number (315)477-6540 or e-mail at <clyde.giaquinto@ny.usda.gov>. Thank you for the opportunity to provide comments on your project.

A handwritten signature in cursive script that reads "Clyde B. Giaquinto".

Clyde B. Giaquinto, P.E.
Planning Engineer

CC: Diane E. Gelburd, Director, Ecological Sciences Division, Washington D.C.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045



March 7, 2002

RECEIVED

MAR 11 2002

Diane Gerth, Esq.
Leonard, Street and Deinard
150 South Fifth Street, Suite 2300
Minneapolis, MN 55402

Dear Ms. Gerth:

This responds to your letter of January 31, 2002, requesting information on the presence of endangered or threatened species in the vicinity of the proposed abandonment of the Canada Southern Railway Company's railroad running track from Mile Point 0.0 to Mile Point 0.15 in the City of Niagara Falls, Niagara County, New York.

Except for occasional transient individuals, no Federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area. In addition, no habitat in the project impact area is currently designated or proposed "critical habitat" in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Therefore, no Biological Assessment or further Section 7 consultation under the Endangered Species Act is required with the U.S. Fish and Wildlife Service (Service). Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. A compilation of Federally listed and proposed endangered and threatened species in New York is enclosed for your information.

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the Endangered Species Act. This response does not preclude additional Service comments under other legislation.

For additional information on fish and wildlife resources or State-listed species, we suggest you contact the appropriate New York State Department of Environmental Conservation regional office(s) as shown on the enclosed map, and:

New York State Department of Environmental Conservation
New York Natural Heritage Program Information Services
625 Broadway
Albany, NY 12233
(518) 402-8935

Since wetlands may be present, you are advised that National Wetlands Inventory (NWI) maps may or may not be available for the project area. However, while the NWI maps are reasonably

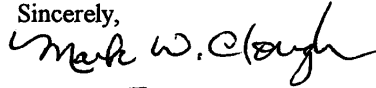
accurate, they should not be used in lieu of field surveys for determining the presence of wetlands or delineating wetland boundaries for Federal regulatory purposes. Copies of specific NWI maps can be obtained from:

Cornell Institute for Resource Information Systems
302 Rice Hall
Cornell University
Ithaca, NY 14853
(607) 255-4864

Work in certain waters and wetlands of the United States may require a permit from the U.S. Army Corps of Engineers (Corps). If a permit is required, in reviewing the application pursuant to the Fish and Wildlife Coordination Act, the Service may concur, with or without stipulations, or recommend denial of the permit depending upon the potential adverse impacts on fish and wildlife resources associated with project implementation. The need for a Corps permit may be determined by contacting the appropriate Corps office(s) as shown on the enclosed map.

If you require additional information please contact Michael Stoll at (607) 753-9334.

Sincerely,



Acting For
David A. Stilwell
Field Supervisor

Enclosures

cc: NYSDEC, Allegany, NY (Environmental Permits)
NYSDEC, Albany, NY (Natural Heritage Program)
COE, Buffalo, NY

**FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES
IN NEW YORK**

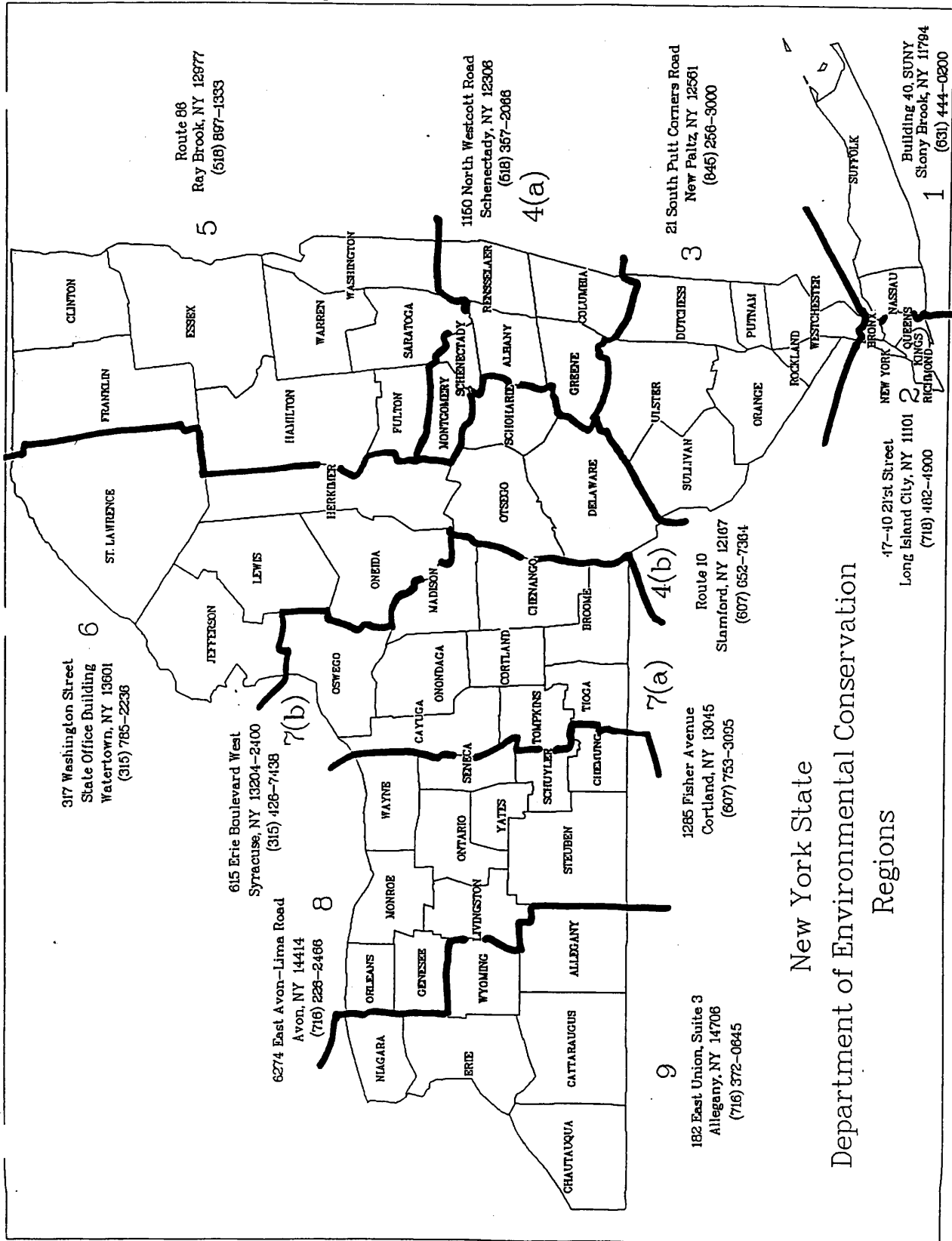
<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>	<u>Distribution</u>
<u>FISHES</u>			
Sturgeon, shortnose*	<i>Acipenser brevirostrum</i>	E	Hudson River & other Atlantic coastal rivers
<u>REPTILES</u>			
Turtle, bog	<i>Clemmys muhlenbergii</i>	T	Albany, Columbia, Dutchess, Genesee, Orange, Oswego, Putnam, Seneca, Sullivan, Ulster, Wayne, and Westchester Counties
Turtle, green*	<i>Chelonia mydas</i>	T	Oceanic summer visitor coastal waters
Turtle, hawksbill*	<i>Eretmochelys imbricata</i>	E	Oceanic summer visitor coastal waters
Turtle, leatherback*	<i>Dermochelys coriacea</i>	E	Oceanic summer resident coastal waters
Turtle, loggerhead*	<i>Caretta caretta</i>	T	Oceanic summer resident coastal waters
Turtle, Atlantic ridley*	<i>Lepidochelys kempii</i>	E	Oceanic summer resident coastal waters
<u>BIRDS</u>			
Eagle, bald	<i>Haliaeetus leucocephalus</i>	T	Entire state
Plover, piping	<i>Charadrius melodus</i>	E	Great Lakes Watershed Critical Habitat - Eastern Lake Ontario shoreline from Salmon River (Oswego County) to Stony Point (Jefferson County)
Tern, roseate	<i>Sterna dougallii dougallii</i>	T E	Remainder of coastal New York Southeastern coastal portions of state
<u>MAMMALS</u>			
Bat, Indiana	<i>Myotis sodalis</i>	E	Entire state
Cougar, eastern	<i>Felis concolor cougar</i>	E	Entire state - probably extinct
Whale, blue*	<i>Balaenoptera musculus</i>	E	Oceanic
Whale, finback*	<i>Balaenoptera physalus</i>	E	Oceanic
Whale, humpback*	<i>Megaptera novaeangliae</i>	E	Oceanic
Whale, right*	<i>Eubalaena glacialis</i>	E	Oceanic
Whale, sei*	<i>Balaenoptera borealis</i>	E	Oceanic
Whale, sperm*	<i>Physeter catodon</i>	E	Oceanic

* Except for sea turtle nesting habitat, principal responsibility for these species is vested with the National Marine Fisheries Service.

**FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES
IN NEW YORK (Cont'd)**

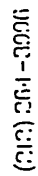
<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>	<u>Distribution</u>
<u>MOLLUSKS</u>			
Snail, Chittenango ovate amber	<i>Novisuccinea chittenangoensis</i>	T	Madison County
Mussel, dwarf wedge	<i>Alasmodonta heterodon</i>	E	Orange County - lower Neversink River Delaware and Sullivan Counties - Delaware River
<u>BUTTERFLIES</u>			
Butterfly, Karner blue	<i>Lycaeides melissa samuelis</i>	E	Albany, Saratoga, Warren, and Schenectady Counties
<u>PLANTS</u>			
Monkshood, northern wild	<i>Aconitum noveboracense</i>	T	Ulster, Sullivan, and Delaware Counties
Pogonia, small whorled	<i>Isotria medeoloides</i>	T	Entire state
Swamp pink	<i>Helonias bullata</i>	T	Staten Island - presumed extirpated
Gerardia, sandplain	<i>Agalinis acuta</i>	E	Nassau and Suffolk Counties
Fern, American hart's-tongue	<i>Asplenium scolopendrium</i> var. <i>americana</i>	T	Onondaga and Madison Counties
Orchid, eastern prairie fringed	<i>Platanthera leucophea</i>	T	Not relocated in New York
Bulrush, northeastern	<i>Scirpus ancistrochaetus</i>	E	Not relocated in New York
Roseroot, Leedy's	<i>Sedum integrifolium</i> ssp. <i>Leedyi</i>	T	West shore of Seneca Lake
Amaranth, seabeach	<i>Amaranthus pumilus</i>	T	Atlantic coastal plain beaches
Goldenrod, Houghton's	<i>Solidago houghtonii</i>	T	Genesee County

E=endangered T=threatened P=proposed



New York State Department of Environmental Conservation Regions

(716) 879-4321





DEPARTMENT OF STATE

George E. Pataki
Governor
Randy A. Daniels
Secretary of State

RECEIVED

MAR 04 2002

Division of
Coastal Resources
41 State Street
Albany, NY 12231-0001

February 26, 2002

Diane P. Gerth, Esq.
Leonard, Street and Dienard
150 South Fifth Street
Suite 2300
Minneapolis, Minnesota 55402

Re: 0-2002-0017
Surface Transportation Board - Abandonment of Rail Line
STB Docket No. AB-584 (Sub No. 1X)

Dear Ms. Gerth:

In a January 31, 2002 letter you requested comments regarding the proposed abandonment of a portion of a rail line in Niagara Falls, Niagara County, New York, and any permitting/approval authority the Department of State has regarding this matter.

In accordance with and pursuant to the federal Coastal Zone Management Act (CZMA) and implementing regulations in 15 CFR Part 930, the Department of State administers the State of New York's federally approved Coastal Management Program (CMP). The consistency provisions of the CZMA and 15 CFR Part 930 require activities directly undertaken by, requiring authorizations from, or involving financial assistance from federal agencies to be consistent with the enforceable policies of the CMP. Part of the Department's administration of the CMP, pursuant to 15 CFR Part 930, Subpart D, involves the review of activities in and affecting the coastal area that require federal agency authorizations, and decisions regarding their consistency with the enforceable policies of the CMP.

The rail line that would be abandoned is in New York's coastal area. Abandonment of the rail line would require approval from the federal Surface Transportation Board (STB). The abandonment of railway lines and authority to do so, to the extent that the abandonment involves removal of trackage and disposition of rights-of-way, is an activity listed in the CMP as one that requires review by the Department of State pursuant to CZMA consistency provisions in 15 CFR Part 930, Subpart D. Pursuant to those consistency provisions, the STB is not to authorize the activity prior to the Department of State's review and decision regarding the consistency of the activity with the CMP.

CZMA and CMP consistency provisions require an applicant for STB authorization to abandon a rail line in New York's coastal area to submit a consistency certification, pursuant to 15 CFR Part 930, Subpart D, to the STB with the application for STB authorization, and to submit a copy of the application and consistency certification and all other necessary information and data to the Department of State at the same time it is submitted to the STB. These consistency provisions also require the STB to inform applicants of these requirements (see 15 CFR Part 930.57 and 15 CFR part 930.53(d), respectively). Pursuant to 15 CFR Part 930, Subpart D, the Department will review the proposed activity and consistency certification and either concur with or object to the consistency certification. If the Department concurs with the consistency certification, the STB may authorize the abandonment, and in this instance, perhaps removal of the rail tracks. If the Department objects to the consistency certification, the consistency provision in 15 CFR Part 930.64 prohibits STB authorization of the abandonment and removal of tracks, unless the Department's objection is overridden on appeal to the U.S. Secretary of Commerce. Such an appeal must be based on one or both of the grounds that the proposed activity is consistent with the objectives or purposes of the CZMA, or is necessary in

Diane P. Gerth, Esq.
Leonard, Street and Deinard
February 26, 2002
Page 2.

the interest of national security (see 15 CFR Part 930, Subpart H).

The preceding requirements also apply to activities requiring authorizations from the U.S. Army Corps of Engineers pursuant to Section 10 of the Rivers and Harbors Act and the Clean Water Act, and any authorizations that might be required from the U.S. Coast Guard with regard to activities associated with the rail line's bridge.

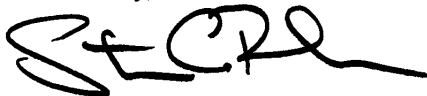
You have requested this Department's comments regarding potential environmental impacts, if any, of the proposed abandonment. Other than the potential abandonment of the rail line and perhaps removal of the tracks, and the potential purchase of the bridge associated with it "...by a third party for non-railroad use", the information contained in and provided with your letter dated January 31, 2002 does not provide sufficient information upon which this Department might identify potential adverse or positive effects on coastal natural or man-made resources, or uses of the coastal area. More detailed information is necessary to properly assess effects of the abandonment on coastal resources and uses and its consistency with CMP policies. Such information should include potential, probable, or planned public or private uses of the line and bridge, subsequent effects on coastal resources and land and water uses, and an assessment of the effects of the abandonment and potential reuses of the line and bridge on, and the consistency of those activities with, relevant CMP policies. It would be appropriate to include that information and assessment in any Environmental Report, Environmental Assessment, or Environmental Impact Statement prepared for the proposed activity.

A copy of a Federal Consistency Assessment Form, which constitutes a consistency certification when completed (see also narrative requirements in Section D of that form), and a copy of the State's coastal policies, which should be used when completing the form and assessing the consistency of the proposed activity with CMP policies, can be downloaded from the Department's Division of Coastal resources web site at www.dos.state.ny.us/cstl/cstlwww.html.

A copy of this response is being provided to the STB.

If you have any questions or need additional information or assistance regarding this matter, I may be contacted at (518) 473-2470 E-mail sresler@dos.state.ny.us).

Sincerely,



Steven C. Resler
Supervisor of Consistency Review and Analysis
New York Coastal Management Program

SCR/bms

c: Surface Transportation Board
Section of Environmental Analysis
1925 K Street NW
Washington, D.C. 20423-0001



New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

Bernadette Castro
Commissioner

May 23, 2002

RECEIVED
MAY 28 2002

Ms. Diane P. Gerth
Leonard, Street and Deinard
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402

Dear Ms. Gerth:

Re: **STB**
Abandon Canadian Southern Trackage,
Sell Michigan Central Bridge
C/Niagara Falls, Niagara County
02PR2488

Thank you for requesting the comments of the State Historic Preservation Office (SHPO) for the project noted above. This information has been reviewed under Section 106 of the National Historic Preservation Act of 1966 and the relevant implementing regulations since your work must meet the regulations or mandates of a federal agency, namely the Surface Transportation Board (STB). Based on this review, the SHPO is pleased to provide the comments below.

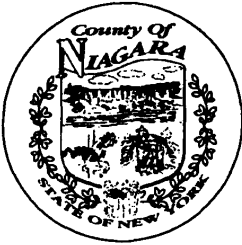
1. The Michigan Central Bridge was previously determined eligible for listing in the National Register of Historic Places. In addition, the project site is substantially contiguous to several other historic properties:
 - a) the Whirlpool Rapids Bridge (National Register-eligible);
 - b) the Niagara Falls Custom House at 2245 Whirlpool Street (National Register-listed);
 - c) the Niagara Reservation (National Register-listed and designated a National Historic Landmark or NHL).
2. Much of the area is archeologically sensitive, and a survey would be warranted if any part of the larger undertaking includes any ground-disturbing activities.

