

STB

FD-33388

4-20-00

K

198275

198275

SIDLEY & AUSTIN
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

CHICAGO
DALLAS
LOS ANGELES
NEW YORK

1722 EYE STREET, N.W.
WASHINGTON, D.C. 20006
TELEPHONE 202 736 8000
FACSIMILE 202 736 8711

HONG KONG
LONDON
SHANGHAI
SINGAPORE
TOKYO

FOUNDED 1866

WRITER'S DIRECT NUMBER
(202) 736-8071



WRITER'S E-MAIL ADDRESS
csadler@sidley.com

April 20, 2000

BY HAND DELIVERY – Original and 25 Copies

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
Room 700
1925 K Street, N.W.
Washington, D.C. 20423

ENTERED
Office of the Secretary

APR 21 2000

Part of
Public Record

Re: Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Railway Company – Control and Operating Leases/ Agreements – Conrail, Inc. and Consolidated Rail Corporation

Subject: Negotiated Agreement with Indiana Dept. of Transportation re: Anthony Boulevard, Fort Wayne, Allen County, Indiana

Dear Secretary Williams:

Norfolk Southern Corporation and Norfolk Southern Railway Company hereby submit a signed Negotiated Agreement, Draft of August 16, 1999, with the Indiana Department of Transportation (INDOT) pursuant to Condition 8(A) of Appendix Q of the Board's Decision No. 89 in the above-referenced docket. The Negotiated Agreement provides that flashing lights with gates, bells and track circuit upgrades be installed at the Norfolk Southern grade crossing at Anthony Boulevard in Fort Wayne, Indiana. Subsequently, the Railroad Section of the Office of Intermodal Transportation of INDOT issued an order, dated September 20, 1999, requiring Norfolk Southern to comply with the terms of the Negotiated Agreement "for the installation of flashing light signals with gates and bell and upgrade the track circuits at Anthony Boulevard, Fort Wayne, Allen County, Indiana, AAR-DOT 478 226 J, Project No. STP-F016(011)." A copy of the September 20, 1999 INDOT order is also enclosed.

Condition 8(A) requires, *inter alia*, that "4-Quadrant Gates, or Alternative Mitigation such as Median Barriers" be installed at the Anthony Boulevard grade crossing. Alternatively, Condition 8(A) provides that Norfolk Southern may satisfy this requirement by entering into a negotiated agreement with the affected local jurisdiction and the state department of transportation to provide for "alternative safety improvements in the vicinity of the [identified highway/rail at-grade crossing] that achieve at least an equivalent level of safety enhancement."

The Honorable Vernon A. Williams

April 20, 2000

Page 2

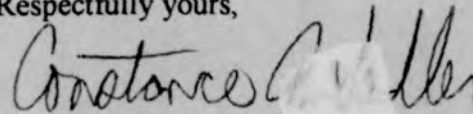
In accordance with Condition 8(A), INDOT and Norfolk Southern agreed that the Anthony Boulevard grade crossing was not conducive to the installation and operation of either four-quadrant gates or median barriers, due to the physical lay-out of the highway/railroad intersection, a nearby highway intersection and vehicular traffic patterns. An alternative package of grade crossing safety enhancements was determined by INDOT and Norfolk Southern to provide the preferred grade crossing improvements for Anthony Boulevard crossing: installation of additional 12" flashing lights on a separate mast in the southwest quadrant of the grade crossing; replacement of the existing 8" flashing lights with 12" flashing lights; extension of the gate tips to approximately 26', such that the tips will extend beyond the centerline of the roadway; and installation of the most recently upgraded constant warning time circuitry.

The Negotiated Agreement effectuates the STB's preference for privately negotiated solutions stated in Decision No. 89 (slip op. at 153): "[To] give effect to privately negotiated solutions whenever possible, we clarify that negotiated agreements will remain available as an alternative to the local and site-specific mitigation imposed here (for example, specific grade crossing upgrade mitigation, real time monitoring for emergency response delay, or noise mitigation)."

Norfolk Southern requests that Condition 8(A) of Appendix Q of Decision No. 89 be amended by deleting the reference to the alternative installation of four-quadrant gates or median barriers at the Anthony Boulevard grade crossing in Fort Wayne, Allen County, Indiana and that Condition 51 of Appendix Q be amended by adding the enclosed Negotiated Agreement and the September 20, 1999 Railroad Section Order of the Office of Intermodal Transportation of the Indiana Department of Transportation to Condition 51.

Thank you for your assistance in this matter. Please contact me at (202) 736-8071 if you have any questions about this submission.

Respectfully yours,



Constance A. Sadler
Counsel for Norfolk Southern Corporation and
Norfolk Southern Railway Company

Enclosure

cc: Elaine K. Kaiser
Larry J. Shaw, Rail Projects Mgr., Div. of Design Railroad Unit, INDOT

NORFOLK SOUTHERN

INDIANA DEPARTMENT OF TRANSPORTATION
OFFICE OF INTERMODAL TRANSPORTATION

SEP 24 1999

RAILROAD SECTION

C & S ENG.

September 20, 1999

IN RE:	THE INDIANA DEPARTMENT OF)	CAUSE NO.
	TRANSPORTATION,)	DOT-RR-1311
)	
	AND)	
)	
	NORFOLK SOUTHERN RAILWAY COMPANY)	
)	
	AND)	
)	
	THE INDIANA UTILITY CONSUMER)	
	COUNSELOR)	

RAILROAD SECTION ORDER

Whereas:

1. The Indiana Department of Transportation has entered into an agreement with Norfolk Southern Railway for the installation of flashing light signals with gates and bell and upgrade the track circuits at Anthony Boulevard, Allen County, Indiana, AAR-DOT 478 226 J, Project No. STP-F016(011).
2. The Indiana Department of Transportation on September 17, 1999, authorized Norfolk Southern Railway to proceed with the installation of said warning devices.

Therefore:

In accordance with Indiana Code 4-21.5-3.

IT IS ORDERED:

1. Norfolk Southern Railway shall comply with all the terms of said agreement and authorization to proceed.
2. Norfolk Southern Railway shall complete the installation of said warning devices within 12 months of the receipt of this Order.
3. Pursuant to Indiana Code 8-6-7.7-4, failure to comply with this Order may result in a fine of up to \$1000.00 per day for each and every day the installation is late.

Page 2
September 20, 1999
DOT-RR-1311
INDOT, Railroad Section Order

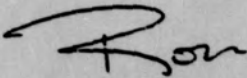
If you disagree with this determination, you are allowed fifteen (15) days from receipt of this Order to file your written Petition for Review. The Petition for Review must state the facts required by Indiana Code 4-21.5-3-7, specifically:

- A. The petitioner is a person to whom the Order is specifically directed;
- B. The petitioners is aggrieved or adversely affected by the Order; or
- C. The petitioner is entitled to review under any law.

The Petition for Review must be sent to the address below:

Railroad Section Manager
Indiana Department of Transportation
Intermodal Transportation, Railroad Section
Indiana Government Center North, Room 901
100 North Senate Avenue
Indianapolis, Indiana 46204

Sincerely,



Ron Thomas
Section Manager

Page 3
September 20, 1999
DOT-RR-1311
INDOT, Railroad Section Order

Mr. John C. Duffey
Resident Agent
Norfolk Southern Corporation
300 Main Street, Suite 800
P. O. Box 1010
Lafayette, IN 47902-1010

Certified Mail

Mr. Richard Ray
Administrator Grade Crossing Programs
Norfolk Southern Corporation
Box 142
99 Spring Street S. W.
Atlanta, GA 30303

Certified Mail

Mr. Timothy L. Stewart
Assistant Utility Consumer
Indiana Utility Consumer Counselor
Indiana Government Center North, Room 501
100 North Senate Avenue
Indianapolis, Indiana 46204

Inter-Departmental Mail

Mr. Jedd Copenhaver
Utilities & Railroads Coordinator
Indiana Department of Transportation
Fort Wayne District
5333 Hatfield Road
Fort Wayne, IN 46808

Inter-Departmental Mail

Mr. Larry J. Shaw, PE
Rail Projects Manager
Indiana Department of Transportation
Division of Design
Indiana Government Center North, Room 642
100 North Senate Avenue
Indianapolis, Indiana 46204

Inter-Departmental Mail

CC: Mr. Larry Goode, INDOT

File: 1311 12-Month Order

Bcc: Mr. Copenhaver
Mr. Hedge/Mr. Hutton
Mr. Thomas.
Mr. Shaw
Mr. Reese/File

September 17, 1999

Mr. Rick Ray
Administrator Grade Crossing Programs
Norfolk Southern Corporation
99 Spring Street, SW
Atlanta, Georgia 30303

CROSSING IMPROVEMENT

Project No.: STP-F016 (011)
AAR No.: 478 226J
Anthony Boulevard in Fort Wayne
Allen County, Indiana
Des #: 9982070

Dear Mr. Ray:

We are transmitting herewith one original copy of the fully executed and approved Agreement, Draft of August 16, 1999, between the State of Indiana and Norfolk Southern Railway Company covering construction and maintenance of a grade crossing project to install flashing light signals with gates and bells and upgrade the track circuits.

Effective the date of this letter, your company is **authorized** to purchase the necessary materials and proceed with the force account work as noted in the enclosed agreement.

The construction of this grade crossing project is under the jurisdiction of Mr. Jedd Copenhaver, our Fort Wayne District Railroad Coordinator. It is **required** that your construction representative notify Mr. Copenhaver a minimum of fourteen calendar days prior to start of construction. Upon notification, Mr. Copenhaver will meet with your construction representative at the project site to insure that the project is constructable as designed, the appropriate materials have been secured, and to stake out the location of the foundations. Your company is **responsible** for having the utilities marked prior to this meeting. Mr. Copenhaver may be reached at Indiana Department of Transportation, Fort Wayne District, 5333 Hatfield Road, Fort Wayne, Indiana 46808, telephone (219)484-9541, fax (219)471-1039.

Mr. Ray
Page 2 of 2
September 17, 1999
Our file #: 9982070

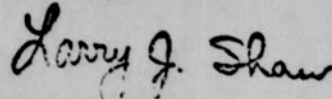
Please be advised that failure to abide by the notification requirement and/or failure to schedule a pre-construction meeting at the project site with Indiana Department of Transportation representative(s) may result in unsatisfactory project work. Costs incurred, due to such unsatisfactory project work, that are determined to be attributable to the railroad's improper coordination **will be denied.**

To insure prompt payment of any of your billings to us for this work, please remind your billing department to include the following information on each bill:

Location: Anthony Boulevard in Fort Wayne
Allen County, Indiana
AAR/DOT #: 478 226J
Project No.: STP-F016 (011)
Our file #: 9982070

Please acknowledge receipt of this notification with the name, title, address, telephone number, pager number, and cellular phone number of the field person in charge of your company's work. Should you have any questions or be in need of further assistance, please contact Mr. Steve Reese of this office at (317) 232-5307 or myself at (317) 233-3701.

Sincerely,



Larry J. Shaw, P.E.
Rail Projects Manager

LJS/slr

Enclosure

RAILROAD COPY

SUPPLEMENT TO MASTER AGREEMENT

Project #: STP-F016 (011) Draft of: August 16, 1999
 INDOT File #: 9982070 Railroad File #: N/A
 Road: Anthony Blvd AAR/DOT #: 478 226J
 Location: In Fort Wayne, Allen County, Indiana

In accordance with the provisions of the Master Agreement between the State of Indiana and The
 * Norfolk and Western Railway Company, entered into March 16, 1976, the parties hereto agree:

That the Railroad will install new flashing light signals with gates and bell and upgrade the track circuits at Anthony Blvd. crossing in accordance with the State of Indiana Special Provisions for "Installation of Active Warning Devices at Highway-Railway Grade Crossings", revised March 6, 1997, which are incorporated and made a part hereof by reference and applicable provisions of Part VIII of the 1988 edition of the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways, and any subsequent amendments, revisions or supplements thereto.

That the "project expense" will be distributed per the August 9, 1999 letter from Norfolk Southern Railway Company to the Indiana Department of Transportation, attached hereto as Exhibit 4. This supercedes Section 9 of the Master Agreement.

The location of the project is shown on Exhibit 1. The "project work" is shown on Exhibit 2 and the "project expense" is listed on Exhibit 3. Said exhibits are attached hereto and made a part hereof.

This Supplement shall be binding upon the parties hereto and their successors or assigns.

 NORFOLK SOUTHERN RAILWAY COMPANY
 NORFOLK SOUTHERN CORPORATION
 LHG

State of Indiana

By: ELR Comstock
 Printed Name: E. R. Comstock
 Title: General Manager
 Date: September 9, 1999

By: Phelps H. Klika
 Phelps H. Klika, P.E.
 Chief, Division of Design
 Indiana Department of Transportation
 Date Approved: 9/15/99

*Norfolk and Western Railway Company (Norfolk Southern Railway Company, successor by merger)

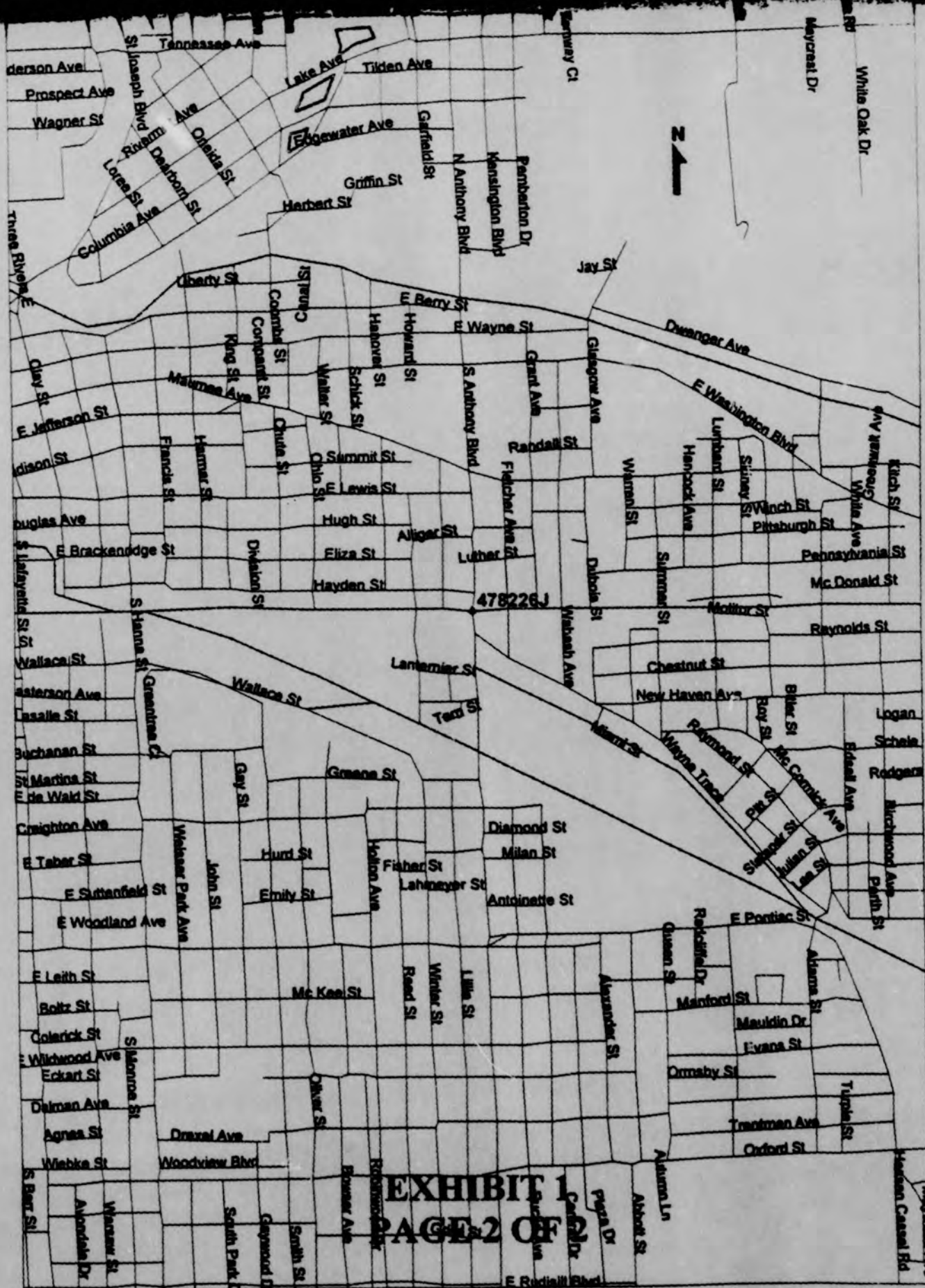
Norfolk Southern Corporation

STP-F016 (011)

