

**APPENDIX A:  
Outreach Efforts of CSXT and L&I to Inform Affected Communities**

## Outreach Efforts of CSXT and LIRC to Inform Affected Communities

Appendix A provides information on the outreach efforts of CSXT and LIRC and agency coordination activities that CSXT conducted in advance of its application to the OEA. These outreach activities were intended to inform potentially affected communities and organizations about the Proposed Transaction and understand their concerns.

### *Meetings with Local Representatives*

CSXT and LIRC conducted several outreach meetings as identified in Table A-1. CSXT and LIRC met with mayors and aldermen as well as with state senators, representatives, and organizations. At the meetings, CSXT and LIRC distributed education materials on the Proposed Transaction and discussed the Board's environmental review process. These materials are included at the end of this appendix in Attachment 1.

<b>Table A-1. Outreach Meetings</b>		
<b>Date</b>	<b>Organization or Representative</b>	<b>Primary Contact</b>
June 29, 2011	Indiana Department of Transportation	Mr. Mike Riley
June 29, 2011	Indiana Governor's Office	Governor Mitch Daniels
June 29, 2011	Ports of Indiana	Mr. Rich Cooper
July 1, 2011	City of Indianapolis	Mr. Jeff Cardwell and Jack Sandler
July 5, 2011	Town of Southport	Mayor Rob Thoman
July 6, 2011	Town of Whiteland	Mr. Dennis Capozzi
July 7, 2011	Rep. Andre Carson	Mr. Nathan Bennet
July 7, 2011	Rep. Todd Young	Ms. Emily Pickett
July 7, 2011	Sen. Richard Lugar	Ms. Amy Freiburger
July 8, 2011	City of Austin	Mayor Doug Campbell
July 8, 2011	City of Columbus	Mayor Fred Armstrong and Mr. David Hayward
July 8, 2011	City of Greenwood	Mayor Charlie Henderson
July 8, 2011	City of Jeffersonville	Mr. Andy Couch
July 8, 2011	Columbus Economic	Mr. Jason Hester and Pat Wilson
July 8, 2011	Columbus Metropolitan Planning Organization	Mr. Kent Anderson
July 8, 2011	University of Indianapolis	Dr. David Wantz
July 8, 2011	Indiana Department of Transportation	Mr. John Engleking and Tom Dunbar
July 8, 2011	Jackson County Industrial	Mr. Jim Plump

<b>Table A-1. Outreach Meetings</b>		
<b>Date</b>	<b>Organization or Representative</b>	<b>Primary Contact</b>
	Development Corporation	
July 8, 2011	Johnson County Development	Mr. Nikki Walker
July 8, 2011	Metro Louisville Economic Development	Ms. Margaret Handmaker
July 8, 2011	Scott County	Mr. Todd Carr and Ms. Jill Baker
July 8, 2011	Town of Sellersburg	Mr. David Kinder and Paul Rhodes
July 8, 2011	City of Southport	Mayor Rob Thoman
July 8, 2011	City of Seymour	Mayor Craig Luedeman
July 11, 2011	City of Indianapolis	Mr. Dane Mayhearn
July 11, 2011	Indianapolis Metropolitan Planning Organization	Ms. Lori Miser
July 11, 2011	Kokomo Grain	Mr. Scott Orman
July 11, 2011	Rep. Todd Young	Rep. Todd Young
July 11, 2011	Rep. Steve Pence	Rep. Steve Pence
July 11, 2011	Rep. Andre Carson	Rep. Andre Carson
July 12, 2011	Ports of Indiana	Mr. Matt Smoleck
July 14, 2011	Commonwealth of Kentucky	Mr. Mike Haydon and Larry Bond
July 14, 2011	Kentucky Transportation Cabinet	Mr. Jeremy Edgeworth
July 14, 2011	Metro Louisville Economic Development	Ms. Margaret Handmaker
July 14, 2011	Rep. Andre Carson	Mr. Nathan Bennet
July 14, 2011	Rep. Todd Young	Ms. Emily Pickett
July 19, 2011	City of Indianapolis Mayor's Office	Mr. Mike Huber
July 22, 2011	Jackson County Commissioner	Mr. John Schafstall and Matt Reedy

Source: CSXT 2011.

**Agency Coordination**

CSXT invited agencies with jurisdiction, expertise, or interest in the Proposed Transaction to participate in the environmental review process. CSXT asked the agencies identified in the following sections to help identify potential environmental issues and concerns within the study area.

Federal Agencies

Table A-2 below identifies the key federal agencies which were contacted by the CSXT in advance of its application. CSXT invited the federal agencies to help identify potential environmental issues that CSXT should consider in the development of its application. Attachment 2 includes response letters received from federal agencies.

<b>Table A-2. Federal Agencies</b>	
<b>Agency</b>	<b>Agency Jurisdiction or Area of Expertise</b>
National Oceanographic and Atmospheric Administration (NOAA)	NOAA is a scientific agency that provides information on oceanic and atmospheric conditions including issuing weather warnings. It also guides the use and protection of ocean and coastal resources and conducts environmental research. NOAA’s stated mission is “to understand and predict changes in the Earth’s environment and conserve and manage coastal and marine resources to meet our nation’s economic, social, and environmental needs.”
U.S. Army Corps of Engineers (USACE), Louisville District	Under Section 404 of the Clean Water Act of 1977 (33 C.F.R. § 1344), USACE has jurisdiction over activities that result in the discharge of dredge or fill material into U.S. waters, including lakes, rivers, streams, oxbows, ponds, and wetlands. Activities that affect these systems require a permit from USACE.
U.S. Coast Guard, Eighth District	Section 9 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401) requires approval of the location of, and plans for, bridges over navigable waters of the U.S. before construction begins. This requirement is administered by the U.S. Coast Guard.
U.S. Department of Agriculture- Natural Resources Conservation Service (USDA-NRCS), Lexington and Mt. Washington (KY), and Indianapolis, Charlestown,	USDA-NRCS oversees how activities would potentially affect prime farmland and farmland of statewide importance under 7 C.F.R. Part 657, “Prime and Unique Farmlands”.

<b>Table A-2. Federal Agencies</b>	
<b>Agency</b>	<b>Agency Jurisdiction or Area of Expertise</b>
Scottsburg, Bronstown, Columbus, and Franklin (IN) Offices	
U.S. Environmental Protection Agency (USEPA), Regions 4 and 5	USEPA oversees and implements federal environmental laws. USEPA also provides guidance on compliance with certain Executive Orders that involve environmental considerations. Under Section 309 of the Clean Air Act (42 U.S.C. 7609), USEPA reviews and comments on the environmental impacts of major federal actions for which an EA is prepared under NEPA.
U.S. Fish and Wildlife Service (USFWS), Bloomington Field Office and the Kentucky Ecological Services	USFWS implements the Endangered Species Act (ESA). Under Section 7 of the ESA (16 U.S.C. 1536), USFWS reviews Federal agency actions and expected impacts to threatened or endangered species. USFWS can issue a determination, in the form of a biological opinion, which details the expected impacts to threatened or endangered species. The Board is responsible for initiating Section 7 consultation with USFWS.
U.S. National Park Service (NPS), Midwest and Southeast Regions	The NPS is a bureau of the U.S. Department of the Interior which comprises and oversees nearly 400 national parks, monuments, battlefields, military parks, historical parks, historic sites, lakeshores, seashores, recreation areas, scenic rivers and trails throughout the country, including the White House. The Midwest Region includes the states of Iowa, Kansas, Nebraska, North Dakota, and South Dakota. The Southeast Region includes the states of Alabama, Georgia, North Carolina, South Carolina, Puerto Rico, and the Virgin Islands.

***Other Agencies and Groups***

CSXT also coordinated with state and local agencies as well as other groups.

Native American Groups

CSXT invited the following Native American groups to participate in the environmental review process:

- Citizen Potawatomi Nation
- Delaware Nation
- Eastern Band of Cherokee Indians
- Forest County Potawatomi Community
- Hannahville Indian Community Council
- Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
- Kickapoo Tribe of Oklahoma
- Miami Tribe of Oklahoma
- Ottawa Tribe of Oklahoma
- Peoria Tribe of Indians of Oklahoma
- Pokagon Band of Potawatomi Indians
- Prairie Band of Potawatomi Nation
- Shawnee Tribe
- Wyandotte Nation

State and Local Agencies

Table A-3 lists the state and local agencies CSXT invited to provide input on potential effects as a result of the Proposed Transaction. Attachment 2 includes agency letters received.

<b>Table A-3. State and Local Agencies</b>	
<b>Agency</b>	<b>Agency Jurisdiction or Area of Expertise</b>
<b>Indiana State Agencies</b>	
Indiana Department of Environmental Management (IDEM)	IDEM’s mission is to implement federal and state environmental regulations. Through compliance assistance, incentive programs, and educational outreach, the agency encourages and aids businesses and citizens in protecting and improving Indiana's environment.
Indiana Department of Homeland Security (IDHS)	IDHS supports emergency management and homeland security organizations throughout Indiana to prepare, prevent, protect against, respond to, and recover from manmade or natural threats to people, property, and the economy.
Indiana Department of Natural Resources, Division of Historic	The Division of Historic Preservation and Archaeology promotes the conservation of Indiana's cultural resources through public education efforts; financial incentives, including several grant and tax credit programs; and the administration of federal and state legislation.

<b>Table A-3. State and Local Agencies</b>	
<b>Agency</b>	<b>Agency Jurisdiction or Area of Expertise</b>
Preservation and Archaeology	
Indiana Department of Natural Resources (INDNR), Division of Water	INDNR, Division of Water is a regulatory agency that promotes evaluation and conservation of the state's waters and public safety in flood prone areas. The Division provides administration of water regulatory programs, provides water related information throughout the state, and participates in the National Flood Insurance Program.
State of Indiana Clearinghouse, Indiana Department of Transportation (INDOT)	INDOT's mission is to plan, build, maintain, and operate a superior transportation system that enhances safety, mobility, and economic growth.
State of Indiana Government - Intergovernmental Affairs	The Director of Intergovernmental Affairs informs and provides advice to the Governor on initiatives from state, local, and tribal governments.
<b>Kentucky State Agencies</b>	
Kentucky Department for Environmental Protection (KDEP)	KDEP is responsible for environmental protection and enhancement in the state of Kentucky. It includes the Department for Energy Development and Independence, Department for Environmental Protection, and the Department for Natural Resources.
Kentucky Heritage Council (KHC)	KHC is a state agency which maintains updated inventories of historic structures and archaeological sites and nominates properties to the National Register of Historic Places.
Kentucky Transportation Cabinet (KYTC)	KYTC is the state agency charged with overseeing the highway, rail, and aviation infrastructure in Kentucky. It oversees building and maintaining U.S. highways and state highways, as well as regulating other transportation related issues.
Kentucky Office of Homeland Security (KOHS)	KOHS leads Kentucky's coordination and collaboration efforts with public and private preparedness partners for emergency preparedness.
State of Kentucky Clearinghouse	The Kentucky State Clearinghouse is the state single point of contact and is charged with providing state and local input to the appropriate federal agency by identifying those state agencies that should be involved in intergovernmental review
<b>County Governments</b>	
Bartholomew	Bartholomew County is governed by a County Council and contains

<b>Table A-3. State and Local Agencies</b>	
<b>Agency</b>	<b>Agency Jurisdiction or Area of Expertise</b>
County, Indiana	12 townships. The county seat is Columbus.
City of Indianapolis and Marion County, Indiana	The unified government of the City of Indianapolis and Marion County, Indiana includes the City-County Council which is the legislative branch of local government responsible for adopting budgets, levying taxes, and authorizing financial appropriations to fund city and county operations, as well as enacting, repealing, or amending local laws.
Clark County, Indiana	Clark County is governed by a County Council and contains 11 townships. The county seat is Jeffersonville.
Jackson County, Indiana	Jackson County is governed by a County Council and contains 12 townships. The county seat is Brownstown.
Johnson County, Indiana	Johnson County is governed by a County Council and contains 9 townships. The county seat is Franklin.
Louisville Metro, Kentucky	The Louisville Metro Government is the merged local government of the City of Louisville and Jefferson County. Local services and departments are administered through the merged government.
Scott County, Indiana	Scott County is governed by a County Council and contains 5 townships. The county seat is Scottsburg.
<b>Local Governments</b>	
City of Austin	Austin is located in Scott County, Indiana.
City of Columbus	Columbus is located in Bartholomew County, Indiana.
City of Franklin	Franklin is located in Johnson County, Indiana.
City of Greenwood	Greenwood is located in Johnson County, Indiana.
City of Jeffersonville	Jeffersonville is located in Clark County, Indiana.
City of Seymour	Seymour is located in Jackson County, Indiana.
City of Southport	Southport is located in Marion County, Indiana.
Town of Edinburgh	Edinburgh is partly located in Bartholomew, Johnson, and Shelby counties in Indiana.
Town of Whiteland	Whiteland is located in Johnson County, Indiana.
<b>Other</b>	
Columbus Area Metropolitan Planning Organization (CAMPO)	CAMPO is the Metropolitan Planning Organization for the City of Columbus and Bartholomew County in Indiana responsible for the continuing, cooperative, and comprehensive transportation planning process for the Columbus Metropolitan Planning Area.