Given this concentration of historic resources, the SHPO is concerned over all potential impacts resulting from the abandonment and sale of this property. As you know, Advisory Council on Historic Preservation regulations 36 CFR 800 implementing the National Historic Preservation Act direct federal agencies to refrain from "segmentation" by considering all impacts resulting from their actions; similarly, the New York State Environmental Quality Review Act (SEQRA) is also clear that all aspects of an undertaking (as well as those impacts that can reasonably be expected to result from an action's implementation) must be considered. With this in mind, the SHPO asks that you share any available information describing the ultimate disposition of the bridge and the work that may be planned for it.

The SHPO appreciates the opportunity to comment on this undertaking and looks forward to working with you to complete all required reviews. Please telephone me at 518/237-8643, ext. 3276 with any questions you may have. Using the PR# above will expedite the processing of future submissions for this project.

Sincerely,

Richard M. Lord
Historic Sites Restoration Coordinator
(Richard.Lord@OPRHP.state.ny.us)



**NIAGARA COUNTY
DEPARTMENT OF PLANNING,
DEVELOPMENT & TOURISM**

**SAMUEL M. FERRARO
COMMISSIONER**

**MICHAEL A. CASALE
DEPUTY COMMISSIONER OF
BUSINESS DEVELOPMENT**

March 4, 2002

Diane P. Gerth, Esq.
Leonard, Street and Deinard
150 South Fifth Street
Suite 2300
Minneapolis, MN 55402

**RE: REQUEST FOR COMMENTS ON POTENTIAL ENVIRONMENTAL IMPACTS
OF PROPOSED ABANDONMENT OF LINE OF RAILROAD (RUNNING FROM
MILE POST 0.0 AND MILE POST 0.15), IN NIAGARA COUNTY, STATE OF
NEW YORK (U.S. POSTAL ZIP CODE 14305) STB DOCKET NO. AB-584
(SUB NO. 1X)**

Dear Ms. Gerth:

Kindly be advised, I just received today, March 4, 2002, comments from the City of Niagara Falls, New York regarding the above referenced subject. While the March 1, 2002 deadline has expired, I am hoping you will accept these comments from Niagara Falls.

Also, as you suggested, by copy of this letter these comments will also be forwarded to the SEA, Surface Transportation Board.

If you have any questions, please feel free to contact me at (716) 439-7235.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "S.M. Ferraro", is written over a horizontal line.

Samuel M. Ferraro, Commissioner

SMF:kja

Enclosure

Cc: SEA, Surface Transportation Board with enclosure
Tom D'Santis, City of Niagara Falls
Al Joseph, City Administrator, City of Niagara Falls
Nancy Joseph, Director of Community Development, City of Niagara Falls



City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

DEPARTMENT OF COMMUNITY DEVELOPMENT
Division of Planning & Development
Office of Planning

February 22, 2002

Samuel Ferraro
Niagara County Department of Planning & Environment
59 Park Avenue
Lockport, NY

RE: **Canada Southern Railway Co.—
Proposed Rail line Abandonment & Exemption**

Dear Mr. Ferraro:

In regards to the potential environmental impacts of the proposed abandonment of Canada Southern Railway Company's rail line located in the City of Niagara Falls, NY, the City offers the following comments:

First, a point of clarification, the letter requesting comments refers to a "petition (of the Surface Transportation Board) for rail line abandonment *exemption*," however, it is unclear what is being petitioned for exactly abandonment or an exemption. If it is an exemption, what part of the "abandonment" is being exempted and from what? A more explicit explanation would be helpful in understanding the subject at-hand.

Second, a prefatory comment that may be helpful in framing the information and concerns offered for consideration, to the Surface Transportation Board, in its

deliberations. The rail line in question while quite short—only some 800 feet—is in fact, for most of its length, one of two, rail-only bridges that cross the border between the United States and Canada for hundreds of miles in either direction. The point is that this cross-border rail-bridge represents a significant transportation infrastructure asset that carries with it inherit public benefits beyond those of the CSR line itself. The rail-line in question, regardless of how short it is, is more than just its track, equipment, and more than its right-of-way lands. As the abandonment of the rail-line in question proceeds, it should be acknowledged by all concerned that it is this quality as an international bridge, crossing an international body of water that makes this a unique and significant piece of transportation infrastructure, and perhaps, the most important factor in evaluating the discontinuance of railway uses, as a current but also future mode, on this international section of the transportation system.

Federal Transportation Legislation requires the efficient use of the transportation system. Efficiency implies a balanced approach in maximizing the use of a community's infrastructure, highways, railways or transit systems. It requires consideration of the built and natural environment, and it compels us to address the transportation system as a whole rather than focusing on any one mode, including the integration of those modes. To that end, abandonment should be considered only after a reasonable attempt at determining the future value for continuing rail alternatives on a dedicated facility is made, particularly as its subsequent reuse for "non-railroad purposes" will certainly foreclose those opportunities and raise significantly the level of potential negative impacts in the region.

Therefore, in determining the possibility of potentially significance environmental impacts of the above-proposed action, the following aspects of the proposal should be considered.

The Canada Southern Railway (CSR) line and the international railway bridge¹ exist astride the Niagara River Gorge and are in full view, of and from, the prime viewing areas around Niagara's great cataracts, including the Niagara Reservation State Park (USA) and Queen Victoria Park (CA). The falls, gorge and surrounding lands are especially rich in scenic and natural heritage resources. The Niagara River Corridor is a recognized internationally significant birding area was nominated as an American Heritage River, is an area currently under study by the National Parks Service for designation as a National Heritage Area, and may soon be given official heritage designation by the United Nations.

Local land-use district classifications in proximity to the CSR line range from R-3 and R-4 Multi-family Residential, to C-3 Heavy Commercial. Local land use district classifications that the CSR line occupy are two: PS Public Space (parkland), and C-1 Neighborhood Commercial, both over-lap the City's Waterfront Overlay (District) and New York State's Coastal Management Zone. Aside from the local zoning, the CSR bridges and line whether abandoned or not, remain adjunct to an existing active rail corridor.

The City would likely not have any permitting/development review authority of the proposed abandonment action. However, demolition permits and review of documentation regarding any off-site disposal of demolition debris are likely. Before any

¹ There are three bridge spans within the 800 feet of the CSR line.

demolition action, the Niagara Falls Historic Preservation Commission may have authority to review demolition if it involves potential historic resources.

The ownership of the real property in proximity to the CSR line and railway bridges is foremost CSX Railway (CSXR). CSX Railway owns and operates nearly all rail yards in the adjacent Niagara Falls Yards. It's main-line, secondary branch-line tracks, and sidings are used by other rail-freight carriers with vested-rights to move across CSX rail lines, as does Amtrak (US) and ViaRail (CA) Passenger Services. There are several other immediately adjacent parcels, improved and vacant, that are privately owned. The City of Niagara Falls owns the local street r-o-w under the bridges and a small parcel to the north. The Niagara Falls Bridge Commission owns adjacent parcels to the west along the Niagara Gorge "high-bank." New York State owns the "low-bank" lands. As an international body of water and classified as an un-navigable waterway, the "land underwater" may be under federal jurisdiction. What is also not clear is the relationship between the owners the international bridge and the owners of land under the bridge? Also, would CSR's abandonment of the line, give it's prior non-railroad landholders legal grounds to reclaim ownership, or does abandonment imply current contiguous landowners might be deeded the "surplus" property—as is the case when a municipality "abandons" public right of way? Is there a mechanism or procedure for disposing of rail property once the rail line is abandoned? Is the international bridge rail real property or a rail improvement on real property?

Regardless, the proposed abandonment action might also affect several interrelated economic development initiatives that are at varying degrees of implementation in the City. The most significant new project to be undertaken by the City in over twenty years is the relocation of its Amtrak Passenger Terminal. Also known as the Niagara Falls International Train Station Project, it is proposed for the site north of the CSXR and CSR lines and just east of the Whirlpool-Rapids Bridge abutments (between Whirlpool Street and Main Street. It will involve renovating the "Old Customs House," constructing a new station and platform, relocating CSX freight track, and building a new-dedicated spur for Amtrak.

The City has just completed an area-wide Main Street Revitalization Plan. One of the central goals for the Main/Whirlpool Street Corridor is to enhance commercial opportunities by integrating Main Street's commercial districts with downtown's tourist district through a series of positive linkages, programmatically, but also by creating a new "green infrastructure" connecting parks and open space to commercial activity centers and neighborhoods; creating and linking new and existing developments/attractions along Main Street. Elsewhere in the corridor, the City's Waterfront Plans call for and rely on a major re-configuration of the local road network to eliminate redundant north-south travel lanes while improving the existing local streets network to provide greater accessibility and flexibility. The proposed elimination of excess travel lanes will also enable the creation of a significant, new, integrated, open-space linear park along the Niagara Gorge.

The downtown tourist/business district is also the focus of a new master plan that is driving significant new development, thanks primarily to USA Niagara Development

Corporation, a public benefit corporation, whose sole mission is to revitalize downtown. Implementing downtown development is bolstered by the Governor's announced "Casino Compact" that is bringing Native American Gaming to downtown Niagara Falls. New York State is already directly investing tens of millions in public infrastructure improvements and is providing special investment incentives through Empire State Development Corporation and the Empire Zone Program. The Federal government is also focusing new financial incentives through designation of the Main Street area as a HUD "Renewal Community." These incentives can be helpful in accelerating revitalization in and around the proposed abandonment.

When the abandonment of Canada Southern Railway operations are considered apart from the issues of the bridges and the international border crossing, the potential for adverse impacts, is minimal. Absent the CSR line, the remaining physical assets continue to be a major piece of rail-transportation infrastructure and would be difficult if not impossible to replace. Losing that rail-transportation infrastructure might impair recent Niagara County economic development efforts to attract international rail-freight carriers and rail users into Niagara County (specifically, to make use of underutilized rail assets here). Moreover, the City's own plans for a new passenger intermodal facility, in the corridor, might also be adversely impacted.

Likewise, considering the abandonment of Canada Southern Railway operations apart from the issue of future non-railroad land-uses, the potential for adverse impacts on

energy use, ambient noise levels, wetlands and/or water quality, air emissions and/or ambient air quality, is minimal.²

Public health and safety may be affected should line abandonment also mean abandonment of security and maintenance responsibilities for any of the bridges. Additionally, the CSR Bridge over Main Street is a serious roadway hazard and impedes normal traffic functions on Main Street (Route 104). If and when the CSR line abandonment is granted, at a minimum, it should be on the condition that the CSR Main Street Bridge is demolished.

A phase I environmental review was completed in 2001 for the line between Whirlpool Street and the east side of Main Street. Based on that review, it is suspected that there is ground contamination typical of railway right-of-ways and the possibility that one underground storage tank (UST) may exist in the CSR right-of-way.

While comprehensive biological-resource surveys have not been conducted recently, according to local environmentalists, there is some evidence that the Niagara Gorge does contain potentially significant biological resources including several threatened, or at least, rare species. This information may exist with the Buffalo Museum of Science and with the NYS Office of Parks, Recreation and Historic Preservation. However, it is not likely abandonment will directly affect these resources.

About the potential affects on historic or cultural resources, the Canada Southern Railway Company's international-bridge asset, a/k/a Southern-Michigan International

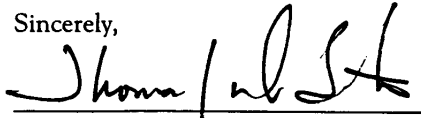
² The Buffalo-Niagara Metropolitan Area is currently classified, "non-attainment," by US-EPA, under the federal Clean Air Act.

Bridge, is itself considered a "federal register eligible" structure. The Whirlpool-Rapids Bridge is also considered "federal register eligible," as are plaza structures and adjacent buildings along Whirlpool Street associated Whirlpool-Rapids Bridge. Also on Whirlpool Street, north of the CSR line, stands the "Old Customs House," built in 1863, it is listed on the National Register of Historic Places. In addition, the area proposed for abandonment has been determined, by the State Historic Preservation Office (SHPO), that archeological resources may be present and that a Phase-1 Reconnaissance-Level archeological survey should be conducted as a pre-cursor to any reuse plans in the area.

Considering socioeconomic factors that may be affected by the abandonment, like many of those listed above, little in the community would change as a direct result of the proposed abandonment and adverse impacts to the social and economic condition of businesses and residents would be negligible. Again, it is only when the matter of future "non-railroad" uses are contemplated is there potential for a measurable affect. This reinforces the general concern over the loss of this particular rail asset and a desire for evaluating the abandonment independent of Canada Southern Railway Company's need to divest non-producing, taxable assets. Cross-border movements of people and goods will be a significant factor in future economic activity for the Niagara Region. Is the highest and best use of this rail asset abandonment? Should either cross-border rail freight or rail passenger services increase in coming years, the premature abandonment of this particular railway asset may represent a lost opportunity to improve the efficiency of the region's transportation system and enhance multi-modal integration between the United States and its largest international trading partner.

If there are questions concerning the issues raised herein, please contact the undersigned at 716-286-4477, or via e-mail at desantis@nfedz.org.

Sincerely,


Thomas J. DeSantis, AICP
Senior Planner

cc: Al Joseph, City Administrator
Nancy Joseph, Acting Director, Community Development Department

LAW OFFICES
ROSCETTI & DECASTRO, P.C.
(FORMERLY KNOWN AS KUSHNER, KUSHNER & ROSCETTI, P.C.)

JAMES C. ROSCETTI *
DAMON A. DECASTRO

* ALSO ADMITTED TO NC BAR

730 MAIN STREET
NIAGARA FALLS, NEW YORK 14301-1773
TELEPHONE (716) 282-1242
TELEFAX (716) 282-5090

received
2/22/02 LS

February 19, 2002

Diane P. Gerth, Esq.
Leonard Street and Deinard
150 South Fifth Street
Suite 2300
Minneapolis, Minnesota 55402

RE: Request for Comments on Potential Environmental
Impacts of proposed Abandonment of Line of
Railroad Running from Mile Post 0.0 and Mile Post
0.15, in Niagara County, State of New York (U.S.
postal zip code 14305)
STB Docket No. AB-584 (Sub No. 1X)

Dear Diane:

We are writing to you with respect to the above-mentioned matter and in furtherance of your letter dated January 31, 2002, addressed to the Niagara County Department of Planning, Development & Tourism.

Kindly be advised that we represent, and are writing on behalf of, the Niagara Falls Bridge Commission, owner of three (3) international bridges located in the Niagara Falls, New York area.

The railway bridge, which we believe you are seeking to abandon, is in close proximity to one of our bridges, the Whirlpool Bridge, in Niagara Falls, New York.

Our client has recently been made aware of some environmental/pollutant hazards and conditions, located below both our bridge, the Whirlpool Bridge, and your client's bridge, which may have been caused by the condition, maintenance and/or repair of one or both of the bridges.

SGC:\WP51\LETTERS\bridge.wp

Diane P. Gerth, Esq.

Page 2

February 19, 2002

Our client has commenced an investigation into the nature and extent of such damage or damages to the property below the bridges.

There may become a time, when it will be necessary for our client, should there be any required remediation, to make a claim against your client, as well.

We invite you to contact the undersigned, to discuss this further, and in furtherance of the purpose of your letter of January 31, 2002. We also suggest that you have your client contact its insurance carrier so that your client does not jeopardize any insurance coverage which may be available.

We would also like to have more information on the precise name of the owner of that bridge and of your client. We have been unable to find any local references, or any references on the internet, to Canada Southern Railway Company.

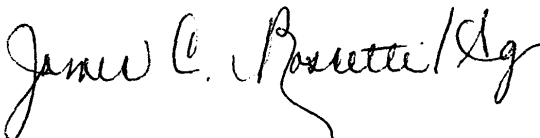
In any event, the purpose of this letter is to put you on notice of what we believe would be a condition for which your client could have some responsibility. If there is any additional information which you desire, kindly feel free to contact us.

Thank you for your kind courtesies and cooperation.

Yours very truly,

ROSCETTI & DeCASTRO, P.C.

By:

A handwritten signature in dark ink, appearing to read "James C. Roscetti" followed by a stylized flourish or initials.

JCR:sg

cc: Thomas Garlock
Ray Steele

EXHIBIT NO. 4

**Environmental Scoping Correspondence Required By 49 C.F.R. § 1105.7(b)(1)-(6)(10)
For Which Responses Were Not Received**

LEONARD, STREET AND DEINARD

PROFESSIONAL ASSOCIATION

January 31, 2002

Diane P. Gerth, Esq.
612-335-1463
diane.gerth@leonard.com

Forest Service
U.S. Department of Agriculture
Attention: Dale Bosworth, Chief
Sidney R. Yates Federal Building
201 14th Street, SW at Independence Ave., SW
Washington, DC 20250

**Re: Request for Comments on Potential Environmental Impacts of Proposed
Abandonment of Line of Railroad Running From Mile Post 0.0 and Mile Post 0.15), in
Niagara County, State of New York (U.S. postal zip code 14305)
STB Docket No. AB-584 (Sub No. 1X)**

TO WHOM IT MAY CONCERN:

Canada Southern Railway Company, on or about March 25, 2002, will file a Notice of Exemption for Abandonment pursuant to 49 U.S.C. Section 10502 with the United States Department of Transportation - Surface Transportation Board (STB) to discontinue and abandon all freight rail operations over approximately 800 feet (0.15 miles) of rail line located in Niagara Falls, Niagara County, New York. A map of the proposed abandonment is enclosed.