9982060

Anthony Road

EXHIBIT N
PAGE 1 OF 2



TO MONITOR JEP ON

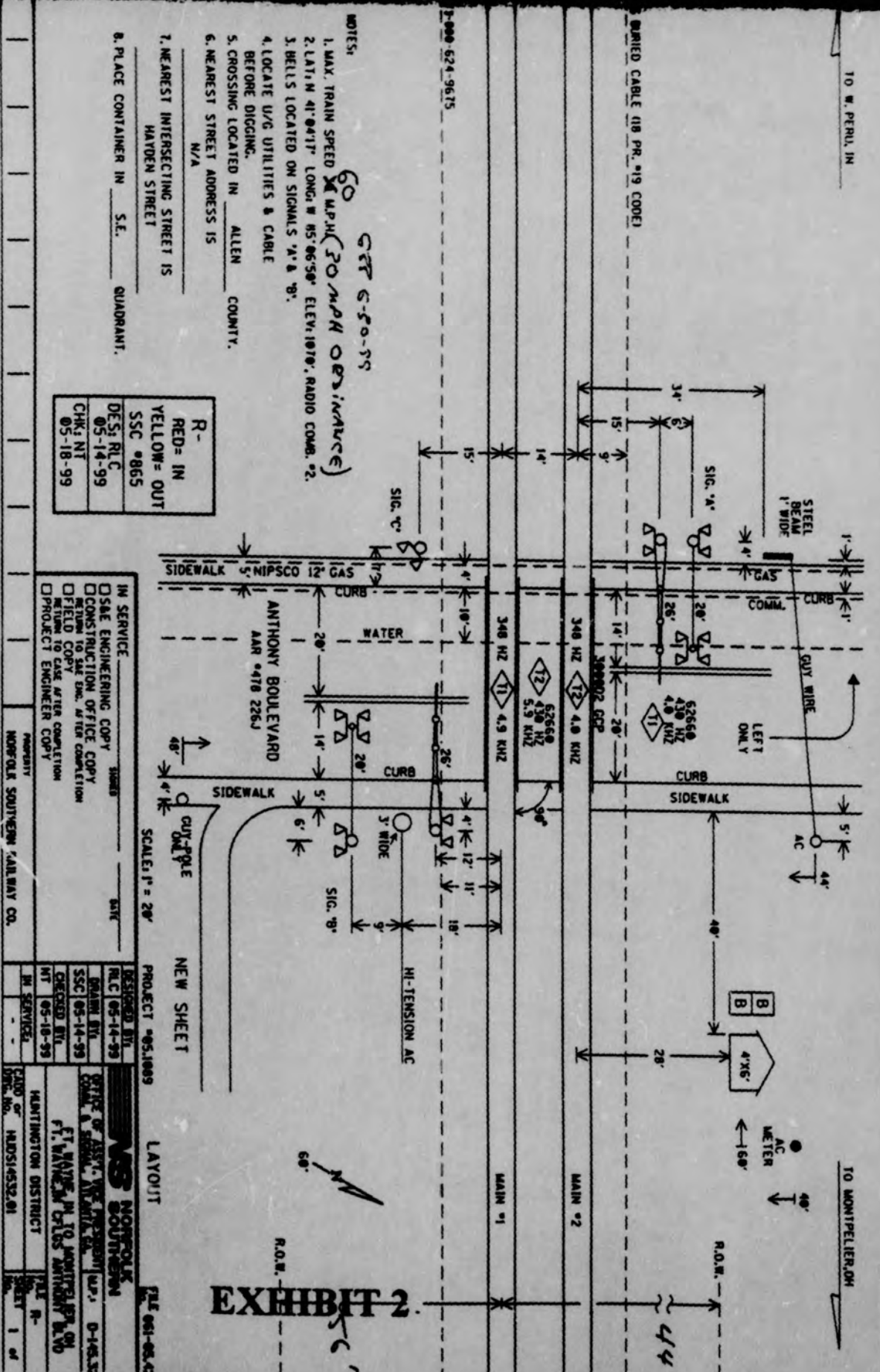


EXHIBIT 2.

City/State: FORT WAYNE, IN
MilePost: D-145.32
State Proj. No.: STB
S&E Proj. No.: 05.1089
Man Days: 64

Road: ANTHONY BOULEVA
DOT/AAR: 478226J
County: ALLEN
AFE:
File Number: 061-05.424

*****Purchases - Other*****

Meals and Lodging:	\$4,030.00	
Rental of Equipment:	\$8,810.00	
(2 Trucks, 1 Backhoe w/ Trailer and 1 Pipe-Pusher for 16 Days)		
Construction Supervision Vehicle:	\$170.00	
Contingencies:	\$520.00	
Purchases - Other Total:		\$13,530.00

***** Material and Additives*****

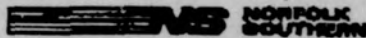
Material Cost:	\$51,180.00	
Sales and Use Tax:	\$0.00	
Material Handling Freight:	\$4,860.00	
Material Total:		\$56,040.00

*****Labor and Additives*****

Labor Cost:	\$10,370.00	
(4 man crew at \$648.00 a day for: 16 days)		
Payroll Tax & Overheads:	\$8,980.00	
Preliminary Engineering:	\$2,950.00	
Construction Supervision:	\$2,930.00	
Labor Total:		\$25,230.00
Subtotal:		<u>\$94,800.00</u>
Credit:		\$0.00
(Salvage/Scrap)		
Project Total:		<u><u>\$94,800.00</u></u>

Estimated on 26-Jun-99

Estimated by: gbbankie



26-Jun-99

Detailed Estimate for Grade Crossing Warning Devices

City/State: FORT WAYNE, IN
 MilePost: D-145.32
 State Proj. No.: STB
 S&E Proj. No.: 05.1089
 Man Days: 64

Road: ANTHONY BOULEVA
 DOT/AAR: 478226J
 County: ALLEN
 AFE:
 File Number: 081-05.424

---Purchases - Other---

Meals and Lodging:	\$4,030.00	
Rental of Equipment:	\$8,810.00	
(2 Trucks, 1 Backhoe w/ Trailer and 1 Pipe-Pusher for 18 Days)		
Construction Supervision Vehicle:	\$170.00	
Contingencies:	\$520.00	
Purchases - Other Total:		\$13,530.00

---Material and Additives---

Material Cost:	\$51,180.00	
Sales and Use Tax:	\$0.00	
Material Handling Freight:	\$4,000.00	
Material Total:		\$55,040.00

---Labor and Additives---

Labor Cost:	\$10,370.00	
(4 man crew at \$848.00 a day for: 18 days)		
Payroll Tax & Overheads:	\$6,800.00	
Preliminary Engineering:	\$2,950.00	
Construction Supervision:	\$2,830.00	
Labor Total:		\$25,230.00
Subtotal:		\$94,800.00
Credit: (Salvage/Scrap)		\$0.00
Project Total:		\$94,800.00

Estimated on 26-Jun-99

Estimated by: gbbanide

EXHIBIT 3
 Estimate valid for 1 year from date of estimate
PAGE 1 OF 6

Highway Crossing Signalization Programs - Material List

Do not substitute items without permission from S & E Engineering

EXHIBIT 3
PAGE 2 OF 6

City:	FORT WAYNE
Road:	ANTHONY BOULEVARD
Milepost:	D-145.32
Drawing Number:	HUDS14532
State Project Number:	STB
County:	ALLEN
A A R Number:	478226J
Project Number:	05.1089
File Number:	061-05.424
A F E Number:	
Store Number:	
Supervisor:	M.E. VAWTER
Tax Code:	1300
<p>Vendor to supply the following copies after pricing:</p> <ul style="list-style-type: none"> 1 Set - Material Management with original invoice 2 Sets - with plans shipped in car with material 1 Set - S&E Gen. Supl. Construction w/ copy of invoice 	

Jun 26, 1989

00 15:30 FR N.S. SIGNAL ENGINEER 404 527 2901 TO 712027368711

P.04/09

Location: FORT WAYNE IN S&E Proj. No.: 05.1089

AFE No.:

Drawing No.: HUDS14532

Page 1/4

Store No.:

P.O. Number:

Date Required:

Date Shipped:

Vendor: Safetran Systems Corp.

Qty.	Class-Item-CD	U	Price per Item	Total Price	Item Description	Quantity Shipped	Quantity Installed			Quantity Returned (Credit)	Special Instructions
							Date	Date	Date		
4	670-380803-4	EA	\$4.71	\$18.84	AARVOOT NUMBER PLATE/DECAL ORDER 3 PER PROJECT. 60 DAY LEAD TIME. SUPPLIED BY SYTRAN						
2	670-005787-4	EA	\$48.33	\$96.70	ADAPTER, BELL WITH SET SCREW 4" TO 12". MODERN 54-00183 SAFETRAH 34662-X, PRE-WIRED						
2	670-601404-4	EA	\$319.50	\$639.00	ARM, GATE FIBERGLASS-ALUMINUM 25-31 FT. L&W OR U845 OR SAFETRAH 070000-320617 OR						
10	670-178088-4	EA	\$37.26	\$372.60	ARRESTOR, LIGHTNING HEAVY DUTY CLEAR VIEW SAFETRAH 882585-4X WITH PORCELAIN BASE						
2	670-509047-4	EA	\$181.50	\$363.00	BELL, CROSSING ELECTRONIC GENERAL SIGNAL, EB-3-380-4 CR 02-044350						
2	670-168035-4	EA	\$1,608.00	\$3,216.00	BRACKET, GENERAL SIGNALS, INC. SK-1000, SPRING LOADED ADAPTOR FOR ALGATES 2" OR LESS, NORMAL						
2	670-00877-4	EA	\$55.65	\$111.30	BRACKET, HIGH WIND SUPPORT HARMON 654-00138, SEPROM 65044 SAFETRAH 070003-570X						
2	670-788642-4	LF	\$9.00	\$18.00	CABLE, U-3-8 TWISTED, 8-38 OKONITE 113-12-3833 SOLID TINNED CONDUCTOR						
300	465-222828-4	LF	\$2.83	\$1,465.00	CABLE, U.G. 5 COND. NO. 8 AWG SOLID COPPER CABLE TO MEET NS CORP. SPEC. FOR SIGNAL						
600	465-953181-4	LF	\$1.91	\$1,146.00	CABLE, UG 5 CONDUCTOR NO 8 AWG SOLID EACH CONDUCTOR WITH 5/64 IN INSULATION 10 MIL FLAT						
400	465-454727-4	LF	\$1.55	\$620.00	CABLE, UG 7 CONDUCTOR NO 14 AWG SOLID EACH CONDUCTOR WITH 5/64 IN INSULATION 10 MIL FLAT						
100	165-544477-4	FT	\$1.85	\$273.00	CONDUIT, 4 1/2" PVC, SCHEDULE 80 BELL CONNECTOR AT ONE END, 1/2 FT. GLUE IN KIT 670-133298-4						
3	165-298316-4	EA	\$18.50	\$55.50	CONDUIT, PVC CASE OUTLET 4 IN. X 28-1/2 IN. SCHEDULE-80 WITH 4 PL. COUPLING, CARLON ED40N.						
4	670-642114-4	EA	\$34.41	\$137.64	CONNECTION, F&R RAIL, W/ RETAINER CLIP OVERSIZED END. 85-201, SEPROM 651000-2.						

APPROVED BY STATE

APPROVED BY RAILROAD

CAR NUMBER

SEAL NUMBER

PAGE 3 OF 6

APR 19 '00 15:31 FR N.S. SIGNAL ENGINEER 404 527 2901 TO 712027368711

P.05/09

Location: FORT WAYNE IN S&E Proj. No.: 95.5068 AFE No.: Drawing No.: HUDS14532 Page 2/4
 Store No.: P.O. Number: Date Request: Date Shipped: Vendor: Saltrix Systems Corp.

Qty.	Class-Item-CD	U	Price per Item	Total Price	Item Description	Quantity Shipped	Quantity Installed			Quantity Returned (Credit)	Special Instructions
							Date	Quan.	Date	Quan.	
4	670-643046-4	EA	\$34.41	\$137.64	CONNECTION, NEAR RAIL W/ RETAINER CLIP DIVERSIFIED ENG. 66-200, SERRVAL 1000-1,						
2	670-794453-4	EA	\$884.77	\$1,769.54	COUNTERWEIGHT PKAGE, 24-31" GATE STAN S- MECH ONLY, STAINLESS TO INCLUDE HMB, SUPPORT ARMS						
3	670-080337-4	EA	\$0.71	\$2.13	DECAL, XING SIGNAL MALFUNCTION 11" X 4", GATE MOUNT						
4	670-077544-4	EA	\$0.43	\$2.12	DECAL, XING SIGNAL MALFUNCTION 6" X 6", MAST MOUNT						
1	670-988830-4	EA	\$353.00	\$353.00	DISPOSAL, CONSTRUCTION DEBRIS AND CLEANING XING EQUIPMENT CONTAINER						
1	670-228106-4	EA	\$10.48	\$10.48	EQUALIZER, SAFETRAP 022709-1X LBS BASE, MODERN NO. 700-1 SHUNT ARRESTER TRACK CIRCUITS CR 18-187860						
1	670-015223-4	EA	\$306.70	\$306.70	FOUNDATION, DOSE S-1 ASSEMBLED FOR 4" MAST CROSSING SIGNAL 4" HIGH						
1	670-123296-4	EA	\$166.36	\$166.36	KIT, HARDWARE SUPPLIES REQUIRED XING PKAGES, TAPE, AMPS, P/GUM PAINT, SLEEVES, TAGS, GLUE, ETC..						
2	670-724041-4	EA	\$422.82	\$845.64	LAMP ASSY, 12" MAST MTG. (OLD) 1W END. 30" BKGRD, FLX-12 W/BULB OLD STRAN 042003-481205						
1	670-745798-4	EA	\$479.05	\$479.05	LAMP ASSY, 4" ORD. MAST MTG. 1W END. 30" BKGRD, FLX-12 W/BULB STRAN 042003-481205						
2	670-724734-4	EA	\$793.82	\$1,587.64	LAMP ASSY, 4" JURY MAST MTG. (OLD, USE 670-438879-4) 2 W END. 30" BKGRD, FLX-12 W/BULB OLD STRAN 042003-481205						
2	670-816588-4	EA	\$528.40	\$1,056.80	LAMP ASSY, 5" MAST MTG. 1W END. 20" BKGRD, BACK LTR FLX-12 W/BULB STRAN 042003-481205						
6	165-643547-4	EA	\$8.24	\$49.44	LAMP, 18 WATT 10 VOLT 8-11 SC BAY 1851W1SC CLEAR RHY SIGNAL W-71463 OE						
2	255-590088-4	EA	\$16.26	\$32.52	LOCK, AMERICAN LOCK MODEL H-16KA KEVED ALIKE TO PRIVATE KEYWAY D488 AND STAMPED "NS SIG"						

PAGE 4 OF 6

APPROVED BY STATE

APPROVED BY RAILROAD

CAR NUMBER

SEAL NUMBER

APR 19 '00 15:31 FR N.S. SIGNAL ENGINEER 404 527 2901 TO 712027368711

P.06-09

Location: FORT WAYNE IN S&E Proj. No.: 05.1080

APE No.:

Drawing No.: HUD514532

Page 2/4

Store No.:

P.O. Number:

Date Required:

Date Shipped:

Vendor: Safetran Systems Corp.

