CHAPTER 3
FINAL RECOMMENDED MITIGATION

This chapter presents SEA's final recommended environmental mitigation, which includes the Applicants' voluntary mitigation. These mitigation measures were developed after consultations with appropriate agencies, extensive environmental analysis, and consideration of mitigation suggested during the comment period on the Draft EIS. The mitigation measures address the environmental impacts of the proposed construction, operation, and maintenance of the Proposed Action and Alternatives, and would apply to any of the Build Alternatives. SEA recommends to the Board that it impose SEA's four mitigation measures and all of the Applicants' voluntary mitigation measures (VMMs) as conditions in the Board's final decision, if the Board gives final approval for the project.

3.1 SEA'S ADDITIONAL MITIGATION MEASURES

Since publication of the Draft EIS, SEA has identified four additional mitigation measures that SEA recommends to the Board. The first mitigation measure was developed by PHA in consultation with BNSF. The second mitigation measure augments the Applicants' VMM #38. The third mitigation measure ensures that SEA will continue to receive assistance from a third-party-contractor, if the Board grants final approval for the project. The fourth mitigation measure implements the NMFS's conservation recommendations for EFH and associated fishery resources.

SEA's new mitigation measures include the following:

1. In the event the Bayport Terminal project is approved and constructed, at the point in time that the average daily traffic (ADT) on Port Road east of SH 146 exceeds 7,000 vehicles per day, the Applicants will consult with the PHA to develop an operating plan to minimize interference with roadway traffic at the Port Road grade crossing during Port daytime operating hours. Pending consultation of the parties, the operating plan would to the extent consistent with BNSF's common carrier obligations, restrict rail operations across the Port Road grade crossing during Port operating hours (7:00 a.m. to 6:00 p.m.), except in unusual situations, such as derailments, severe weather, unusual customer needs, or in the event volume swings during peak demand periods cannot be accommodated during non-Port operating hours, in which case BNSF will provide advance notice to PHA and work with PHA to minimize adverse impacts. Notwithstanding the foregoing, in the event the operating plan causes BNSF service to become noncompetitive with other rail service on the Bayport Loop or otherwise results in unreasonable interference with BNSF's joint operations with UP in the Bayport Loop area (i.e., crossings of UP right-of-way), BNSF may on advance notice to and coordination with PHA, revise its operating plan to the extent necessary.

2. In response to concerns raised by Congressman Gene Green and others, the Applicants' community liaison, to be established in accord with VMM #38, shall be fluent in Spanish to facilitate communication with Spanish-speaking citizens in the project area, particularly Houston's East End.

3. Should the Board grant final approval for this project, the Applicants will retain an independent third-party contractor to assist SEA in reviewing the Applicants' submittals under VMM #76 regarding habitat conservation and wetland mitigation site reporting, and as necessary, during implementation of this project.

4. To offset adverse project impacts to EFH, the Applicants will successfully create a 0.4-acre fringe of intertidal marsh along Taylor Bayou shoreline utilizing the same mitigation plan as proposed in the USACE Permit Application 22823. The Wetland Mitigation Monitoring and Success Parameters and figures depicting this plan are included in Appendix D of this Final EIS.

3.2 APPLICANTS' VOLUNTARY MITIGATION MEASURES

Since publication of the Draft EIS, the Applicants have provided additional information clarifying some of the voluntary mitigation measures that were presented in the Draft EIS. The Applicants have not changed the text of any of the voluntary mitigation measures that were presented in Chapter 6 of the Draft EIS. In the material presented by the Applicants, they refer to themselves as the Petitioners. However, in order to be consistent with this document, "Petitioners" has been changed to "Applicants."

The Applicants' clarification of VMM #3, VMM #12, VMM #38, VMM #61, and VMM #62 is presented in full below. The Applicants' letter to Dana White, dated April 10, 2003, which discusses this clarification, appears in Appendix D of this Final EIS.

VMM #3 – Emergency Response. It is BNSF's customary practice on its system network to provide a toll-free number that is staffed seven days a week, twenty-four hours a day to respond to emergencies. That emergency number is typically posted at grade-crossings and will be available to area residents and emergency-service providers in the event of an emergency. In addition to that emergency number, Applicants also included in this VMM an additional resource to the community – a contact, also available via a toll-free number, to provide information about project construction and operation as may be needed by emergency-service providers. This resource is not intended to supplant the emergency number, but rather to provide a non-emergency contact to facilitate the flow of information about project construction and operation.