This proposed petition for rail line abandonment exemption requires review by the Surface Transportation Board (STB). I will be preparing an Environmental Report that will provide the basis of the environmental review that the STB's Section of Environmental Analysis (SEA) will conduct for this proceeding. In preparing this Environmental Report, consultation with agencies or organizations that may have specific interest in or knowledge of the potential environmental impacts is essential. This letter is, therefore, intended to solicit your comments regarding potential environmental impacts, if any, of the proposed rail line abandonment.

Your comments on the potential impacts of this abandonment will be incorporated into our Environmental Report to be filed on or about March 1, 2002. A copy of this report will be provided to you, after which additional comments can be submitted directly to the STB's Section of Environmental Analysis (SEA).

As shown on the attached maps, the line that is proposed to be abandoned is located between Mile Post 0.0 and Milepost 0.15 at the international border, a distance of 0.15 miles

150 SOUTH FIFTH STREET SUITE 2300 MINNEAPOLIS, MINNESOTA 55402 TEL 612-335-1500 FAX 612-335-1657

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LAW OFFICES IN MINNEAPOLIS, SAINT PAUL AND MANKATO

(approximately 800 feet), in Niagara Falls, Niagara County, NY. It traverses through U.S. Postal Zip Code 14305.

For purposes of evaluating the environmental impacts that would result from abandonment of the line, it is assumed that the line of railroad will be removed, and that the structures of the bridges will remain in place. CSR's proposed action includes discontinuing freight service, salvaging equipment and materials that associated with rail use of the line, and transferring ownership of the bridges and approaches to a third party for eventual rehabilitation and redevelopment for non-railroad purposes.

Most of the line (approximately 500 feet) consists of a single track located on the international bridge. Approximately 300 feet of track serves as an approach to the international bridge, with an average right-of-way width of 100 feet. There is a smaller bridge over Lewison/Main Street that serves as part of the approach to the international bridge. The proposed action includes the removal of all rails, ties, spikes, plates, railroad-related utilities, and signaling devices. The ballast would remain in place. All equipment and materials that are removed from the line would either be reused, sold as scrap, or disposed of in accordance with applicable environmental regulations. Currently, negotiations are underway for a potential purchase of the bridge by a third party for non-railroad use. Before the bridge could be reused, engineering studies, environmental review, and substantial planning would be required. Canada Southern's limited action in this abandonment proceeding is to cease rail service over the bridge, remove rail-related structures, and preserve the bridge structures themselves and the approach for appropriate reuse at a later date. This later reuse would be subject to all applicable environmental, historic, land use planning laws and regulations.

The Environmental Report for the proposed abandonment is being prepared pursuant to STB regulations (49 C.F.R. Chapter X, Part 1105) (copy of which is enclosed), the National Environmental Policy Act, 42 U.S.C. 4332; the Energy Policy and Conservation Act, 42 U.S.C. 6362(b); and related laws including the National Historic Preservation Act, 16 U.S.C. 470f, the Coastal Zone Management Act, 16 U.S.C. 1451, and the Endangered Species Act, 16 U.S.C. 1531. Areas of concern that you and other interested parties are invited to address in your comments include potential impacts of the proposed action on the following:

- Local land use
- Existing local and regional transportation systems
- Energy use
- Air emissions and ambient air quality conditions
- Water quality and wetlands

- Biological resources including threatened or endangered species
- Ambient noise levels
- Public health safety
- Historic, cultural, or archaeological sites listed or eligible for inclusion on the National Register of Historic Places
- Socioeconomics, including local and regional employment

We are soliciting your comments with regard to: (1) any permitting/approval authority which your agency has over the proposed action, and (2) any specific concerns which you feel should be addressed in the STB environmental document prepared after our Report is submitted. As required by applicable STB regulations (49 C.F.R., Chapter X, Part 1105.7(e)(9)(iii)) and Part 1105.7(c), we also request that you comment on and describe the effects, if any, of our proposed action on those resources or areas of concern within the authority of your agency.

Specifically, the Board's regulations state that, with respect to the area of concern within the jurisdiction of your agency, CSR must address the following:

"49 C.F.R. Part 1105.7(e)(4)(i)-(iv) Energy:

(i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year; or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in Section 1105.7(e)(4)(iii) need not be supplied if the more detailed information in Section 1105.7(e)(4)(iv) is required."

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(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)" (emphasis added)

Please address these questions in particular and, if you so desire, any other matters within the scope of the Report as you deem appropriate.

Forest Service
January 31, 2002
Page 5

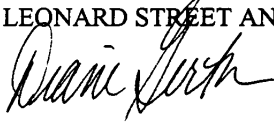
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Any comments or information that you provide will be included in CSR's Environmental Report and will be considered by the STB in the preparation of the draft environmental document and in its evaluation of the overall environmental and energy impacts of the proposed action. Your cooperation will help ensure that all environmental concerns are thoroughly addressed.

Thank you very much for your assistance.

Very truly yours,

LEONARD STREET AND DEINARD

A handwritten signature in cursive script, appearing to read "Diane Gerth", written over the printed name.

Diane P. Gerth, Esq.
Enclosures

LEONARD, STREET AND DEINARD

PROFESSIONAL ASSOCIATION

January 31, 2002

Diane P. Gerth, Esq.
612-335-1463
diane.gerth@leonard.com

Military Traffic Management Command
Attention: Commander
200 Stovall Street
Alexandria, VA 22332

**Re: Request for Comments on Potential Environmental Impacts of Proposed
Abandonment of Line of Railroad Running From Mile Post 0.0 and Mile Post 0.15), in
Niagara County, State of New York (U.S. postal zip code 14305)
STB Docket No. AB-584 (Sub No. 1X)**

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As shown on the attached maps, the line that is proposed to be abandoned is located between Mile Post 0.0 and Milepost 0.15 at the international border, a distance of 0.15 miles (approximately 800 feet), in Niagara Falls, Niagara County, NY. It traverses through U.S. Postal Zip Code 14305.

150 SOUTH FIFTH STREET SUITE 2300 MINNEAPOLIS, MINNESOTA 55402 TEL 612-335-1500 FAX 612-335-1657

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LAW OFFICES IN MINNEAPOLIS, SAINT PAUL AND MANKATO

January 31, 2002

Page 2

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- Existing local and regional transportation systems
- Energy use
- Air emissions and ambient air quality conditions
- Water quality and wetlands
- Biological resources including threatened or endangered species
- Ambient noise levels

January 31, 2002

Page 3

- Public health safety
- Historic, cultural, or archaeological sites listed or eligible for inclusion on the National Register of Historic Places
- Socioeconomics, including local and regional employment

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January 31, 2002

Page 4

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January 31, 2002

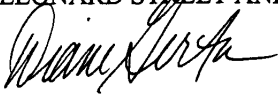
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Diane P. Gerth, Esq.
Enclosures

LEONARD, STREET AND DEINARD

PROFESSIONAL ASSOCIATION

January 31, 2002

Diane P. Gerth, Esq.
612-335-1463
diane.gerth@leonard.com

Transportation Engineering Agency
Attention: M.T.T.E. - S.A.
720 Thimble Shoals Boulevard
Suite 130
Newport News, VA 23606-2574

**Re: Request for Comments on Potential Environmental Impacts of Proposed
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LAW OFFICES IN MINNEAPOLIS, SAINT PAUL AND MANKATO

January 31, 2002

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National Center for Recreation and Conservation
U.S. Department of the Interior
National Park Service
1849 C Street NW
Washington, DC 20240

**Re: Request for Comments on Potential Environmental Impacts of Proposed
Abandonment of Line of Railroad Running From Mile Post 0.0 and Mile Post 0.15), in
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150 SOUTH FIFTH STREET SUITE 2300 MINNEAPOLIS, MINNESOTA 55402 TEL 612-335-1500 FAX 612-335-1657

2069347v1

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Enclosures

LEONARD, STREET AND DEINARD

PROFESSIONAL ASSOCIATION

August 23, 2002

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612-335-1463

diane.gerth@leonard.com

Region 2 Office
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Jacob K. Javits Federal Building
290 Broadway
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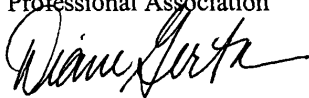
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2251422v1 LAW OFFICES IN MINNEAPOLIS, SAINT PAUL, MANKATO, SAINT CLOUD AND WASHINGTON, D.C.

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National Center for Recreation and Conservation
U.S. Department of the Interior
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1849 C Street NW
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LAW OFFICES IN MINNEAPOLIS, SAINT PAUL AND MANKATO

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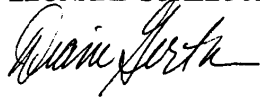
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Northeast Region Office
Region 5
300 Westgate Center Drive
Hadley, MA 01035-9589

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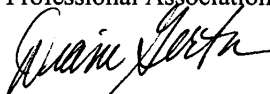
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2251423v1 LAW OFFICES IN MINNEAPOLIS, SAINT PAUL, MANKATO, SAINT CLOUD AND WASHINGTON, D.C.

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LEONARD, STREET AND DEINARD

PROFESSIONAL ASSOCIATION

August 26, 2002

Diane P. Gerth, Esq.
612-335-1463
diane.gerth@leonard.com

Rear Admiral James D. Hull
1240 East 9th Street
Cleveland, OH 44199-2060

**Re: Request for Comments on Potential Environmental Impacts of Proposed
Abandonment of Line of Railroad Running From Mile Post 0.0 and Mile Post 0.15), in
Niagara County, State of New York (U.S. postal zip code 14305)
STB Docket No. AB-584 (Sub No. 1X)**

Dear Rear Admiral Hull:

Canada Southern Railway Company, on or about September 30, 2002, will file a Notice of Exemption for Abandonment pursuant to 49 U.S.C. Section 10502 with the United States Department of Transportation - Surface Transportation Board (STB) to discontinue and abandon all freight rail operations over approximately 800 feet (0.15 miles) of rail line located in Niagara Falls, Niagara County, New York. A map of the proposed abandonment is enclosed.

This proposed Notice of exemption for rail line abandonment requires review by the Surface Transportation Board (STB). I will be preparing an Environmental Report that will provide the basis of the environmental review that the STB's Section of Environmental Analysis (SEA) will conduct for this proceeding. In preparing this Environmental Report, consultation with agencies or organizations that may have specific interest in or knowledge of the potential environmental impacts is essential. This letter is, therefore, intended to solicit your comments regarding potential environmental impacts, if any, of the proposed rail line abandonment.

Your comments on the potential impacts of this abandonment will be incorporated into our Environmental Report to be filed on or about March 1, 2002. A copy of this report will be provided to you, after which additional comments can be submitted directly to the STB's Section of Environmental Analysis (SEA).

As shown on the attached maps, the line that is proposed to be abandoned is located between Mile Post 0.0 and Milepost 0.15 at the international border, a distance of 0.15 miles (approximately 800 feet), in Niagara Falls, Niagara County, NY. It traverses through U.S. Postal Zip Code 14305.

150 SOUTH FIFTH STREET SUITE 2300 MINNEAPOLIS, MINNESOTA 55402 TEL 612-335-1500 FAX 612-335-1657

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Please address these questions in particular and, if you so desire, any other matters within the scope of the Report as you deem appropriate.

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Enclosures

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PROFESSIONAL ASSOCIATION

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Maureen O'Donnell Helmer
Chairman
New York State Public Service Commission
3 Empire State Plaza
Albany, NY 12223-1350

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Maureen O'Donnell Helmer
January 31, 2002
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625 Broadway
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PROFESSIONAL ASSOCIATION

January 31, 2002

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diane.gerth@leonard.com

New York State Clearinghouse
Division of the Budget
State Capitol
Albany, NY 12224

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New York State Department of Transportation
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1220 Washington Avenue
Albany, NY 12232

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EXHIBIT NO. 5

Draft Agreements with
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DRAFT

**NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM
Federal Consistency Assessment Form**

An applicant, seeking a permit, license, waiver, certification or similar type of approval from a federal agency which is subject to the New York State Coastal Management Program (CMP), shall complete this assessment form for any proposed activity that will occur within and/or directly affect the State's Coastal Area. This form is intended to assist an applicant in certifying that the proposed activity is consistent with New York State's CMP as required by U.S. Department of Commerce regulations (15 CFR 930.57). It should be completed at the time when the federal application is prepared. The Department of State will use the completed form and accompanying information in its review of the applicant's certification of consistency.

A. APPLICANT (please print)

1. Name: **Canada Southern Railway Company**
2. Address: **c/o Diane Gerth, Esq., Leonard, Street and Deinard, 150 South Fifth Street,
Suite 2300, Minneapolis, MN 55402**
3. Telephone: **(612) 335-1463**

B. PROPOSED ACTIVITY

1. Brief description of activity:

Canada Southern Railway Company is a common carrier by rail that has a common carrier obligation over a short segment of rail trackage located on the international bridge (known as either the Canada Southern Bridge or the Michigan Central Bridge) and associated approaches in Niagara Falls, New York. In the near future, it will file with the Surface Transportation Board a Notice of Exemption, seeking authority to abandon its common carrier obligation over 800 feet of mainline railroad trackage. The proposed activity giving rise to the need for a Consistency determination is the removal of tracks, ties, switches, and other rail-related equipment on the bridge and approaches. After the removal of this rail-related equipment, the bridge's owners hope to conclude a sale of the bridge to an entity that will seek to redevelop the bridge as a truck-only bridge. After the sale of the bridge itself and the associated real estate, neither Canada Southern Railway nor the current owners of the bridge will have any ongoing interest in the use of the bridge in the future. Rail traffic that had used the bridge has been rerouted to other locations and trackage rights that had allowed operations beyond the bridge have been terminated. In addition, rail operations have been discontinued on the Canadian side of the bridge and the tracks have been removed from that portion of the bridge located in Canada in accordance with Canadian rail regulations.

2. Purpose of activity:

To end rail operations over small segment of trackage and remove rail-related equipment and materials.

3. Location of activity:

<u>Niagara</u>	<u>Niagara Falls</u>	<u>International Bridge</u>
County	City, Town, or Village	Street or Site Description

4. Type of federal permit/license required: **Notice of Exemption to be filed with Surface Transportation Board**
5. Federal application number, if known: **Surface Transportation Board Docket No. AB 584 Sub No. 1X**
6. If a state permit/license was issued or is required for the proposed activity, identify the state agency and provide the application or permit number, if known: **Not Applicable; rail operations and their cessation are under the exclusive jurisdiction of the Surface Transportation.**

C. COASTAL ASSESSMENT Check either "YES" or "NO" for each of these questions, The numbers following each question refer to the policies described in the CMP document (see footnote on page 2) which may be affected by the proposed activity.

1. Will the proposed activity result in any of the following:

	<u>YES</u>	<u>NO</u>
a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43)	—	<u>X</u>
b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44)	—	<u>X</u>
c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1)	—	<u>X</u>
d. Reduction of existing or potential public access to or along coastal waters? (19, 20)	—	<u>X</u>
e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9, 10)	—	<u>X</u>
f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29)...	—	<u>X</u>
g. Siting of a facility essential to the generation or transmission of energy? (27)...	—	<u>X</u>
h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35)	—	<u>X</u>
i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35)	—	<u>X</u>
j. Draining of stormwater runoff or sewer overflows into coastal waters? (33)...	—	<u>X</u>
k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39)	—	<u>X</u>
l. Adverse effect upon land or water uses within the State's small harbors? (4)...	—	<u>X</u>
2. Will the proposed activity affect or be located in, on or adjacent to any of the following:

	<u>YES</u>	<u>NO</u>
a. State designated freshwater or tidal wetland? (44)	—	<u>X</u>
b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17)	—	<u>X</u>
c. State designated significant fish and/or wildlife habitat? (7)	—	<u>X</u>
d. State designated significant scenic resource or area? (24)	—	<u>X</u>
e. State designated important agricultural lands? (26)	—	<u>X</u>
f. Beach, dune or barrier island? (12)	—	<u>X</u>
g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3)	—	<u>X</u>
h. State, county, or local park? (19, 20)	<u>X</u>	—
i. Historic resource listed on the National or State Register of Historic Places? (23)	—	<u>X</u>
3. Will the proposed activity require any of the following:

	<u>YES</u>	<u>NO</u>
--	------------	-----------

- a. Waterfront site: (2, 21, 22)..... — X
- b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? — X
- c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16) — X
- d. State water quality permit or certification? (30, 38, 40) — X
- e. State air quality permit or certification? (41, 43) — X

4. Will the proposed activity occur within and/or affect an area covered by a State approved local waterfront revitalization program? (see policies in local program document) — X

D. ADDITIONAL STEPS

1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.
2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document.* The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

Applicant's narrative response is attached.

E. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section,

"The proposed activity complies with New York State's approved Coastal Management Program, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: **Canada Southern Railway Company**

Address: **c/o Diane Gerth, Esq., Leonard Street and Deinard, 150 South Fifth Street, Minneapolis, Minnesota, 55402**

Telephone: Area Code **(612) 335-4163**

Applicant/Agent's Signature: _____ Date: _____

F. SUBMISSION REQUIREMENTS

* These state and local documents are available for inspection at the offices of many federal agencies, Department of environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government.