Qty.	Class-Item-CD	UT	Price per item	Total Price	Item Description	Quantity Shipped	Quantity Installed			Quantity Returned (Credit)	Special Instructions
							Date	Date	Date		
1	870-001074-4	EA	\$545.90	\$545.90	MAST, 4' ALUMINUM 1 3/8" WITH JCT. BOX BASE W/RODENT PLAT SERRAM NO. A8061						
4	870-001172-4	EA	\$384.58	\$3,538.72	MAST, 6' ALUMINUM 1 3/8" WITH SINGLE JCT. BOX BASE W/RODENT PL. HARMON #250580-002, SERRAM A8071						
2	870-008127-4	EA	\$2,630.75	\$5,261.50	MECHANISM GATE MODEL 848, COMPLETE W/RELAY 3" TRAM # 074008-W000087						
4	870-700488-4	EA	\$1,102.50	\$4,410.00	MODULE, MULTI FREQUENCY ISLAND SAFETRAN 880E(1 FOR 300000P						
1	870-000844-4	EA	\$2,729.00	\$2,729.00	MONITOR, HIGHWAY XING, DEMAND SIGNAL W/QUAD SENSOR, NO RADIO, INCLUDES WIRING AND INSTALLATION						
2	870-001338-4	EA	\$48.35	\$96.70	PACKAGE, HARDWARE SIGN 4 BL MOUNTING, SERRAM A1230-4, HARMON #180005/0008,						
2	870-514605-4	EA	\$9.24	\$18.48	Pinnacle, W-C SECT 1-11, 4" x 5" REF K1 110-8 CR SAFETRAN NO. #030045-602X						
1	870-000178-4	EA	\$14,281.00	\$14,281.00	PREDICTOR, DUAL FREQ. 300002 2 TRACK, SAFETRAN #8102-00118-4 NO ISLAND, W/PROCESSOR 88214						
1	810-353248-4	EA	\$357.50	\$357.50	RADIO, PITRON, FREQUENCY COMBO #2, CH 1 - 180.440MHZ, CH 2 - 180.880MHZ,						
4	485-002898-4	EA	\$50.40	\$201.60	REEL, CABLE DISPOSABLE FOR CROSSING SIGNAL PACKAGES						
4	870-588947-4	EA	\$33.95	\$135.80	SHUNT COVER W/AG 8 SCREWS, 16"X10", SERRAM #80271, ORDER 1 PER SHUNT						
4	870-052773-4	EA	\$458.00	\$1,832.00	SHUNT, MULTI-FREQ. #82775-1543 SAFETRAN NARROW BAND						
1	870-808848-4	EA	\$55.13	\$55.13	SIGN, K-BUCK, LESS HARDWARE, SAFETRAN 035300-X CR 02-480548						
1	870-393089-4	EA	\$42.00	\$42.00	SIGN, "2 TRACKS" LESS HARDWARE SAFETRAN 035307-2X						

PAGE 5 OF 6

APPROVED BY STATE

APPROVED BY RAILROAD

CAR NUMBER

SEAL NUMBER

APR 19 '00 15:31 FR N.S. SIGNAL ENGINEER 404 527 2501 TO 712027368711

P.07/09

Location: FORT WAYNE IN S&E Proj. No.: 68.1089 AFE No.: Drawing No.: HUDS14532 Page 4/4
 Store No.: P.O. Number: Date Required: Date Shipped: Vendor: Salestrom Systems Corp.

Qty.	Class-Item-CD	U/I	Price per Item	Total Price	Item Description	Quantity Shipped	Quantity Installed			Quantity Returned (Credit)	Special Instructions
							Date	Date	Date		
2	870-008438-4	EA	\$10.20	\$20.00	TAPE, 4" X 66" REFLECTIVE APPLY TO BACK OF X-BUCK SIGN. ONLY IN AL, IN, IL, AL. 005200-365X						
1	870-330382-4	RL	\$10.50	\$10.50	TAPE, THOR 3" DURATEC, ORANGE 1000' LENGTHS. "WARNING STOP DIGGING"						
1	165-888004-4	EA	\$237.03	\$237.03	TRANSFORMER, TYPE 750, SLT-60, 110/115 VAC 60 AMPERES SAFETRAM 0100270-50X, CR 02-420004						
500	165-870029-4	LF	\$0.16	\$80.00	WIRE, 14 AWG SOLID 404 - IN. ETHYLENE PROPYLENE INSULATION TO CONFORM WITH AAR MANUAL PART						
500	165-898111-4	LF	\$0.29	\$145.00	WIRE, NO.10, 1 CONDUCTOR, CASE, FLEXIBLE 37 STRAND, 3/64 IN. INSULATION-ORDER EXT.AMT. NEEDED CR 02-420002						
500	165-898161-4	LF	\$0.17	\$85.00	WIRE, NO.18, 1 CONDUCTOR, CASE, FLEXIBLE, 16 STRAND, 3/64 IN. INSULATION CR 02-420004						

Total Material \$61,161.00

EXHIBIT 3
PAGE 6 OF 6

APPROVED BY STATE

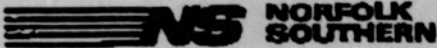
APPROVED BY RAILROAD

CAR NUMBER

SEAL NUMBER

APR 19 '00 15:32 FR N.S. SIGNAL ENGINEER 404 527 2901 TO 712027368711

P.08/09



Norfolk Southern Corporation
Communications and Signal Department
99 Spring Street, S.W.
Atlanta, Georgia 30303
404 528-1250

W. C. Johnson
Chief Engineer
S&E Engineering

RECEIVED
AUG 13 1999

INDIANA DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAY

August 9, 1999
061-05.000

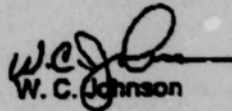
Mr. Steven J. Hull
Engineering Services Manager
Indiana Department of Transportation
100 North Senate Avenue - Room N642
Indianapolis, IN 46204-2249

Dear Mr. Hull:

Please reference your letter of July 30, 1999 concerning nine locations in the state which require modifications as part of STB projects.

We concur with the proposal to handle these projects as Lump Sum with an agreed upon cost of \$22,000 per crossing. Please proceed with the necessary paperwork for funding and advise us, as soon as possible, when we may proceed with installation.

Very truly yours,

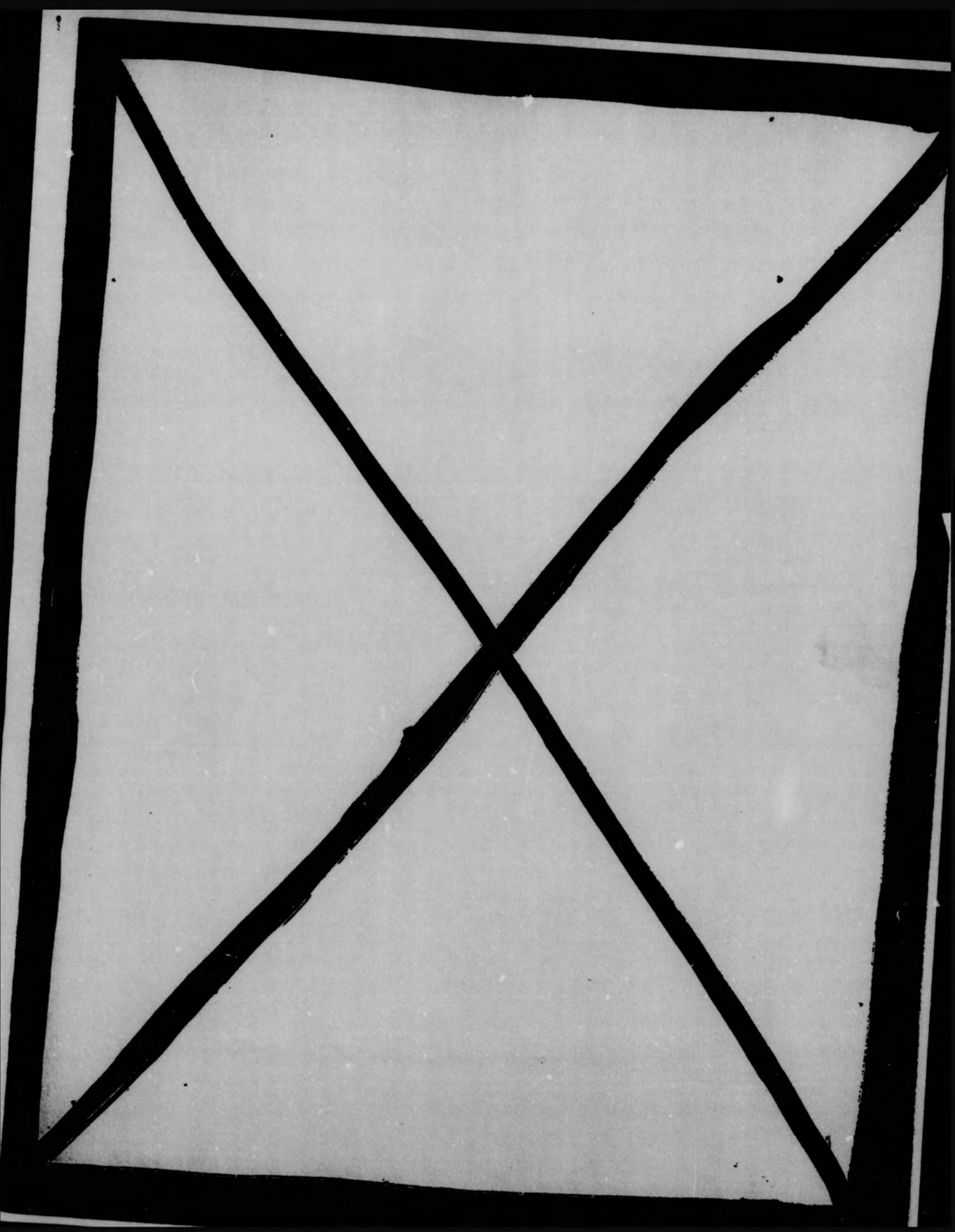

W. C. Johnson

WCJ/rhr/rhn

cc: Mr. Bruno Maestri

EXHIBIT 4

Operating Subsidiary: Norfolk Southern Railway Company



STB

FD-33388

4-20-00

K

198268

CONRAIL

198268

April 19, 2000

ENTERED
Office of the Secretary

APR 21 2000

Part of
Public Record



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

RE: STB Finance Document No. 33388 (Service Date - July 23, 1998): CSX and NS - Control and Acquisition of Conrail

Subject: Certification of Conrail Shared Assets Compliance with Environmental Condition 4(D)

Dear Secretary Williams:

Enclosed please find twenty-five (25) hard copies and one electronic copy for the subject environmental condition certifying compliance in accordance with STB Decision No. 89.

If you have any questions regarding this submission, I can be reached at the following address and phone number:

Conrail, Environmental and Safety Department
Room 432
1000 Howard Boulevard
Mount Laurel, NJ 08054

Phone number 856-231-2008

Sincerely,

Craig Curry
Chief Environmental and Safety Officer

cc: Ms. Elaine Kaiser (5 copies)
Mr. John A. Drake - CSX
Mr. Carl Gerhardstein - CSX
Mr. Bruno Maestri - NS

Mr. Timothy T. O'Toole
Ms. Cheryl Cook

ENTERED
Office of the Secretary

APR 21 2000

Part of
Public Record



SURFACE TRANSPORTATION BOARD
STB FINANCE DOCUMENT NO. 33388

CSX CORPORATION AND CSX TRANSPORTATION, INC.
NORFOLK SOUTHERN CORPORATION AND
NORFOLK SOUTHERN RAILWAY COMPANY
--CONTROL AND OPERATING LEASE AGREEMENTS--
CONRAIL INC. AND CONSOLIDATED RAIL CORPORATION

Decision 89, as Amended by Decision 96
Appendix Q, Environmental Conditions
I. General Environmental Conditions
Condition 4(D): Safety: Hazardous Materials Transport

Certification for
Conrail Inc. and Consolidated Rail Corporation

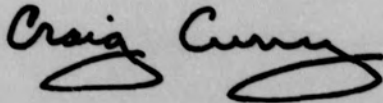
April 19, 2000

CERTIFICATION OF PROJECT COMPLETION

In accordance with Environmental Condition 4(D) set forth in Appendix Q to decision No. 89 of the Surface Transportation Board in Docket No. 33388, Conrail and Consolidated Rail Corporation (Conrail) hereby certify that Conrail has complied with the requirements of Condition 4(D).

On April 5, 2000, a desktop simulation emergency response drill was conducted in Newark, NJ with local emergency response organizations from communities along Conrail's Port Newark to Bayway, NJ Rail Segment (Segment ID # S-032).

Certified by:

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

Craig Curry
Conrail - Chief Environmental and Safety Officer

Date: April 19, 2000



STB

FD-33388

4-12-00

K

198073

198073

ARNOLD & PORTER555 TWELFTH STREET, N.W.
WASHINGTON, D.C. 20004-1202(202) 942-5000
FACSIMILE: (202) 942-5999MARY GABRIELLE SPRAGUE
(202) 942-5773NEW YORK
DENVER
LOS ANGELES
LONDON

April 12, 2000

BY HAND DELIVERY - Original and 25 Copies

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
Mercury Building, Room 700
1925 K Street, N.W.
Washington, D.C. 20423

ENTERED
Office of the Secretary

APR 12 2000

Part of
Public Record

K

**Re: Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company -- Control and Operating Leases/Agreements -- Conrail Inc. and Consolidated Rail Corporation --
Negotiated Agreement with City of Cuyahoga Heights, Ohio**

Dear Secretary Williams:

CSX Corporation and CSX Transportation, Inc. hereby submit a Negotiated Agreement with the City of Cuyahoga Heights pursuant to Environmental Condition 11 of Decision No. 89 (slip op. at 401-02). This Negotiated Agreement effectuates the Board's preference for privately negotiated solutions stated in Decision No. 89 (slip op. at 153): "[To] give effect to privately negotiated solutions whenever possible, we clarify that negotiated agreements will remain available as an alternative to the local and site-specific mitigation imposed here (for example, specific grade crossing upgrade mitigation, real time monitoring for emergency response delay, or noise mitigation)." Environmental Condition 11 similarly provides that the specific terms of the condition may be superseded by a Negotiated Agreement with the responsible local government that satisfies that community's environmental concerns.

As stated in the enclosed Negotiated Agreement, the parties request that Environmental Condition 11 be amended by deleting the City of Cuyahoga Heights on the Mayfield, OH to Marcy, OH line segment from the list of communities and that Environmental Condition 51 be amended by adding this Negotiated Agreement with the City of Cuyahoga Heights, dated March 8, 2000, and accepted by the City of Cuyahoga Heights on March 17, 2000, to the list of Negotiated Agreements entered into by CSX.

ARNOLD & PORTER

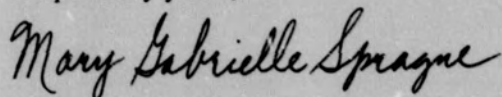
Hon. Vernon A. Williams

April 12, 2000

Page 2

Thank you for your assistance in this matter. Please contact me (202-942-5773) if you have any questions about this submission.

Respectfully yours,

A handwritten signature in cursive script that reads "Mary Gabrielle Sprague".

Mary Gabrielle Sprague
Counsel for CSX Corporation and
CSX Transportation, Inc.

Enclosure

cc: Elaine K. Kaiser
Mayor Louis Bacci, City of Cuyahoga Heights

3/17/2000 @ 1:30

March 8, 2000

Louis Bacci, Mayor
Cuyahoga Heights
4863 East 71st Street
Cuyahoga Heights, Ohio 44125

Re: Negotiated Agreement Relating to CSX Acquisition of Conrail

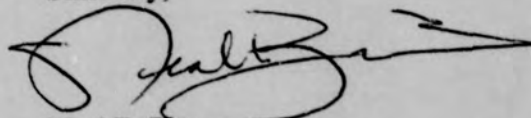
Dear Mayor Bacci:

Thank you for the time you dedicated to the opportunities and environmental issues associated with CSX's operations through your community. CSX consulted with the City of Cuyahoga Heights regarding the environmental effects identified by the Surface Transportation Board of increased train traffic, including wayside noise, through the City of Cuyahoga Heights. The City of Cuyahoga Heights and CSX have jointly developed this Negotiated Agreement to satisfy the City of Cuyahoga Heights's environmental concerns. CSX will pay the City of Cuyahoga Heights \$10,000.00. The City of Cuyahoga Heights agrees to utilize the settlement amount in its sole discretion for the benefit of the citizens of the City of Cuyahoga Heights, for appropriate public purposes including noise mitigation.

This Negotiated Agreement will be filed with the Surface Transportation Board to document satisfaction of Environmental Condition 11 with respect to the City of Cuyahoga Heights, and is intended to supersede any other obligations under Environmental Condition 11. The parties jointly request the Board's approval by requesting that this Negotiated Agreement be incorporated into Environmental Condition 51 of Finance Docket No. 33388, Decision No. 89. This Negotiated Agreement will become effective upon an order of the Board accepting this agreement.

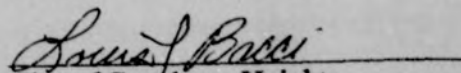
Please countersign this letter to indicate your agreement.