VMM #12 – Coastal prairie habitat site. Applicants recently acquired this 24-acre site, and are negotiating with interested local stakeholders on the long-term management and maintenance of the site. Applicants anticipate that the property deed for this site will be restricted so as to preserve its conservation in perpetuity.

VMM #38 – Community Liaison. Applicants would like to clarify that staffing of the community liaison position will change depending upon whether the proposed rail line is under construction or during operations after the line is constructed. During construction, the community liaison will be either the project engineer or his designee as such individual will be able to address issues related to construction activities. Upon completion of the construction of new rail line, the community liaison will be either the General Manager of the Gulf Division or his designee as such individual will be able to address issues related to rail operations.

VMM #61 and 62 – Connection to the GH&H. Applicants intend to install a No. 15 power operated turnout on to the new rail line. In the case of Alignment 1, Applicants will replace the existing turnout to Graham siding with a power operated turnout. The new power operated turnouts will allow trains heading south on the GH&H to continue to move at track speed onto the new line without stopping. This will eliminate the need for the train to stop before the turnout, reducing the amount of time that any crossing of the GH&H near the turnout is blocked.

Below is the full list of the Applicants' voluntary mitigation measures, which also appeared in Chapter 6 of the Draft EIS. The Exhibits referenced in the voluntary mitigation measures below are available in Chapter 6 of the Draft EIS.

SAFETY

Grade-Crossing and Speed

1. Applicants shall consult with appropriate Federal, State, and local transportation agencies to determine the final design and other details of the grade-crossing warning devices. Implementation of all grade-crossing warning devices on public roadways shall be subject to the review and approval of the Texas Department of Transportation (TxDOT) and Harris County (see Table 1). Applicants shall consult with appropriate Federal, State, and local transportation agencies to determine the final design of grade separations on the new rail line.

Table 1 – Proposed Highway/Rail Grade-Crossing Mitigation

Roadway	Type of Crossing	Warning Device
Space Center Boulevard	Grade-Separated	N/A
Red Bluff Road	Grade-Separated	N/A
Bay Area Boulevard	At-Grade	Active Warning Devices
SH 146 accesses (2)	At-Grade	Active Warning Devices
SH 146	Grade-Separated (existing)	N/A
Port Road	At-Grade	Active Warning Devices
Old SH 146	At-Grade	Active Warning Devices

2. Applicants will limit the speed of the trains on the new line to 20 miles per hour.

Emergency Response

3. At least one month prior to initiation of construction activities in the area, Applicants shall provide the information described below regarding project-related construction of the new rail line, as well as any additional information, as appropriate, to fire departments and the Local Emergency Planning Commissions (LEPCs) for communities within the project area.

    - The schedule for construction throughout the project area, including the sequence of construction of public grade crossings and approximate schedule for these activities at each crossing.

- A toll-free number for Applicants' contact, who shall be available to answer questions or attend meetings for the purpose of informing emergency-service providers about the project construction and operation.

- Revisions to this information, including changes in construction schedule, as appropriate.

4. Before the start of operations, Applicants shall contact the LEPCs to provide them with information concerning the proposed operations to allow the LEPCs to incorporate the information into local response plans.

5. For each of the public grade crossings on the new and existing rail line, Applicants shall provide and maintain permanent signs prominently displaying both a toll-free telephone number and a unique grade-crossing identification number in compliance with Federal Highway Regulations (23 CFR Part 655). The toll-free number shall be answered 24 hours per day by Applicants' personnel. At the Bay Area Boulevard crossing and the crossing of the northbound on-ramp to SH 146, where Applicants' right-of-way (ROW) is close to another rail carrier's crossing, Applicants shall coordinate with the other rail carrier to establish a procedure regarding reported accidents and grade-crossing device malfunctions.

Hazardous Materials Handling Issues

6. Prior to initiating any project-related construction activities, Applicants shall develop a spill prevention plan for petroleum products or other hazardous materials during construction activities. At a minimum, the spill prevention plan shall address the following:

   - Definition of what constitutes a reportable spill.
   - Requirements and procedures for reporting spills to appropriate government agencies.
   - Methods of containing, recovering, and cleaning up spilled material.
   - Equipment available to respond to spills and location of such equipment.
   - List of government agencies and Applicants' management personnel to be contacted in the event of a spill.

   In the event of a reportable spill, Applicants shall comply with their spill prevention plan and applicable Federal, state, and local regulations pertaining to spill containment and appropriate clean-up.