1. The applicant or agent shall submit the following documents to the New York State Department of State, Division of Coastal Resources, 41 State Street - 8th Floor, Albany, New York 12231.
 - a. Copy of original signed form,
 - b. Copy of the completed federal agency application.
 - c. Other available information which would support the certification of consistency.
2. The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.
3. If there are any questions regarding the submission of this form, contact the Department of State at (518) 474-6000.

**NEW YORK DEPARTMENT OF STATE
COASTAL ZONE MANAGEMENT PROGRAM
FEDERAL CONSISTENCY ASSESSMENT FORM**

Applicant's Narrative Response

As its narrative response to the specific questions in Part C of the Federal Consistency Assessment Form, Canada Southern Railway responds as follows:

Assessment Question C . 2. b. (Federally designated flood and/or state designated erosion hazard area)

It does not appear as though the area is in a federally designated flood and/or state designated erosion area. The proposed federal action at issue here will allow the Canada Southern Railway Company to cease rail operations and undertake the limited task of removing rail, ties, and other rail-related track structures on the bridge at Niagara. Because the limited salvage activities will take place on a bridge located above any flood plain or potential erosion area, it is not anticipated that there will be any impacts on federally-designated flood and/or state-designated erosion hazard areas. The limited activities contemplated on the bridge deck itself are consistent with existing policies because they involve no potential disturbance of such areas. There will be no work done or change in the bridge supports, and therefore, no change to the structure as it currently exists. The main structure of the bridge, which has been in place for over 75 years, will remain in place and will not be changed. The activities will require no excavation of coastal features and will not disturb the existing setting. The salvage activities on the deck of the bridge do not create any threats of damage to property or endangering of human lives caused by flooding or erosion.

Assessment Question C. 2. d. (State designated significant scenic resource or area)

The proposed abandonment does take place near the Whirlpool Gorge of the Niagara River, a state-designated significant scenic resource area. The area surrounding the Canada Southern Bridge is located near a scenic area of statewide significance. However, the limited salvage activity that is proposed will in no way impair this scenic resource. Because the changes contemplated by salvaging rail related structures on the deck of the bridge will not be visible from most locations in the gorge, the changes are not inconsistent with the coastal zone policies. The existing historic structure will be maintained and the visual impact will be negligible.

Assessment Question C. 2. h. (State, county, or local park)

The proposed abandonment and removal of rail structures are located on a bridge that is privately owned. However, it is visual from a number of state parks nearby. The proposed actions do not in anyway diminish public access to water-related recreation resources or facilities. The bridge currently is privately held and access by the public is prohibited. Because of the bridge's location at an international boundary and governmental security concerns, public access is currently severely restricted and will likely remain so. No change to existing access to the water will result of the salvage activities on the deck of the bridge.

Assessment Question C. 2. i. (Historic resource listed on the National or State Register of Historic Places)

Although the bridge is not listed on the national or state register of historic places, it is eligible for inclusion in such registers. To that end, the abandonment proceedings required by the Surface Transportation Board do include a Section 106 analysis under the National Historic Preservation Act. The purpose of the analysis is to determine if the historic features of the bridge may be adversely affected. The rail carrier seeking abandonment authority and the New York State Historic Preservation Office have engaged in ongoing discussions regarding the potential

affects of ceasing rail operations and removing track and other rail-related structures. The SHPO and the carrier are preparing to enter into a Memorandum of Agreement that will outline mitigation measures that the carrier is willing to undertake given the circumstances. Such measures are entirely consistent with the coastal zone policy that would require protection of historic structures. A copy of the draft Memorandum of Agreement is attached hereto, and the draft is expected to be approved in substantially its present form.

DRAFT

**MEMORANDUM OF AGREEMENT
BETWEEN THE SURFACE TRANSPORTATION BOARD
AND THE NEW YORK STATE HISTORIC PRESERVATION OFFICE
REGARDING PROPOSED ABANDONMENT OF TRACKAGE
KNOWN AS THE CANADA SOUTHERN RAILROAD BRIDGE
NIAGARA COUNTY, NEW YORK**

WHEREAS, the Surface Transportation Board (STB) has jurisdiction over and is reviewing the Abandonment Notice of Exemption filed by the Canada Southern Railway Company seeking to abandon an eight hundred eighty foot line of railroad between the international border and Milepost 0.0 in the City of Niagara Falls, Niagara County, New York; and

WHEREAS, the Surface Transportation Board has determined that this abandonment will have an effect on the Canada Southern Railway Company Bridge, which meets the criteria of the National Register of Historic Places; and

WHEREAS, the Surface Transportation Board has consulted with the New York State Historic Preservation Office (NYSHPO) pursuant to the requirements of 36 CFR 800; and

WHEREAS, the Canada Southern Railway Company as underlying fee owner of portions of the property, has participated in the consultation and have been invited to concur in this agreement;

NOW, THEREFORE, the STB and the NYSHPO hereto agree that the proposed abandonment shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

**THE SURFACE TRANSPORTATION BOARD SHALL ENSURE THAT THE
FOLLOWING STIPULATIONS ARE CARRIED OUT:**

1. The Canadian Southern Railway Company Bridge will be documented to statewide significance standards, to include:

- a) Photographs with large format (minimum 3"x5") negatives as follows:
 - i) overall views of the bridge from several vantage points;
 - ii) close-up views of any engineering details, plaques, or other noteworthy elements;
 - iii) photographs of historic construction or record drawings, where available;
 - iv) historic views, where available.
- b) Brief written history.

This information will be provided in draft form for SHPO comment. Once the draft information is approved, 3 copies will be prepared on archival paper (both photos and text) and provided to:

Niagara County Historical Society Museum Center
215 Niagara Street
Lockport, New York 14094
716-434-7433

Niagara Falls Public Library
1425 Main Street
Niagara Falls, New York 14305
716-286-4910

The SHPO, for submission to the New York State Archives in Albany.

2. Any party to this agreement may request that it be amended, whereupon the proposed changes shall be submitted to the other parties and the Advisory Council on Historic Preservation (COUNCIL) in accordance with 36 C.F.R. Part 800. If the stipulations of this memorandum are not completed by June 1, 2002, the parties shall meet to renegotiate the terms.

3. Dispute Resolution: Should the NYSHPO object within 45 days to any plans or specifications provided pursuant to this Agreement, the STB shall consult with NYSHPO to

resolve the objection. If the STB determines that the objection cannot be resolved, the STB shall request the further comments of the COUNCIL pursuant to 36 C.F.R. Section 800.6(b). Any COUNCIL comments provided in response to such a request will be taken into account by the TB in accordance with 36 C.F.R., Section 800 (U)(c)(2).

Execution of this Memorandum of Agreement by the parties hereto, and implementation of its terms, evidences that the STB afforded the COUNCIL an opportunity to comment on the proposed action relating to the line, and that the STB has taken into account the effects of the project on historic properties, in accordance with Section 106 of the National Historic Preservation Act.

ACCEPTED AND AGREED:

SURFACE TRANSPORTATION BOARD

Dated:

By: _____
Victoria J. Rutson, Chief
Section of Environmental Analysis

NEW YORK STATE HISTORIC PRESERVATION OFFICE

Dated:

By: _____

CONCUR

CANADA SOUTHERN RAILWAY COMPANY

Dated:

By: _____

2215869v1

EXHIBIT NO. 6

Historic Report

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.

CANADA SOUTHERN RAILWAY	)	
COMPANY-- ABANDONMENT OF	)	DOCKET NO. AB-584
TRACKAGE LOCATED IN NIAGARA	)	(SUB-NO. 1X)
COUNTY, NEW YORK	)	

ABANDONMENT OF TRACKAGE LOCATED
BETWEEN MILE POST 0.0 AND MILE POST 0.15 IN NIAGARA FALLS, NEW YORK,
WHICH TRAVERSES THROUGH UNITED STATES POSTAL ZIP CODE 14305, NIAGARA
COUNTY, STATE OF NEW YORK

HISTORIC REPORT
IN COMPLIANCE WITH
49 C.F.R. PART 1105.8

CANADA SOUTHERN
RAILROAD COMPANY

LEONARD, STREET AND DEINARD
Professional Association
Diane P. Gerth, Esq.
150 South 5th Street, Suite 2300
Minneapolis, MN 55402
Tel. (612) 335-1463
Fax (612) 335-1657

ATTORNEYS FOR APPLICANT

Service Date: August 29, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.

CANADA SOUTHERN RAILWAY	)	
COMPANY-- ABANDONMENT OF	)	DOCKET NO. AB-584
TRACKAGE LOCATED IN NIAGARA	)	(SUB-NO. 1X)
COUNTY, NEW YORK	)	

ABANDONMENT OF TRACKAGE LOCATED
BETWEEN MILE POST 0.0 AND MILE POST 0.15 IN NIAGARA FALLS, NEW YORK,
WHICH TRAVERSES THROUGH UNITED STATES POSTAL ZIP CODE 14305, NIAGARA
COUNTY, STATE OF NEW YORK

HISTORIC REPORT

Pursuant to 49 C.F.R. Part 1105.7(e) and 1105.8, Canada Southern hereby submits the following Historical Report regarding its Notice of Exemption to abandon a 0.15 +/- mile line of railroad between milepost 0.0 +/- and milepost 0.15 +/- which traverses through United States Postal Service Zip 14305, in Niagara Falls, Niagara County, New York. STB Docket No.: AB-558 (Sub-No. 1X)

Section 1105.8(c) Distribution: The applicant must send the Historic Report to the appropriate State Historic Preservation Officer(s), preferably at least 60 days in advance of filing the application, petition, or notice, but not later than 20 days prior to filing with the Board.

See Certificate of Service effecting service on New York State Parks, Recreation and Historic Preservation, Attached as Exhibit 1 to Environmental Report.

Section 1105.8(d)(1)-(8) Content: The Historic Report should contain the information required by Section 1105.7(e)(1) (Environmental Report - See Preceding Report) and the following additional historic information:

Section 1105.8(d)(1) U.S.G.S. Topographic Maps: A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;

See Appendix A. Included in Appendix B is a location map.

Section 1105.8(d)(2) Right-of-Way: A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

The right-of-way is approximately 800 feet long, 500 feet of which is on the International Bridge, and 300 feet of which is the approach to the International Bridge. There are two smaller bridges over local streets that make up part of the approaches to the International Bridge. The average right-of-way is between 50 and 100 feet. The topography for the approach to the bridge is an urban area. The western portion of the bridge does include a section of the Niagara River Gorge.

Section 1105.8(d)(3) Photographs: Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

Photographs of the bridge and the area are included in Appendix C. In addition, as part of the mitigation measures it is undertaking, Canada Southern is having a series of documentary archival quality photographs being prepared under HABS/HAER standards that will be deposited into state and local archives as requested by the SHPO.

Section 1105.8(d)(4): The dates of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.

The main span across the river is a steel two-hinged spandrel arched truss, with a span of 640 feet between the springings or hinges, which are located approximately halfway up the riverbanks. At each end of the arch span, there is a major approach span that spans from the end bent of the arch to a concrete pier located near the top of the riverbank. The bridge was originally constructed in 1924-25 to carry two tracks. One track was removed during the bridge deck upgrade work carried out by Canadian Pacific Railroad in 1992. At that time, the ballast was removed from both the south and north tracks. Repairs took place on the north side of the bridge, including the deck plate, expansion joints, stringers, and handrails and walkway.

Other structures on the property include one unused shed located on the north side of the tracks at approximately Mile 0.0. An out-of-service signal box is located close to the south border of the property line and has been out of service since the early 1990s. In addition to the main structure, there are two smaller bridges crossing local streets that serve as an approach to the International Bridge. The Robert Moses Parkway was constructed over the CPR tracks between 1958 and 1970.

Section 1105.8(d)(5) History: A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.

The Canada Southern International Bridge (also known as the Michigan Central Railway Bridge) was constructed in 1924-25 as a replacement for the Michigan Central Railway Cantilever Bridge which served that railroad in this area in 1895 to 1925. Construction on the bridge began in 1924 and the bridge was opened on February 21, 1925. The bridge was designed by William Perry Taylor, with J. L. Delming of the Michigan Central Railway as the Chief Engineer. The bridge has remained as an exclusively railroad bridge since its inception, carrying both passengers and freight. Passenger service over the bridge ceased in the 1980s.

There are no substantial changes to the bridge being planned as a result of this abandonment. The purpose of this action is to allow Canada Southern to cease railroad operations and be relieved of its common carrier obligation with respect to this short line of railroad. Limited salvage of the railroad materials (primarily track, ties, and switches) is all that is contemplated in the near future. While a conditional sale of the bridge has been agreed to, should any reuse be undertaken it is fully expected that regulatory authority for that reuse will be necessary to be obtained by any potential redevelopment entity. The only physical changes that are being contemplated in these proceedings are those that would preserve the bridge for future use.

Section 1105.8(d)(6) Documents: A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.

The only documents in the possession of Canada Southern are included in Appendix D. Because the ownership of the Niagara River Bridge Company (the direct owner of the bridge) has changed hands over the years, documentation is somewhat limited.

Section 1105.8 (d)(7) Opinion: An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

It is the opinion of the Canada Southern that this line does meet the criteria for listing in the National Register of Historic Places. To that end, consultation with the NY SHPO has been ongoing, and a Memorandum of Agreement is being drafted setting forth a mitigation plan for the structures that are eligible for listing. See Exhibit 5 to Environmental Report.

Section 1105.8(d)(8) Archaeological Resources: A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

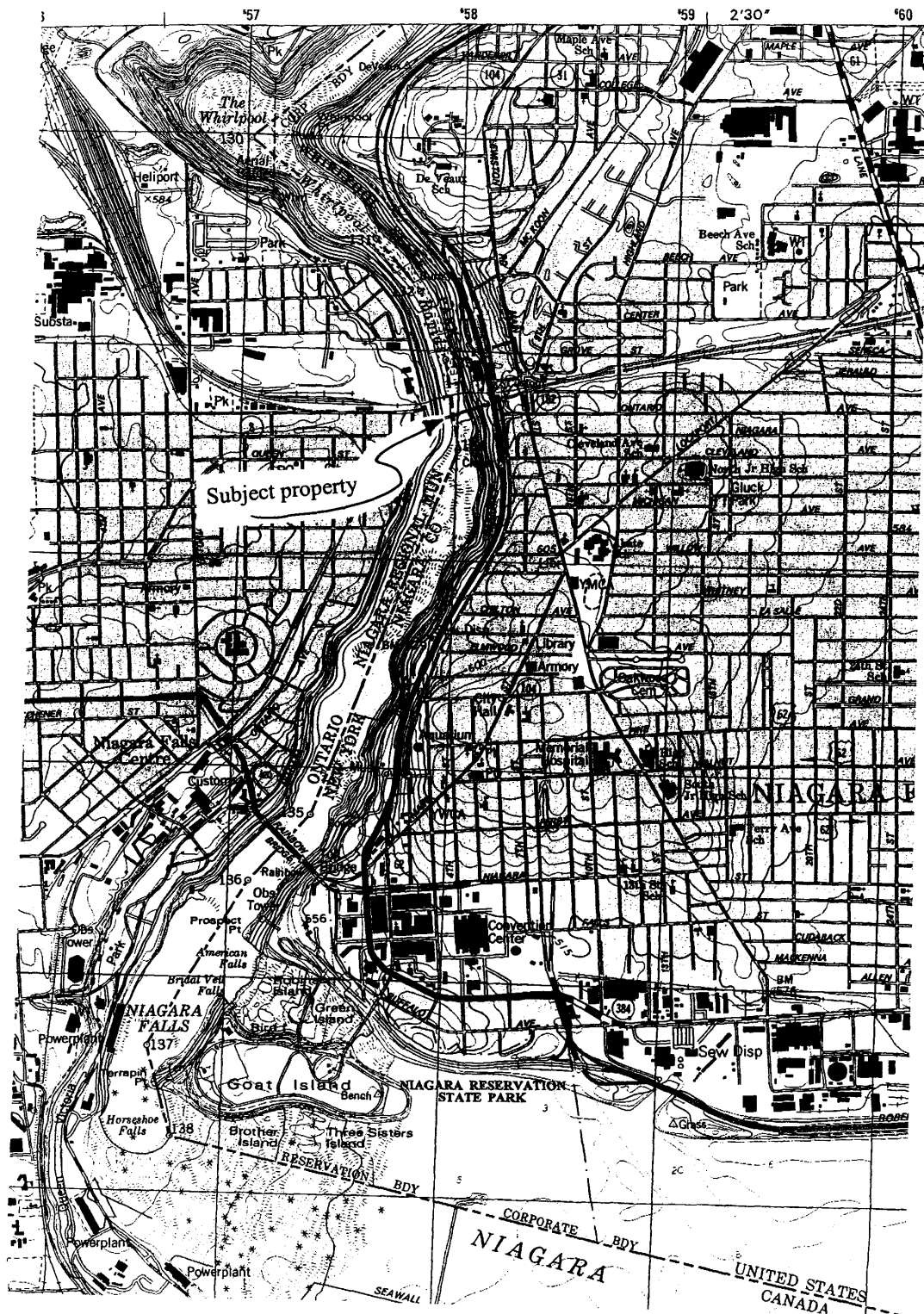
There are no known ground disturbances or fills other than those which would have occurred during original construction of this line or any subsequent maintenance or rehabilitation. There are no anticipated ground disturbances that will take place as a result of this abandonment proceeding. There are no know toxic waste areas within the right way of this line segment.