<b>Table A-3. State and Local Agencies</b>	
<b>Agency</b>	<b>Agency Jurisdiction or Area of Expertise</b>
Indianapolis Metropolitan Planning Organization	The Metropolitan Planning Organization for the City of Indianapolis and surrounding counties of Boone, Hamilton, Hancock, Hendricks, Shelby, Morgan, and Johnson responsible for conducting a continuing, cooperative, and comprehensive regional transportation planning process.
Kentucky-Indiana Regional Planning & Development Agency (KIPDA)	KIPDA is an association of local governments in a 9-county region of southern Indiana and north central Kentucky providing regional planning, review, and technical services in the areas of public administration, local government technical services, and transportation.
Midwest High Speed Rail Association	The Midwest High Speed Rail Association is a Chicago-based member-supported non-profit organization advocating for fast, frequent and dependable trains linking the entire Midwest.
Amtrak	Amtrak is a commuter and passenger rail system that serves Illinois and Indiana with both long-distance and corridor services. Amtrak is also known as the National Railroad Passenger Corporation.

**Attachment 1**  
**Local Meeting Materials**



**Attachment 2**  
**Federal and Other Agency and Group Letters**

# **Freight trains for tomorrow**



**Improving Louisville & Indiana Railroad  
to handle America's freight growth**

# Freight trains for tomorrow

## U.S. rail volume is projected to rise 88 percent by 2035, To be ready, CSX plans to upgrade the Louisville & Indiana Railroad

The U.S. Department of Transportation projects rail freight volume will nearly double by 2035. Growth is due to increases in population, the economy and international trade moving in intermodal containers.

Rail use is growing because it's the most efficient, cleanest way to move freight. Trains use only one-third as much fuel and emit one-third the emissions of trucks. Putting freight on trains reduces congestion on highways and wear and tear.

Upgrading the Louisville & Indiana will help to ensure L&I's future so we'll be there to help communities along the line expand and grow.

Rail growth is inevitable. If we don't do this now, regional growth may be impaired. And without a strong railroad, shipments will be trucked—adding to taxpayer highway costs and congestion.

### Don't miss the train



PHOTO BY MATT WELDON

**CONTAINER TRAIN**—A CSX container train cruises across America—filled with everything from clothing to furniture. International trade, an improving economy and population growth are expected to spur rail shipping 88 percent by 2035.

### Benefits of upgrading the L&I

- *Another major Indiana rail corridor with faster track and coordinated service connections will give rail customers faster transit times through Indianapolis and Louisville.*
- *Customers on the L&I will become more competitive—able to use today's heavier and larger cars weighing 286,000 lbs. and double-stack and high-cube equipment 20-ft. 2-in. high.*
- *The Port of Indiana at Jeffersonville will have better rail access to markets north of the Ohio River including direct routing for grain and coal, western products via Chicago and potash from Canada.*
- *Midwest markets and consumers will benefit from increased capacity to handle shipments to Louisville regional markets.*
- *New intermodal service to Louisville will reach southern Indiana markets. Other new services include imports and exports via East Coast ports, coordinated service and additional markets via CSX's new Ohio intermodal terminal.*
- *Increased ability to handle automotive traffic through Louisville, benefitting the auto industry.*
- *Additional capacity for Indiana coal producers, shifting certain traffic off the Terre Haute line onto the L&I.*
- *Strengthening the L&I also strengthens Indiana. This project meets one of the state's long-term transportation goals to increase rail capacity—particularly on smaller railroads such as the L&I.*
- *L&I will continue to serve all existing and future customers, including Clark Maritime Center on the Ohio River and Camp Atterbury at Edinburg, IN.*
- *A stronger railroad system is essential for Indiana's future.*

## What's planned

Louisville & Indiana and CSX have signed a letter of intent to improve and strengthen L&I's 106-mile main line between Jeffersonville and Indianapolis. Initially, this will let CSX move more of its trains between Louisville and Cincinnati, via Seymour, IN.

More trains will mean more jobs—both construction and train operations. More business will help to ensure L&I's future so we'll be there to help our communities expand and grow.

Because container and automobile trains are higher and faster than regular freight, L&I's track clearances will need to be raised and bridges strengthened. Work will include:

- **Installing newer and heavier continuous-welded rail;**
- **Refreshing roadbeds with crushed rock ballast;**
- **Renewing highway grade crossings;**
- \* **Adding passing sidings to increase track capacity;**
- **Upgrading bridges and replacing a bridge at Columbus, IN;**
- **Strengthening track to carry 286,000-lb. gross weight freight cars.**

This project may take up to seven years to complete. The first phase entails enlarging the bridge at Columbus. Track between Seymour and Jeffersonville will be upgraded next and the balance of the line to Indianapolis is expected to be upgraded the following years or thereafter—depending on business levels. In time, the number of daily freight trains could increase from five to 17, which means more jobs and a brighter future for Indiana.



PHOTO BY BRIAN NICODEMUS

**NEW RAIL**—Heavier rail welded into quarter-mile strings is installed on a CSX main line, improving safety and track capacity. L&I's main line will be upgraded to handle today's heavier, 286,000-lb. gross weight freight cars.



**UPGRADING LOUISVILLE & INDIANA**—will give CSX, one of America's six largest railroads, more capacity to handle rail shipments to and from Cincinnati and other principal terminals. CSX trains currently operate over the L&I between Jeffersonville and Seymour. More trains will mean more good-paying jobs in Indiana.

## About Louisville & Indiana Railroad

The Louisville & Indiana Railroad Company is based in Jeffersonville, IN, across the Ohio River from Louisville, KY.

L&I began operations on March 12, 1994 over 106 route miles of track acquired from Consolidated Rail Corporation (Conrail). This formerly was the main line of the Pennsylvania Railroad and is the most direct route between Louisville and Indianapolis.

L&I was formed by Anacostia & Pacific Company, Inc. (APCI), one of the leading regional railroad development firms in the U.S.

Louisville & Indiana's diverse traffic base includes cement, chemicals, food products, grain, lumber, manufactured goods, paper, plastics, scrap and steel. L&I has more than 40 major customers that employ about 8,400 people and currently ship or receive more than 17,500 carloads of freight. L&I has approximately 40 employees, most of whom are based in Jeffersonville and Columbus.

John Secor, President  
**Louisville & Indiana Railroad Company**  
 500 Willinger Lane  
 Jeffersonville, IN 47130

Tel: (812) 288-0940  
 Web site: [www.anacostia.com/lirc/lir.html](http://www.anacostia.com/lirc/lir.html)



## About CSX Transportation

CSX Corporation, based in Jacksonville, FL, is one of the nation's leading transportation companies, providing rail, intermodal and rail-to-truck transload services.

The company's transportation network spans approximately 21,000 miles, with service to 23 eastern states and the District of Columbia, and connects to more than 240 short line and regional railroads and more than 70 ocean, river, and lake ports.

CSX has 34,000 employees and operates more than 1,200 trains daily. The company spends nearly 18 percent of its revenue each year to maintain and improve its infrastructure.

Bryan Glover, Supervisor Public Affairs and Safety  
**CSX Transportation**  
 114 Bluegrass Parkway  
 Louisville, KY 40299  
 Tel: (502) 815-1835  
 Web site: [www.csx.com](http://www.csx.com)

## GROWING UP TOGETHER

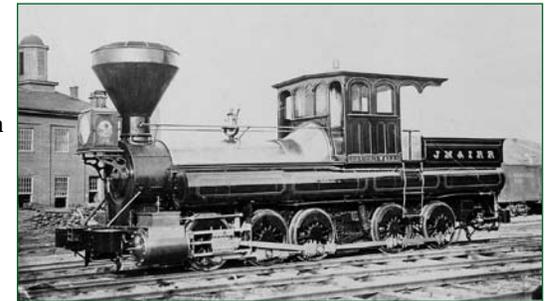
**L**ouisville & Indiana's oldest predecessor was the Madison & Indianapolis Railroad, which began operation in 1838. The M&I was Indiana's first steam railroad and reached its destination city in 1847. Meanwhile, the Jeffersonville Railroad, which ran its first train in 1850, reached Columbus in 1852. The two roads merged in 1866 to form the Jeffersonville, Madison & Indianapolis Railroad. The JM&I became part of the Pennsylvania Railroad system in 1890, when it was acquired by the Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company—fondly known as the Panhandle.

In 1870, an L&I predecessor opened the Ohio River bridge, which was replaced in 1920 with the present double-track steel structure.

The Pennsylvania Railroad, itself a combination of some 800 railroads, had a proud history that included the first steel rails and rolling stock, air brakes and two-way train radio.

Pennsy's Indianapolis Division was especially busy during World War II, carrying troops and military equipment from Camp Atterbury, named for Hoosier William Wallace Atterbury and PRR president from 1925-1935.

The Pennsylvania and New York Central railroads merged in 1968 to form Penn Central, which went bankrupt in 1970. Its successor became Conrail in 1976, selling its Indianapolis-Louisville main line to the Louisville & Indiana in 1994.



**REUBEN WELLS**—A Jeffersonville, Madison & Indianapolis steam locomotive built in Jeffersonville in 1868—was powerful enough to climb the 5.9 percent grade at Madison—for years the steepest adhesion rail line in America.



**ACTION AT COLUMBUS**—A fearless female operator holds up train orders for the engineer as the giant locomotive speeds by.

**Attachment 2**  
**Federal and Other Agency and Group Letters**

**Merchan Paniagua, Sara**

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**From:** Jason Ross [JRoss@delawarenation.com]  
**Sent:** Wednesday, July 20, 2011 1:30 PM  
**To:** csxtlirc  
**Subject:** re: Finance Docket No. 35523, CSX Transportation, Inc.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Mr. Wollschlager,

The Delaware Nation Cultural Preservation Office recently received your correspondence regarding – *Finance Docket No. 35523, CSX Transportation, Inc.-Acquisition-Louisville Indiana Railroad Company*. ***The Cultural Preservation Director, Ms. Tamara Francis has reviewed the information provided and has determined in order for the Delaware Nation to make a more thorough determination that the Delaware Nation will be needing a list of counties where the project is being constructed because the map provided is unclear.***

Thank you again for taking the time and effort to properly consult and we look forward to hearing back from you on the project info.

Best Regards,

**Jason Ross**

**Museum/Section 106 Assistant**

**Cultural Preservation Department**

**The Delaware Nation**

**P.O. Box 825**

**Anadarko, OK 73005**

**PH# 405) 247-2448**

**FAX# 405) 247-8905**

United States Department of Agriculture



Natural Resources Conservation Service  
6013 Lakeside Blvd.  
Indianapolis, IN 46278

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July 25, 2011

Mark Wollschlager  
HDR Engineering, Inc.  
701 Xenia Ave. South  
Suite 600  
Minneapolis, MN 55416-3636

Dear Mr. Wollschlager:

The proposed project to rehabilitate railroad line in several counties from Indianapolis, Indiana to Louisville, Kentucky, as referred to in your letter received July 7, 2011, will not cause a conversion of prime farmland

If you need additional information, please contact Lisa Bolton at 317-290-3200, extension 342.

Sincerely,

**ACTING FOR**

A handwritten signature in black ink that reads "Roger A. Kelt".