Sincerely,



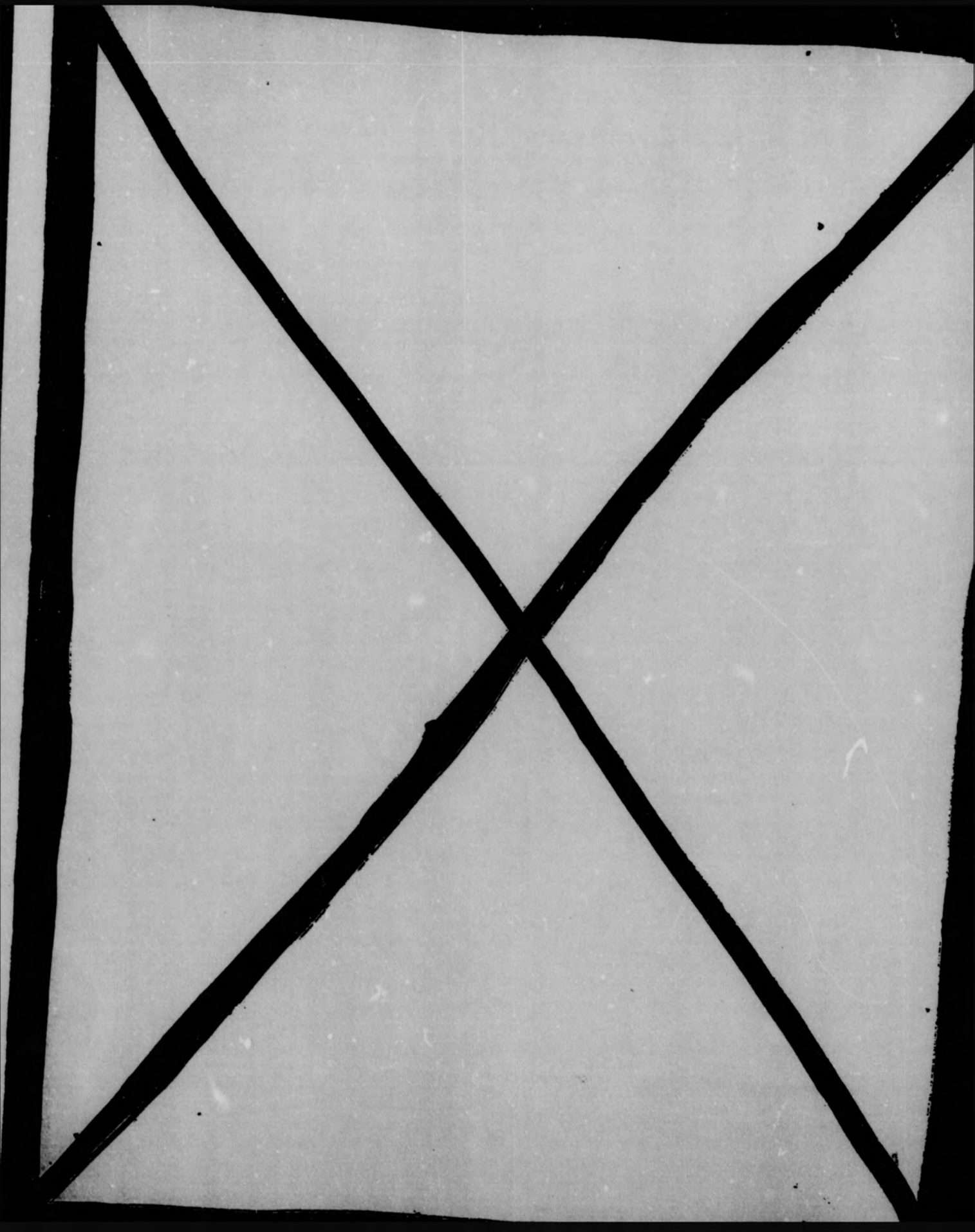
Neal F. Zimmers

Accepted and Agreed to:



City of Cuyahoga Heights

Date 3-17-2000



STB

FD-33388

4-12-00

K

198074

198074

ARNOLD & PORTER555 TWELFTH STREET, N.W.
WASHINGTON, D.C. 20004-1202(202) 942-5000
FACSIMILE: (202) 942-5999MARY GABRIELLE SPRAGUE
(202) 942-5773NEW YORK
DENVER
LOS ANGELES
LONDON

April 12, 2000

**BY HAND DELIVERY - Original and 25 Copies**

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
Mercury Building, Room 700
1925 K Street, N.W.
Washington, D.C. 20423

ENTERED
Office of the Secretary

APR 12 2000

Part of
Public Record

K

Re: Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company -- Control and Operating Leases/Agreements -- Conrail Inc. and Consolidated Rail Corporation -
Negotiated Agreement with Village of Grafton, Ohio

Dear Secretary Williams:

CSX Corporation and CSX Transportation, Inc. hereby submit a Negotiated Agreement with the Village of Grafton pursuant to Environmental Condition 11 of Decision No. 89 (slip op. at 401-02). This Negotiated Agreement effectuates the Board's preference for privately negotiated solutions stated in Decision No. 89 (slip op. at 153): "[To] give effect to privately negotiated solutions whenever possible, we clarify that negotiated agreements will remain available as an alternative to the local and site-specific mitigation imposed here (for example, specific grade crossing upgrade mitigation, real time monitoring for emergency response delay, or noise mitigation)." Environmental Condition 11 similarly provides that the specific terms of the condition may be superseded by a Negotiated Agreement with the responsible local government that satisfies that community's environmental concerns.

As stated in the enclosed Negotiated Agreement, the parties request that Environmental Condition 11 be amended by deleting the Village of Grafton from the list of communities on the Berea, OH to Greenwich, OH line segment and that Environmental Condition 51 be amended by adding this Negotiated Agreement with the Village of Grafton, dated March 20, 2000, and accepted by the Village of Grafton on March 22, 2000, to the list of Negotiated Agreements entered into by CSX.

ARNOLD & PORTER

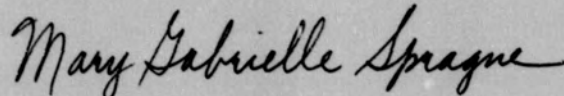
Hon. Vernon A. Williams

April 12, 2000

Page 2

Thank you for your assistance in this matter. Please contact me (202-942-5773) if you have any questions about this submission.

Respectfully yours,

A handwritten signature in cursive script that reads "Mary Gabrielle Sprague".

Mary Gabrielle Sprague
Counsel for CSX Corporation and
CSX Transportation, Inc.

Enclosure

cc: Elaine K. Kaiser

Rick Kowalski, Village Administrator, Village of Grafton



Thomas G. Drake
Regional Vice President-State Relations

March 20, 2000

12780 Levan Road
Livonia, M. 48150
(734) 464-4948

Rick Kowalski
Village Administrator
960 Main Street
Grafton, Ohio 44044

Re: Negotiated Agreement Relating to CSX Acquisition of Conrail

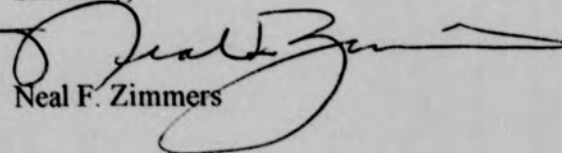
Dear Administrator:

Thank you for the time you dedicated to the opportunities and environmental issues associated with CSX's operations through your community. CSX consulted with the Village of Grafton regarding the environmental effects identified by the Surface Transportation Board of increased train traffic, including wayside noise, through the Village of Grafton. The Village of Grafton and CSX have jointly developed this Negotiated Agreement to satisfy the Village of Grafton's environmental concerns. CSX will pay the Village of Grafton \$200,000.00. The Village of Grafton agrees to utilize the settlement amount in its sole discretion for the benefit of the citizens of the Village of Grafton and for other appropriate public purposes as determined by the Village Council.

This Negotiated Agreement will be filed with the Surface Transportation Board to document satisfaction of Environmental Condition 11 with respect to the Village of Grafton, and is intended to supersede any other obligations under Environmental Condition 11. The parties jointly request the Board's approval by requesting that this Negotiated Agreement be incorporated into Environmental Condition 51 of Finance Docket No. 33388, Decision No. 89. This Negotiated Agreement will become effective upon an order of the Board accepting this agreement.


Please countersign this letter to indicate your agreement.

Sincerely,

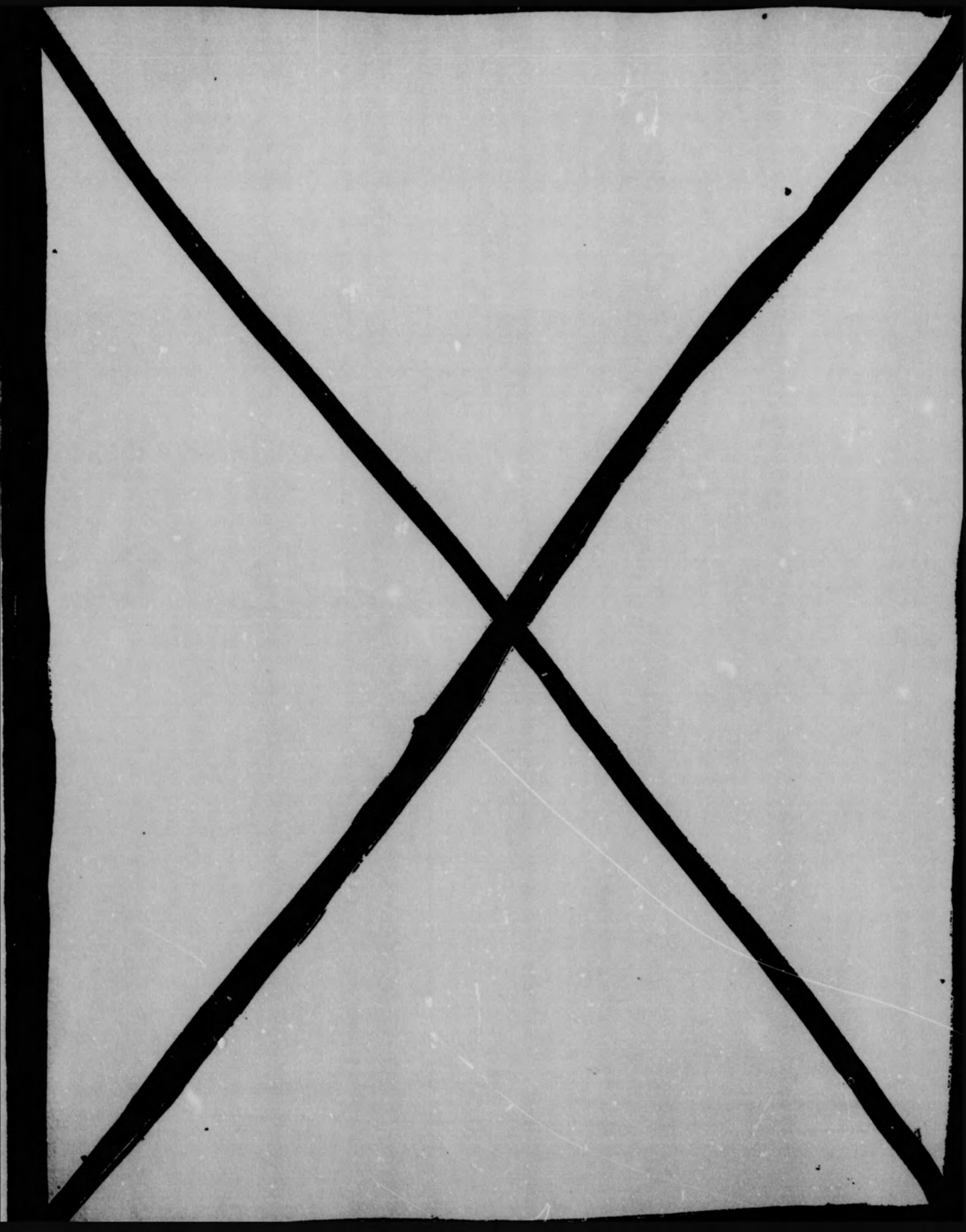


Neal F. Zimmers

Accepted and agreed to:


Village of Grafton

Date 3-22-00



STB

FD-33388

3-15-00

K

197752

197752

ARNOLD & PORTER

555 TWELFTH STREET, N.W.
WASHINGTON, D.C. 20004-1202

(202) 942-5000
FACSIMILE (202) 942-5999

MARY GABRIELLE SPRAGUE
(202) 942-5773

ENTERED
Office of the Secretary

MAR 15 2000

Part of
Public Record

March 15, 2000



NEW YORK
DENVER
LOS ANGELES
LONDON

BY HAND DELIVERY - Original and 25 Copies

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
Mercury Building, Room 700
1925 K Street, N.W.
Washington, D.C. 20423

**Re: Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company -- Control and Operating Leases/Agreements -- Conrail Inc. and Consolidated Rail Corporation -
Negotiated Agreement with Township of Washington, Pennsylvania**

Dear Secretary Williams:

CSX Corporation and CSX Transportation, Inc. hereby submit a Negotiated Agreement with the Township of Washington pursuant to Environmental Condition 11 of Decision No. 89 (slip op. at 401-02). This Negotiated Agreement effectuates the Board's preference for privately negotiated solutions stated in Decision No. 89 (slip op. at 153): "[To] give effect to privately negotiated solutions whenever possible, we clarify that negotiated agreements will remain available as an alternative to the local and site-specific mitigation imposed here (for example, specific grade crossing upgrade mitigation, real time monitoring for emergency response delay, or noise mitigation)." Environmental Condition 11 similarly provides that the specific terms of the condition may be superseded by a Negotiated Agreement with the responsible local government that satisfies that community's environmental concerns.

As stated in the enclosed Negotiated Agreement, the parties request that Environmental Condition 11 be amended by deleting the Township of Washington receptors from those identified on the Sinns, PA to Brownsville, PA line segment and that Environmental Condition 51 be amended by adding this Negotiated Agreement with the Township of Washington, dated February 24, 2000, and accepted by the Township of Washington on February 29, 2000, to the list of Negotiated Agreements entered into by CSX.

ARNOLD & PORTER

Hon. Vernon A. Williams

March 15, 2000

Page 2

Thank you for your assistance in this matter. Please contact me (202-942-5773) if you have any questions about this submission.

Respectfully yours,

A handwritten signature in cursive script that reads "Mary Gabrielle Sprague".

Mary Gabrielle Sprague
Counsel for CSX Corporation and
CSX Transportation, Inc.

Enclosure

cc: Elaine K. Kaiser
Melvin Weiss, Chairman, Township of Washington



Stephen C. Thienel
Regional Vice President
State Relations

100 N. Charles Street
Baltimore, MD 21201
(410) 613-6900

February 24, 2000

The Honorable Melvin Weiss
Chairman
Washington Township
1390 Fayette Avenue
Belle Vernon, PA 15012

Re: Negotiated Agreement Relating to CSX Acquisition of Conrail

Dear Mr. Weiss:

Thank you for the time you dedicated to the opportunities and environmental issues associated with CSX's operations through your community. CSX consulted with the Township of Washington ("Township") regarding the environmental effects identified by the Surface Transportation Board of increased train traffic, including wayside noise, through the Township. The Township and CSX have jointly developed this Negotiated Agreement to satisfy the Township's environmental concerns. CSX will pay the Township \$10,000. The Township agrees to utilize the settlement amount in its sole discretion for the benefit of the citizens of the Township for appropriate public purposes including noise mitigation.

This Negotiated Agreement will be filed with the Surface Transportation Board to document satisfaction of Environmental Condition 11 with respect to the Township, and is intended to supersede any other obligations under Environmental Condition 11. The parties jointly request the Board's approval by requesting that this Negotiated Agreement be incorporated into Environmental Condition 11 of Finance Docket No. 33388, Decision No. 89. This Negotiated Agreement will become effective upon an order of the Board accepting this agreement.

Please countersign this letter to indicate your agreement.