The following s based upon an excerpt from the former ICC Document Assessment of Environmental Impacts Associated with Railroad Abandonment Proposals in which archeological evaluations are discussed:

"...Salvaging an abandoned railroad line is normally confined to the limits of the right of way and rarely involves major excavation work. If the right of way is to be leveled at all, only the roadbed built up during actual construction of the line would be affected. It is unlikely that there are any historic track structures under the roadbed since old rails and ties are salvaged during maintenance and rehabilitation operations. Likewise, there is usually neither significant damage to the vegetation found within the right of way nor any effect on land adjacent to the railroad property. By confining salvage operations of a rail line as discussed above, it is not anticipated that any archaeological sites in or immediately adjacent to the right of way, would be affected by the abandonment."

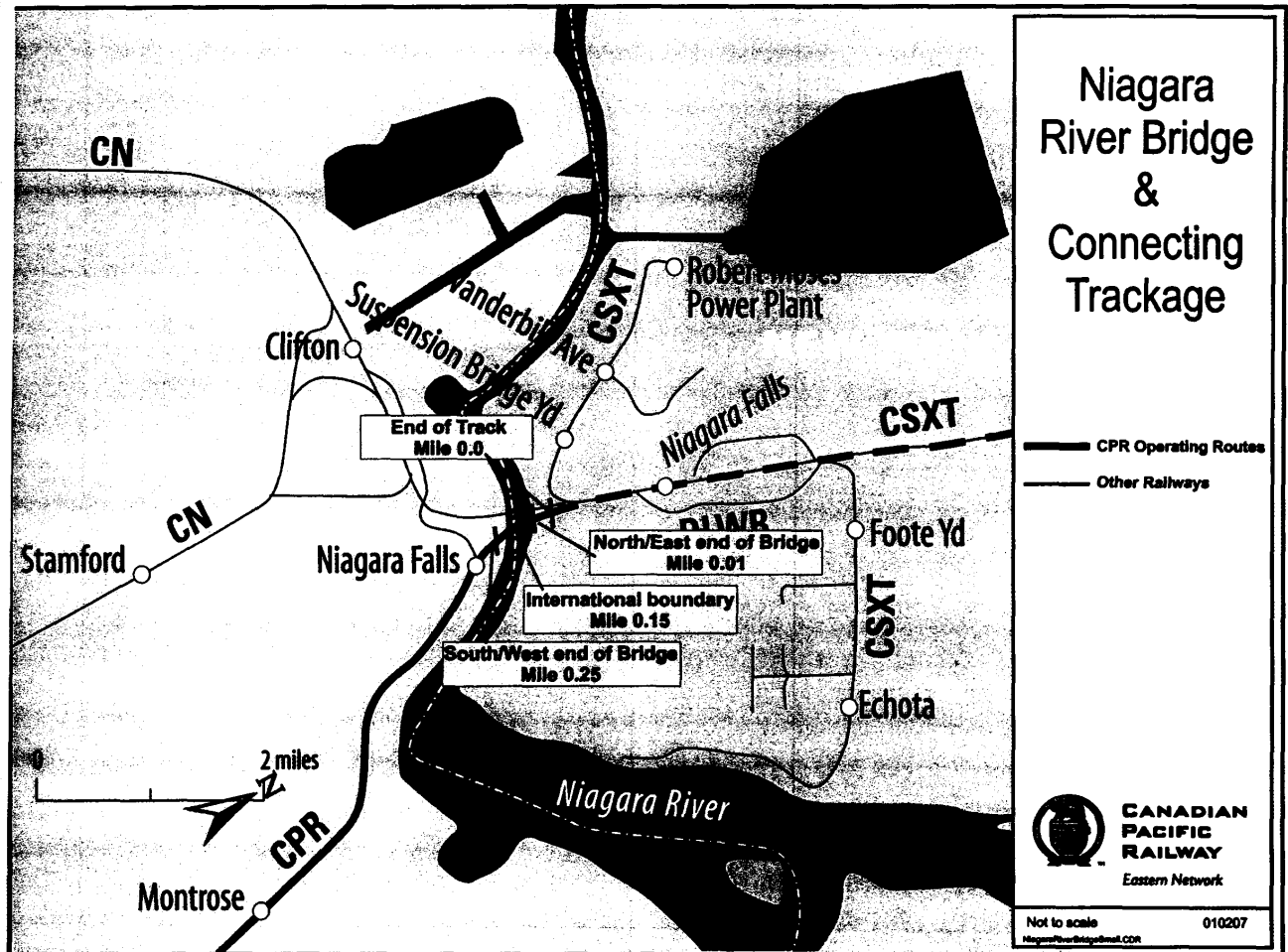
END OF REPORT

APPENDIX A
(CONSOLIDATED USGS TOPOGRAPHIC MAP)



APPENDIX B
(LOCATION MAP AND PROFILE MAP)

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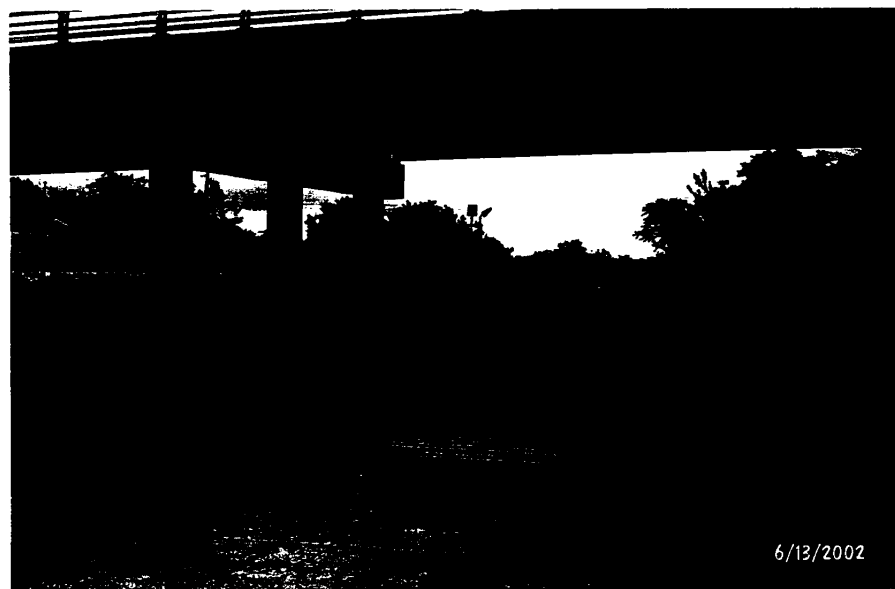
APPENDIX C
(PHOTOS OF RAILROAD STRUCTURES)



Aerial view of Michigan Central/Canada Southern railroad bridge location.
Subject bridge is in background, with train crossing.
U. S. side is to the left.



MCR Bridge crossing Niagara River gorge. Facing northwest.



MCR Bridge with Robert Moses Parkway crossing overhead. Facing east.

**MALCOLM
PIRNIE**

DATE: July 2002

**Michigan Central Railway Bridge
Niagara River Bridge
Mile 0.0 to 0.15, Hamilton Subdivision**

Site Photographs

3601-019



MCR Bridge crossing Whirlpool Street. Facing north-northeast.



MCR Bridge crossing Whirlpool Street and asphalt paved parking areas. Robert Moses Parkway overhead. Facing north.

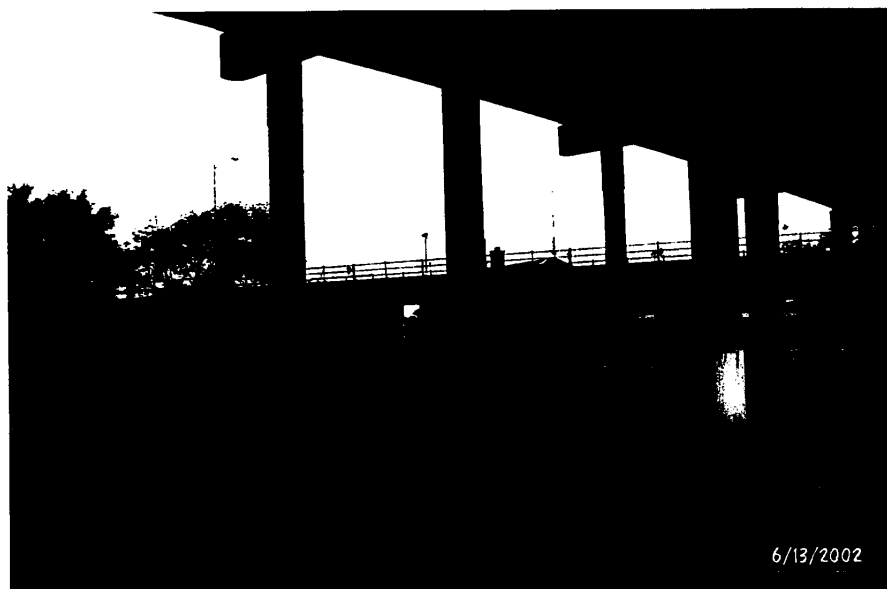
**MALCOLM
PIRNIE**

DATE: July 2002

**Michigan Central Railway Bridge
Niagara River Bridge
Mile 0.0 to 0.15, Hamilton Subdivision**

Site Photographs

3601-019



MCR Bridge crossing asphalt paved parking areas. Robert Moses Parkway overhead. US Customs office in background. Facing northwest.



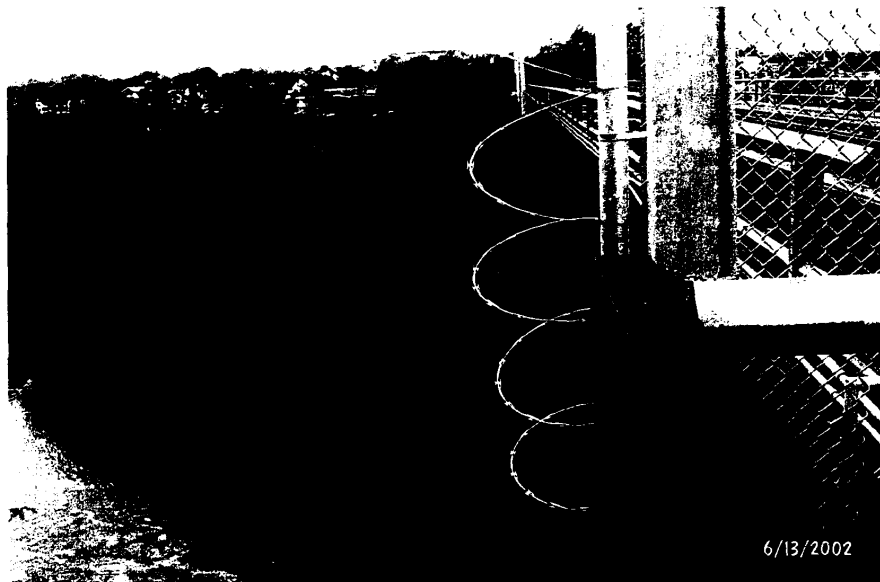
View of bridge facing southeast. Robert Moses Parkway overhead, and US Customs office to the left.

**MALCOLM
PIRNIE**

DATE: July 2002

**Michigan Central Railway Bridge
Niagara River Bridge
Mile 0.0 to 0.15, Hamilton Subdivision**

Site Photographs



View from top of bridge facing west.



View of Niagara River and east gorge wall, from top of bridge facing west.

**MALCOLM
PIRNIE**

DATE: July 2002

**Michigan Central Railway Bridge
Niagara River Bridge
Mile 0.0 to 0.15, Hamilton Subdivision**

Site Photographs



View from top of bridge facing west. Robert Moses Parkway overhead, Whirlpool Bridge on the right.



View from top of bridge facing west. Robert Moses Parkway overhead.

**MALCOLM
PIRNIE**

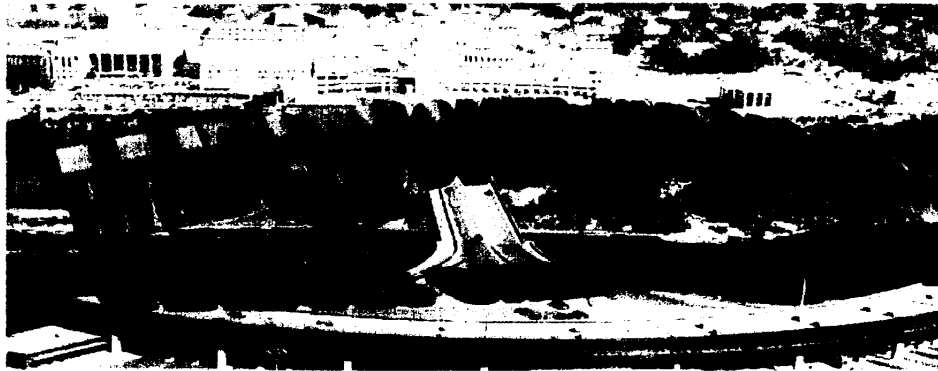
DATE: July 2002

**Michigan Central Railway Bridge
Niagara River Bridge
Mile 0.0 to 0.15, Hamilton Subdivision**

Site Photographs

APPENDIX D
(HISTORICAL DOCUMENTATION IN POSSESSION OF CANADA SOUTHERN)

Bridges Over Niagara Falls



a history & pictorial

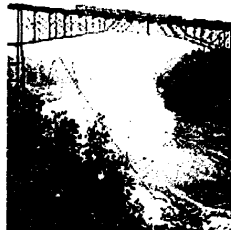


*The Michigan Central Railway Bridge (Canadian Pacific)
and
Whirlpool Bridge spanning the Niagara River Gorge*

In 1846, William Hamilton Merritt, who planned and promoted the first Welland Canal, came to Niagara Falls with a dream to build the first Niagara Suspension Bridge that would provide a roadway across the Niagara Gorge. It was to be the means whereby people and the commerce of Canada and the United States of America might pass more freely across the chasm which formed a natural barrier.

The Michigan Central Railway Cantilever Bridge

1895 -1925



A historic view picture of the Cantilever Railroad Bridge

The first Michigan Central Railway Bridge was located just South of the Whirlpool Bridge and was built for rail traffic only.

The Michigan Central Railway Bridge was the dream of owner/businessman Cornelius Vanderbilt. Vanderbilt needed a rail link between Canada and the USA, but was not prepared to pay the high rental price which the owners of the Lower Arch Bridge were asking for in lieu of using their bridge.

Mr. Vanderbilt owned the Michigan Central Railway and had controlling interest in the

Bridges Over Niagara Falls

Canadian Southern Railway. In lieu of paying rent, he decided to build a new bridge. Vanderbilt formed the Niagara River Bridge Company and received a charter to build a new bridge.

On April 9th 1883, the Niagara River Bridge Company signed a contract with the Central Bridge Works Company of Buffalo New York to build this bridge. The chief engineer was Charles C. Schneider.

This first bridge of cantilever design, was built across the Niagara Gorge by engineer Edmund Hayes, of the Central Bridge Works Company, at a site just south of the Lower Arch Bridge.

Construction of this bridge began on April 15th 1883. According to the Niagara Falls Gazette newspaper, the cantilever construction used at Niagara Falls was the first time it had been used in America. *Contrary to this report the first cantilever bridge in American was designed by Charles Smith for the Cincinnati Southern Railroad to cross the Kentucky River. It was built in 1876-1877.*

Cantilever was defined as erection by overhang. The contractors were working under a deadline of November 1st. Every day afterwards, the contractor had to pay a penalty of \$500 per day.

The 40.3 meter (132.6 feet) high towers were completed on October 11th. The contractor soon realized that it would not be possible to complete the bridge and railway tracks by November 1st. They anticipated they could put 7.6 meters (25 feet) sections onto each side of the bridge every two days and connect the center span in five days.

Each cantilever measuring 99 meters (325 feet) long and 7.9 meters (26 feet) high where they were anchored were in place by November 18th. Two 7.5 meter (25 feet) long sections were attached and extended from each cantilever. The center span was measured and sent to the company's Buffalo, New York plant for fabrication.

Each end was made of a section constructed of steel extending from each shoreline nearly half way across the gorge. Each section was supported near its center by a steel tower from which extended two lever arms, one reaching the shore while the other extended over the river 175 feet (53m) beyond the towers.

By the outer arm having no support and being subjected the same as the shore arm to the weight of the trains, a counter advantage is given to the shore arm being firmly anchored to the rock on shore. The towers on each side rose from the water level below. The bridge span was 495 feet (151m). The ends of the cantilevers extended 395 feet (120m) from the abutments leaving a gap of 120 feet (36.5m) which was filled by an ordinary truss type bridge hung from the ends of the cantilever.

Provisions had been built into this bridge to allow for expansion and contraction, allowing the ends to move freely as the temperature changed. The total length of the bridge was 906 feet (276m). It had a double track and had the capacity to bear the weight of two trains crossing at the same time producing a side pressure equal to a 75 mile per hour wind. The railway was 240 feet (73m) above the Niagara River.

Bridges Over Niagara Falls

On November 21st, media reports indicated that the bridge had been completed, linking Canada and the USA together.

On December 1st 1883, the bridge was officially completed. The bridge had cost \$700,000 dollars.

On December 6th 1883 at 11:41 a.m., the first crossing of this new bridge was made. It consisted of an engine pulling a tender and passenger car. The passenger car carried a number of dignitaries including railway Superintendent G. H. Burrows.