JANE E. HARDISTY  
State Conservationist

*Helping People Help the Land*

An Equal Opportunity Provider and Employer

**Merchan Paniagua, Sara**

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**From:** Edgeworth, Jeremy (KYTC) [Jeremy.Edgeworth2@ky.gov]  
**Sent:** Wednesday, July 27, 2011 8:05 AM  
**To:** csxtlirc  
**Subject:** Finance Docket No. 35523, CSX Transportation, Inc.-Acquisition-Louisville Indiana Railroad Company

Mr. Wollschlager,

In response to your letter to Mike Hill with the Kentucky Transportation Cabinet regarding the above referenced project, we need a more detailed map of the portion of the project that impacts Kentucky. We understand that only a small portion of the overall project is within Kentucky, but in order for our Environmental Review staff to weigh in as requested, a more detailed map is required. This can be provided to me by email or regular mail at the address below.

***Jeremy R. Edgeworth***

Freight, Rail, and Waterways Coordinator  
Division of Planning  
200 Mero Street, 5th Floor West  
Frankfort, Kentucky 40622  
W-502.564.9900 x3289  
C-502.229.5333  
F-502.564.2865  
[jeremy.edgeworth2@ky.gov](mailto:jeremy.edgeworth2@ky.gov)

IMPORTANT: This transmission is sent on behalf of the Kentucky Transportation Cabinet and may be privileged, proprietary or confidential. It is intended only for the intended recipient. If you are not the intended recipient or a person responsible for delivering this transmission to the intended recipient, you shall not disclose, copy or distribute this transmission or take any action in reliance on it. If you have received this transmission in error, please notify the above telephone number or the above email address or the above facsimile number. Please dispose of and delete this transmission. Thank you.

**Merchan Paniagua, Sara**

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**From:** Dennis Capozzi [dcaozzi@townofwhiteland.com]  
**Sent:** Thursday, July 28, 2011 1:00 PM  
**To:** csxtlirc  
**Subject:** Input on Rail Upgrade - CSX/Louisville-Indiana Rail Co.

Mr. Mark Wollschlager  
HDR Engineering, Inc.  
701 Exenia Avenue South, Suite 600  
Minneapolis, MN 55416-3636

I have a concern about a bridge on the rail line that crosses the Brewer Ditch legal drain in Whiteland. It is a stone bridge that goes over a legal drain, but more importantly, bridges over a natural waterway and legal floodway that, over the years, perhaps has weakened the foundation as the depths of the water in that area has come up to almost the arch of the bridge on numerous occasions. I believe this would be a concern if the rail is going to be upgraded and the weight of the cargo could be up to 286,000 pounds, and speeds up to 49 miles per hour. This bridge is close to a spur that runs to Kelsay Grain Elevator between the Williamson Street and Tracy Road crossings.

Additionally, rail crossings at Town streets, specifically, Paul Hand Blvd. (CR400N), Main Street, Williamson Street, and Tracy Road should all have crossing signalization ,or upgrades, and crossing gates, as a number of school buses cross all of these during the course of their routes, and especially if the number of trains will increase to possibly 15 per day.

Thank you for the opportunity to input the Town of Whiteland, IN concerns.

Exceptional Municipal Service	
<b>Dennis Capozzi</b> <i>Town Manager</i>  dcaozzi@townofwhiteland.com www.townofwhiteland.com	<b>Town of Whiteland</b> 549 Main Street Whiteland, Indiana 46184-1552  tel: (317) 535-5531 x 222 fax: (317) 535-8724 mobile: (317) 339-3106
<a href="#">Want to always have my latest info?</a> <a href="#">Want a signature like this?</a>	



## United States Department of the Interior Fish and Wildlife Service



Bloomington Field Office (ES)  
620 South Walker Street  
Bloomington, IN 47403-2121  
Phone: (812) 334-4261 Fax: (812) 334-4273

July 28, 2011

Mr. Mark Wollschlager  
HDR Engineering  
701 Xenia Avenue South, Suite 600  
Minneapolis, Minnesota 55416-3636

Dear Mr. Wollschlager:

This responds to your letter dated July 11, 2011 requesting U.S. Fish and Wildlife Service review of a proposed railroad rehabilitation project between Indianapolis, Indiana and Louisville, Kentucky.

These comments represent the Service's Indiana and Kentucky field offices, and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

Your letter states that the project includes rehabilitation of 106.5 miles of railroad line to increase capacity and allow for higher speeds. The project corridor crosses numerous streams and rivers and likely passes near wetlands. Because all work will be within existing right-of-way our main concerns are for potential impacts on wildlife habitat from equipment access and staging, and adverse impacts on wetlands and streams during construction. We recommend the following measures to avoid or minimize impacts on wildlife and habitats:

1. Locate work areas and access routes to minimize tree removal and avoid wetland disturbance.
2. Avoid discharge of demolition debris, waste material, or other pollutants into streams or wetlands.
3. If earthmoving is required, use best management practices to contain disturbed soils and prevent soil runoff to waterways or wetlands.
4. If bridge reconstruction is required, minimize disturbance of stream channels and avoid work in perennial and large intermittent streams during the primary fish spawning season (April 1 – June 15).

## Endangered Species

The proposed project is within the range of the federally endangered Indiana bat (*Myotis sodalis*) and gray bat (*M. grisescens*). Indiana bats hibernate in caves, then disperse to reproduce and forage in relatively undisturbed forested areas associated with water resources during spring and summer. Young are raised in nursery colony roosts in trees, typically near drainageways in undeveloped areas. There is suitable summer habitat and several summer records for this species along the project corridor. The project will not eliminate enough habitat to affect this species, but to avoid incidental take from removal of an occupied roost tree we recommend that tree-clearing be avoided in the Indiana portion of the project during the period April 1 - September 30. If this measure is implemented we concur that the proposed project is not likely to adversely affect this listed species.

The gray bat inhabits caves year-around and typically migrates between winter hibernation caves and summer cave roosts used for reproduction and foraging. Preferred foraging habitat is typically along wooded stream corridors and their forage base often includes a high percentage of aquatic insects. The project is not likely to adversely affect the gray bat.

The corridor is also within the range of the rayed bean mussel (*Villosa fabalis*) and snuffbox mussel (*Epioblasma triquetra*) (Johnson County, Indiana only) and the sheepsnose mussel (*Plethobasus cyphus*) (Ohio River), which are currently proposed for federal listing as endangered. If best management practices are used to protect water quality in streams the project is not likely to adversely affect these species.

This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. If project plans change significantly it will be necessary for the Federal agency to reinitiate consultation.

For further discussion, please contact Mike Litwin at (812) 334-4261 ext. 205.

Sincerely yours,

  
  
Scott E. Pruitt  
Field Supervisor

cc: James Gruhala, USFWS, Frankfort, KY



July 29, 2011

Mr. Mark Wollschlager  
HDR Engineering, Inc.  
704 Xenia Avenue South  
Suite 600  
Minneapolis, MN 55416-3636

**VIA E-MAIL AND US MAIL**

Dear Mr. Wollschlager:

This refers to your letter of July 11, 2011, regarding the proposed STB filing by CSX Transportation, Inc. ("CSXT") to acquire a perpetual non-exclusive overhead freight operating easement for joint use over 106.5 miles of the Louisville & Indiana Railroad Company ("LIRC") between Indianapolis, IN, milepost 4.0, and Louisville, KY, milepost 110.5 (the "Line"), Finance Docket No. 35523. Amtrak would like to offer the following information on the economic, social, and environmental effects of the proposed transaction:

Currently, Amtrak has an operating agreement with the LIRC dated September 1, 1999, to operate intercity passenger trains over this route. Amtrak currently operates 1-2 annual excursion trains on this line and additional trips are contemplated in the future. In addition this route is part of the federally designated High Speed Rail Chicago Hub Network. Amtrak reserves all its rights under the operating agreement and statute. Since the proposal is to upgrade the LIRC trackage to FRA Class IV standards, Amtrak requests that its current operating agreement with LIRC be amended to reflect this upgrade and state that passenger trains can operate up to the maximum authorized speed on this line.

In addition, Amtrak currently operates the New York/Washington-Chicago *Cardinal* three days a week on CSXT's line between Cincinnati, OH and Indianapolis, IN, and Amtrak is working with CSXT to increase this service to daily. Amtrak's *Cardinal* and Indianapolis-Chicago *Hoosier State* together operate one daily round trip over CSXT between Indianapolis and Munster, IN. Your July 11 letter does not provide any information regarding the environmental impacts (e.g., number of trains per day added or reduced) of the proposed transaction on these line segments, or on other CSXT lines over which Amtrak currently operates that may be affected by the transaction. Absent such information, the potential impacts of the transaction on Amtrak's services, and the associated environmental impacts that may need to be addressed via conditions on approval of the transaction, cannot be assessed.

To the degree that this transaction reduces freight train delays to Amtrak trains, and that additional Amtrak frequencies are accommodated as a result of this proposal, Amtrak ridership may potentially increase due to people switching from other modes to train travel, thereby providing environmental benefits.

Sincerely,



Paul Vilter  
*AVP Host Railroads*

Cc: Mike Franke

**SCOTT COUNTY COMMISSIONERS**

Scott County Courthouse

One East McClain Avenue ♦ Suite 130 ♦ Scottsburg, IN 47170

Office (812) 752-8408 ♦ Fax (812) 752-7914

Mark Hays

Larry Blevins

Robert C. Tobias



July 29, 2011

Mr. Mark Wollschlager  
HDR Engineering, Inc.  
701 Xenia Avenue South, Suite 600  
Minneapolis, MN 55416-3636

Re: Finance Docket No. 35523, CSX Transportation, Inc.-Acquisition-Louisville Indiana Railroad Company

Dear Mr. Wollschlager,

In response to your request of July 11, 2011, and on behalf of the Scott County Indiana Board of Commissioners, the following list was compiled to represent some of the major problems that we would experience if the rail traffic increases, as indicated in your communication.

Most of the **traffic issues**, obviously, would be in our two cities, Austin and Scottsburg. The location of the railroad in Austin is very close to the *single* stoplight at Hwy 256 and Hwy 31. Passing trains halt the flow of the East and West bound traffic and soon affects the flow of traffic in all directions through the intersection. Scottsburg has two intersections close to the tracks, so increased rail traffic means backed up traffic on Hwy 56, one of the city's most traveled streets.

**Noise pollution** is always a problem, day or night.

The railroad line passes through our most populated areas and geographically divides our County in half. Increased rail traffic would be a **safety issue** during emergencies. The access for emergency assistance, such as ambulances, law enforcement and fire, would be cut off for parts of the cities and county.

A substantial increase in railcar traffic, as outlined in your letter, would be a detriment to the citizens of Scott County in many ways. Should you need to contact me, please email me at [ldblevins@hotmail.com](mailto:ldblevins@hotmail.com) or call the Scott County Auditor's Office at 812-752-8408 and I will return your call.

Sincerely,

Larry Blevins  
President  
Scott County Board of Commissioners



**ENERGY AND ENVIRONMENT CABINET**

**Steven L. Beshear**  
Governor

DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
300 FAIR OAKS LANE  
FRANKFORT, KENTUCKY 40601  
PHONE (502) 564-2150  
FAX (502) 564-4245  
www.dep.ky.gov

**Leonard K. Peters**  
Secretary

**R. Bruce Scott**  
Commissioner

July 31, 2011

Mark Wollschlager  
HDR Engineering, Inc.  
701 Xenia Avenue South  
Suite 600  
Minneapolis, MN 55416-3636

Re: Finance Docket No. 35523, CSX Transportation, Inc.-Acquisition-Louisville Indiana Railroad Company (SERO 2011-28)

Dear Mr. Wollschlager,

The Energy and Environment Cabinet serves as the state clearinghouse for review of environmental documents generated pursuant to the National Environmental Policy Act (NEPA). Within the Cabinet, the Commissioner's Office in the Department for Environmental Protection coordinates the review for Kentucky state agencies.

We received your letter dated July 11, 2011. Based on a review of the letter and project map, we do not anticipate any environmental concerns within the Commonwealth of Kentucky. We look forward to reviewing the Environmental Assessment when it is prepared.

If you should have any questions, please contact me at (502) 564-2150, ext. 112.