7. Applicants shall incorporate the new rail line into the existing BNSF Emergency Response Process.

8. Applicants shall continue the ongoing efforts with community officials to identify the public emergency response teams located in the project area and shall provide, upon request, hazardous material training.

9. Applicants shall continue ongoing efforts with NASA to facilitate emergency response plans for NASA facilities located in the vicinity of the new rail line.

10. In accordance with Applicants' System Emergency Response Plan, Applicants shall make the required notifications to the appropriate Federal and state environmental agencies in the event of a reportable hazardous materials release. Applicants shall work with the appropriate agencies such as the USFWS, TPW, and the TCEQ to respond to and remediate releases with the potential to affect wetlands or wildlife habitat(s), particularly those of Federally threatened or endangered species.

NATURAL/BIOLOGICAL RESOURCES

11. Subject to coordination with the USACE, TPW, and other appropriate Federal and state agencies, Applicants shall negotiate for the purchase of approximately 24 acres of bottomland hardwood habitat for conservation. This habitat will be acquired to mitigate for the impacts to riparian habitats of Armand Bayou and Big Island Slough at a ratio of 2 to 1 for the approximately 12 acres of bottomland hardwoods, and a ratio of 3 to 1 for the approximately 0.5 acres of gilgai wetland depressions.

12. To compensate for impacts to non-jurisdictional isolated wetlands associated with remnant coastal prairie habitat along the new line, Applicants shall purchase 24 acres of coastal prairie habitat including five to six acres of isolated wetlands for conservation and open space.

    Potential isolated prairie wetland impacts vary between approximately one acre for Alignments 1 and 1C to six acres for Alignments 2B and 2D. This mitigation will also serve to protect the remnant coastal prairie habitat and Texas prairie dawn (*Hymenoxys texana*) populations identified by the Applicants (see Exhibit 1).

13. Applicants have modified Alignments 1/1C and 2B/2D in the west portion of the project area to avoid all known populations of the Texas prairie dawn. Before construction, Applicants shall temporarily fence the Texas prairie dawn sites to prevent construction-related impacts.

14. If either Alignment 2B or 2D is selected for construction, Applicants will survey the route to determine if the northern caracara (*Caracara cheriway*) is nesting along the ROW. Should a northern caracara nest be located, Applicants will implement appropriate measures to reduce impacts prior to new rail line construction or the nest site will be removed during the non-nesting period.

15. Applicants will implement the current BNSF noxious weed control program during construction and operation of the new line. All herbicides used by BNSF shall have been approved by the Environmental Protection Agency (EPA).

16. During construction, temporary barricades, fencing, and/or flagging will be used in sensitive habitats and potential Texas prairie dawn habitat, as identified in Exhibit 2, to contain project-related impacts to the area within the construction ROW. Staging areas will be

located in previously disturbed sites and not in sensitive habitat areas such as bottomland hardwood or remnant coastal prairie (see Exhibit 2).

17. If any new populations of Texas prairie dawn are identified within the construction area, Applicants shall consult with USFWS and TPW.

18. Applicants shall, to the extent practicable, revegetate the bottom and sides of the drainage ditches using natural recruitment from the native seed sources in the stockpiled topsoil.

WATER RESOURCES/WETLANDS

19. To minimize impacts to Taylor Bayou, Applicants have changed the preferred alignment from Alignment 1 near SH 146 to Alignment 1B at Port Road in order to avoid impacts to 1.4 acres of tidal wetlands associated with Taylor Bayou (see Exhibit 2).

20. Subject to coordination with the USACE, Harris County, Armand Bayou Nature Center, TPW, and National Marine Fisheries Service (NMFS), Applicants shall address slope conditions and perform clean-up of areas impacted by debris historically dumped. This proposed effort will develop 0.4 acres of marsh wetlands east of Taylor Bayou to mitigate for impacts to approximately 0.35 acres of essential fish habitat adjacent to Taylor Bayou (see Exhibits 3A and 3B).

21. In the case where there is a potential for the railroad drainage ditch to influence wetland hydrology, Applicants shall construct low permeability clay berms (wetland berms as depicted in Exhibit 4) adjacent to the drainage channels that would be proximal to the isolated wetlands and the Texas prairie dawn populations. These berms would minimize the impact to surface water drainage from the proposed drainage ditch (see Exhibit 4).