After the bridge was declared safe, a second train with newspaper reporters aboard crossed soon thereafter.

A plaque adorned the American side of this bridge and read:

1883
Niagara River Bridge Company
Cornelius Vanderbilt, President
James Tillingham, Vice-President

Built by
Central Bridge Works, Buffalo
Geo. S. Fields, Manager
C.V. W. Kittridge, Treasurer
Edmond Hayes, Engineer

Length of Bridge 906 feet
Work commenced April 15th, 1883
Completed December 1st, 1883

On the morning of December 20th 1883, the day a ceremony by invitation took place at the bridge, a team of seven heavy freight trains crossed the bridge without incident. At the official appointed time of 12:08 p.m. before a gathered crowd estimated at more than 10,000 persons twenty locomotives pulling loaded gravel cars crossed the bridge in two groups consisting of ten locomotives and twelve loaded gravel cars. Each train crossed the bridge simultaneously from opposite ends. When both trains passed each other, both sets of track were fully occupied. The bridge successfully passed this load test. When the trains had completed their respective journeys they blew their whistles in celebration.

A banquet for the 4,000 invited guests was held at the Monteagle House on the American side. while the remaining crowds were allowed to walk back and forth across the bridge.

The Cantilever Bridge remained in operation for more than forty years until much heavier modern trains came along requiring the building of the much stronger steel arch bridge.

The Michigan Central Railway Steel Arch Bridge

1925 - present



*A current view of the Michigan Central Railway Bridge
today owned by the Canadian Pacific Railway*

Construction on the new Michigan Central Railway Steel Arch Bridge commenced in 1924 to replace the existing Cantilever Bridge.

This bridge was designed by William Perry Taylor. Taylor designed a two hinged spandrel braced bridge. This was the same type of bridge that Leffert L. Buck had suggested building prior to the cantilever bridge being chosen.

The new steel arch bridge was built 100 feet (30m) closer to the Lower Arch Bridge than the Cantilever Bridge.

Mr. J.L. Delming, of the Michigan Central Railway was the chief engineer for the building of this bridge. Mr. Olaf Hoff was the projects consulting engineer.

The bridge was completed and opened without ceremony February 21st 1925.

Bridges Over Niagara Falls



A view of the top of the Michigan Central Railway Bridge

The Cantilever Bridge was dismantled and sold for scrap soon after the new railway bridge opened.

As of today, this bridge remains operational under the ownership of the Canadian Pacific Railway. Originally built for the Michigan Central Railway, this steel arch bridge has had many owners throughout the years including New York Central Railway, Penn Central Railway, and Con Rail.

In 1990, this bridge was purchased by the Canadian Pacific Railway.

History of The Michigan Central Railroad Company

History of The Michigan Central Railroad Company and its predecessors from the 1913 Annual Report of The New York Central Railroad System.

THE MICHIGAN CENTRAL RAILROAD COMPANY.

In 1836, the Detroit and St. Joseph Railroad Company, chartered June 29, 1832, began the construction of the road. Before the completion of any portion of the line, that Company sold its property and franchises to the State of Michigan, April 22, 1830, and the Central Railroad Company of Michigan was created. The road was completed by the State between Detroit and Kalamazoo, February 2, 1846. March 28, 1846, the State of Michigan passed an Act granting a special charter to The Michigan Central Railroad Company, and authorizing the sale of the Central Railroad to said Company for \$2,000,000. The Michigan Central Railroad Company was organized, paid the consideration and took possession of the property under such, September 25, 1846. The road was extended and operated to Niles and New Buffalo, and the further extension and change of line to Kensington, Illinois, was completed in May, 1852, and at the same time trains were run to Chicago, Illinois, over the tracks of the Illinois Central Railroad from Kensington. Under an agreement with the Illinois Central Railroad Company dated June 14, 1871, in lieu of all former agreements, The Michigan Central Railroad Company has perpetual running rights between Kensington and Chicago. The special charter was repealed by Act 2 of the Public Acts of Michigan, extra session 1900, and at a meeting of the stockholders, December 4, 1901, the Company, subject to the provisions of said Act, resolved to surrender its charter and to continue its incorporation under the general railroad law of Michigan. The certificate of such surrender and incorporation was filed in the office of the Secretary of State, December 30, 1901.

JOLIET AND NORTHERN INDIANA RAILROAD COMPANY

Incorporated January 9, 1854, under the laws of Indiana. Consolidated with the Oswego and Indiana Plank Road Company of Illinois July 1, 1854. Operated under perpetual agreement, dated September 7, 1851, by which, as amended The Michigan Central Railroad Company maintains the road and pays a rental of \$15,000 per annum, being five per cent. on the capital stock of \$300,000 and interest on funded debt and all taxes and expenses, and receives all revenues. Bonds of The Michigan Central Railroad Company issued for \$1,500,000 secured by a mortgage on the property of the Joliet and Northern Indiana Railroad Company (under which mortgage the issue of bonds of The Michigan Central Railroad Company to an amount not exceeding \$3,000,000 is authorized), have been substituted for such funded debt. The Michigan Central Railroad Company owns the entire capital stock.

MICHIGAN AIR LINE RAILROAD COMPANY

This Company is a consolidation of the Grand Trunk Railway Company of Michigan and the Grand Trunk Railway Company of Indiana, Articles of Consolidation being dated July 14, 1868, and filed August 27, 1868. There was a further consolidation with the St. Joseph Valley Railroad Company October 7, 1870. The road was complete in February, 1871. Operated under perpetual agreement, dated January 1, 1870, by which The Michigan Central Railroad Company maintains that portion of the original line west of Jackson, and pays interest on funded debt, and all taxes and expenses, and receives all revenues. Bonds of The Michigan Central Railroad Company issued for \$2,600,090 secured by mortgage on the Michigan Air Line Railroad Company's property have been substituted for such funded debt. The Michigan Central Railroad Company owns a majority of the capital stock.

KALAMAZOO AND SOUTH HAVEN RAILROAD COMPANY

Incorporated April 15, 1869. The road was completed January 2, 1871. Operated under perpetual agreement, dated July 1, 1870, by which The Michigan Central Railroad Company maintains the road, pays interest on funded debt and all taxes and expenses, and receives all revenues. Bonds of The Michigan Central Railroad Company issued for \$700,000 secured by mortgage on the property of the Kalamazoo and South Haven Railroad Company have been substituted for such funded debt. The Michigan Central Railroad Company owns a majority of the capital stock.

THE GRAND RIVER VALLEY RAILROAD COMPANY

Chartered May 4, 1846. Reorganized under General Laws of Michigan April 25, 1894. Road completed in spring of 1870. Operated under perpetual agreement dated August 15, 1870 by which The Michigan Central Railroad Company maintains the road and pays rental of \$24,560 per annum, being five per cent. on the capital stock of \$491,200 and \$150 corporate expenses, and interest on funded debt, and all taxes and expenses, and receives all revenues. Bonds of The Michigan Central Railroad Company issued for \$1,500,000 secured by a mortgage on the property of The Grand River Valley Railroad Company (under which mortgage the issue of Michigan Central bonds to an amount not exceeding \$4,500,000 is authorized), have been substituted for such funded debt. The Michigan Central Railroad Company owns a minority of the capital stock.

JACKSON, LANSING AND SAGINAW RAILROAD COMPANY

The original company which built the first portion of this railroad was incorporated in 1857 under the name of the Amboy Lansing and Traverse Bay Railroad Company, commonly known as the Ramshorn Road. A considerable land grant was made to it. It began with the construction of the road north of Lansing and completed about twenty miles between Owosso and Lansing before 1861. February 23, 1864, the Lansing and Jackson Railroad Company, as purchaser of the property of the Lansing and Jackson Company, which had been organized to build a railroad between Lansing and Jackson, filed articles of association, and on February 23, 1865, filed amended articles changing the name to the Jackson Lansing and Saginaw Railroad Company. March 18, 1865, the State of Michigan authorized the latter Company to buy the railroad and property, including the land grant, of the Amboy Lansing and Traverse Bay Railroad Company, and on October 26, 1866, the contract of purchase was executed. The road was thereupon completed from Jackson to Lansing and from Owosso to Saginaw and Bay City, and in July, 1873, extended to Gaylord, and on December 31, 1881, all of the railroad from Jackson to Mackinaw City was completed. Operated under perpetual agreements dated August 31, 1871, September 1, 1876, and January 31, 1887 by which The Michigan Central Railroad Company maintains the road and pays rental of \$70,750 per annum, being 3 and one-half per cent on the capital stock of \$2,000,000 and \$750 for corporate expenses, interest on funded debt, and all taxes and expenses, and receives all revenues. Bonds of the Michigan Central Railroad Company, issued and now outstanding for \$1,114,000 secured by mortgage on the property of the Jackson Lansing and Saginaw Railroad Company have been substituted for such funded debt. Such outstanding bonds are subject to reduction from time to time by purchase and retirement with funds arising from sales under the land grant. (See Trustees Report on another page). The Michigan Central Railroad Company owns one-third of the capital stock.

DETROIT AND BAY CITY RAILROAD COMPANY

The road was completed from Detroit to Bay City, Michigan, July 31, 1873, by the Detroit and Bay City Railway Company. The Detroit and Bay City Railroad Company was organized February 21, 1881, and acquired the property of the Detroit and Bay City Railway Company. Operated in perpetuity under an agreement dated March 1, 1881. The Michigan Central Railroad Company has issued its bonds for \$4,000,000, secured by a mortgage on the property, and owns the entire capital stock.

BATTLE CREEK AND STURGIS RAILWAY COMPANY

Acquired that portion of a road which had been constructed between Battle Creek and Sturgis, Mich., in 1888 by the St. Louis Sturgis and Battle Creek Railroad Company. The road from Battle Creek to Findley Mich., is operated under an agreement dated February 1, 1890. The Michigan Central Railroad Company pays the interest on \$421,000 issued December 1, 1889., at 3 percent, or \$12,630, and owns 4,175 shares of the capital stock. The Lake Shore and Michigan Southern Railway Company operates road from Findley. Mich., to Sturgis ' Mich., under an agreement dated February 1, 1890, pays the interest on \$79,000 bonds issued December 1, 1889, and owns 825 shares of the capital stock.

BAY CITY AND BATTLE CREEK RAILWAY COMPANY

Incorporated November 14, 1889, and acquired the road from West Bay City to Midland, Mich., constructed by the Battle Creek and Bay City Railroad Company; completed December 27, 1889. Operated under an agreement dated February 1, 1890 by The Michigan Central Railroad Company which pays interest on \$250,000 bonds issued December 1, 1889, at three per cent, or \$7,500. The Michigan Central Railroad Company owns all the capital stock.

THE DETROIT DELRAY AND DEARBORN RAILROAD COMPANY

Incorporated September 19, 1895, to build a connecting road near the southwesterly limits of Detroit, between the Toledo Canada Southern and Detroit tracks at Delray and the Michigan Central Railroad tracks at Dearborn. The road was completed October 5. 1896. The Michigan Central Railroad Company owns all the capital stock and operates the road.

DETROIT MANUFACTURERS' RAILROAD

Incorporated January 30 1902, and acquired the tracks and property of the Detroit Terminal Railway, (formerly Detroit Transit Railroad). Leased to The Michigan Central Railroad Company April 1, 1902, for a term of twenty-five years from January 1, 1903, at a rental of \$12,000 per annum for five years from January 1, 1903, and \$15,000 per year for twenty years thereafter; all taxes and assessments, and \$150 per annum for organization expenses.

DETROIT TOLEDO AND MILWAUKEE RAILROAD COMPANY

Incorporated July 1 1897, taking over the Michigan Division of the Cincinnati Jackson and Mackinaw Railway. Allegan to Dundee, Mich., 133.14 miles. The Michigan Central Railroad Company owns 7,500 shares and The Lake Shore and Michigan Southern Railway Company 7,500 shares of the total 15,000 shares of capital stock outstanding. The road from Dundee to Homer, Mich., 66.58 miles, is operated by The Lake Shore and Michigan Southern Railway Company and from Homer to Allegan, Mich., 66.56 miles, by The Michigan Central Railroad Company under agreements entered into with The Detroit Toledo and Milwaukee Railroad Co. dated January 1, 1905. During the year 1913 the westerly 39.17 miles of this road, between Battle Creek and Allegan, was sold and possession thereof delivered to the Michigan and Chicago Railway Company, reducing the mileage operated by The Michigan Central railroad Company to that extent. New agreements for the operation of the remainder of the road by The Michigan Central Railroad Company and The Lake Shore and Michigan Southern Railway Company are under negotiation.

ST JOSEPH SOUTH BEND AND SOUTHERN RAILROAD COMPANY

Incorporated January 25, 1899. Acquired the property of the Indiana and Lake Michigan Railway Company; leased

to the Indiana Illinois and Iowa Railroad Company February 23, 1900, at a rental of \$20,000 per annum; lease transferred to The Michigan Central Railroad Company February 15, 1905. Lease expires February 23, 1950 and may be renewed for a term of fifty years upon notice one year before expiration. In connection with this property, the Indiana Illinois and Iowa Railroad Company constructed an extension from St. Joseph to Benton Harbor, Mich., 1.62 miles, and acquired dock property at St. Joseph, Mich. This line and property was leased to The Michigan Central Railroad Company under date of February 15, 1905, at a rental of \$5,000 per annum. The lease remains in force so long as The Michigan Central Railroad Company shall remain in possession of the St. Joseph South Bend and Southern Railroad Company.

DETROIT RIVER TUNNEL COMPANY

A consolidation, August 15, 1905, of the Michigan and Canada Bridge and Tunnel Company and the Canada and Michigan Bridge and Tunnel Company, under the laws of the State of Michigan and the Dominion of Canada, organized for the purpose of constructing a tunnel under the Detroit River between Detroit, Mich., and Windsor Ont., and acquiring terminal facilities in connection therewith. The work was begun in October, 1906, and the tunnel completed in October, 1910. It was put into experimental use for through freight traffic October 9, 1910. The Chief Engineer of the Canadian Railway Commission inspected and approved the work, and the Commission issued its order authorizing the use of the tunnel, October 14, 1910. Regular freight and passenger service was inaugurated October 16, 1910. It is operated by The Michigan Central Railroad Company under lease of December 19, 1906, as amended by agreement dated May 10, 1911. The Terminal Station building at Detroit, in process of erection, is nearly completed and was put into actual use for trains and the offices largely occupied December 26, 1913. The Michigan Central Railroad Company owns all of the capital stock.

LANSING TRANSIT RAILWAY COMPANY

Incorporated August 31, 1886, for the purpose of constructing a spur track at Lansing, Mich.; leased February, 1888, for a term of ninety-nine years; The Michigan Central Railroad Company to maintain and operate. The Michigan Central Railroad Company and The Lake Shore and Michigan Southern Railway Company, are equal owners of the entire capital stock outstanding. Under an agreement dated July 31, 1888 between The Michigan Central Railroad Company and The Lake Shore and Michigan Southern Railway Company, the last named road has a fifty per cent interest in results from operation.

THE CANADA SOUTHERN RAILWAY COMPANY

Incorporated February 28, 1868. Absorbed the Erie and Niagara Railway Company July, 1893, and the Leamington and St. Clair Railway Company and the Sarnia Chatham and Erie Railway Company August, 1904. Leased with owned and leased lines January 1, 1904, to The Michigan Central Railroad Company for the term of nine hundred and ninety-nine years. Rental two and one-half per cent to January 1, 1910, and three per cent thereafter on \$15,000,000 capital stock and interest on funded debt.

TOLEDO CANADA SOUTHERN AND DETROIT RAILWAY COMPANY

Consolidation, July 19, 1872, of the Detroit and State Line Railroad Company and the Junction Railway Company. Leased January 2, 1906, for the period of its corporate existence, The Michigan Central Railroad Company agreeing to pay the principal and interest on \$4,500,000 four per cent first mortgage bonds as they may be issued in accordance with the terms of said lease. The date of maturity of these bonds is fifty years from January 1, 1906 and the amount now outstanding is \$3,100,000. Of this amount \$1,500,000 is held by The Canada Southern in accordance with the terms of an agreement dated January 2, 1906, between the Toledo Canada Southern and Detroit Railway Company, The Michigan Central Railroad Company and The Canada Southern Railway Company, and will

not draw interest while in the possession of The Canada Southern Railway Company. The interest on the remaining \$1,600,000 of bonds outstanding is paid by the lessee. Under the terms of the agreement above referred to, in consideration of the guarantee by The Michigan Central Railroad Company of both principal and interest of the \$4,500,000 bond issue, The Canada Southern Railway Company is to deliver to The Michigan Central Railroad Company upon satisfaction of the Canada Southern second mortgage which matured March 1, 1913, the \$1,500,000 bonds held by that company and the entire capital stock of the Toledo Canada Southern and Detroit Railway Company, which bonds and stock were subject to the lien of said second mortgage.

CANADA SOUTHERN BRIDGE COMPANY

Incorporated August 20, 1873. Line completed September, 1873. Leased to, and stock owned by The Canada Southern Railway Company.

ST CLAIR AND WESTERN RAILROAD COMPANY

Articles of association dated September 24, 1906; filed September 25, 1906; succeeding the Michigan Midland and Canada Railroad Company which was incorporated September 17, 1872, and road opened December 4, 1874. Controlled by The Canada Southern Railway Company through ownership of stock.