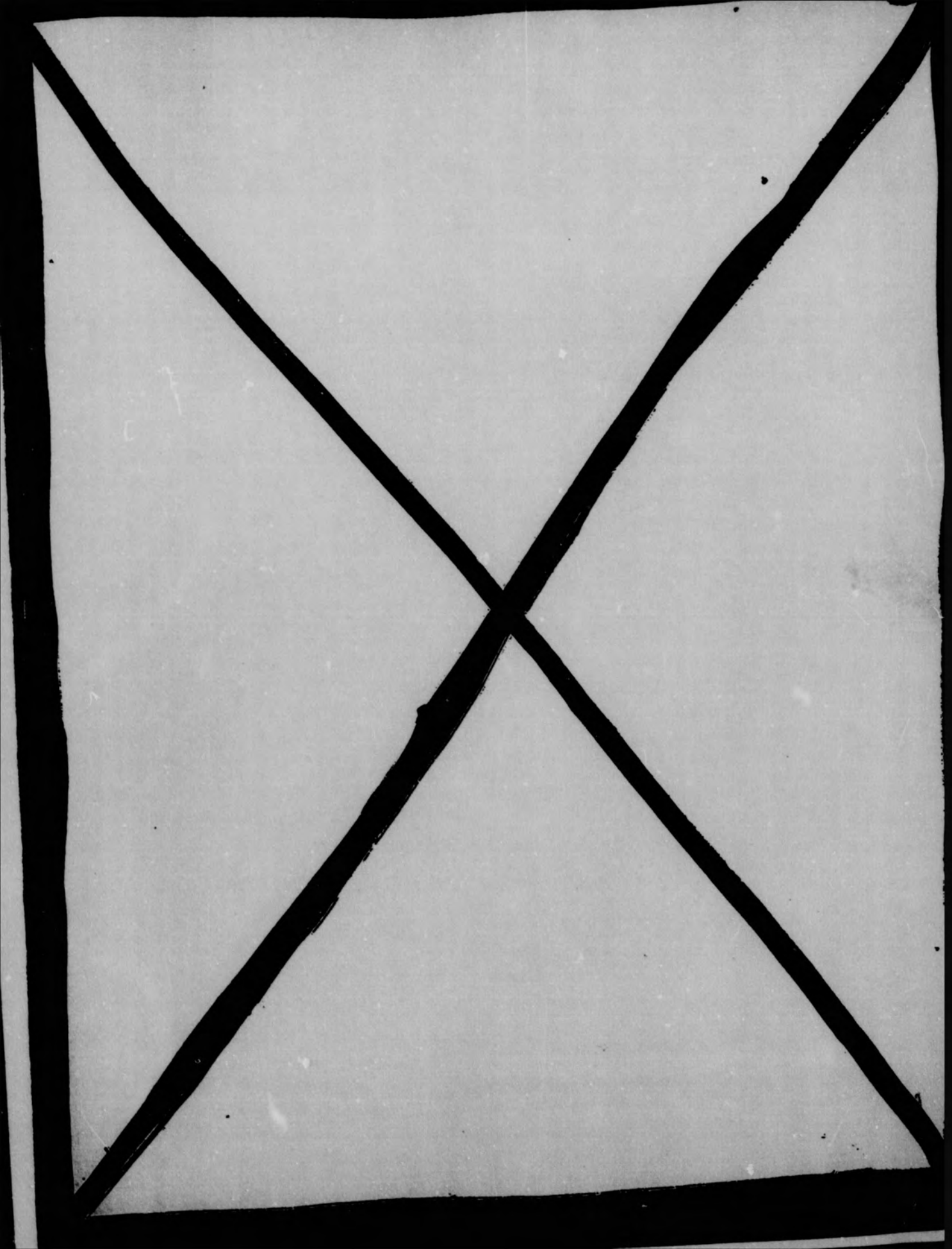
Sincerely yours,

Stephen C. Thienel

Accepted and Agreed to:

Township of Washington

Date 2/29/00



STB

FD-33388

3-15-00

K

197757

MAR 15 2000

197757

Part of
ARNOLD & PORTER

555 TWELFTH STREET, N.W.
WASHINGTON, D.C. 20004-1202

(202) 942-5000
FACSIMILE: (202) 942-5999

MARY GABRIELLE SPRAGUE
(202) 942-5773

NEW YORK
DENVER
LOS ANGELES
LONDON

March 15, 2000



BY HAND DELIVERY - Original and 25 Copies

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
Mercury Building, Room 700
1925 K Street, N.W.
Washington, D.C. 20423

**Re: Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company -- Control and Operating Leases/Agreements -- Conrail Inc. and Consolidated Rail Corporation --
Negotiated Agreement with Brownstown Township, Michigan**

Dear Secretary Williams:

At the request of Consolidated Rail Corporation, I hereby submit a Negotiated Agreement with Brownstown Township pursuant to Environmental Condition 11 of Decision No. 89 (slip op. at 401-02). This Negotiated Agreement effectuates the Board's preference for privately negotiated solutions stated in Decision No. 89 (slip op. at 153): "[To] give effect to privately negotiated solutions whenever possible, we clarify that negotiated agreements will remain available as an alternative to the local and site-specific mitigation imposed here (for example, specific grade crossing upgrade mitigation, real time monitoring for emergency response delay, or noise mitigation)." Environmental Condition 11 similarly provides that the specific terms of the condition may be superseded by a Negotiated Agreement with the responsible local government that satisfies that community's environmental concerns.

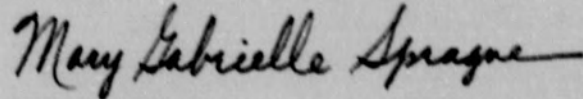
As stated in the enclosed Negotiated Agreement, the parties request that Environmental Condition 11 be amended by deleting Brownstown Township from the list of communities on the Carleton, MI to Ecorse, MI line segment and that Environmental Condition 51 be amended by adding this Negotiated Agreement with Brownstown Township, dated January 27, 2000, and accepted by Brownstown Township on February 1, 2000, to the list of Negotiated Agreements.

ARNOLD & PORTER

Hon. Vernon A. Williams
March 15, 2000
Page 2

Thank you for your assistance in this matter. Please contact me (202-942-5773) or
Craig Curry of Conrail (856-231-2008) if you have any questions about this submission.

Respectfully yours,

A handwritten signature in cursive script that reads "Mary Gabrielle Sprague". The signature is written in dark ink and has a fluid, connected style.

Mary Gabrielle Sprague
Counsel for CSX Corporation and
CSX Transportation, Inc.

Enclosure

cc: Elaine K. Kaiser
Craig Curry, Conrail
Curt Boller, Supervisor, Brownstown Township

CONRAIL



January 27, 2000

Mr. Curt Boller
Supervisor, Brownstown Township
21313 Telegraph Road
Brownstown Township, MI 48183-1314

Re: Negotiated Agreement Relating to CSX/NS Acquisition of Conrail

Dear Mr. Boller:

Thank you for the time you dedicated to the opportunities and environmental issues associated with CSX/NS Shared Asset Area operations through your community. CSX, on behalf of Conrail ("CR"), consulted with Brownstown Township regarding the environmental effects identified by the Surface Transportation Board of increased train traffic, including wayside noise, through Brownstown Township. Brownstown Township and CR have jointly developed this Negotiated Agreement to satisfy Brownstown Township's environmental concerns. In exchange for a payment from Conrail of \$130,000.00, Brownstown Township agrees to utilize the settlement amount in its sole discretion for the benefit of the citizens of Brownstown Township, for appropriate public purposes including noise mitigation.

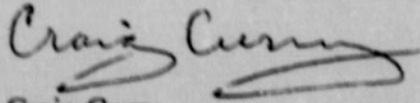
This agreement replaces the agreement previously submitted to Brownstown Township on September 22, 1999 by Thomas G. Drake, Regional Vice President-State Relations, CSX Transportation Company.

This Negotiated Agreement will be filed with the Surface Transportation Board to document satisfaction of Environmental Condition 11 with respect to Brownstown Township, and is intended to supersede any other obligations under Environmental Condition 11. The parties jointly request the Board's approval by requesting that this Negotiated Agreement be incorporated into Environmental Condition 51 of Finance Docket No. 33388, Decision No. 89. This Negotiated Agreement will become effective upon an order of the Board accepting this agreement.

Mr. Curt Boller
January 27, 2000
Page 2

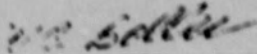
Please countersign this letter to indicate your agreement.

Sincerely,



Craig Curry
Chief Environmental & Safety Officer

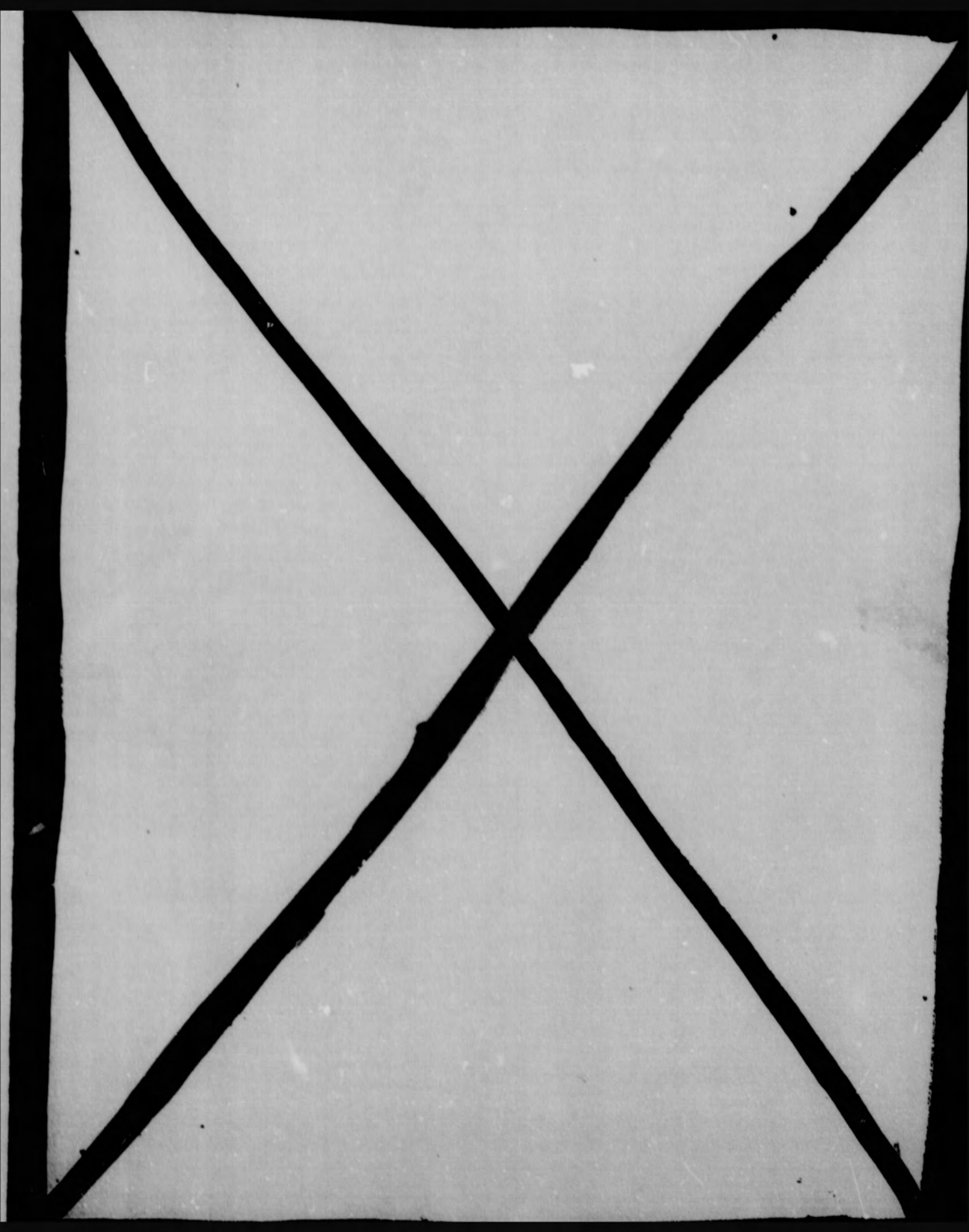
Accepted and Agreed to:



Supervisor, Brownstown Township

Date: 2-1-2000

CC: Tomas G. Drake - CSX
James D. McGeehan



STB

FD-33388

3-15-00

K

197757

197757

ARNOLD & PORTER555 TWELFTH STREET, N.W.
WASHINGTON, D.C. 20004-1202(202) 942-5000
FACSIMILE (202) 942-5999MARY GABRIELLE SPRAGUE
(202) 942-5773ENTERED
Office of the Secretary

MAR 15 2000

Part of
Public RecordNEW YORK
DENVER
LOS ANGELES
LONDONENTERED
Office of the Secretary

MAR 15 2000

Part of
Public Record

March 15, 2000

**BY HAND DELIVERY - Original and 25 Copies**

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
Mercury Building, Room 700
1925 K Street, N.W.
Washington, D.C. 20423

**Re: Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company -- Control and Operating Leases/Agreements -- Conrail Inc. and Consolidated Rail Corporation --
Negotiated Agreement with Brownstown Township, Michigan**

Dear Secretary Williams:

At the request of Consolidated Rail Corporation, I hereby submit a Negotiated Agreement with Brownstown Township pursuant to Environmental Condition 11 of Decision No. 89 (slip op. at 401-02). This Negotiated Agreement effectuates the Board's preference for privately negotiated solutions stated in Decision No. 89 (slip op. at 153): "[To] give effect to privately negotiated solutions whenever possible, we clarify that negotiated agreements will remain available as an alternative to the local and site-specific mitigation imposed here (for example, specific grade crossing upgrade mitigation, real time monitoring for emergency response delay, or noise mitigation)." Environmental Condition 11 similarly provides that the specific terms of the condition may be superseded by a Negotiated Agreement with the responsible local government that satisfies that community's environmental concerns.

As stated in the enclosed Negotiated Agreement, the parties request that Environmental Condition 11 be amended by deleting Brownstown Township from the list of communities on the Carleton, MI to Ecorse, MI line segment and that Environmental Condition 51 be amended by adding this Negotiated Agreement with Brownstown Township, dated January 27, 2000, and accepted by Brownstown Township on February 1, 2000, to the list of Negotiated Agreements.

ARNOLD & PORTER

Hon. Vernon A. Williams

March 15, 2000

Page 2

Thank you for your assistance in this matter. Please contact me (202-942-5773) or Craig Curry of Conrail (856-231-2008) if you have any questions about this submission.

Respectfully yours,

A handwritten signature in cursive script that reads "Mary Gabrielle Sprague". The signature is written in dark ink and has a fluid, connected style.

Mary Gabrielle Sprague
Counsel for CSX Corporation and
CSX Transportation, Inc.

Enclosure

cc: Elaine K. Kaiser
Craig Curry, Conrail
Curt Boller, Supervisor, Brownstown Township

CONRAIL



January 27, 2000

Mr. Curt Boller
Supervisor, Brownstown Township
21313 Telegraph Road
Brownstown Township, MI 48183-1314

Re: Negotiated Agreement Relating to CSX/NS Acquisition of Conrail

Dear Mr. Boller:

Thank you for the time you dedicated to the opportunities and environmental issues associated with CSX/NS Shared Asset Area operations through your community. CSX, on behalf of Conrail ("CR"), consulted with Brownstown Township regarding the environmental effects identified by the Surface Transportation Board of increased train traffic, including wayside noise, through Brownstown Township. Brownstown Township and CR have jointly developed this Negotiated Agreement to satisfy Brownstown Township's environmental concerns. In exchange for a payment from Conrail of \$130,000.00, Brownstown Township agrees to utilize the settlement amount in its sole discretion for the benefit of the citizens of Brownstown Township, for appropriate public purposes including noise mitigation.

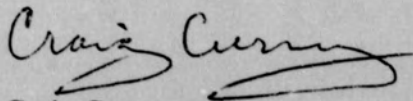
This agreement replaces the agreement previously submitted to Brownstown Township on September 22, 1999 by Thomas G. Drake, Regional Vice President-State Relations, CSX Transportation Company.

This Negotiated Agreement will be filed with the Surface Transportation Board to document satisfaction of Environmental Condition 11 with respect to Brownstown Township, and is intended to supersede any other obligations under Environmental Condition 11. The parties jointly request the Board's approval by requesting that this Negotiated Agreement be incorporated into Environmental Condition 51 of Finance Docket No. 33388, Decision No. 89. This Negotiated Agreement will become effective upon an order of the Board accepting this agreement.

Mr. Curt Boller
January 27, 2000
Page 2

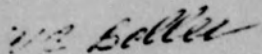
Please countersign this letter to indicate your agreement.