Sincerely,

---

Larry C. Taylor  
State Environmental Review Officer





## Department of Community Development Services

### Division of Engineering

August 1, 2011

Mr. Mark Wollschlager  
 HDR Engineering, Inc.  
 701 Zenia Avenue South  
 Suite 600  
 Minneapolis, MN 55416-3636

Re: City of Greenwood, Indiana Comments  
 Finance Docket No. 35523

Dear Mr. Wollschlager:

The City of Greenwood ("City") herewith provides comments requested in your July 11, 2011 letter to Mayor Charles E. Henderson which solicited the City's input to assist with the identification of possible economic, social, or environmental effects that may result from the CSX Transportation, Inc. ("CSXT") acquisition of a perpetual non-exclusive overhead freight operating easement of 106.5 miles of the Louisville & Indiana Railroad Company ("LIRC") between Indianapolis, IN, milepost 4.0 and Louisville, KY, milepost 110.5 (the "Line"). This Line is located within the municipal limits of the City between County Line Road (boundary between Greenwood and Indianapolis) and a point approximately ½ mile south of Pushville Road (County Road 700 North). The Line is approximately 4.6 miles in length within the City municipal boundary.

It is understood from your letter that CSX intends to rehabilitate the Line to allow an increase in speed of freight trains at up to 49 mph and increase loading of rail cars at up to 286,000 lbs. CSXT will also reroute trains from other lines in the Midwest to the Line. The City has a number of concerns related the impact of this project on safety, traffic delays, environment (including noise), and the regional transit plan.

1. City streets currently cross the Line at seven (7) locations ("Crossings"), not including County Line Road which is under the jurisdiction of Indianapolis. The Crossings are, in some cases, equipped with automated warning flashers and bells to signal the approach of a train. None of the Crossings have gates to prevent motorists from crossing the Line when a train is approaching. Because both the speed of the trains and the frequency of use will increase, the City believes that CSXT should be required to upgrade ALL Crossings within the City municipal boundary to include automated warning flashers and bells (where not currently installed), install automated gates to prevent crossing of the Line at all Crossings, and upgrade all pavement within the Line right-of-way to meet INDOT standards for rail crossings of State highways.

Mark A. Richards, P.E.  
 Director of Community  
 Development Services and  
 City Engineer  
[richardma@greenwood.in.gov](mailto:richardma@greenwood.in.gov)

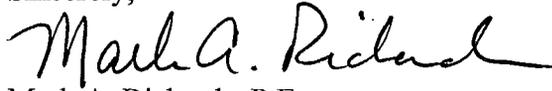
225 South Emerson Avenue  
 Suite C  
 Greenwood, Indiana 46143  
 (317) 881-8698  
 FAX (317) 887-5616  
[www.greenwood.in.gov](http://www.greenwood.in.gov)

Paul D. Peoni  
 Senior Technician  
[peonip@greenwood.in.gov](mailto:peonip@greenwood.in.gov)

2. The Line passes through a number of residential neighborhoods which will be adversely impacted by the additional number of trains, the higher rate of speed at which those trains will travel, and an expected increase in the number of cars per train. The additional noise will disturb those residents. The City believes that CSXT should install barriers along the Line right-of-way within residential neighborhoods that will minimize noise impacts to residents, or develop policies and procedures in consultation with the City to minimize noise impacts (e.g. speed reduction, scheduling).
3. Unauthorized pedestrian access to the Line may result in personal injury or death. The City suggests that access barriers (e.g. chain link fence) be installed in those residential areas where pedestrians may attempt to cross the Line.
4. Six (6) of the local roads and streets crossed by the Line are oriented east-west. Automobile traffic within the City generally suffers from congestion during peak hours along those east-west corridors. An increase in the frequency of trains will adversely impact traffic movement within the City unless efforts are made to coordinate the scheduling of freight movement along the Line to minimize the traffic impacts. The City suggests that CSXT be required to obtain the approval of City officials for scheduling of trains and any deviation from said schedule.
5. The City is in the design and right-of-way acquisition phases of a project that will improve Worthsville Road from a 2-lane County Road to a 4-lane section with raised median, turn lanes, and multi-use pathways. Improvements to the Line by CSXT should include the design and construction within the Line right-of-way necessary for the Worthsville Road project.
6. The Indianapolis Metropolitan Planning Organization (“MPO”) and other organizations in the region have developed a mass transit plan which proposes the addition of passenger rail service on the Line between Indianapolis and Franklin, Indiana. The City is concerned that, by increasing freight traffic on the Line, passenger service would not be possible or would be significantly reduced. The City believes that passenger rail is a critical component of the overall transit strategy in the region, and should be preserved. The City therefore suggests that a provision for passenger rail on the Line be included as a part of any approval granted to CSXT.
7. The Line currently does not provide any freight service to the City, nor is infrastructure in place to allow such service. The City suggests that a rail spur be constructed as a condition of approval to serve industrial users in the southern part of the City, specifically between Worthsville and Pushville Roads.

I trust that the comments provided herewith will be considered in the review by the Surface Transportation Board of CSXT's application. Should you have any questions, please contact me.

Sincerely,



Mark A. Richards, P.E.

Directory, Community Development Services  
and City Engineer

cc: Charles E. Henderson, Mayor  
Brent Corey, President – Greenwood Common Council  
Stephen Watson, Greenwood RDC Counsel  
Lori Miser, Indianapolis MPO

**From:** [Baughn, Brad](#)  
**To:** [csxtlirc](#)  
**Subject:** Indiana Department of Environmental Management EA Review  
**Date:** Monday, August 01, 2011 10:18:21 AM

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Mr. Wollschlager:

This email is in response to your letter dated July 11, 2011 regarding Finance Docket No. 35523. You requested input from the Indiana Department of Environmental Management (IDEM) for your Environmental Assessment. To satisfy NEPA, IDEM has created a streamlined online process for these requests. By filling in the fields on this webpage, <http://www.in.gov/idem/5283.htm>, an environmental review letter is automatically generated that satisfies the requirements of NEPA and serves as IDEM's comments. The letter lists issues pertaining to air, land, and water quality that project managers should consider before moving forward with the project.

If you have any questions, please do not hesitate to contact me.

Thank you,

**Brad Baughn**  
Business and Legislative Liaison  
IN Department of Environmental Management  
(317) 234-3386



# Indiana Department of Environmental Management

*We make Indiana a cleaner, healthier place to live.*

Mitchell E. Daniels, Jr.  
Governor

100 North Senate Avenue  
Indianapolis, Indiana 46206

Thomas W. Easterly  
Commissioner

(317) 232-8603  
800) 451-6027  
www.IN.gov/idem

CSX Transportation  
Chris Maffet  
500 Water St.  
C900  
Jacksonville, FL, IN 32202

CSX Transportation  
Chris Maffet  
500 Water St.  
C900  
Jacksonville, IN 32202

Tuesday, August 16, 2011

Dear Grant Administrator or Other Finance Approval Authority:

RE: CSX Transportation, Inc. (CSXT) submitted an application to the Surface Transportation Board (Board) pursuant to 49 U.S.C. §§ 11323 and 49 C.F.R. Part 1180. CSXT proposes Board authority to acquire from and jointly use with the Louisville and Indiana Railroad Company (LIRC) a perpetual, non-exclusive overhead freight operating easement over 106.5 miles of the LIRC between its connection with CSXT in Indianapolis, Indiana and its connection with CSXT in Louisville, Kentucky. Use of the Line would increase CSXT's ability to control its traffic in the Midwest, particularly in its Louisville to Cincinnati corridor, and enhance the efficiency of its operations.

The Indiana Department of Environmental Management (IDEM) is aware that many local government or not-for-profit entities are seeking grant monies, a bond issuance, or another public funding mechanism to cover some portion of the cost of a public works, infrastructure, or community development project. IDEM also is aware that in order to be eligible for such funding assistance, applicants are required to first evaluate the potential impacts that their particular project may have on the environment. In order to assist applicants seeking such financial assistance and to ensure that such projects do not have an adverse impact on the environment, IDEM has prepared the following list of environmental issues that each applicant must consider in order to minimize environmental impacts in compliance with all relevant state laws.

IDEM recommends that each applicant consider the following issues when moving forward with their project. IDEM also requests that, in addition to submitting the information requested above, each applicant also sign the attached certification, attesting to the fact that they have read the letter in its entirety, agree to abide by the recommendations of the letter, and to apply for any permits required from IDEM for the completion of their project.

IDEM recommends that any person(s) intending to complete a public works, infrastructure, or community development project using any public funding consider each of the following applicable recommendations and requirements:

## WATER AND BIOTIC QUALITY

1. Section 404 of the Clean Water Act requires that you obtain a permit from the U.S. Army Corps of Engineers (USACE) before discharging dredged or fill materials into any wetlands or other waters, such as rivers, lakes, streams, and ditches. Other activities regulated include the relocation, channelization, widening, or other such alteration of a stream, and the mechanical clearing (use of heavy construction equipment) of wetlands. Thus, as a project owner or sponsor, it is your responsibility to ensure that no wetlands are disturbed without the proper permit. Although you may initially refer to the U.S. Fish and Wildlife Service National Wetland Inventory maps as a means of identifying potential areas of concern, please be mindful that those maps do not depict jurisdictional wetlands regulated by the USACE or the Department of Environmental Management. A valid jurisdictional wetlands determination can only be made by the USACE, using the 1987 Wetland Delineation Manual.

USACE recommends that you have a consultant check to determine whether your project will abut, or lie within, a wetland area. To view a list of consultants that have requested to be included on a list posted by the USACE on their Web site, see USACE Permits and Public Notices (<http://www.lrl.usace.army.mil/orf/default.asp>) and then click on "Information" from the menu on the right-hand side of that page. Their "Consultant List" is the fourth entry down on the "Information" page. Please note that the USACE posts all consultants that request to appear on the list, and that inclusion of any particular consultant on the list does not represent an endorsement of that consultant by the USACE, or by IDEM.

Much of northern Indiana (Newton, Lake, Porter, LaPorte, St. Joseph, Elkhart, LaGrange, Steuben, and Dekalb counties; large portions of Jasper, Starke, Marshall, Noble, Allen, and Adams counties; and lesser portions of Benton, White, Pulaski, Kosciusko, and Wells counties) is served by the USACE District Office in Detroit (313-226-6812). The central and southern portions of the state (large portions of Benton, White, Pulaski, Kosciusko, and Wells counties; smaller portions of Jasper, Starke, Marshall, Noble, Allen, and Adams counties; and all other Indiana counties located in north-central, central, and southern Indiana ) are served by the USACE Louisville District Office (502-315-6733).

Additional information on contacting these U.S. Army Corps of Engineers (USACE) District Offices, government agencies with jurisdiction over wetlands, and other water quality issues, can be found at <http://www.in.gov/idem/4396.htm>. IDEM recommends that impacts to wetlands and other water resources be avoided to the fullest extent.

2. In the event a Section 404 wetlands permit is required from the USACE, you also must obtain a Section 401 Water Quality Certification from the IDEM Office of Water Quality. To learn more about the water quality certification program, visit: <http://www.in.gov/idem/4384.htm>.
3. If the USACE determines that a wetland or other body of water is isolated and not subject to Clean Water Act regulation, it is still regulated by the state of Indiana . A state isolated wetland permit from IDEM's Office of Water Quality is required for any activity that results in the discharge of dredged or fill materials into isolated wetlands. To learn more about isolated wetlands, contact the Office of Water Quality at 317-233-8488.
4. If your project will impact more than 0.5 acres of wetland, stream relocation, or other large-scale alterations to bodies of water such as the creation of a dam or a water diversion, you should seek additional input from the Office of Water Quality, Wetlands staff at 317-233-8488.
5. Work within the one-hundred year floodway of a given body of water is regulated by the Department of Natural Resources, Division of Water. Contact this agency at 317-232-4160 for further information.
6. The physical disturbance of the stream and riparian vegetation, especially large trees overhanging any affected water bodies should be limited to only that which is absolutely necessary to complete the project. The shade provided by the large overhanging trees helps maintain proper stream temperatures and dissolved oxygen for aquatic life.