ST CHARLES AIR LINE

The agreements of The Michigan Central Railroad Company with respect to the St. Charles Air Line, a switching road in the city of Chicago, owned jointly by this company, the Chicago Burlington and Quincy Railroad Company, the Chicago and Northwestern Railway Company and the Illinois Central Railroad Company are contained in a book entitled, "History of the St. Charles Air Line Railroad in Chicago," compiled and published by the Illinois Central Railroad Company in April, 1902.

DETROIT TERMINAL RAILROAD COMPANY

Organized December 7, 1905 for the purpose of constructing a switching road from a point on the Detroit River east of to a point on the Detroit River west of Detroit. Articles filed December 8, 1905. During the year 1906 the greater portion of the construction work from a point on the Detroit River east of the city to the junction with the road of the Detroit and Bay City Railroad Company was completed, and in December, 1909, the road was extended to a connection with the Detroit Grand Haven and Milwaukee Railway and a short distance west thereof to Woodward Avenue and in 1910 was farther extended west of Woodward Avenue to the right of way of the Pere Marquette Railroad Company, a short distance south of Grand River Avenue, and was further extended in 1913 to a connection with the main line of The Michigan Central Railroad Company near the overhead bridge of the Pere Marquette Railroad a distance of 4.21 miles, making the total mileage completed to December 31, 1913, main line 17.48 miles. This railroad is owned one-fourth each by The Michigan Central Railroad Company, The Lake Shore and Michigan Southern Railway Company, the Grand Trunk Railway Company of Canada and the Detroit Grand Haven and Milwaukee Railway Company, and is operated under agreement made from time to time by the managing officers of said companies. .

CHICAGO KALAMAZOO AND SAGINAW RAILWAY COMPANY

Incorporated January 7, 1883; Articles amended December 10, 1887. Road completed from Kalamazoo to Woodbury September, 1889, and from Pavilion to Kalamazoo, December, 1901. The Michigan Central Railroad Company owns a majority of the capital stock.

DETROIT AND CHARLEVOIX RAILROAD COMPANY

Incorporated January 2, 1901. Road completed from Frederic to East Jordan, September, 1901. The entire capital stock is owned by The Michigan Central Railroad Company.

LANSING MANUFACTURERS RAILROAD

Incorporated January 25, 1904, for the purpose of building a belt line around the city of Lansing. Road leased to The Michigan Central Railroad Company and The Lake Shore and Michigan Southern Railway Company, July 1, 1905; at a rental of \$7,500 per annum, and \$50.00 for organization expenses, they to operate and maintain.

DETROIT BELT LINE RAILROAD

Organized May 18, 1909. Road located at Detroit, Mich., and is 4.39 miles in length, extending from a connection with the Detroit and Bay City Railroad, at Belt Line Junction (so called), near Chene Street, in the township of Hamtramck, Wayne County Mich., to a connection with the Detroit Manufacturers Railroad, at Wight Street, near the corner of Meldrum and Guoin Streets, in the city of Detroit, Mich. The entire capital stock is owned by The Michigan Central Railroad Company, and the road is operated by that company under agreement dated July 20, 1909.

Return to the [The New York Central Homepage](http://www.railroad.net/nyc/mc.html).

VI

EXPANSION IN ONTARIO

Canada Southern began the 1880s with a mixture of apprehension and enthusiasm. The railway was now under lease to the Michigan Central Railroad, and CSR employees and minority shareholders were understandably apprehensive as to what this relationship would hold. Their jobs and their investments, however, were more secure than ever before, and there was exciting talk about expansion in the Niagara peninsula and the acquisition of a branch line to Leamington. All this was part of an increasing battle between the New York Central and the Grand Trunk.

The GTR, which had been determined to put through its own line to Chicago, did so during 1880. That railway regarded its Chicago extension as essential if it was to compete with the NYC&HRR for the lucrative freight traffic between the Atlantic seaboard and the Mississippi Valley. Passenger traffic was also important, and Vanderbilt was determined to make the CS/MC link the premier passenger train route between New York and Chicago. The Lake Shore would have to be content with second place, and to protect it, the Nickel Plate Road (another Vanderbilt property, acquired in 1882) would not be allowed any through passenger trains. Surprisingly, the extant agreement between the CSR and the Wabash permitting the latter's sleepers from St. Louis to be routed over the Canada Southern line between Toledo and Buffalo was maintained.¹ Other carriers, particularly the Pennsylvania and the Baltimore & Ohio, kept a close eye on the jockeying for dominance between the New York Central and the Grand Trunk. But as *The New York Times* observed, if a rates battle ensued, only the Grand Trunk was capable of contesting Vanderbilt's strength.

The First Promise, a Great Cantilever Bridge

The Canada Southern crossed the Niagara River at two points, one at Fort Erie and the other at Niagara Falls. Since both of these crossings were single-tracked, they were thought to be rather limited in their ability to accommodate the anticipated large increase in traffic. Another disadvantage was that both bridges were owned by subsidiaries of the Grand Trunk. Both were quite profitable, too. A recent increase in tariffs only quickened the CSR's resolve to fulfil Thomson's first promise of bridging the Niagara River. In itself this would not be enough, for the Niagara Branch was too circuitous and had been built to standards well below those required for a major high-speed line. Thus, a cutoff was conceived. This would leave the existing main line just east of Welland and cut across farmlands and through orchards to the vicinity of Niagara Falls, a distance of approximately 14 miles. A portion of the Niagara Branch, that from Montrose eastward to either of two proposed crossing sites, would be upgraded and incorporated into what would become the new main line. The railway's first choice of a crossing was near the head of Grand Island, but this was abandoned in reaction to the vociferous objections of Tonawanda residents.² The second site was below the Falls but upstream from the Grand Trunk's bridge.

Canada Southern employed James Anthony Bell, a provincial land surveyor, to lay out the Welland Cut-Off.³ The contract for the construction of the cut-off was let to the firm of Fields, Cunningham & Company in May 1883.⁴ Construction began shortly afterwards and progressed smoothly during the summer and autumn. By the week of 4 November 1883 there were two construction trains on the more rugged eastern end of the cut-off. Beginning the week of 18 November, track crews were scheduled to lay double track between Niagara Falls and Clifton, whence both tracks would be ballasted.⁵ The railway was so determined to have the line finished

by mid-December that construction work was continued despite the wintry conditions.⁶ Inclement weather and heavy rock cuts slowed the work somewhat and, except for a short section near the convent in Niagara Falls, the grading and the double-tracking were completed as far as Clifton by the middle of December 1883.⁷ The rail line was in the vicinity of the site for the bridging of the Niagara River.

Various firms had advanced ideas for bridging the river, and as many as six plans were suggested. The least expensive one was a double-deck bridge of parallel-girder construction. The most expensive one was a single-deck, double-track bridge of the arch type. During October 1882 Vanderbilt interests had contacted the Central Bridge Company of Buffalo concerning the construction of a double-track, single-deck cantilever-type bridge across the Niagara gorge.⁸ The bridge was designed by C.C. Schneider, and apparently it was the first bridge to be termed "cantilever."⁹ It was a novel concept, one which intrigued the town's residents and engineers alike. Although there were already a few bridges of this type (Schneider had used this principle for the CPR's bridge over the Fraser River in the spring of 1882), never before had the design been proposed to span a distance in excess of 900 feet.¹⁰ This would be the longest cantilever bridge in the world. General George S. Field, the president of Central Bridge, is generally credited with the original idea of using this design. Evidently, he had spoken to Vanderbilt some months earlier. James A. Bell of St. Thomas, who had recently completed some survey work for the Canada Southern, was appointed assistant engineer for the bridge project.¹¹

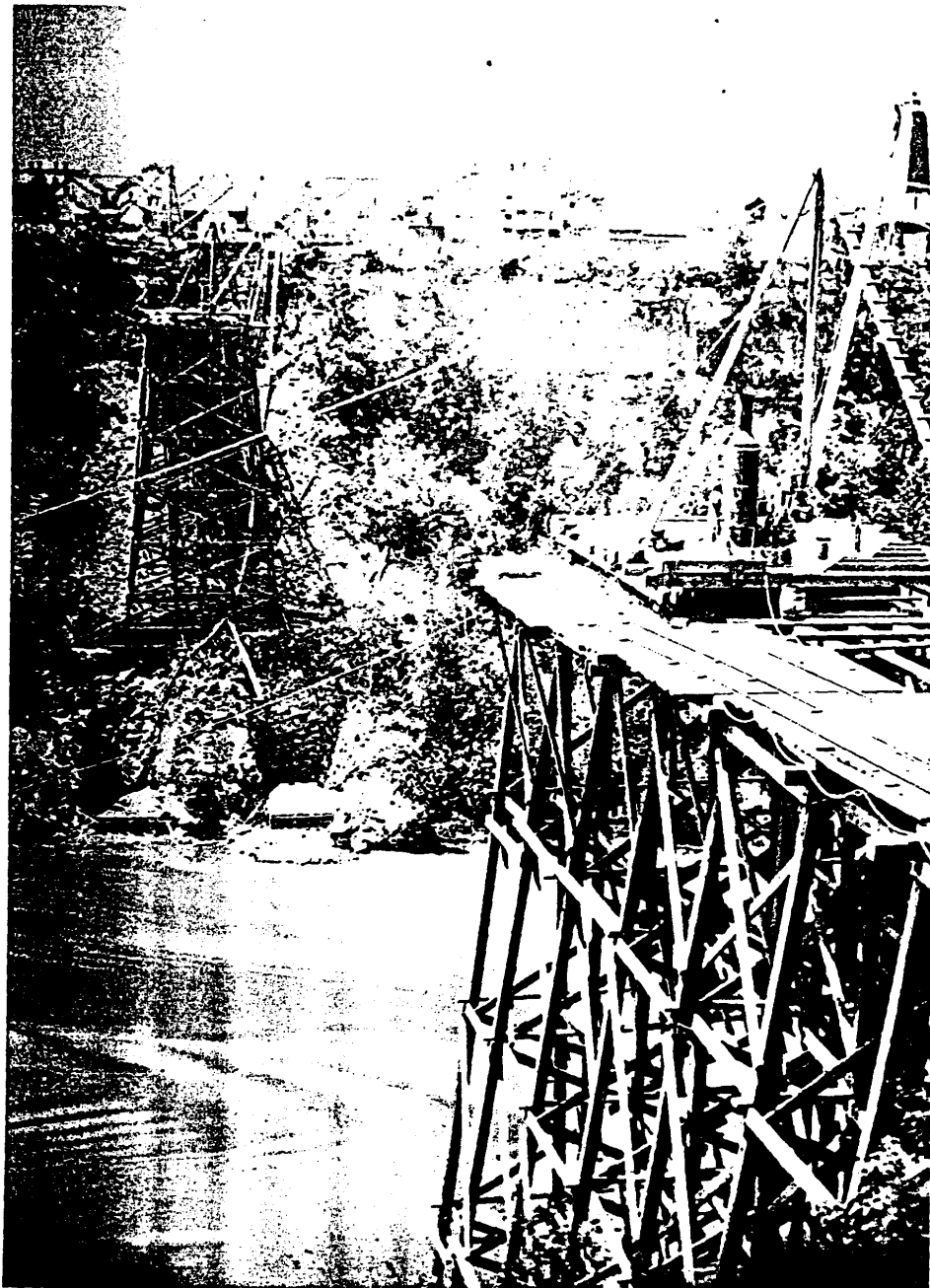
A new company had already been established in 1881 under New York State legislation, with a capital of \$1 million.¹² This was the Niagara River Bridge Company of New York. On the Canadian side, a federal statute established the Niagara Peninsula Bridge Company.¹³ The acts of incorporation for both companies authorized their subsequent merger as the Niagara River Bridge Company, a Canadian corporation.

Three reasons figured prominently in the selection of the cantilever design. First, the steepness of the gorge left virtually no room for temporary supports and the cantilever design required relatively little in the way of falsework. Secondly, the railway wanted a bridge which would not be susceptible to "wave action", as was the case with the Suspension Bridge. Finally, the railway desired a bridge which would be less costly to construct than the suspension type. The particular design of the great Niagara Cantilever Bridge would not only fulfil these strict requirements, but it would be strong enough to bear the weight of two fully laden freight trains, each hauled by two 76-ton Consolidation-type locomotives. Not only must the bridge withstand the weight of one ton per linear foot, but it must do so during a cross wind of 75 mph, incorporating a safety factor of five.¹⁴

In order to determine the precise site of the Cantilever Bridge, CSR engineers during January 1883 took river measurements from 200 feet to 1,000 feet upstream from the Roebling-designed Suspension Bridge. The latter spot was selected because the river gorge was somewhat narrower, 850 feet wide, and 210 feet deep. At this point the river itself was 425 feet wide and of a supposed depth of 80 feet. Canada Southern deployed two gangs of workmen, consisting of ten men each, for a fortnight, during which time they excavated the pier foundations. A severe snow and ice storm delayed this work into February.

The Canadian and American governments agreed that all materials to be used for the construction of the bridge were to be free of duty, and customs officials on both sides of the border were so instructed during March. On 11 April 1883 the Niagara River Bridge Company signed the contract with the Central Bridge Company, the primary contractor, and with the Detroit Bridge & Iron Works.¹⁵ The contract contained a clause to the effect that for every day the completion of the bridge was delayed beyond 1 December 1883, the contractor would forfeit \$1,000.¹⁶ There were several subcontracts. That for excavations and stonework was let to Dawson, Simmes & Mitchell. The firm of C.H. Turner won the contract for the falsework, while the one for the Beton foundations went to John C. Goodridge Jr. The contract for the steel and iron compression members for the bridge towers was awarded to the Athens, Penn., firm of Kellogg & Maurice (which firm was already overseeing the erection of a cantilever bridge in Saint John, New Brunswick).¹⁷

Among the innovations used during the construction of this bridge was Beton cement, the invention of Dr. Goodridge of Boston. Once the excavations for the abutments could be cut into the base of the gorge, construction of the abutments themselves was undertaken. This entailed



This view, taken from Suspension Bridge, N.Y., shows the Cantilever Bridge during the construction of the shore-arms.

— G.E. Curtis photo, Niagara Falls Historical Society

the pouring of concrete, a building material which had not been used on such a project before. The concrete was prepared at the top of the gorge and then poured by sluiceway to the work areas far below.

It was a popular pastime to view the construction crew's daily progress. The Niagara Falls area was a population centre and already an established tourist attraction. Engineering news was being made, and the average citizen wanted to be a part of it. Indeed, he believed that he was. Professional engineers, engineering students and dignitaries at all levels of government swelled the parade of bystanders who came to witness this man-made marvel, which was vying with the great Falls for attention.

The cornerstone was laid on the American side on a cold and grey 26 June 1883.¹⁸ Pouring rain delayed the ceremony until about 2:30 p.m. There were speeches, cannon shots and bands. On July 14 the first stone was laid on the Canadian side with typically Canadian reserve.¹⁹ Construction of the great Cantilever Bridge was well under way.

During the construction of the bridge towers and shore-arms, men were suspended on platforms hung by ropes from skeleton structures projecting defiantly from the walls of the gorge. In the building of the river-arms, two travellers were used, one on each side of the river. The entire bridge was erected without the benefit of safety nets. There were only a few accidents and not one of them was fatal. Among the 150 men employed on both sides of the river, only six men suffered injuries during the entire project. The total medical bill was \$41. The most spectacular accident involved George P. Rogers, who fell 112 feet and, quite remarkably, broke only an arm and a leg.²⁰ He recovered fully.

Another engineering novelty was the use of steel pins, a procedure which greatly facilitated the pace and comparative ease of construction. On 22 November 1883 the last pieces were fitted into place to connect the suspended span securely to the cantilever sections. Canadian and American workmen, their faces beaming, approached each other at the centre of the bridge and shook hands. An engineer checked the alignment; the two sections were within one-quarter of an inch.

The Niagara Cantilever Bridge was complete. It measured 910 feet and 1-7/8 inches. It had cost \$600,000, and the approaches cost a further \$150,000. Excluding the falsework, the total weight of material exceeded 7.1 million pounds; all of this received no fewer than three handlings to move it one-half mile into position. The great bridge had been completed within eight months. It was without doubt a remarkable feat of engineering.

Meanwhile, work on the two approaches continued. The simpler American approach was completed late in November. The more complicated Canadian approach, which entailed a deep rock cut at Niagara Falls and a bridge over Clifton Avenue, was expected to be finished by mid-December.

Before long, it was time for the engineers to begin gross tonnage testing of the bridge, something which proved to be quite thrilling for the general public. The first such test occurred on the morning of 6 December 1883, under the supervision of New York Central divisional superintendent G.H. Burrows. Burrows gave the "proceed" signal and pony engine No. 513 left the security of the American shore at precisely 11:41 a.m. and chuffed gingerly onto the Cantilever Bridge. For two suspenseful minutes the little engine clickety-clacked across the bridge amid the anxious silence of immense crowds on both sides. Upon reaching the Ontario side the engineman gave a joyful tug on the whistle cord. A few minutes later the engine returned to New York. Two more return crossings were made that day, each of them involved strings of flat cars.