Sincerely,



Craig Curry
Chief Environmental & Safety Officer

Accepted and Agreed to:

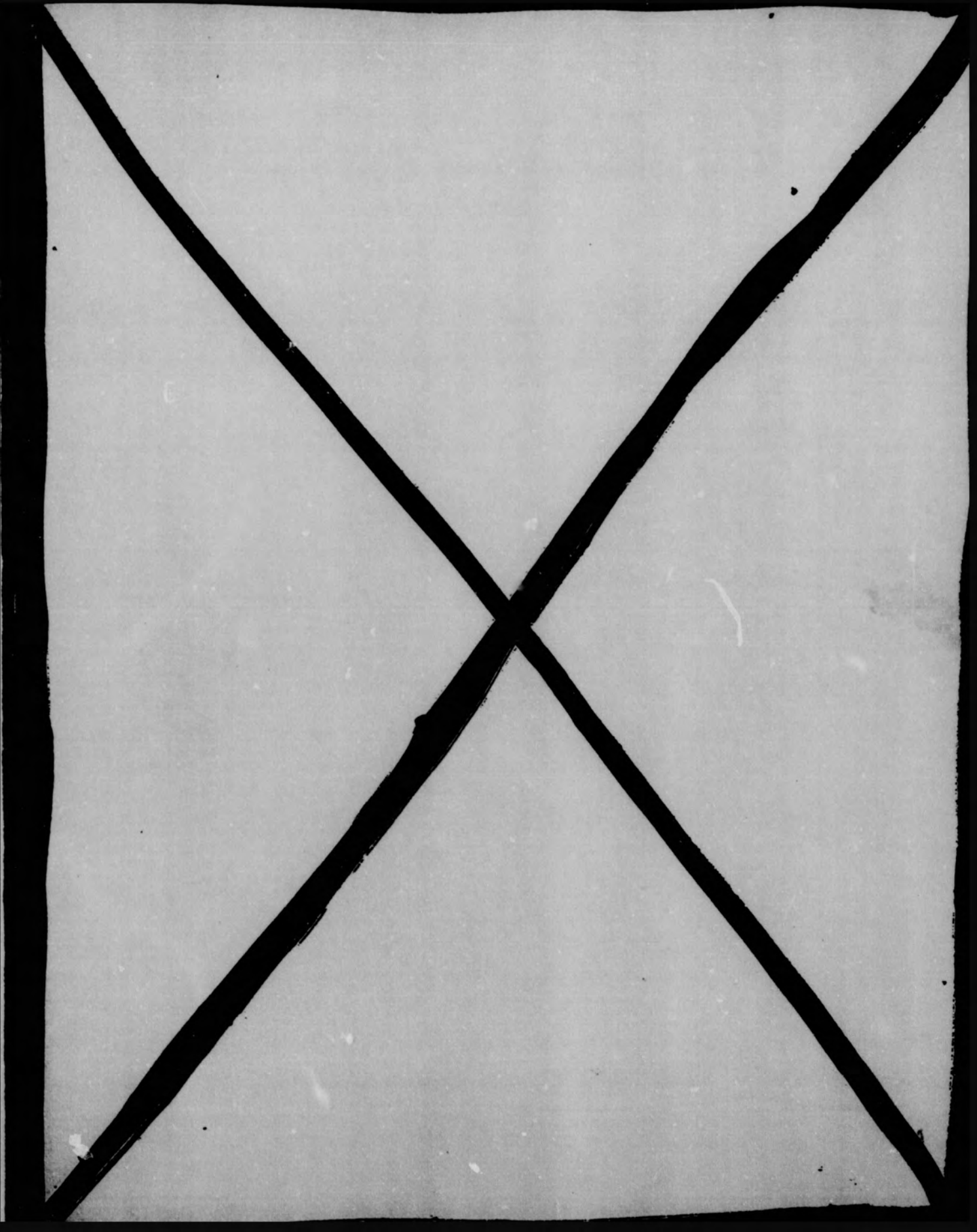


Supervisor, Brownstown Township

Date:

2-1-2000

CC: Tomas G. Drake - CSX
James D. McGeehan



STB

FD-33388

3-6-00

K

197634

197634

ARNOLD & PORTER555 TWELFTH STREET, N.W.
WASHINGTON, D.C. 20004-1202(202) 942-5000
FACSIMILE: (202) 942-5999MARY GABRIELLE SPRAGUE
(202) 942-5773NEW YORK
DENVER
LOS ANGELES
LONDON

March 6, 2000

**BY HAND DELIVERY - Original and 25 Copies**

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
Mercury Building, Room 700
1925 K Street, N.W.
Washington, D.C. 20423

ENTERED
Office of the Secretary
MAR - 8 2000
Part of
Public Record

K

**Re: Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company -- Control and Operating Leases/Agreements -- Conrail Inc. and Consolidated Rail Corporation --
Negotiated Agreement with Village of Custar, Ohio**

Dear Secretary Williams:

CSX Corporation and CSX Transportation, Inc. hereby submit a Negotiated Agreement with the Village of Custar pursuant to Environmental Condition 11 of Decision No. 89 (slip op. at 401-02). This Negotiated Agreement effectuates the Board's preference for privately negotiated solutions stated in Decision No. 89 (slip op. at 153): "[To] give effect to privately negotiated solutions whenever possible, we clarify that negotiated agreements will remain available as an alternative to the local and site-specific mitigation imposed here (for example, specific grade crossing upgrade mitigation, real time monitoring for emergency response delay, or noise mitigation)." Environmental Condition 11 similarly provides that the specific terms of the condition may be superseded by a Negotiated Agreement with the responsible local government that satisfies that community's environmental concerns.

As stated in the enclosed Negotiated Agreement, the parties request that Environmental Condition 11 be amended by deleting the Village of Custar from the list of communities on the Deshler, OH to Toledo, OH line segment and that Environmental Condition 51 be amended by adding this Negotiated Agreement with the Village of Custar, dated February 21, 2000, and accepted by the Village of Custar on February 21, 2000, to the list of Negotiated Agreements entered into by CSX.

ARNOLD & PORTER

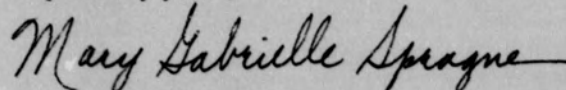
Hon. Vernon A. Williams

March 6, 2000

Page 2

Thank you for your assistance in this matter. Please contact me (202-942-5773) if you have any questions about this submission.

Respectfully yours,

A handwritten signature in cursive script that reads "Mary Gabrielle Sprague". The signature is written in dark ink and is positioned above the printed name and title.

Mary Gabrielle Sprague
Counsel for CSX Corporation and
CSX Transportation, Inc.

Enclosure

cc: Elaine K. Kaiser

Mayor Linda Beckstein, Village of Custar

Feb 21, 2000
1999

Linda Beckstein, Mayor
8950 Custar Road
Custar, Ohio 43511

Re: Negotiated Agreement Relating to CSX Acquisition of Conrail

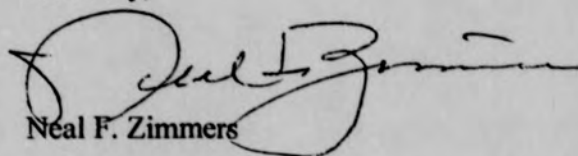
Dear Mayor Beckstein:

I thank you for the time you dedicated to the opportunities and environmental issues associated with CSX's operations through your community. CSX consulted with the Village of Custar regarding the environmental effects identified by the Surface Transportation Board of increased train traffic, including wayside noise, through the Village of Custar. The Village of Custar and CSX have jointly developed this Negotiated Agreement to satisfy the Village of Custar's environmental concerns. CSX will pay the Village of Custar \$80,000.00. The Village of Custar agrees to utilize the settlement amount in its sole discretion for the benefit of the citizens of the Village of Custar, for appropriate public purposes including noise mitigation.

This Negotiated Agreement will be filed with the Surface Transportation Board to document satisfaction of Environmental Condition 11 with respect to the Village of Custar, and is intended to supersede any other obligations under Environmental Condition 11. The parties jointly request the Board's approval by requesting that this Negotiated Agreement be incorporated into Environmental Condition 51 of Finance Docket No. 33388, Decision No. 89. This Negotiated Agreement will become effective upon an order of the Board accepting this agreement.

Please countersign this letter to indicate your agreement.

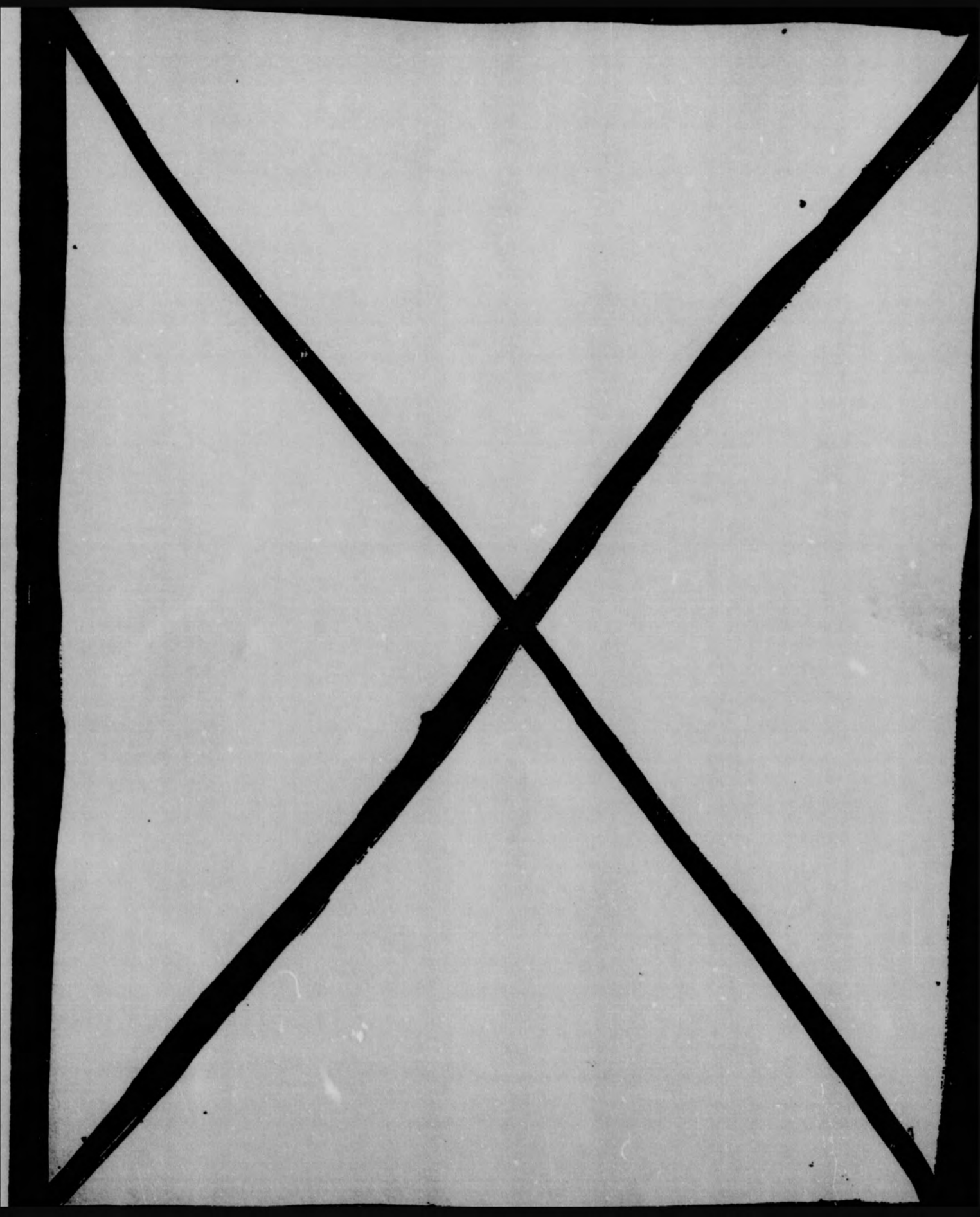
Sincerely,


Neal F. Zimmers

Accepted and Agreed to:

Linda Beckstein, Mayor
Village of Custar

Date 2-21-2000



STB

FD-33388

3-6-00

K

197636

197636

ARNOLD & PORTER

555 TWELFTH STREET, N.W.
WASHINGTON, D.C. 20004-1202

(202) 942-5000
FACSIMILE (202) 942-5999

MARY GABRIELLE SPRAGUE
(202) 942-5773

NEW YORK
DENVER
LOS ANGELES
LONDON



March 6, 2000

BY HAND DELIVERY - Original and 25 Copies

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
Mercury Building, Room 700
1925 K Street, N.W.
Washington, D.C. 20423

ENTERED
Office of the Secretary

MAR - 8 2000

Part of
Public Record

K

**Re: Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company -- Control and Operating Leases/Agreements -- Conrail Inc. and Consolidated Rail Corporation -
Negotiated Agreement with Village of LaGrange, Ohio**

Dear Secretary Williams:

CSX Corporation and CSX Transportation, Inc. hereby submit a Negotiated Agreement with the Village of LaGrange pursuant to Environmental Condition 11 of Decision No. 89 (slip op. at 401-02). This Negotiated Agreement effectuates the Board's preference for privately negotiated solutions stated in Decision No. 89 (slip op. at 153): "[To] give effect to privately negotiated solutions whenever possible, we clarify that negotiated agreements will remain available as an alternative to the local and site-specific mitigation imposed here (for example, specific grade crossing upgrade mitigation, real time monitoring for emergency response delay, or noise mitigation)." Environmental Condition 11 similarly provides that the specific terms of the condition may be superseded by a Negotiated Agreement with the responsible local government that satisfies that community's environmental concerns.

As stated in the enclosed Negotiated Agreement, the parties request that Environmental Condition 11 be amended by deleting the Village of LaGrange from the list of communities on the Berea, OH to Greenwich, OH line segment and that Environmental Condition 51 be amended by adding this Negotiated Agreement with the Village of LaGrange, dated February 16, 2000, and accepted by the Village of LaGrange on February 21, 2000, to the list of Negotiated Agreements entered into by CSX.

ARNOLD & PORTER

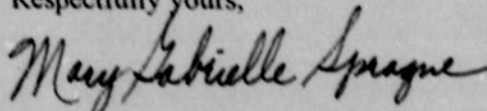
Hon. Vernon A. Williams

March 6, 2000

Page 2

Thank you for your assistance in this matter. Please contact me (202-942-5773) if you have any questions about this submission.

Respectfully yours,

A handwritten signature in cursive script that reads "Mary Gabrielle Sprague".

Mary Gabrielle Sprague
*Counsel for CSX Corporation and
CSX Transportation, Inc.*

Enclosure

cc: Elaine K. Kaiser

Mayor Kim E. Strauss, Village of LaGrange



Thomas G. Drake
Regional Vice President-State Relations

12780 Levan Road
Livonia, MI 48150
(734) 464-4948

February 16, 2000

The Honorable Donna Stewart
Mayor, Village of LaGrange
P.O. Box 597
355 South Center Street
LaGrange, Ohio 44050

RE: Negotiated Agreement Relating to CSX's Acquisition of Conrail

Dear Mayor Stewart:

CSX consulted with the Village of LaGrange regarding the environmental impact of increased train traffic resulting from CSX's acquisition of Conrail, including wayside noise and specifically, Environmental Condition No. 11 imposed by the Surface Transportation Board. The Village of LaGrange and CSX have jointly developed this negotiated agreement to satisfy said condition whereby CSX will pay to the Village of LaGrange the sum of \$280,000.00. The Village of LaGrange intends to utilize said funds, in its sole discretion, for the benefit of the citizens of the Village of LaGrange and for other appropriate public purposes as determined by the Village Council.

This Negotiated Agreement will be filed with the Surface Transportation Board to document satisfaction of Environmental Condition No. 11 with respect to the Village of LaGrange. It is intended by the parties that this Negotiated Agreement will supercede any other obligation under Environmental Condition No. 11. The parties jointly request the Board's approval by requesting this Negotiated Agreement be incorporated into Environmental Condition No. 51 of the Finance Docket No. 33388, Decision No. 89. This Negotiated Agreement will become effective upon an order of the Board accepting same.

Please countersign this letter to indicate your agreement.