7. For projects involving construction activity (which includes clearing, grading, excavation and other land disturbing activities) that result in the disturbance of one (1), or more, acres of total land area, contact the Office of Water Quality – Watershed Planning Branch (317/233-1864) regarding the need for of a Rule 5 Storm Water Runoff Permit. Visit the following Web page
  - <http://www.in.gov/idem/4902.htm>

To obtain, and operate under, a Rule 5 permit you will first need to develop a Construction Plan (<http://www.in.gov/idem/4917.htm#constreq>), and as described in 327 IAC 15-5-6.5 (<http://www.in.gov/legislative/iac/T03270/A00150> [PDF], pages 16 through 19). Before you may apply for a Rule 5 Permit, or begin construction, you must submit your Construction Plan to your county Soil and Water Conservation District (SWCD) (<http://www.in.gov/isda/soil/contacts/map.html>).

Upon receipt of the construction plan, personnel of the SWCD or the Indiana Department of Environmental Management will review the plan to determine if it meets the requirements of 327 IAC 15-5. Plans that are deemed deficient will require re-submittal. If the plan is sufficient you will be notified and instructed to submit the verification to IDEM as part of the Rule 5 Notice of Intent (NOI) submittal. Once construction begins, staff of the SWCD or Indiana Department of Environmental Management will perform inspections of activities at the site for compliance with the regulation.

Please be mindful that approximately 149 Municipal Separate Storm Sewer System (MS4) areas are now being established by various local governmental entities throughout the state as part of the implementation of Phase II federal storm water requirements. All of these MS4 areas will eventually take responsibility for Construction Plan review, inspection, and enforcement. As these MS4 areas obtain program approval from IDEM, they will be added to a list of MS4 areas posted on the IDEM Website at: <http://www.in.gov/idem/4900.htm>.

If your project is located in an IDEM-approved MS4 area, please contact the local MS4 program about meeting their storm water requirements. Once the MS4 approves the plan, the NOI can be submitted to IDEM.

Regardless of the size of your project, or which agency you work with to meet storm water requirements, IDEM recommends that appropriate structures and techniques be utilized both during the construction phase, and after completion of the project, to minimize the impacts associated with storm water runoff. The use of appropriate planning and site development and appropriate storm water quality measures are recommended to prevent soil from leaving the construction site during active land disturbance and for post construction water quality concerns. Information and assistance regarding storm water related to construction activities are available from the Soil and Water Conservation District (SWCD) offices in each county or from IDEM.

8. For projects involving impacts to fish and botanical resources, contact the Department of Natural Resources - Division of Fish and Wildlife (317-232-4080) for additional project input.
9. For projects involving water main construction, water main extensions, and new public water supplies, contact the Office of Water Quality - Drinking Water Branch (317-308-3299) regarding the need for permits.
10. For projects involving effluent discharges to waters of the State of Indiana, contact the Office of Water Quality - Permits Branch (317-233-0468) regarding the need for a National Pollutant Discharge Elimination System (NPDES) permit.
11. For projects involving the construction of wastewater facilities and sewer lines, contact the Office of Water Quality - Permits Branch (317-232-8675) regarding the need for permits.

## AIR QUALITY

The above-noted project (see page 1) should be designed to minimize any impact on ambient air quality in, or near, the project area. The project must comply with all federal and state air pollution regulations. Consideration should be given to the following:

1. Regarding open burning, and disposing of organic debris generated by land clearing activities; some types of open burning are allowed under specific conditions (<http://www.in.gov/idem/4148.htm>). You also can seek an open burning variance from IDEM.

IDEM generally recommends that you take vegetative wastes to a registered yard waste composting facility or that the waste be chipped or shredded with composting on-site. You must register with IDEM if more than 2,000 pounds is to be composted; contact 317-232-0066). The finished compost can then be used as a mulch or soil amendment. You also may bury any vegetative wastes (such as leaves, twigs, branches, limbs, tree trunks and stumps) on-site, although burying large quantities of such material can lead to subsidence problems.

2. Reasonable precautions must be taken to minimize fugitive dust emissions from construction and demolition activities. For example, wetting the area with water, constructing wind barriers, or treating dusty areas with chemical stabilizers (such as calcium chloride or several other commercial products). Dirt tracked onto paved roads from unpaved areas should be minimized.

If construction or demolition is conducted in a wooded area where blackbirds have roosted or abandoned buildings or building sections in which pigeons or bats have roosted for three to five years, precautionary measures should be taken to avoid an outbreak of histoplasmosis. This disease is caused by the fungus *Histoplasma capsulatum*, which stems from bird or bat droppings that have accumulated in one area for three to five years. The spores from this fungus become airborne when the area is disturbed and can cause infections over an entire community downwind of the site. The area should be wetted down prior to cleanup or demolition of the project site. For more detailed information on histoplasmosis prevention and control, please contact the Acute Disease Control Division of the Indiana State Department of Health at 317-233-7272.

3. The U.S. EPA and the U.S. Surgeon General recommend that people not have long-term exposure to radon at levels above 4 pCi/L. For a county-by-county map of predicted radon levels in Indiana, visit <http://www.in.gov/idem/4267.htm>.

The U.S. EPA further recommends that all homes and apartments (within three stories of ground level) be tested for radon. If in-home radon levels are determined to be 4 pCi/L or higher, then U.S. EPA recommends a follow-up test. If the second test confirms that radon levels are 4 pCi/L or higher, then U.S. EPA recommends the installation of radon-reduction measures. For a list of qualified radon testers and radon mitigation (or reduction) specialists, visit [http://www.in.gov/isdh/regsvcs/radhealth/pdfs/radon\\_testers\\_mitigators\\_list.pdf](http://www.in.gov/isdh/regsvcs/radhealth/pdfs/radon_testers_mitigators_list.pdf). Also, is recommended that radon reduction measures be built into all new homes, particularly in areas like Indiana that have moderate to high predicted radon levels.

To learn more about radon, radon risks, and ways to reduce exposure, visit <http://www.in.gov/isdh/regsvcs/radhealth/radon.htm>, <http://www.in.gov/idem/4145.htm>, or <http://www.epa.gov/radon/index.html>.

4. With respect to asbestos removal, all facilities slated for renovation or demolition (except residential buildings that have four (4) or fewer dwelling units and which will not be used for commercial purposes) must be inspected by an Indiana-licensed asbestos inspector prior to the commencement of any renovation or demolition activities. If regulated asbestos-containing material (RACM) that may become airborne is found, any subsequent demolition, renovation, or asbestos removal activities must be performed in accordance with the proper notification and emission control requirements.

If no asbestos is found where a renovation activity will occur, or if the renovation involves removal of less than 260 linear feet of RACM off of pipes, less than 160 square feet of RACM off of other facility components, or less than 35 cubic feet of RACM off of all facility components, the owner or operator of the project does not need to notify IDEM before beginning the renovation activity.

For questions on asbestos demolition and renovation activities, you can also call IDEM's Lead/Asbestos section at 1-888-574-8150.

In all cases where a demolition activity will occur (even if no asbestos is found), the owner or operator must still notify IDEM 10 working days prior to the demolition, using the form found at [www.in.gov/icpr/webfile/formsdiv/44593.pdf](http://www.in.gov/icpr/webfile/formsdiv/44593.pdf).

Anyone submitting a renovation/demolition notification form will be billed a notification fee based upon the amount of friable asbestos containing material to be removed or demolished. Projects that involve the removal of more than 2,600 linear feet of friable asbestos containing materials on pipes, or 1,600 square feet or 400 cubic feet of friable asbestos containing material on other facility components, will be billed a fee of \$150 per project; projects below these amounts will be billed a fee of \$50 per project. Billings will occur on a quarterly basis.

For more information about IDEM policy regarding asbestos removal and disposal, visit: <http://www.in.gov/idem/4983.htm>.

5. With respect to lead-based paint removal, IDEM encourages all efforts to minimize human exposure to lead-based paint chips and dust. IDEM is particularly concerned that young children exposed to lead can suffer from learning disabilities. Although lead-based paint abatement efforts are not mandatory, any abatement that is conducted within housing built before January 1, 1978, or a child-occupied facility is required to comply with all lead-based paint work practice standards, licensing and notification requirements. For more information about lead-based paint removal, visit <http://www.in.gov/idem/permits/guide/waste/leadabatement.html>.
6. Ensure that asphalt paving plants are permitted and operate properly. The use of cutback asphalt, or asphalt emulsion containing more than seven percent (7%) oil distillate, is prohibited during the months of April through October. See 326 IAC 8-5-2, Asphalt Paving Rule (<http://www.ai.org/legislative/iac/T03260/A00080.PDF>).
7. If your project involves the construction of a new source of air emissions or the modification of an existing source of air emissions or air pollution control equipment, it will need to be reviewed by the IDEM Office of Air Quality (OAQ). A registration or permit may be required under 326 IAC 2 ([www.ai.org/legislative/iac/t03260/a00020.pdf](http://www.ai.org/legislative/iac/t03260/a00020.pdf)). New sources that use or emit hazardous air pollutants may be subject to Section 112 of the Clean Air Act and corresponding state air regulations governing hazardous air pollutants.
8. For more information on air permits, visit <http://www.in.gov/idem/4223.htm>, or to initiate the IDEM air permitting process, please contact the Office of Air Quality Permit Reviewer of the Day at (317) 233-0178 or [oamprod@idem.in.gov](mailto:oamprod@idem.in.gov).

## LAND QUALITY

In order to maintain compliance with all applicable laws regarding contamination and/or proper waste disposal, IDEM recommends that:

1. If the site is found to contain any areas used to dispose of solid or hazardous waste, you need to contact the Office of Land Quality (OLQ) at 317-308-3103.
2. All solid wastes generated by the project, or removed from the project site, need to be taken to a properly permitted solid waste processing or disposal facility. For more information, visit <http://www.in.gov/idem/4998.htm>.
3. If any contaminated soils are discovered during this project, they may be subject to disposal as hazardous waste. Please contact the OLQ at 317-308-3103 to obtain information on proper disposal procedures.
4. If Polychlorinated Biphenyls (PCBs) are found at this site, please contact the Industrial Waste Section of OLQ at 317-308-3103 for information regarding management of any PCB wastes from this site.
5. If there are any asbestos disposal issues related to this site, please contact the Industrial Waste Section of OLQ at

317-308-3103 for information regarding the management of asbestos wastes. (Asbestos removal is addressed above, under Air Quality.)

6. If the project involves the installation or removal of an underground storage tank, or involves contamination from an underground storage tank, you must contact the IDEM Underground Storage Tank program at 317-308-3039( <http://www.in.gov/idem/4999.htm>).

## FINAL REMARKS

Should the applicant need to obtain any environmental permits in association with this proposed project, please be mindful that IC 13-15-8 requires that they notify all adjoining property owners and/or occupants within ten days of your submittal of each permit application. Applicants seeking multiple permits, may still meet the notification requirement with a single notice if all required permit applications are submitted with the same ten day period.

Please note that this letter does not constitute a permit, license, endorsement, or any other form of approval on the part of either the Indiana Department of Environmental Management or any other Indiana state agency.

Should you have any questions relating to the content or recommendations of this letter, or if you have additional questions about whether a more complete environmental review of your project should be conducted, please feel free to contact Brad Baughn at (317) 234-3386, [BBaughn@idem.in.gov](mailto:BBaughn@idem.in.gov).

Sincerely,



Thomas W. Easterly  
Commissioner

---

## Signature(s) of the Applicant

I acknowledge that I am seeking grant monies, a bond issuance, or other public funding mechanism to cover some portion of the cost of the public works, infrastructure, or community development project as described herein, which I am working (possibly with others) to complete.

## Project Description

CSX Transportation, Inc. (CSXT) submitted an application to the Surface Transportation Board (Board) pursuant to 49 U.S.C. §§ 11323 and 49 C.F.R. Part 1180. CSXT proposes Board authority to acquire from and jointly use with the Louisville and Indiana Railroad Company (LIRC) a perpetual, non-exclusive overhead freight operating easement over 106.5 miles of the LIRC between its connection with CSXT in Indianapolis, Indiana and its connection with CSXT in Louisville, Kentucky. Use of the Line would increase CSXT's ability to control its traffic in the Midwest, particularly in its Louisville to Cincinnati corridor, and enhance the efficiency of its operations.

With my signature, I do hereby affirm that I have read the letter from the Indiana Department of Environmental Management that appears directly above. In addition, I understand that in order to complete the project in which I am interested, with a minimum impact to the environment, I must consider all the issues addressed in the aforementioned letter, and further, that I must obtain any required permits.