22. Applicants shall install permanent rock check dams within their parallel drainage ditches within 1,000 feet of perennial waters to provide stormwater retention and filtration. Applicants shall maintain drainage ditches as permanent vegetated swales to provide stormwater retention and treatment. Removal of accumulated sediments shall be conducted only as necessary to maintain stormwater retention capacity and function (see Exhibit 5).

23. To minimize sedimentation into streams and waterways during construction, Applicants shall use best management practices, such as silt screens and straw bale dikes, to minimize soil erosion, sedimentation, runoff, and surface instability during project-related construction activities. Applicants shall disturb the smallest area possible around any streams and shall conduct reseeding efforts to ensure proper revegetation of disturbed areas as soon as practicable following project-related construction activities.

24. In order to control erosion, Applicants shall establish staging and lay down areas for project-related construction material and equipment at least 300 feet from jurisdictional waters and in areas that are not environmentally sensitive. Applicants shall not clear any vegetation between the staging area and the waterway or wetlands. To the extent practicable, areas with non-jurisdictional isolated waters will not be used for staging and lay down and will only be impacted when necessary for construction. When project-related

construction activities, such as culvert and bridgework, require work in streambeds, Applicants shall conduct these activities, to the extent practicable, during low-flow conditions.

25. During construction, Applicants shall require all contractors to conduct daily inspections of all equipment for any fuel, lube oil, hydraulic, or antifreeze leaks. If leaks are found, Applicants shall require the contractor to immediately remove the equipment from service and repair or replace it.

26. Applicants shall design all project-related drainage crossing structures to pass a 100-year flood. Applicants shall construct the new rail line in such a way as to maintain current drainage patterns to the extent practicable and not result in new drainage of wetlands.

27. Applicants shall coordinate with the TPW and Harris County to establish a mowing and maintenance plan for the railroad drainage ditches which will balance water quality benefits with the storm water flow characteristics of the ditches.

28. Applicants shall employ best management practices to control turbidity and disturbance to bottom sediments during project-related construction of Applicants' bridge over Taylor Bayou.

29. Applicants shall ensure that any herbicides used in ROW maintenance to control vegetation are approved by the EPA and are applied by licensed individuals who shall limit application to the extent necessary for rail operations. Herbicides shall be applied so as to prevent or minimize drift off of the ROW onto adjacent areas.

30. Applicants shall coordinate with the local Floodplain Administrators (City of Houston, City of Pasadena, and Harris County Flood Control District) to ensure that new project-related stream and floodplain crossings are appropriately designed to minimize impacts.

31. During construction, Applicants shall prohibit project-related construction vehicles from driving in or crossing streams at other than established crossing points.

32. Applicants shall, to the extent practicable, ensure that any fill placed below the ordinary high water line of wetlands and streams is appropriate material selected to minimize impacts to the wetlands and streams. All stream crossing points shall be returned to their pre-construction contours to the extent practicable and the crossing banks will be reseeded or replanted with native species immediately following project-related construction.

33. Applicants shall obtain all Federal permits, including the Clean Water Act Section 404 and Rivers and Harbors Act of 1899 Section 10 permits, required by the USACE for project-related encroachment of jurisdictional waters of the U.S., including wetlands, prior to initiation of any project-related construction.

34. Applicants shall obtain a National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit from EPA for project-related construction activities.

35. Applicants shall obtain a Section 9 Bridge Permit from the U.S. Coast Guard for any project-related activities for construction of new rail bridges over Armand Bayou and Taylor Bayou.

LAND USE

General Land Use

36. Land areas that are directly disturbed by Applicants' project-related construction and are not owned by the Applicants (such as access roads, haul roads, and crane pads) shall be restored to their original condition, as may be reasonably practicable, upon completion of project-related construction.

37. Applicants shall require contractors to dispose of waste generated during project-related construction activities in accordance with all applicable Federal, State, and local regulations.

Community Outreach

38. Prior to initiation of construction activities related to this project, Applicants shall establish a Community Liaison to consult with affected communities, businesses, and agencies; develop cooperative solutions to local concerns; be available for public meetings; and conduct periodic public outreach. Applicants shall establish a Community Liaison to consult with businesses and agencies for a period of one year following start-up of operations on the new rail line. Applicants shall provide the name and phone number of the Community Liaison to mayors and other appropriate local officials in each community through which the new rail line passes.

39. Applicants shall continue their ongoing community outreach efforts by maintaining, throughout the period of construction of the new line, a website about the project.

