

SURFACE TRANSPORTATION BOARD EXTENDS TIME FOR COMMUNITIES TO SUBMIT BYPASS ALTERNATIVES IN PROPOSED DAKOTA, MINNESOTA & EASTERN RAIL LINE CONSTRUCTION & OPERATION CASE

The Surface Transportation Board (Board) announced today in a Notice to the Parties (Notice) that its Section of Environmental Analysis (SEA) is providing a limited, additional comment period for interested communities to develop specific bypass proposals that may be reasonable routing alternatives to the Dakota, Minnesota & Eastern Railroad's (DM&E) proposed rail line construction into Wyoming's Powder River Basin. Comments containing specific bypass designs must be filed by **June 10, 1999**. DM&E and any interested party or person who may be affected by a proposed bypass then will have until **July 12, 1999** to respond. This additional comment period is not a substitute for the comment period that will be provided on all aspects of the Draft Environmental Impact Statement (DEIS) when that document is issued.

In the Final Scope of Study for the Environmental Impact Statement issued March 10, 1999 (Final Scope), SEA made a preliminary determination, based on submissions by the City of Rochester, Minnesota (City), that the City had met an initial burden of showing that its south bypass proposal may be a feasible routing alternative. The additional comment period will afford other interested communities the same opportunity to submit specific bypass designs.

The Notice issued today specifies that information received from any community regarding a bypass must be detailed enough for the Board and the cooperating agencies to determine whether a specific bypass proposal constitutes a reasonable and feasible alternative to DM&E's proposal, or merely shifts the potential environmental consequences of DM&E's proposed action to different areas. The type of information that should be submitted includes detailed maps showing where the proposed bypass route would be located; quantified impacts to wetlands; cut and fill requirements to permit design and operation of a railroad; roads that would be crossed and their average daily traffic levels; proximity of the bypass to sensitive structures (for example, schools, libraries, hospitals, residences, retirement communities, and nursing homes); and impacts to landowners and farmlands.

The Notice states that, in considering bypass proposals that may be submitted and in determining whether they constitute reasonable, feasible alternatives, DM&E's goal to create a more efficient route by which to transport coal will be taken into account. Also, the Notice provides that parties may use the additional time to submit comments on other alternatives described in the Final Scope. Finally, the Notice makes clear that, to ensure timely issuance of the DEIS, no further extensions of time would be granted.

A DEIS addressing all environmental issues, including alternatives, and containing recommended mitigation will be made available for public review and comment. A Final Environmental Impact Statement (FEIS) will then be prepared reflecting further analysis and the comments received on the DEIS. In reaching their future decisions in this case, the Board and the cooperating agencies will take into account the full environmental record, including the DEIS, the FEIS, and all public and agency comments received.

The Powder River Basin Project is DM&E's proposal to construct approximately 280 miles of new rail line in South Dakota and Wyoming and to upgrade approximately 600 miles of existing rail line in South Dakota and Minnesota. The project would allow DM&E to extend its existing system westward to access coal mines in the Powder River Basin of Wyoming. On June 10, 1998, SEA issued a Draft Scope of the EIS and provided a period for submission of written comments on it. The Final Scope was issued March 10, 1999. On December 10, 1998, the Board issued a decision finding that DM&E's application had satisfied the transportation-related requirements of Section 10901 of Title 49, United States Code (49 U.S.C. 10901) and stated that it would issue a subsequent decision on the entire proposed project after completion of the environmental review process. All of these decisions were issued in the case entitled *Dakota, Minnesota*

& Eastern Railroad Corporation Construction into the Powder River Basin, STB Finance Docket No. 33407. Today's Notice likewise was issued in Finance Docket No. 33407.

Written comments regarding alternatives must be submitted by **June 10, 1999**. Reply comments are due **July 12, 1999**. For further information on how to file comments on alternatives, please telephone the Board's toll-free environmental hotline at **1-877-404-3044**.

###