Dated Signature of the Public Owner  
Contact/Responsible Elected Official \_\_\_\_\_

Chris Maffet

Dated Signature of the Project  
Planner/Consultant Contact Person \_\_\_\_\_

Chris Maffet

**Merchan Paniagua, Sara**

---

**From:** Birenberg, Vicki (Heritage Council) [vicki.birenberg@ky.gov]  
**Sent:** Monday, August 01, 2011 3:08 PM  
**To:** csxtlirc  
**Subject:** FW: Finance Docket No. 35523, CSX Transportation, Inc. - Acquisition- Louisville Railroad Company.

---

**From:** Birenberg, Vicki (Heritage Council)  
**Sent:** Monday, August 01, 2011 4:06 PM  
**To:** 'csxlirc@hdrinc.cm'  
**Cc:** Potts, Craig A. (Heritage Council)  
**Subject:** Finance Docket No. 35523, CSX Transportation, Inc. - Acquisition- Louisville Railroad Company.

Dear Mr. Wollschlager,

This email is in response to the recent letter sent to our office concerning the above-referenced project. A preliminary review of the map submitted indicates that only a small area of your project will take place in Kentucky. The project description indicates that additional train traffic will be routed between Jeff Yard, IN and Louisville, KY after the track rehabilitation takes place. It sounds as though the project is only dealing with existing track in the existing railroad right-of-way; however, there is the potential for direct and indirect effects to cultural resources along the path of the rail line. Additional consultation with our office is required pursuant to Section 106 of the National Historic Preservation Act whenever federal funds are utilized in an undertaking. An area of potential effect (APE) for the portion of the project in Kentucky must be determined with our concurrence, and a survey of above-ground resources over fifty years of age will need to be submitted to our office for review. In addition, any planned ground disturbance may require an archaeological survey.

These comments only pertain to the portion of the project in Kentucky. We will follow this email with a hard-copy letter to your office that incorporates these comments. Section 106 review for the portion of the project in Indiana must be coordinated with the Indiana State Historic Preservation Office. Please do not hesitate to contact our office if you have additional questions.

Sincerely,

**Vicki M. Birenberg**  
Transportation Historic Architecture Review Coordinator  
Kentucky Heritage Council  
(502) 564-7005, ext. 127

**Merchan Paniagua, Sara**

---

**From:** Estill, Leslie A LRL [Leslie.A.Estill@usace.army.mil]  
**Sent:** Monday, August 08, 2011 12:11 PM  
**To:** csxtlirc  
**Cc:** McKay, Gregory A LRL  
**Subject:** CSX Transportation, Inc.-Aquisition-Louisville Indina Railroad Company (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Mr. Mark Wollschlager

This is in response to your request addressed to Colonel Keith Landry, dated July 11, 2011, concerning the proposal by CSX Transportation, Inc. to rehabilitate the Louisville & Indiana Railroad Company Line between Indianapolis, Indiana and Louisville, Kentucky.

The Corps' comments for this proposal will be summarized in this email response. Based on my review of the information you submitted, wetlands and other waters of the U.S. may be impacted by the proposal. Any discharge of dredged or fill material into waters of the U.S., including wetlands, will require a Department of the Army (DA) permit under Section 404 of the Clean Water Act. In addition, a DA permit is required under Section 10 of the Rivers and Harbors Act of 1899 for the placement of any structure or work that takes place in, under, or over a navigable water.

If your project necessitates any regulated work in waters as described above, please submit a DA permit application prior to any work. The necessary permit application can be found on our website at <http://www.lrl.usace.army.mil> by clicking on "How do I...Obtain a Permit."

Note that the railroad right of way does not exempt regulated work requiring DA authorization.

Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

Leslie Estill  
Project Manager  
North Section, Regulatory  
Louisville District  
US Army Corps of Engineers  
Office Phone (502) 315-6711

Comments on our Regulatory Services are invited:

[http://ice.disa.mil/index.cfm?fa=card&site\\_id=915&service\\_provider\\_id=116097](http://ice.disa.mil/index.cfm?fa=card&site_id=915&service_provider_id=116097)

Classification: UNCLASSIFIED

Caveats: NONE



Mitchell E. Daniels, Jr., Governor  
Robert E. Carter, Jr., Director

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739  
Phone 317-232-1646 • Fax 317-232-0693 • [dhp@dnr.IN.gov](mailto:dhp@dnr.IN.gov)



August 9, 2011

Mark Wollschlager  
HDR Engineering, Inc.  
701 Xenia Avenue South, Suite 600  
Minneapolis, Minnesota 55416-3636

Federal Agency: Surface Transportation Board

Re: Project information regarding CSX Transportation, Inc.'s acquisition of over 106.5 miles of the Louisville Indiana Railroad Company between Indianapolis, IN, milepost 4.0, and Louisville, KY, milepost 110.5 (DHPA #11979)

Dear Mr. Wollschlager:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated July 11, 2011 and received on July 13, 2011, for the above indicated project from Indianapolis to Jeffersonville, Indiana.

Thank you for notifying the Indiana SHPO of the proposed undertaking. It is our understanding that an environmental assessment and historic properties report are currently being prepared and will be provided to the Indiana SHPO for review and comment. In preparation of the report, we would recommend that the Indiana Survey of Historic Sites and Structures be referenced by viewing the applicable county interim reports and our online database. Published county interim reports may be viewed at our office; local, university, or state library; or may be available for purchase through Indiana Landmarks at (317) 639-4534. The State Historic Architectural and Archaeological Research Database (SHAARD) may be accessed at [www.in.gov/dnr/historic/4505.htm](http://www.in.gov/dnr/historic/4505.htm). In addition, we recommend that you review the list of properties included in the Indiana Register of Historic Sites and Structures ([www.in.gov/dnr/historic/2823.htm](http://www.in.gov/dnr/historic/2823.htm)). Indiana properties included in the National Register of Historic Places may be accessed through the DHPA website, or by visiting the National Park Service database at [www.nps.gov/history/nr/](http://www.nps.gov/history/nr/).

In terms of archaeology, multiple archaeological sites and cemeteries have been recorded adjacent to the existing railroad, including but not limited to sites 12Ma310, 12Jo200, 12Jo201, 12Jo227, 12B362, 12S23, 12S59, 12C1333, Jonesville Cemetery, Old Franklin Cemetery, Riverview Cemetery, Seymour City Cemetery, Pigeon Roost Memorial Cemetery, and a cemetery in Scottsburg.

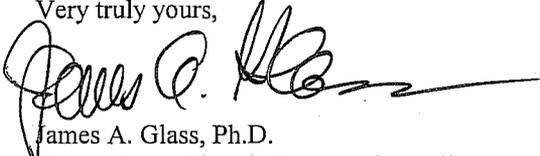
While it is our understanding that the current project is limited to acquisition of an existing railroad and will not involve any construction, please be advised that if any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations.

We look forward to receiving a copy of the draft environmental assessment, including information on cultural resources within the area of potential effects for our review and comment. Once this information is received, the Indiana SHPO will resume identification and evaluation procedures for this project. Please keep in mind that additional information may be requested in the future.

Mark Wollschlager  
August 9, 2011  
Page 2

*A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at [www.achp.gov](http://www.achp.gov) for your reference. If you have questions about archaeological issues please contact Cathy Draeger-Williams at (317) 234-3791 or [cdraeger-williams@dnr.IN.gov](mailto:cdraeger-williams@dnr.IN.gov). If you have questions about buildings or structures please contact Chad Slider at (317) 234-5366 or [cslider@dnr.IN.gov](mailto:cslider@dnr.IN.gov). Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #11979.*

Very truly yours,

A handwritten signature in black ink, appearing to read "James A. Glass". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

James A. Glass, Ph.D.  
Deputy State Historic Preservation Officer

JAG:CDW:CWS:cws

cc: David C. Navecky, Surface Transportation Board

**Merchan Paniagua, Sara**

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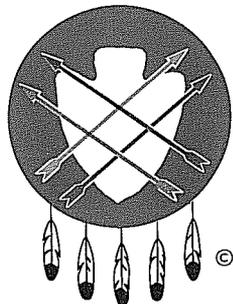
**From:** Riley, Michael D. [MDRiley@indot.IN.gov]  
**Sent:** Tuesday, August 09, 2011 8:53 AM  
**To:** csxtlirc  
**Subject:** FD 35523 CSX Transportation, Inc.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mr. Wollschlager:

Can you tell me how I can track or see the items that have been submitted in this cause? Thank you.

*Mike Riley  
Manager Rail Office  
INDOT  
317-232-1491*



**PEORIA TRIBE OF INDIANS OF OKLAHOMA**

118 S. Eight Tribes Trail (918) 540-2535 FAX (918) 540-2538

P.O. Box 1527

MIAMI, OKLAHOMA 74355

CHIEF  
John P. Froman

SECOND CHIEF  
Jason Dollarhide

August 9, 2011

Mr. Mark Wollschlager  
HDR Engineering, Inc.  
701 Xenia Avenue South  
Suite 600  
Minneapolis, MN 55416-3636

RE: Finance Docket No. 35523, CSX Transportation, Inc. – Acquisition-Louisville Indiana  
Railroad Company

Thank you for notice of the referenced project. The Peoria Tribe of Indians of Oklahoma is interested in consulting on the project. Please include us on all mailing lists pertaining to this site. Please share all information concerning this project as it pertains to Native American interests.  
Contact information is:

Frank Hecksher  
Special Projects/NAGPRA Manager  
118 S. Eight Tribes Trail  
Miami, OK 74354  
918-540-2535  
fhecksher@peoriatribe.com

A handwritten signature in black ink, appearing to read 'JPF', is located above the typed name of John P. Froman.

John P. Froman  
Chief

TREASURER  
John Sharp

SECRETARY  
Don Giles

FIRST COUNCILMAN  
Carolyn Ritchey

SECOND COUNCILMAN  
Jenny Rampey

THIRD COUNCILMAN  
Alan Goforth



August 10, 2011

Mr. Mark Wollschlager  
HDR Engineering, Inc.  
701 Xenia Avenue South  
Suite 600  
Minneapolis, MC 55416-3636

Re: Indianapolis Metropolitan Planning Organization Comments  
Finance Docket 35523, CSX Transportation, Inc.-Acquisition-Louisville Indiana Railroad  
Company

Dear Mr. Wollschlager:

Thank you for providing the opportunity to comment on the above-referenced project, which has strong importance to central Indiana. As referenced in my e-mail message dated August 4, 2011, the City of Indianapolis did not receive your letter dated July 11, 2011 and the Indianapolis Metropolitan Planning Organization (MPO) received it on August 1, 2011, the day comments were due. We thus appreciate the acceptance of these comments beyond the specified due date.

The City of Indianapolis and the Indianapolis MPO both recognize the importance of the rail network to our regional economy and livelihoods. The Louisville-Indiana Railroad Company (LIRC) is identified in the MPO's regional freight planning documents, and we hope that CSX's acquisition will serve to enhance our future prosperity.

We trust that in planning for this acquisition, CSX is intending to minimize potential negative community impacts to the extent feasible, particularly where the rail corridor intersects at-grade with our region's surface transportation network. Significantly, it is not clear what secondary impacts might result to the freight rail system outside of the proposed corridor; some rail-roadway surface intersections already experience considerable motor vehicle delay (e.g., New York and Michigan Streets on the east side of the downtown), and we would like to know the extent to which this proposal might exacerbate those problems. The MPO has considerable information resources at its disposal that you might find useful in estimating these impacts, including recent aerial photography (both orthophotographs and oblique angles), planimetric information, traffic counts and traffic volume estimates, and noise receptors (including the 2010 Census by block, and NuStats business location data for 2010). We would welcome the opportunity to work with you further on this issue.

Phone: 317.327.3601  
Fax: 317.327.3980  
TDD: 317.327.5186

**Office of the Mayor**  
2501 City County Building  
200 E. Washington Street  
Indianapolis, Indiana 46204  
[www.indy.gov](http://www.indy.gov)

August 10, 2011  
 CSX Acquisition  
 Page 2 of 2

Beyond these local impacts, however, lies an urgent need for coordination of regional transportation plans with the proposal. Our recently completed long-range regional transportation plan (approved in March, 2011; documents can be found at <http://www.indympo.org/Plans/Regional/Pages/home.aspx>) has identified the LIRC as an opportunity for future passenger rail service from downtown Indianapolis south to Franklin, Indiana. Please include this proposal in your planning process, and keep us advised of any proposed changes in infrastructure and/or service levels that may affect its implementation.