The 20th of December 1883 was set as the official opening day. The proprietors of Monteaule House, at the Suspension Bridge in New York, tendered their establishment as the centre for the ceremonies. On behalf of the hosts of Niagara River Bridge, Michigan Central, Canada Southern and Central Bridge, a novel invitation card containing a steel engraving of the Cantilever Bridge was sent to 2,000 prominent railway, engineering, contracting and governmental officials. Special NYC&HRR, MCRR and Canada Southern trains would ferry the guests from the extremities of the Vanderbilt system. The official ceremonies would feature a dramatic bridge test by up to three dozen of the system's heaviest locomotives, two special trains reserved for guests, excursion trains, three bands, lots of food and drink, and generally plenty of hoopla. Guests would dine at Monteaule House and hear speeches; everywhere there would be flags and bunting.

"Great Gorge Route" passing under State Arch and GTR

1911 N. Y.



A tram of the Niagara Gorge Route passes below the Niagara Cantilever Bridge (MCRR) and behind it the steel arch bridge (GTR). The tram route would later be reduced to a narrow pathway for those willing to hike.

— Niagara Falls Historical Society

A Michigan Central passenger train having departed the station at Clifton (Niagara Falls, Ontario) rumbles across the Cantilever Bridge and into New York State. In the right foreground can be seen the reinforced wall protecting the International Railway Company's tram line. This electric railway operated on both sides and it afforded a spectacular view of the Niagara Gorge.

— Charles Bierstadt photo,
Niagara Falls Historical Society





Michigan Central's frequent passenger train service contributed to the scheduling of baseball games in the United States. The preparation of the next season's schedule involved a team of men representing both the railways and professional baseball. Thus, it was not unusual for a team from the major leagues to be riding the express trains, and many tales arose concerning the combination baseball and trains. The following anecdote is a sad one. About the turn of the century, an MC train was carrying a baseball team from Detroit to New York via the Canada Southern. Among the players was Ed Delahanty, a man who on account of some personal problems had a difficulty with alcoholic drinks. Whilst crossing Ontario he had become so unruly that the conductor had threatened to put him off the train. The train arrived in Niagara Falls, Ontario, none too soon as far as the train crew was concerned. They forcibly removed Delahanty at the station and the train departed. An enraged Delahanty stormed onto the Cantilever Bridge in hot pursuit of train and crew. Unfortunately he tripped and fell to his death. Delahanty had been a prolific athlete. It had been said that he could hit a ball with such force that it would break. He had been voted into the Hall of Fame, but he did not live to see it. This sketch portrays the Niagara Cantilever Bridge just before the turn of the century. The view looks upstream from the American shore. — Public Archives of Canada C96366



NIAGARA FALLS FROM FALLS VIEW STATION ON THE MICHIGAN CENTRAL

A FIRST-CLASS LINE FOR FIRST-CLASS TRAVEL

This is an example of an illustration which the Michigan Central Railroad used in its advertising.

Michigan Central promotional literature used a variety of illustrations relating to the Falls. This view appeared in the June 1906 issue of Four Track News.

— New York Central System Historical Society

NIAGARA FALLS is in YOUR VERY PATHWAY

MICHIGAN CENTRAL

THE NIAGARA FALLS ROUTE

W. A. BAKER, Passenger Train, Niagara Falls, N.Y. to New York City via Buffalo, Albany, and Newburgh, N.Y.

Thursday, 20 December 1883, dawned bright and cold, but this did not deter people from turning out literally by the thousands. The villages at both ends of the bridge carried few decorations, but the entrances were bedecked in decorations and flags. At 8 a.m. the first official test of the day began when seven heavy locomotives inched out onto the structure. The sky became increasingly overcast as the opening ceremonies drew near, yet people continued to gather. By noon the crowds on both sides of the river were estimated to number 10,000. For those who could withstand the wind rushing through the gorge and who did not mind the occasional icy snowflake in the eye, there was the spectacular view to be had from the Suspension Bridge. The Grand Trunk had co-operated by curtailing railway traffic and by opening the bridge to people on foot. The bridge was packed. The people waited.

At noon an air of expectancy settled upon the crowd as the second test of the day was about to begin. Two trains, each headed by ten locomotives, inched onto the bridge, this time originating on the Ontario side. Each train consisted of ten of the heaviest first-class locomotives and a dozen flat cars laden with gravel. The test trains stopped at predetermined spots until their full weight was distributed across the bridge. The test trains then returned to their starting points and the Cantilever Bridge was opened to the general public, who were cautioned to stay on the broad boardwalks which had been installed for the occasion. Railway officials also reminded people that they had to return to the side from which they had started. The official ceremonies at the bridge were concluded at 3:30 p.m. and the Niagara Cantilever Bridge was declared open. No rail traffic would actually use the structure until the Michigan Central's depot, signalling and additional switchwork at Suspension Bridge, N.Y., was ready sometime during February 1884.

It had been a big day for the two communities of Niagara Falls, and the celebrations continued long after large, soft snowflakes had tumbled from slate-grey skies to dust a tired land. People from the Falls had boasted about the first railway suspension bridge. Now they could boast about the world's longest railway cantilever bridge, too. And they did.

The Test of 'Cantilever'

Lo! Cantilever stands the test,
See! see! it bears upon its breast
Fully twenty locomotives' weight,
Nor bends beneath the heavy freight.
See! twenty engines safely ride
Across Niagara's seething tide —
Across the mystic iron span —
Last product of the god-like man.
'The Cantilever bridge is strong!'
Exultant shout the wondering throng.
Lo! fifty locomotives screech,
Two nations' praise blends each with each,
Resounds the East, resounds the West,
The matchless triumph each attest.
The loud applause — the palm each yields
To Cantilever and to Fields.

James Walton Jackson

James W. Jackson of St. Catharines, Ontario, dedicated this poem to General Fields. Source: *Suspension Bridge Journal*, 10 May 1884.]

Canada Southern's expansion in Ontario consisted, in part, of building a cut-off to link Welland and Niagara Falls and of the erection of an impressive twin-tracked railway bridge across the Niagara gorge. The CSR was also keeping its eye on a small struggling railway which had intentions of linking Lake St. Clair and Lake Erie. The railway cultivated friendly relations with the small line, hoping eventually to bring the town of Leamington into Canada Southern's sphere of influence.



This engraving depicts the testing of the Niagara Cantilever Bridge with ten heavy locomotives.

— Niagara Falls Historical Society



A diminutive Canada Southern passenger train, consisting of locomotive No. 8, an unidentified baggage and express car, and coach No. 113, chugs by Niagara Falls en route to Fort Erie, circa 1879.

— Railroad Museum of Pennsylvania

and the acquisitions of running rights to serve Brantford and Hamilton. Service to London had been added in 1888 with a 15-year arrangement with the London & Port Stanley Railway and the purchase of the diminutive London & South Eastern Railway for CSR's own terminal facilities in that city. Passenger and freight traffic had doubled over the duration of the initial lease, and both the MCRR and the CSR were real money spinners for the Vanderbilt system. When the sun set on 31 December 1903, it did so on a Canada Southern Railway which had been thoroughly revitalized.

Yet further improvements to the company's physical plant were undertaken. In 1905 an order for 15 locomotives was placed with the Locomotive & Machine Company of Montreal. By the end of that year work crews were engaged in the laying of a second track between Tilbury and Ridgetown, completing the project one year later. Some \$900,000 worth of new rail in 100-, 90-, and 85-pound weights was ordered as part of the double-tracking and rail-upgrading program. Additional double-tracking was carried out on the main line between Hagersville and Springfield, and the Fort Erie Branch was upgraded. In 1909 the railway announced that it was planning to build a 25-stall roundhouse and a new passenger station at Windsor. Twenty locomotives of three types were ordered.

During 1910 the railway began upgrading the line between Essex and Tilbury with 100-pound rails on a slightly raised railbed. The same year saw some improvement to employee benefits. Canada Southern employees became eligible for pensions at the age of 70 years. Another improvement for employees came when the railway recognized the need for industrial safety. Two committees were established, one for the of St. Thomas shops and one for the remainder of the railway.

In May 1916 the Michigan Central announced that it would construct new locomotive facilities at its new Montrose yard near Niagara Falls. A 20-stall roundhouse, machine shop, coal house, oil house and sand house would cost over \$250,000 and was to be built by the Wallbridge Aldinger Company of Detroit.

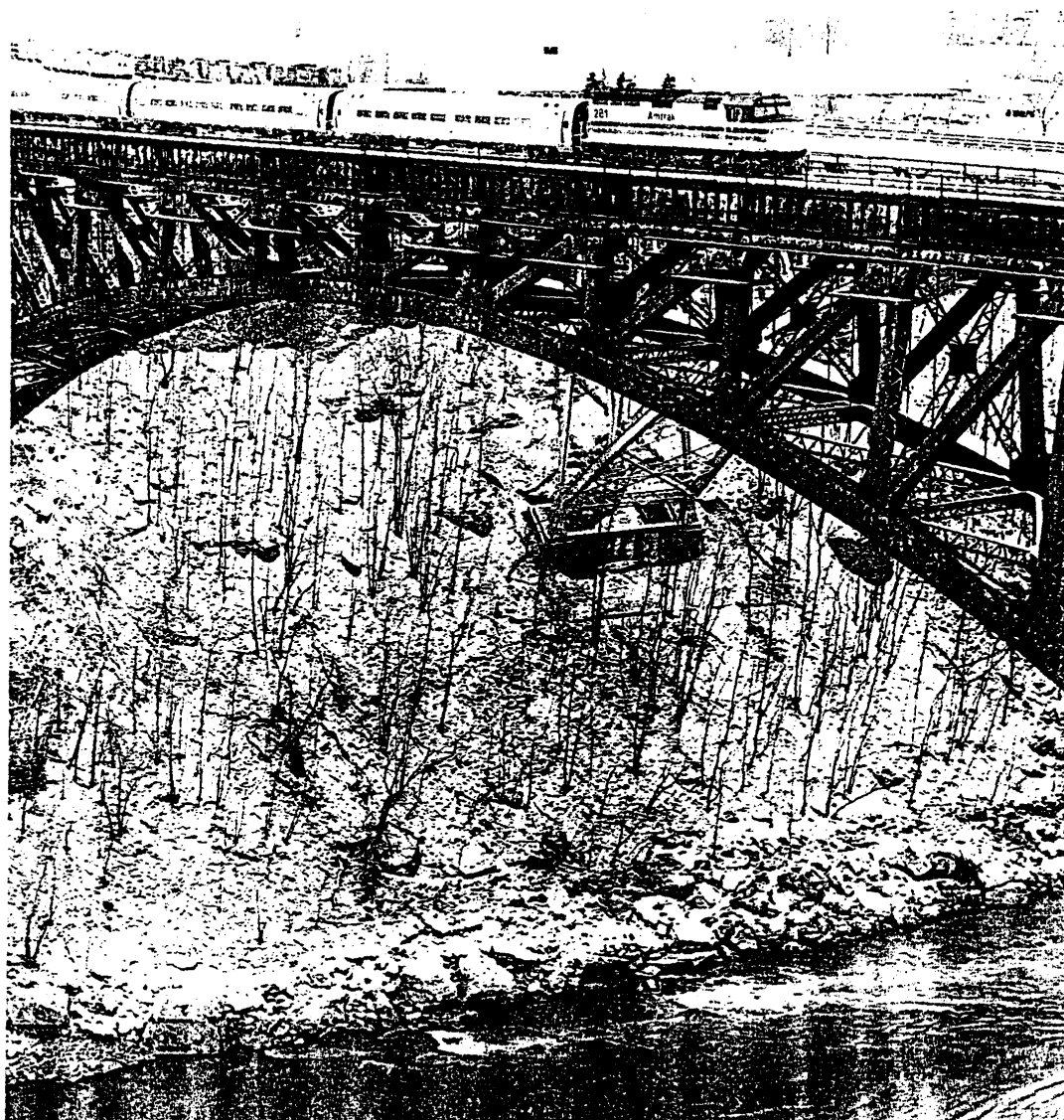
The Cantilever Bridge was beginning to show its age. The heavy traffic was such that by March 1917 the railway began studies to determine what it ought to do about the aging structure. In July, following the completion of these studies, the railway announced that it would replace the bridge. It decided to commence work on a two-hinged, spandrel-braced arch bridge over the Niagara River at a site immediately adjacent to the north side of the existing bridge. Construction was carried out expeditiously during 1923-24, and the bridge was opened to traffic on 12 February 1925 without fanfare.²¹

There arose a brief controversy about the railway's intention to dismantle the historic cantilever, but the governing legislation in Canada and the U.S. required this as a condition for permission to build the new bridge. The timber from the old bridge was loaded onto flat cars and shipped somewhere in Ontario. The Michigan Central Railroad saved the tablet (but the newspaper account does not say what the railway did with it). The steel structure was dismantled and shipped to South Africa, where it was re-erected across another gorge.²²

Another well-known structure was also in need of replacement. A substitute for the aging Kettle Creek trestle would embroil the railway and the town of St. Thomas in protracted and at times acrimonious discussions. The type and precise placement of the replacement structure was finally agreed upon and work begun.

The MCRR line carried one of the fastest and busiest train schedules on the NYC system. The Canadian line carried several units of the New York Central's fleet of 20-hour trains between New York and Chicago. A study of train movements for a 21-day period in the autumn of 1928, covering the 14-hour period from 0530 to 1930, revealed an average daily movement of 36 trains in both directions. The average maximum interval (average of daily maximums based on 21-day sample) between eastbound trains was 3 hours and 13 minutes; that between westbound trains was 2 hours and 15 minutes. Between opposing movements the maximum interval was 1 hour and 46 minutes. Consequently, it was deemed of prime importance that the bridge design be one which, during construction, would be the least disruptive to traffic.

The point of contention was an awkward roadway intersection beneath the bridge, where the railway initially planned to erect a concrete pier in the middle of the road. The issue was finally resolved when the railway agreed to build on each side of the highway a concrete substructure, upon which a steel bent would be built well above the road.



The Niagara Rainbow, Amtrak train 64, exiting Canada by the Niagara River Bridge Company's double-tracked steel-arch bridge on 29 December 1978. In the left background one can see a trio of RDC being passed by a CN freight which also is bound for the U.S. over the CNR bridge (the grey band to the right of the Amtrak locomotive).

— Kenneth A.W. Gansel

Diagram I
SCHEMATIC DIAGRAM OF CONRAIL'S INHERITANCE OF
FINANCIAL INTERESTS IN CANADA SOUTHERN RAILWAY, 1976

Source: Based on diagram in CTC Decision 14 March 1980 re Conrail and Canada Southern

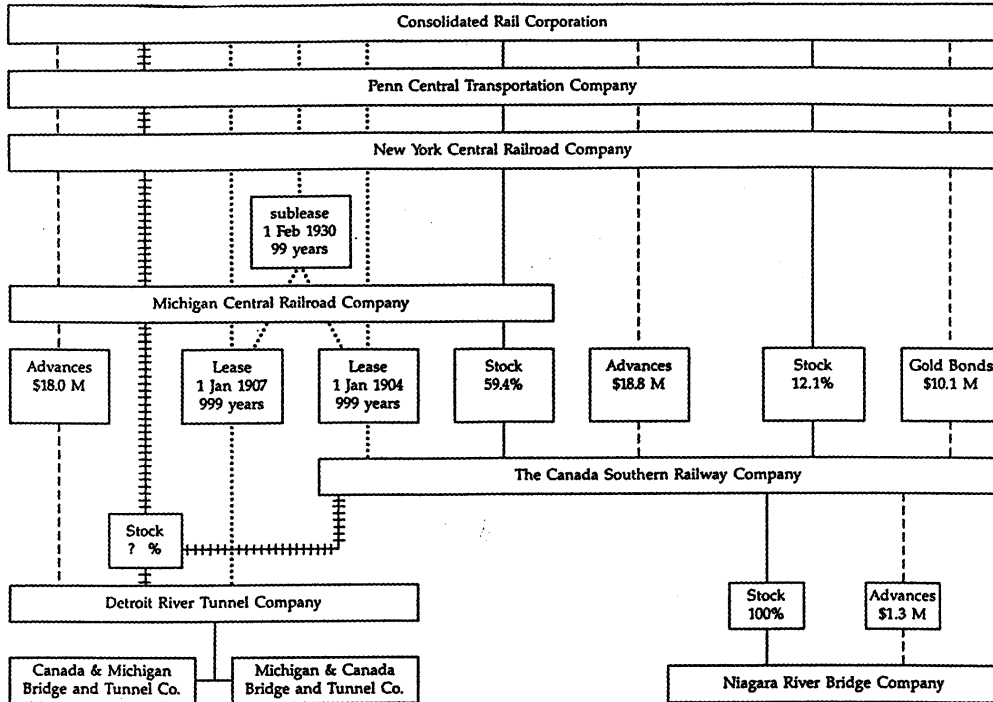


Diagram I - Legend
 — Stock Ownership
 — (Some) Stock Ownership Disputed
 - - - Creditor Interest
 Leasehold Interest

When Conrail put the Canada Southern Railway up for sale, there was much speculation as to which railway would be running its trains over the property.

— Courtesy of Mike Graston

LAST NIGHT I HAD THIS WEIRD DREAM THAT C.N. RE-ROUTED THEIR TRAINS AWAY FROM THE RIVER PUTTING THE PEABODY BRIDGE RENOVATIONS ON HOLD, THEN THEY BOUGHT OUR PROPERTY, THEN VIA RAIL RE-LOCATED HERE, THEN AMTRAK BEGAN RUNNING A



**MAP WILL BE SCANNED
AT A LATER DATE**