Residential

40. Applicants' project-related construction vehicles, equipment, and workers shall not access work areas by crossing residential properties without the permission of the property owners.

41. In the unlikely event of any inadvertent damage, Applicants shall work with affected landowners to appropriately redress any damage to each landowner's property caused by Applicants' project-related construction activities.

Business and Industrial

42. Applicants' project-related construction vehicles, equipment, and workers shall not access work areas by crossing business or industrial areas, including parking areas or driveways, without advance notice to the business owner.

43. In business and industrial areas, Applicants' project-related equipment and materials shall be stored in established storage areas or on Applicants' property. Parking of Applicants' equipment or vehicles, or storage of materials along driveways or in parking lots, is prohibited unless agreed to by the property owner.

44. Applicants shall work with affected businesses or industries to appropriately redress project-related construction activity issues affecting any business or industry.

45. To the extent practicable, Applicants shall ensure that entrances and exits for businesses are not obstructed by project-related construction activities, except as required to move equipment.

State Lands

46. Applicants shall consult with the General Land Office (GLO) of Texas and TPW to coordinate an Easement Agreement for crossing State-owned waters, including Armand Bayou Coastal Preserve and Taylor Bayou.

Federal Lands

47. Applicants shall coordinate with NASA on an appropriate design for crossing NASA's private roadway leading to Ellington Field to ensure large, oversized objects may cross the rail line without unreasonable interference.

Utility Corridors

48. Applicants shall make reasonable efforts to identify all utilities that are reasonably expected to be materially affected by the proposed construction within its existing ROW or that cross its existing ROW. Applicants shall notify the owner of each such utility identified prior to project-related construction activities and coordinate with the owner to minimize damage to utilities. Applicants shall also consult with utility owners to design the rail line so that utilities are protected during project-related construction activities.

49. Applicants will use the services of a qualified pipeline engineering firm that is familiar with the project area to assist in the identification of the various pipeline crossings and to assist in the design of crossings as necessary for project-related construction activities.

GEOLOGY AND SOILS

50. Applicants shall limit ground disturbance to only the areas necessary for project-related construction activities.

51. During project-related earthmoving activities, Applicants shall remove topsoil and segregate it from subsoil. Applicants shall also stockpile topsoil for later application during reclamation of disturbed areas along the ROW. Applicants shall place the topsoil stockpiles in areas that would minimize the potential for erosion and use appropriate erosion control measures around all stockpiles to prevent erosion.

52. Applicants shall commence reclamation of disturbed areas as soon as practicable after project-related construction ends along a particular stretch of rail line. The goal of reclamation shall be the rapid and permanent reestablishment of native ground cover on disturbed areas. If weather or season precludes the prompt reestablishment of vegetation, Applicants shall use measures such as mulching or erosion control blankets to prevent erosion until reseeding can be completed.

53. Prior to initiating project-related construction activities, Applicants shall consult with the local offices of the Natural Resource Conservation Service (NRCS), TPW, and TxDOT to develop an appropriate plan for restoration and revegetation of the disturbed areas (including appropriate seed mix specifications).

54. During construction activity, Applicants shall take reasonable steps to ensure contractors use fill material appropriate for the project area.

RECREATION

55. Applicants shall coordinate with the U.S. Coast Guard and TPW to provide adequate clearances for navigation of recreational boats on the Armand Bayou and Taylor Bayou at the location of any project-related construction of the Applicants' bridge across the bayous.

56. During construction, Applicants shall install warning devices to notify boaters of project-related bridge construction activities and the location of an Alternative navigation route.

57. To minimize impacts where the new San Jacinto Rail Limited (SJRL) line crosses a proposed bike trail at Red Bluff Road, Applicants shall coordinate with the City of Pasadena to modify the bike trail either by rerouting it under the Armand Bayou bridge or by building a crossing for the bike trail as part of the Red Bluff overpass.

58. If Applicants build any variations of Alignment 2, Applicants will work with the City of Pasadena to design and construct a new entrance to Pasadena's Golf Course to improve the ingress and egress of the entrance (see Exhibit 6).

TRANSPORTATION

59. To the extent practicable, Applicants shall confine all project-related construction traffic to a temporary access road within the ROW or established public roads. Where traffic cannot be confined to temporary access roads or established public roads, Applicants shall make necessary arrangements with landowners to gain access from private roadways. The temporary access roads shall be used only during project-related construction. Any temporary access roads constructed outside the rail line ROW shall be removed and restored upon completion of construction unless otherwise agreed to with the landowners.