Another potential issue emerges where the LIRC merges with the main east-west CSX line in downtown Indianapolis, as this location corresponds to the terminus (at Union Station) of the Northeast Corridor fixed guideway transit service (currently undergoing an Alternatives Analysis process, with a locally-preferred alternative to be selected early next year). We have been in close contact with Larry Ratcliffe, Jake Hunter and other CSX staff in the Jacksonville, FL office over the past three years regarding these regional activities, and request that you leverage those discussions into your planning process.

Pertinent to the downtown Indianapolis rail confluence is a study on the relocation of downtown rail traffic to the rail "belt" which skirts the east, south, and west sides of the downtown. The MPO intends to initiate this study towards the end of the year; preliminary analysis suggests that upgrading the "belt" to accommodate 40-mph rail traffic and relocating downtown service to this facility would actually result in lower freight travel times (and potential savings) for CSX. We propose to include CSX in the study review team for this project, and to jointly examine the issues of freight traffic, passenger rail service, and downtown economic development, with mutual gains as our goal.

Our organizations, along with several of our partner organizations (including the Indianapolis Public Transportation Corporation and the Central Indiana Regional Transportation Authority) and the MPO's governing body, the Indianapolis Regional Transportation Council, are eager to engage in this dialogue. Please let us know the best way to proceed.

Sincerely,

  
 Gregory A. Ballard, Mayor  
 City of Indianapolis  
 Chair, Indianapolis Regional Transportation Council

  
 Lori Miser, AICP  
 Executive Director  
 Indianapolis MPO

cc: Robin Thoman, Mayor of Southport; Member, Indianapolis Regional Transportation Council  
 Charles Henderson, Mayor of Greenwood; Member, Indianapolis Regional Transportation Council  
 Fred Paris, Mayor of Franklin; Member, Indianapolis Regional Transportation Council  
 Luke Mastin, Johnson County Engineer; Member, Indianapolis Regional Transportation Council  
 Ehren Bingamann, Executive Director, Central Indiana Regional Transportation Authority and member of the Indianapolis Regional Transportation Council  
 Michael Terry, CEO, Indianapolis Public Transportation Corporation and member of the Indianapolis Regional Transportation Council  
 Steve Van Soelen, Director of Real Estate and Strategic Facilities Planning, Eli Lilly & Company

**Merchan Paniagua, Sara**

---

**From:** Shelley.R.Miller@uscg.mil on behalf of Miller, Shelley R [Shelley.R.Miller@uscg.mil]  
**Sent:** Monday, August 15, 2011 12:35 PM  
**To:** Merchan Paniagua, Sara  
**Subject:** RE: Flatrock River

Sara,

Here goes: The East Fork White, as you know, is a tributary to the White River, which is a tributary to the Wabash River. The Wabash River is considered historically navigable and navigable in fact for USCG jurisdictional purposes and that includes some of its tributaries including the White River and the East Fork Whit river (or parts thereof). Still, there is no reference to Flatrock River. The Army Corps of engineers does its own navigability determinations, so you may want to also confer with them. A quick google search for Army Corps navigability determinations provided the below link to a pdf from the INDOT site as a start.

[http://www.in.gov/indot/files/24\\_army.pdf](http://www.in.gov/indot/files/24_army.pdf)

V/r,

Shelley R. Miller  
Attorney Advisor  
USCG, D8 Waterways Management  
504.671.2139

-----Original Message-----

From: [Sara.MerchanPaniagua@hdrinc.com](mailto:Sara.MerchanPaniagua@hdrinc.com) [<mailto:Sara.MerchanPaniagua@hdrinc.com>]  
Sent: Monday, August 15, 2011 11:15 AM  
To: Miller, Shelley R  
Subject: RE: Flatrock River  
Importance: High

Ms. Miller,

Thanks for your prompt response.

The Flatrock River is a tributary to the East Fork White River.

Tributaries for the Flatrock River are the following:

Driftwood River  
Big Slough  
Sidney Branch  
Compton Ditch  
Lewis Creek  
Conns Creek  
Mill Creek  
Hurricane Creek  
Bob Creek  
Harrigan Branch  
Ben Davis Creek  
Turkey Creek  
Shankatank Creek

Lawless Ditch  
Shawnee Creek  
Wikoff Ditch  
Miles Ditch  
Prine Ditch  
Hall Ditch  
Bolder Run  
Merder Ditch  
Foster Ditch  
Wantz Ditch  
Gravel Run  
Mud Run  
Batson Drain  
Number One Arm  
Number Two Arm  
Wilbur Wright Creek  
Number Four Arm

Please let me know if Flatrock River is referenced in other determinations.

Thanks,

Sara Merchán Paniagua  
Environmental Scientist  
HDR EOC

HDR ONE COMPANY | Many Solutions  
8550 W. Bryn Mawr Avenue | Suite 900 | Chicago, IL 60631  
Office: 773.867.7217 | Fax: 773.380.7979  
Email: [sara.merchanpaniagua@hdrinc.com](mailto:sara.merchanpaniagua@hdrinc.com)  
[www.hdrinc.com](http://www.hdrinc.com)

Please, think twice before printing.

-----Original Message-----

From: [Shelley.R.Miller@uscg.mil](mailto:Shelley.R.Miller@uscg.mil) [<mailto:Shelley.R.Miller@uscg.mil>]  
Sent: Monday, August 15, 2011 10:35 AM  
To: Merchan Paniagua, Sara  
Subject: RE: Flatrock River

Sara,

After looking through the navigability determinations we have for the state of Indiana, I find no determination specific to Flatrock River. Still, another determination may include or reference Flatrock as a tributary. Please confirm the river's origin and to what other waterway it may be a tributary and I will be happy to review other determinations based on that information to see if Flatrock is referenced.

Thank you,

Shelley R. Miller  
Attorney Advisor  
USCG, D8 Waterways Management  
504.671.2139

-----Original Message-----

From: [Sara.MerchanPaniagua@hdrinc.com](mailto:Sara.MerchanPaniagua@hdrinc.com) [<mailto:Sara.MerchanPaniagua@hdrinc.com>]  
Sent: Friday, August 12, 2011 2:52 PM  
To: Miller, Shelley R  
Cc: Merchan Paniagua, Sara  
Subject: Flatrock River  
Importance: High

Ms. Miller,

Earlier today, I contacted the U.S. Coast Guard to find out whether the Flatrock River is considered navigable. Mr. Colin Campbell informed me you would be the appropriate person to talk to and provided me with you email address.

Flatrock River is located north of Columbus, Indiana where it crosses the Louisville & Indiana Railroad Company rail line.

I would appreciate if you could get back to me in a timely manner as to whether or not this river is considered as navigable by the U.S. Coast Guard.

Thanks for your assistance with this matter.

Sincerely,

Sara Merchán Paniagua  
Environmental Scientist  
HDR EOC

HDR ONE COMPANY | Many Solutions

8550 W. Bryn Mawr Avenue | Suite 900 | Chicago, IL 60631  
Office: 773.867.7217 | Fax: 773.380.7979

Email: [sara.merchanpaniagua@hdrinc.com](mailto:sara.merchanpaniagua@hdrinc.com) <<mailto:sara.merchanpaniagua@hdrinc.com>>  
[www.hdrinc.com](http://www.hdrinc.com)

Please, think twice before printing.



**THE COUNCIL  
CITY OF INDIANAPOLIS  
MARION COUNTY**

**Jack Sandlin**  
Councillor, District 24

19 August 2011

Mr. Mark Wollschlager  
HDR Engineering, Inc.  
701 Xenia Avenue South  
Minneapolis, MN 55416-3636

Re Finance Docket No 35523 CSX Transportation, Inc-Acquisition-Louisville Indiana Railroad Company

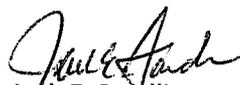
Dear Mr. Wollschlager:

Recently I became aware of this project and that you are the person who is collecting comment regarding the use of 106.5 miles of the Louisville & Indiana Railroad Company between Indianapolis, IN and Louisville, KY.

This track travels through a portion of my Indianapolis City-County Council District. As such I wanted to take the opportunity to express my concerns on a couple of issues regarding this route. First at the East Southport Road crossing there is very limited sight either up or down the tracks due to building construction. Additionally at Thompson Road and Banta Road there is a limited view of the tracks. At Edgewood Avenue there is a better view but this is a major route for our school buses.

Due to the safety concerns I believe that there should be crossing arms at all of these locations. In addition the Southport crossing is in very poor shape and the Louisville & Indiana Railroad Company had previously expressed that they would upgrade this crossing. I am very concerned that with this pending proposal that this will be long delayed. This crossing needs upgraded now and many believe its condition contributed to a fatality accident there a year ago.

Thank you for your consideration.

  
Jack E. Sandlin  
City-County Councillor  
District 24

1310 E. Southport Rd. • Indianapolis, IN 46227  
Phone: 317.714.3266

Email: Jack.Sandlin@att.net • Website: www.indy.gov/council

# Johnson County Highway Department

1051 Hospital Road ♦ Franklin, Indiana 46131 ♦ Phone: (317) 346-4630 ♦ Fax: (317) 738-5378

Lucas M. Mastin  
*Director*

Michael P. Pelham, P.E.  
*Engineer*

August 22, 2011

Mr. Mark Wollschlager  
HDR Engineering, Inc.  
701 Xenia Avenue South, Suite 600  
Minneapolis, MN 55416-3636

RE: CSXT - Acquisition and Upgrade of Louisville Indiana Railroad  
Preliminary Draft Environmental Assessment Comments

Dear Mr. Wollschlager,

Johnson County has recently been informed of the possible rehabilitation of the existing Louisville Indiana Railroad line between Louisville, Kentucky and Indianapolis, Indiana by CSX Transportation, Inc. (CSXT). It is our understanding that your firm is currently soliciting comments for inclusion in the Preliminary Draft Environmental Assessment (PDEA) document. While Johnson County was not directly contacted to provide comments for the PDEA being developed for this project, we would appreciate your consideration and inclusion of the following comments.

- It is our understanding that upgrades proposed by CSX Transportation, Inc. would allow the rail line to accommodate up to 15 trains per day in this area over the current train traffic volume at speeds up to 49 miles per hour. There are currently eight locations where the Louisville Indiana Railroad line crosses county roads within Johnson County's jurisdiction. All of these crossings are at-grade, not separated. Each of the crossings is stop-controlled for vehicular traffic through the use of stop signs. However, all of these crossings have sight-distance issues caused by substantial grade changes between the road and rail line elevations, or by poorly maintained vegetation along the fence lines delineating the railroad right-of-way. Prior to increasing the volume and speed of trains passing through these at-grade crossings, we would encourage CSXT to review these locations and take appropriate actions, whether through active crossing warning devices, adjustments in road grade, providing clear line-of-sight for vehicular traffic, or a combination of these and other solutions, to ensure that these crossings can continue to be operated safely by both train and vehicular traffic in the future.

- The Indianapolis Regional Transportation Council and the Indianapolis Metropolitan Planning Organization have identified the Louisville Indiana Railroad line as a key component for future passenger rail services in their Long-Range Regional Transportation Plan. While no details have been finalized at this time, we would ask that you consider this potential key component in the Indianapolis region's future

transportation plan in your PDEA. The transportation needs of the Indianapolis area will only continue to increase as the region grows, and passenger rail service will be a key component in meeting future travel demands.

We appreciate the opportunity to provide comments for the preparation of this project's PDEA. Please do not hesitate to contact us with any questions or comments you may have. We look forward to working with you as your project moves forward.

Sincerely,

Johnson County Highway Department



---

Lucas M. Mastin, Director

Cc: Johnson County Board of Commissioners  
File

UNIVERSITY *of*  
**INDIANAPOLIS.**

Office for Community Relations  
1400 East Hanna Avenue  
Indianapolis, Indiana 46227

(317) 788-3297  
Fax: (317) 788-2518  
www.uindy.edu

August 23, 2011

Mr. Mark Wollschlager  
HDR Engineering, Inc.  
701 Xenia Avenue South, Suite 600  
Minneapolis, MN 55416-3636

RE: Finance Docket No. 35523, CSX Transportation, Inc. / Acquisition of Louisville and  
Indiana Railroad Company.