60. Applicants shall work with Harris County to build grade-separated crossings at Space Center Boulevard and Red Bluff Road. The Space Center Boulevard grade separation is contingent upon approval of the FAA.

61. If Applicants build any variation of Alignment 1, Applicants shall install power switches at Graham Siding to minimize traffic congestion on the existing Union Pacific Railroad (UP) track (GH&H) and major highway intersections, especially around Ellington Field.

62. If Applicants build any variation of Alignment 2, Applicants shall install a power switch at the turnout on the GH&H to minimize traffic congestion on the existing UP track and major highway intersections.

63. Subject to the acquisition of trackage rights or trackage rights modifications that may be needed, BNSF will revise its routing for Bayport traffic flows between Bayport Rail Terminal through the City of Houston's East End in order to:

    - Bypass and avoid use of New South Yard;

    - Avoid reverse movements of Bayport traffic into and at T&NO Junction which affect local traffic at the intersection of Griggs and Mykawa Roads; and

    - Divert Bayport traffic away from a concentrated area of at-grade crossings on the East Belt between New South Yard and Polk Street (including avoidance of East Belt road crossings at Telephone Road, Lawndale, Pease, Leland, Bell, Clay and Polk Streets). Outbound trains containing Bayport traffic would run from the Bayport Rail Terminal to the GH&H line, interchanging to the East Belt trackage near Tower 85, for movement to Dayton Yard. Inbound trains destined to the Bayport Rail Terminal from Dayton Yard would operate over the same route.

AIR QUALITY

64. To minimize fugitive dust emissions created during project-related construction activities, Applicants shall implement appropriate fugitive dust suppression controls, such as spraying water or other approved measures. Applicants shall also regularly operate water trucks on haul roads to reduce dust.

65. Applicants shall continue to remain a party to and continue participation under Statement of Principles – Houston Galveston Ozone Non-attainment Area Railroad Program, December 4, 2000, addressing air emissions from train operations.

66. Applicants shall work with their contractors to make sure that construction equipment is properly maintained and that mufflers and other required pollution-control devices are in working condition in order to limit construction-related air emissions.

NOISE AND VIBRATION

67. Applicants shall work with their construction contractors to minimize, to the extent practicable, construction-related noise disturbances near any residential areas.

68. Applicants shall use continuously welded rail (CWR) and rail lubricants, as appropriate, on the newly constructed line in order to reduce wheel/rail wayside noise.

69. Applicants shall work with the community and Harris County to install quad gates, or other supplementary safety measures, in order to provide the level of warning necessary to allow the community to request a waiver from Federal Railroad Administration (FRA) of the requirement to sound the horn if the crossing of Space Center Boulevard cannot be grade separated.

70. Applicants shall maintain project-related construction and maintenance vehicles in good working order with properly functioning mufflers to control noise.

CULTURAL/PALEONTOLOGICAL RESOURCES

71. Although no significant impacts should occur to cultural resources based on pedestrian surveys, the Applicants shall inform construction supervisors of the importance of protecting archaeological resources, graves, and other cultural resources and how to recognize and treat the resources.

ENVIRONMENTAL JUSTICE

72. Applicants shall continue to participate as a member of the East End Mobility Task Force to review transportation impacts on East End neighborhoods.

73. Applicants shall continue ongoing efforts with community officials to identify elementary, middle, and high schools within 0.5 miles of the rail line over which BNSF will operate between the Bayport Industrial District and Tower 30. Applicants shall provide, upon request, informational materials concerning railroad safety to such identified schools.

MISCELLANEOUS

74. During project-related construction of at-grade crossings, when practicable, Applicants shall provide for detours and associated signage, as appropriate, or maintain at least one open lane of traffic at all times to allow for the quick passage of emergency and other vehicles.

75. In undertaking project-related construction activities, Applicants shall use practices recommended by American Railway Engineering and Maintenance of Way Association (AREMA) and recommended standards for track construction in the AREMA Manual for Railway Engineering. Applicants shall maintain the track and provide for track inspection in compliance with FRA requirements under 49 CFR Part 213.

MONITORING AND ENFORCEMENT

76. With respect to the habitat restoration discussed in conditions 11, 12, and 20, Applicants shall submit to the Section for Environmental Analysis annual reports on the status of its mitigation during the period of construction through the first three growing seasons or until satisfactory restoration has occurred.