Dear Mr. Wollschlager,

I recently received notice about the CSX application to acquire perpetual non-exclusive overhead freight operating easement for joint use of the Louisville & Indiana Railroad. I am hoping to have my comments included in any reports about the feasibility of the project.

The University of Indianapolis supports the economic development of this entire region. We understand that rail freight is cheaper, safer, and perhaps more environmentally friendly than freight shipped via trucks. So, the improvement of the rail bed and lines on the L&I track is a good idea for many reasons.

We have concerns as well, though, about safety to our campus that we wish to have noted. We sit immediately to the east of the rail line. In fact, at one point it abuts our property. We have 5,000 students and 600 employees on campus, in addition to our many neighbors living in the residences nearby. Their safety is paramount.

First, we are concerned about the kind of freight carried on those rails. We are aware that Homeland Security rules will not allow us to know when and what kind of freight will pass our campus each day. Given the number of people who could be affected by the contents of such freight, we worry about how we would respond to accidents and spillage. At the same time, we realize that rail traffic is safer than truck traffic and the likelihood of an accident is probably low. Still, even with the low probability, the potential effects could be quite serious.

Our second concern is much more likely scenario. The trains that are intended to pass our campus will contain more and larger cars than they do now. In fact, the trains could be so long, that no emergency vehicle would be able to access our campus for several miles. Every east-west street has an at-grade crossing, so there is no way to re-route emergency responders to our campus without going miles out of the way. With that, responders would have to predict how far in advance or behind they will have to be in order avoid an intersection blocked by the train.

Because we will not know when any particular train will be passing by, it will be impossible for emergency dispatchers to predict and direct responders to our campus. I have witnessed on several occasions a fire engine sitting on the road with its red lights activated waiting for a train to clear the crossing. Longer and more frequent trains make it more likely we will have emergency vehicles cut off from our campus until the trains pass. That presents us with a potentially serious situation.

Mr. Mark Wollschlager

August 23, 2011

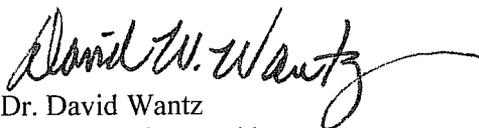
Page 2 of 2

Emergency responders could be sent from other locations, but dispatchers would not know to do that automatically since the train schedule is unpredictable. Given the long distance that responders from the east must travel, the delays could have grave consequences.

I speak for the President and Board of Trustees of the University of Indianapolis. We would like assurances that some kind of alert could be given to our local police, fire, and EMS officials that a CSX train is approaching our campus, so the responders could find an alternate route.

Please add me to any contact list that you might be developing, so I may continue to be involved in this approval process.

Sincerely,

A handwritten signature in black ink that reads "David W. Wantz". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Dr. David Wantz  
Associate Vice President



September 9, 2011

Dr. James Glass  
State of Indiana  
Department of Natural Resources  
Division of Historic Preservation and Archaeology  
402 W. Washington Street  
Room W274  
Indianapolis, IN 46204

**RE: Request for Indiana SHPO opinion regarding the NRHP eligibility of Louisville Indiana Railroad Bridge MP 40.19 over the Flatrock River as part of CSX Transportation, Inc.'s acquisition of the Louisville Indiana Railroad Company between Indianapolis, IN, milepost 4.0, and Louisville, KY, milepost 110.5 (DHPA #11979).**

Dear Dr. Glass:

CSX Transportation, Inc. ("CSXT") expects to be filing in September 2011 with the Surface Transportation Board (the "STB") an application to acquire a perpetual non-exclusive overhead freight operating easement for joint use over 106.5 miles of the Louisville & Indiana Railroad Company (LIRC) between Indianapolis, IN, milepost 4.0, and Louisville, KY, milepost 110.5 (the "Line").

The proposed project includes rehabilitation of the Line over a period of time that may be up to seven years. As part of rehabilitation activities, CSXT anticipates reconstruction of bridge MP 40.19 over the Flatrock River. CSXT plans to replace the bridge superstructure with the same type of steel girder structure as the bridge currently has and would use existing piers. In an effort to determine if bridge MP 40.19 is a historic property, CSXT reviewed the Indiana State Historic Architectural and Archaeological Research Database (SHAARD) maintained by IN DNR. No information relating to this bridge was available in SHAARD.

In order to determine if bridge MP 40.19 is a historic property, CSXT is soliciting the Indiana SHPO to render an opinion regarding the National Register of Historic Places (NRHP) eligibility of Bridge MP 40.19 over the Flatrock River. In a phone conversation dated August 24, 2011, Historic Structures Reviewer Chad Slider indicated that a topographic map showing the location of the bridge, information regarding the age and type of the bridge, and photographs of the bridge would be necessary for the Indiana SHPO to render an opinion on the NRHP eligibility of Bridge MP 40.19.

HDR Engineering, Inc.

701 Xenia Avenue South  
Minneapolis, MN 55416-3636

Phone (763) 591-5400  
Fax (763) 591-5413  
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Dr. James Glass

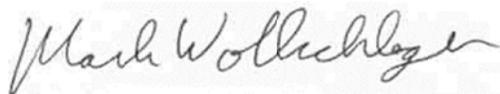
Request for Indiana SHPO opinion regarding the NRHP eligibility of Louisville Indiana Railroad Bridge MP 40.19 over the Flatrock River  
September 9, 2011

Enclosed with this is letter a topographic map showing the location of the bridge, information regarding the age and type of the bridge, engineering plan and profile drawings of the bridge, and photographs of the bridge in its current state. Please review the enclosed information to render an opinion regarding the NRHP eligibility of bridge MP 40.19. If you need any additional information for your review, please contact Dylan Eigenberger at 612-597-1589 or via e-mail at [Dylan.Eigenberger@hdrinc.com](mailto:Dylan.Eigenberger@hdrinc.com).

Thank you for your assistance on this project.

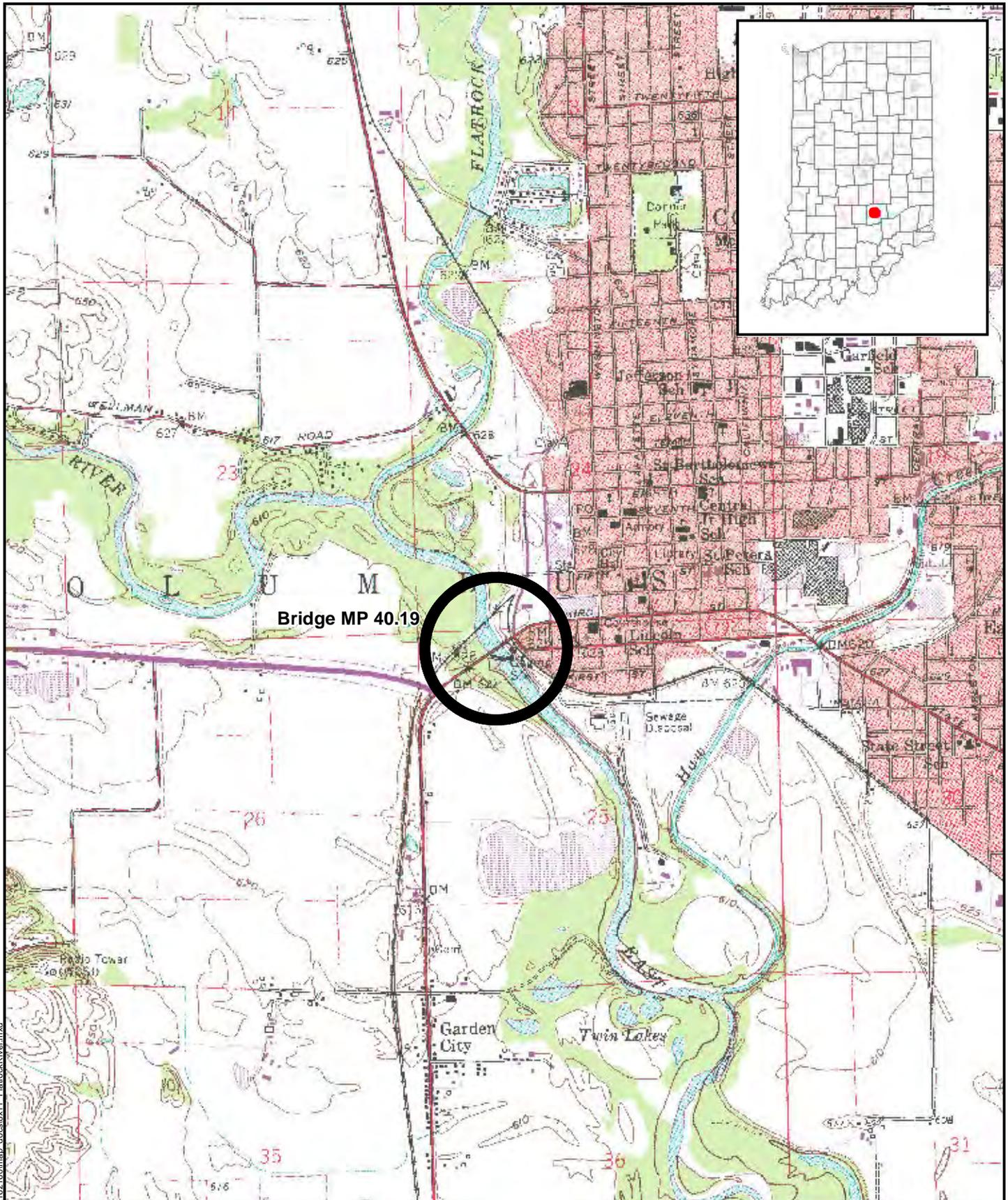
Sincerely,

**HDR Engineering, Inc.**



Mark Wollschlager,  
Project Manager

Enclosures: Topographic map showing the location of the bridge; Information regarding the type and age of the bridge; Engineering plan and profile drawings (24);  
Photographs of the bridge (9)



Bridge MP 40.19

Columbus Quad

Flatrock River  
Bridge



0 1,000 2,000 Feet

Path: \\mspe-nis-file\isprod\CSX\162160\map\_dock\k11\_FlatrockRiver.mxd

## Louisville Indiana Railroad Company Bridge MP 40.19















Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor  
Robert E. Carter, Jr., Director

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739  
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.IN.gov



October 11, 2011

Mark Wollschlager  
HDR Engineering, Inc.  
701 Xenia Avenue South, Suite 600  
Minneapolis, Minnesota 55416-3636

Federal Agency: Surface Transportation Board

Re: Request for determination of eligibility of Bridge MP 40.19 over the Flatrock River in relation to CSX Transportation, Inc.'s acquisition of over 106.5 miles of the Louisville & Indiana Railroad Company between Indianapolis, IN, milepost 4.0, and Louisville, KY, milepost 110.5 (Docket #35523; DHPA #11979)

Dear Mr. Wollschlager:

Thank you for the information submitted on September 9, 2011 and received on September 12, 2011, pertaining to the bridge located near Columbus, Bartholomew County, Indiana.

Based on our analysis, we believe that the Louisville & Indiana Railroad Co. Bridge MP 40.19 (P.C.C. & St. L. RR Bridge No. 20) over Flatrock Creek meets the criteria of eligibility for inclusion in the National Register of Historic Places. We noted that Bridge MP 40.19, which was designed by the Edge Moor Bridge Works of Wilmington, Delaware, appears to be significant under Criterion A and C for its association with transportation and as a good example of a heavily built Pratt through truss bridge.

It is our understanding that an environmental assessment and historic properties report are currently being prepared will be provided to the Indiana SHPO for review and comment. Once this information is received, the Indiana SHPO will resume identification and evaluation procedures for this project. Please keep in mind that additional information may be requested in the future.

*A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at [www.achp.gov](http://www.achp.gov) for your reference. If you have questions about archaeological issues please contact Cathy Draeger-Williams at (317) 234-3791 or [cdraeger-williams@dnr.IN.gov](mailto:cdraeger-williams@dnr.IN.gov). If you have questions about buildings or structures please contact Chad Slider at (317) 234-5366 or [cslider@dnr.IN.gov](mailto:cslider@dnr.IN.gov). Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #11979.*

Very truly yours,

James A. Glass, Ph.D.  
Deputy State Historic Preservation Officer

JAG:CWS:cws

cc: David C. Navecky, Surface Transportation Board