Sincerely,

Thomas G. Drake

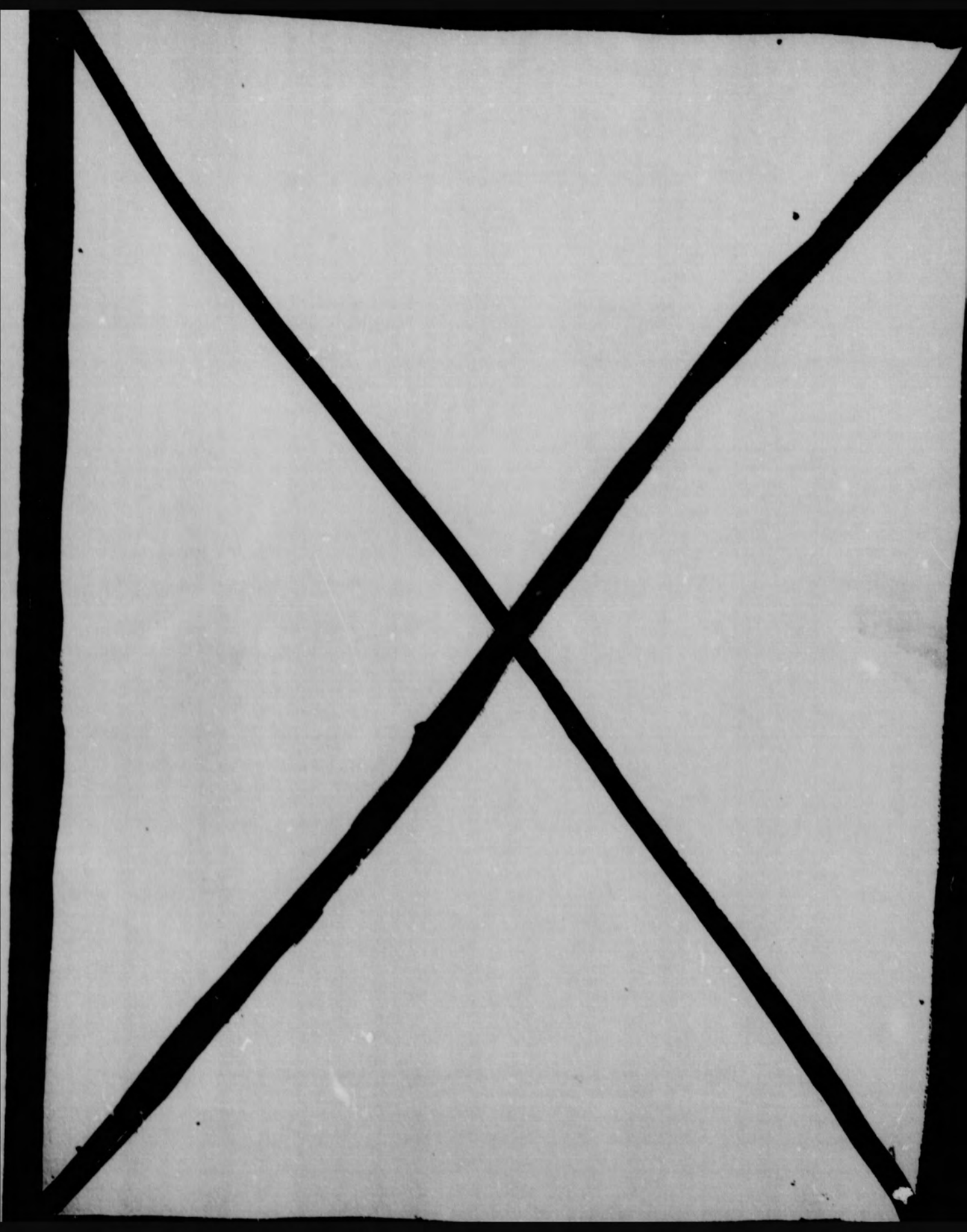
Accepted and agreed to:

Kim E. Strauss, Mayor

Date:

2/24/00

COPY: Village of LaGrange



STB

FD-33388

3-6-00

K

197633

197633

ARNOLD & PORTER

555 TWELFTH STREET, N.W.
WASHINGTON, D.C. 20004-1202

(202) 942-5000
FACSIMILE: (202) 942-5999

MARY GABRIELLE SPRAGUE
(202) 942-5773

NEW YORK
DENVER
LOS ANGELES
LONDON

March 6, 2000



BY HAND DELIVERY - Original and 25 Copies

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
Mercury Building, Room 700
1925 K Street, N.W.
Washington, D.C. 20423

ENTERED
Office of the Secretary

MAR - 8 2000

Part of
Public Record

K

**Re: Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company -- Control and Operating Leases/Agreements -- Conrail Inc. and Consolidated Rail Corporation --
Negotiated Agreement with Borough of Elizabeth, Pennsylvania**

Dear Secretary Williams:

CSX Corporation and CSX Transportation, Inc. hereby submit a Negotiated Agreement with the Borough of Elizabeth pursuant to Environmental Condition 11 of Decision No. 89 (slip op. at 401-02). This Negotiated Agreement effectuates the Board's preference for privately negotiated solutions stated in Decision No. 89 (slip op. at 153): "[To] give effect to privately negotiated solutions whenever possible, we clarify that negotiated agreements will remain available as an alternative to the local and site-specific mitigation imposed here (for example, specific grade crossing upgrade mitigation, real time monitoring for emergency response delay, or noise mitigation)." Environmental Condition 11 similarly provides that the specific terms of the condition may be superseded by a Negotiated Agreement with the responsible local government that satisfies that community's environmental concerns.

As stated in the enclosed Negotiated Agreement, the parties request that Environmental Condition 11 be amended by deleting the Borough of Elizabeth from the list of communities on the Sinns, PA to Brownsville, PA line segment and that Environmental Condition 51 be amended by adding this Negotiated Agreement with the Borough of Elizabeth, dated February 4, 2000, and accepted by the Borough of Elizabeth on February 24, 2000, to the list of Negotiated Agreements entered into by CSX.

ARNOLD & PORTER

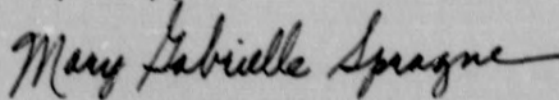
Hon. Vernon A. Williams

March 6, 2000

Page 2

Thank you for your assistance in this matter. Please contact me (202-942-5773) if you have any questions about this submission.

Respectfully yours,

A handwritten signature in cursive script that reads "Mary Gabrielle Sprague". The signature is written in dark ink and is positioned above the printed name and title.

Mary Gabrielle Sprague
Counsel for CSX Corporation and
CSX Transportation, Inc.

Enclosure

cc: Elaine K. Kaiser

Mayor Gerald LaFrankie, Borough of Elizabeth



Stephen C. Thienel
Regional Vice President
State Relations

100 N. Charles Street, Suite 200
Baltimore, MD 21201-3814
(410) 613-6900

February 4, 2000

The Honorable Gerald LaFrankie
Mayor
Borough of Elizabeth
206 Third Avenue
Elizabeth, PA 15037

Re: Negotiated Agreement Relating to CSX Acquisition of Conrail

Dear Mayor LaFrankie:

Thank you for the time you dedicated to the opportunities and environmental issues associated with CSX's operations through your community. CSX consulted with the Borough of Elizabeth ("Borough") regarding the environmental effects identified by the Surface Transportation Board of increased train traffic, including wayside noise, through the Borough. The Borough and CSX have jointly developed this Negotiated Agreement to satisfy the Borough's environmental concerns. CSX will pay the Borough \$150,000. The Borough agrees to utilize the settlement amount in its sole discretion for the benefit of the citizens of the Borough for appropriate public purposes including noise mitigation.

This Negotiated Agreement will be filed with the Surface Transportation Board to document satisfaction of Environmental Condition 11 with respect to the Borough, and is intended to supersede any other obligations under Environmental Condition 11. The parties jointly request the Board's approval by requesting that this Negotiated Agreement be incorporated into Environmental Condition 11 of Finance Docket No. 33388, Decision No. 89. This Negotiated Agreement will become effective upon an order of the Board accepting this agreement.

Please countersign this letter to indicate your agreement.

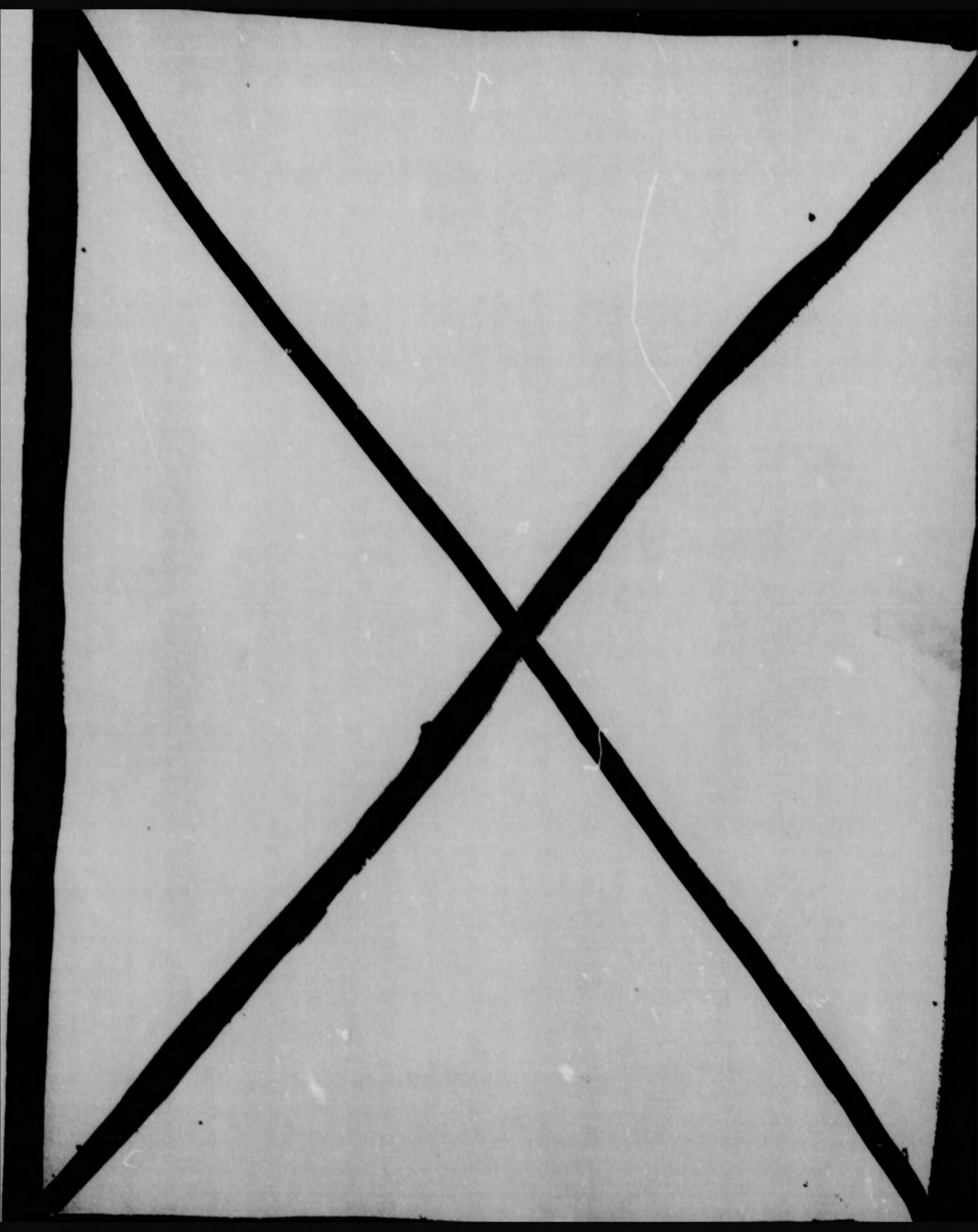
Sincerely yours,

Stephen C. Thienel

Accepted and Agreed to:

Borough of Elizabeth

Date 2-27-2000



STB

FD-33388

3-6-00

K

197635

197635

ARNOLD & PORTER

555 TWELFTH STREET, N.W.
WASHINGTON, D.C. 20004-1202

(202) 942-5000
FACSIMILE: (202) 942-5999

MARY GABRIELLE SPRAGUE
(202) 942-5773

NEW YORK
DENVER
LOS ANGELES
LONDON

March 6, 2000



ENTERED
Office of the Secretary

MAR - 8 2000

Part of
Public Record

K

BY HAND DELIVERY - Original and 25 Copies

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
Mercury Building, Room 700
1925 K Street, N.W.
Washington, D.C. 20423

**Re: Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company -- Control and Operating Leases/Agreements -- Conrail Inc. and Consolidated Rail Corporation -
Negotiated Agreement with Borough of Belle Vernon, Pennsylvania**

Dear Secretary Williams:

CSX Corporation and CSX Transportation, Inc. hereby submit a Negotiated Agreement with the Borough of Belle Vernon pursuant to Environmental Condition 11 of Decision No. 89 (slip op. at 401-02). This Negotiated Agreement effectuates the Board's preference for privately negotiated solutions stated in Decision No. 89 (slip op. at 153): "[To] give effect to privately negotiated solutions whenever possible, we clarify that negotiated agreements will remain available as an alternative to the local and site-specific mitigation imposed here (for example, specific grade crossing upgrade mitigation, real time monitoring for emergency response delay, or noise mitigation)." Environmental Condition 11 similarly provides that the specific terms of the condition may be superseded by a Negotiated Agreement with the responsible local government that satisfies that community's environmental concerns.

As stated in the enclosed Negotiated Agreement, the parties request that Environmental Condition 11 be amended by deleting the Borough of Belle Vernon from the list of communities on the Sinns, PA to Brownsville, PA line segment and that Environmental Condition 51 be amended by adding this Negotiated Agreement with the Borough of Belle Vernon, dated February 10, 2000, and accepted by the Borough of Belle Vernon on February 14, 2000, to the list of Negotiated Agreements entered into by CSX.

ARNOLD & PORTER


Hon. Vernon A. Williams

March 6, 2000

Page 2

Thank you for your assistance in this matter. Please contact me (202-942-5773) if you have any questions about this submission.

Respectfully yours,

A handwritten signature in cursive script that reads "Mary Gabrielle Sprague". The signature is fluid and elegant, with a long, sweeping underline.

Mary Gabrielle Sprague
Counsel for CSX Corporation and
CSX Transportation, Inc.

Enclosure

cc: Elaine K. Kaiser

Mayor James Bitonti, Borough of Belle Vernon



Stephen C. Thienel
Regional Vice President
State Relations

100 N. Charles Street, Suite 200
Baltimore, MD 21201-3814
(410) 613-6900

February 10, 2000

The Honorable James Bitonti
Mayor
Borough of Belle Vernon
10 Main Street
Belle Vernon, PA 15012

Re: Negotiated Agreement Relating to CSX Acquisition of Conrail

Dear Mayor Bitonti:

Thank you for the time you dedicated to the opportunities and environmental issues associated with CSX's operations through your community. CSX consulted with the Borough of Belle Vernon ("Borough") regarding the environmental effects identified by the Surface Transportation Board of increased train traffic, including wayside noise, through the Borough. The Borough and CSX have jointly developed this Negotiated Agreement to satisfy the Borough's environmental concerns. CSX will pay the Borough \$40,000. The Borough agrees to utilize the settlement amount in its sole discretion for the benefit of the citizens of the Borough for appropriate public purposes including noise mitigation.

This Negotiated Agreement will be filed with the Surface Transportation Board to document satisfaction of Environmental Condition 11 with respect to the Borough, and is intended to supersede any other obligations under Environmental Condition 11. The parties jointly request the Board's approval by requesting that this Negotiated Agreement be incorporated into Environmental Condition 11 of Finance Docket No. 33388, Decision No. 89. This Negotiated Agreement will become effective upon an order of the Board accepting this agreement.

Please countersign this letter to indicate your agreement.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Stephen C. Thienel", written in a cursive style.

Stephen C. Thienel

The Honorable James Bitonti
February 10, 2000
Page 2

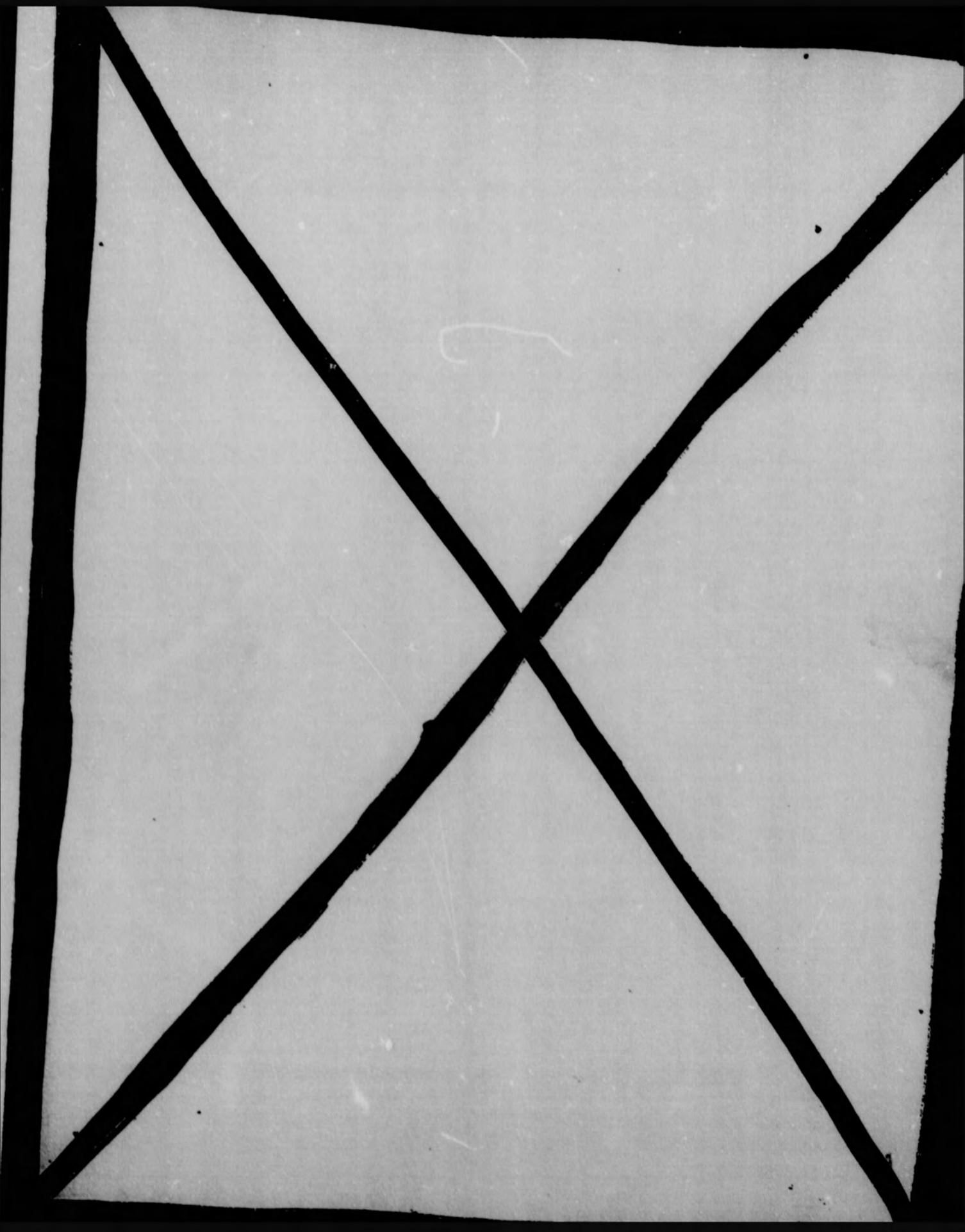
Accepted and Agreed to:

James Bitonti
Mayor

Date 2-14-00

James E. Horan
President of Council

Date 2-14-00



STB

FD-33388

3-6-00

K

197637

MARY GABRIELLE SPRAGUE
(202) 942-5773

ARNOLD & PORTER

555 TWELFTH STREET, N.W.
WASHINGTON, D.C. 20004-1202

(202) 942-5000
FACSIMILE: (202) 942-5999



NEW YORK
DENVER
LOS ANGELES
LONDON

March 6, 2000

BY HAND DELIVERY - Original and 25 Copies

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
Mercury Building, Room 700
1925 K Street, N.W.
Washington, D.C. 20423

ENTERED
Office of the Secretary

MAR - 8 2000

Part of
Public Record

Re: Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company -- Control and Operating Leases/Agreements -- Conrail Inc. and Consolidated Rail Corporation - Negotiated Agreement with Township of Milton, Ohio

Dear Secretary Williams:

CSX Corporation and CSX Transportation, Inc. hereby submit a Negotiated Agreement with the Township of Milton pursuant to Environmental Condition 11 of Decision No. 89 (slip op. at 401-02). This Negotiated Agreement effectuates the Board's preference for privately negotiated solutions stated in Decision No. 89 (slip op. at 153): "[To] give effect to privately negotiated solutions whenever possible, we clarify that negotiated agreements will remain available as an alternative to the local and site-specific mitigation imposed here (for example, specific grade crossing upgrade mitigation, real time monitoring for emergency response delay, or noise mitigation)." Environmental Condition 11 similarly provides that the specific terms of the condition may be superseded by a Negotiated Agreement with the responsible local government that satisfies that community's environmental concerns.

As stated in the enclosed Negotiated Agreement, the parties request that Environmental Condition 11 be amended by deleting the Township of Milton receptors from those identified on the Deshler, OH to Toledo, OH line segment and that Environmental Condition 51 be amended by adding this Negotiated Agreement with the Township of Milton, dated February 22, 2000, and accepted by the Township of Milton on February 22, 2000, to the list of Negotiated Agreements entered into by CSX.

ARNOLD & PORTER

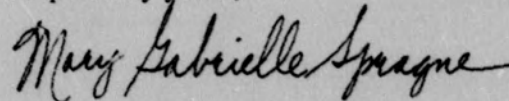
Hon. Vernon A. Williams

March 6, 2000

Page 2

Thank you for your assistance in this matter. Please contact me (202-942-5773) if you have any questions about this submission.

Respectfully yours,

A handwritten signature in cursive script that reads "Mary Gabrielle Sprague".

Mary Gabrielle Sprague
Counsel for CSX Corporation and
CSX Transportation, Inc.

Enclosure

cc: Elaine K. Kaiser
Stephen Crawford, Clerk, Township of Milton

February 22, 2000

Stephen Crawford, Clerk
Milton Township, Wood County
22885 Defiance Pike
Milton, Ohio 43511-9716

Re: Negotiated Agreement Relating to CSX Acquisition of Conrail

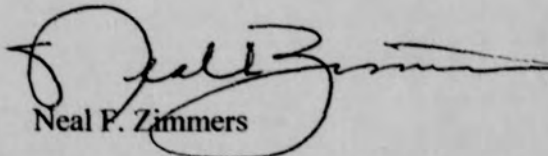
Dear Mr. Crawford:

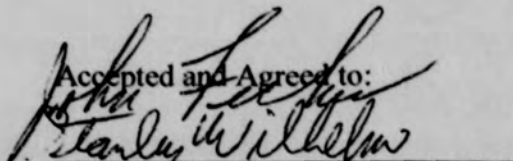
Thank you for the time you dedicated to the opportunities and environmental issues associated with CSX's operations through your community. CSX consulted with the Township of Milton regarding the environmental effects identified by the Surface Transportation Board of increased train traffic, including wayside noise, through the Township of Milton. The Township of Milton and CSX have jointly developed this Negotiated Agreement to satisfy the Township of Milton's environmental concerns. CSX will pay the Township of Milton \$20,000.00. The Township of Milton agrees to utilize the settlement amount in its sole discretion for the benefit of the citizens of the Township of Milton, for appropriate public purposes including noise mitigation.

This Negotiated Agreement will be filed with the Surface Transportation Board to document satisfaction of Environmental Condition 11 with respect to the Township of Milton, and is intended to supersede any other obligations under Environmental Condition 11. The parties jointly request the Board's approval by requesting that this Negotiated Agreement be incorporated into Environmental Condition 51 of Finance Docket No. 33388, Decision No. 89. This Negotiated Agreement will become effective upon an order of the Board accepting this agreement.

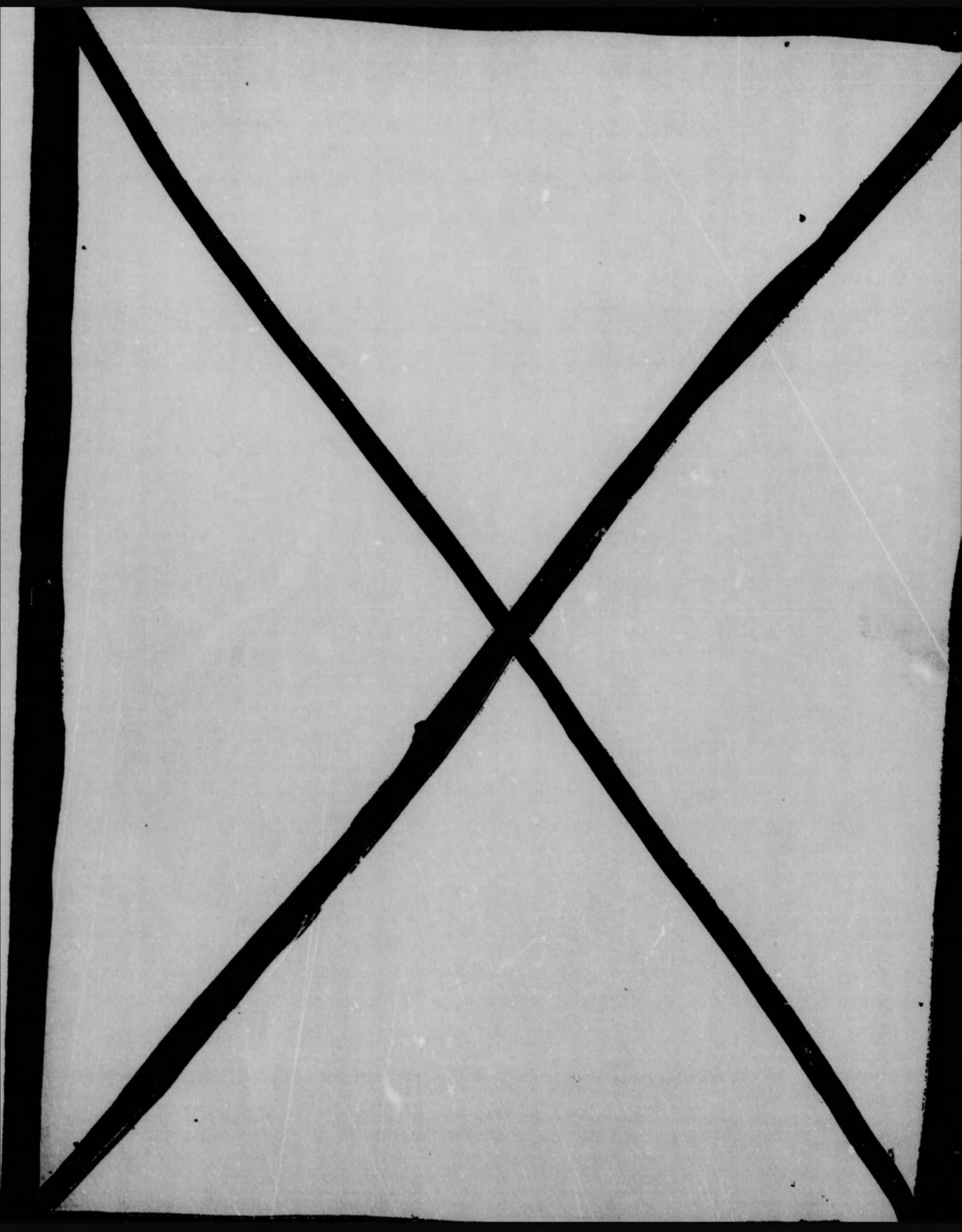
Please countersign this letter to indicate your agreement.

Sincerely,


Neal P. Zimmers

Accepted and Agreed to:

Township of Milton

Date 2-22-00



STB

FD-33388

2-22-00

K

197011



197011

Norfolk Southern Corporation
1500 K Street, N.W., Suite 375
Washington, D.C. 20005
202 383-4166
202 383-4425 (Direct)
202 383-4018 (Fax)

Bruno Maestri
Assistant Vice President
Public Affairs

ENTERED
Office of the Secretary

FEB 23 2000

Part of
Public Record

February 22, 2000

By Hand Delivery - Original and 25 Copies

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



Re: STB Finance Docket No. 33388 (Service Date - July 23, 1998):
CSX and NS - Control and Acquisition of Conrail

Subject: Certification of Norfolk Southern Compliance with Environmental Condition
8(A)

Dear Secretary Williams:

Enclosed please find twenty-five (25) hard copies and one electronic copy of Quarterly Report Number 6 for the subject environmental condition certifying compliance in accordance with STB Decision No. 89.

Yours very truly,

Bruno Maestri

Enclosures

cc: Ms. Elaine K. Kaiser (5 copies)

197011



ENTERED
Office of the Secretary

**SURFACE TRANSPORTATION BOARD
STB FINANCE DOCKET NO. 33388**

2000

PUBLIC RECORD

**CSX CORPORATION AND CSX TRANSPORTATION, INC.
NORFOLK SOUTHERN CORPORATION AND
NORFOLK SOUTHERN RAILWAY COMPANY
-- CONTROL AND OPERATING LEASE AGREEMENTS --
CONRAIL INC. AND CONSOLIDATED RAIL CORPORATION**

ENTERED
Office of the Secretary

FEB 23 2000

Part of
Public Record

**Decision 89, as Amended by Decision 96
Appendix Q, Environmental Conditions
III. Local or Site-Specific Environmental Conditions
Condition 8(A): Highway/Rail At-Grade Crossings**

**Quarterly Report Number 6 for
Norfolk Southern Corporation and
Norfolk Southern Railway Company**

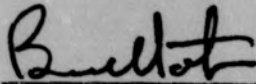
February 22, 2000

CERTIFICATION OF PROJECT COMPLETION

In accordance with Environmental Condition 8(A) set forth in Appendix Q to Decision No. 89 of the Surface Transportation Board in Docket No. 33388, Norfolk Southern Corporation and Norfolk Southern Railway Company ("Norfolk Southern") hereby certify that Norfolk Southern has complied with the requirements of Condition 8(A) with respect to the following locations:

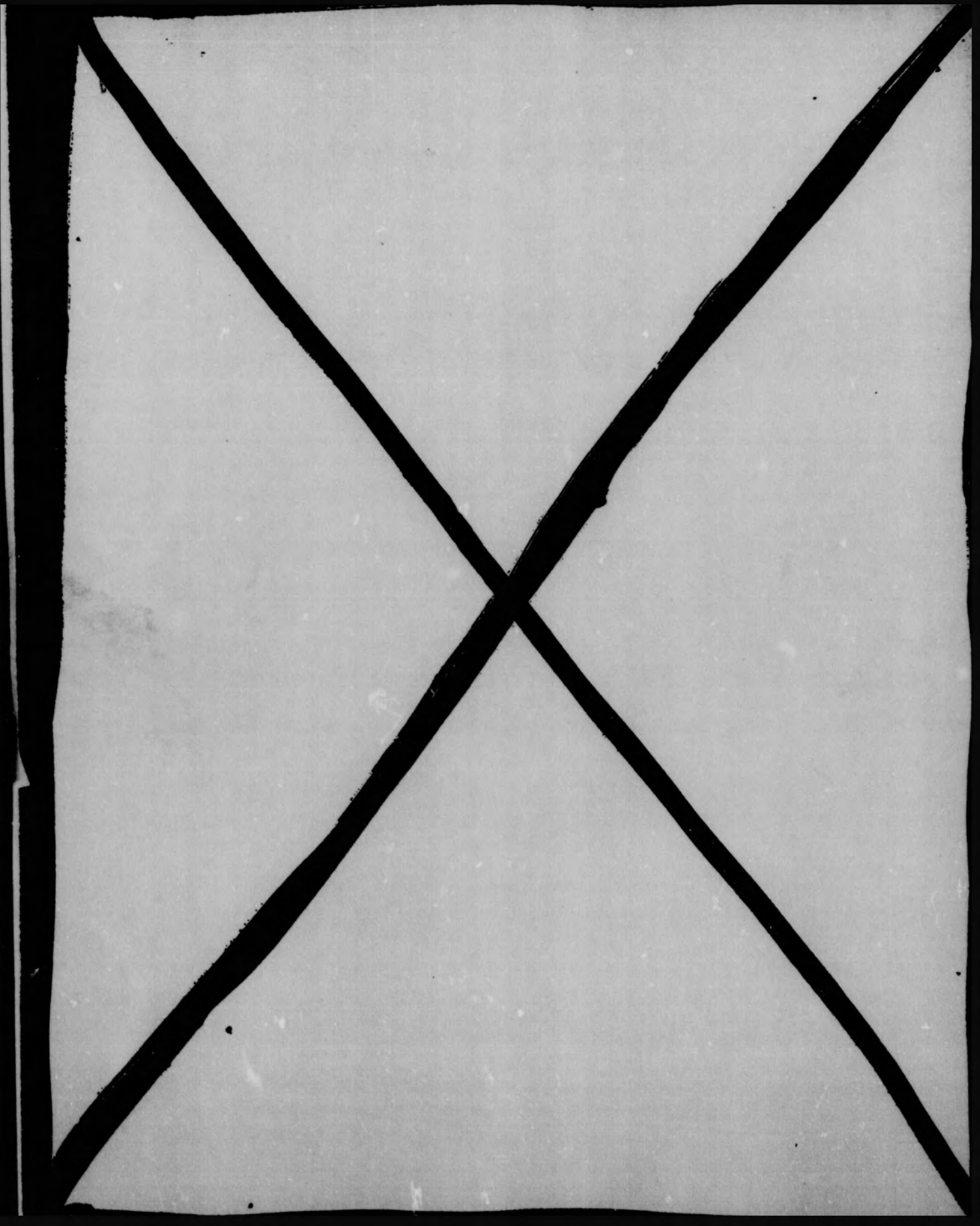
State	Crossing Name, County, and City	FRA ID	Rail Line Segment ID	Current Warning Device	Proposed Post- Acquisition Device	In Service Date
IN	Notestine Rd., Allen, Graybill	478188C	N-041	Passive	Flashing Lights	01/18/00
IN	Engle Rd., Allen, Ft. Wayne	478240E	N-044	Flashing Lights	Gates	12/08/99
IN	CR 100 E., Madison, Alexandria	474598M	N-040	Passive	Flashing Lights	11/30/99

Certified by:



Bruno Maestri
Vice President
Public Affairs

Date: February 22, 2000



STB

FD-33388

2-7-00

K

196679

SIDLEY & AUSTIN
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

196679

CHICAGO
DALLAS
LOS ANGELES
NEW YORK

1722 EYE STREET, N.W.
WASHINGTON, D.C. 20006
TELEPHONE 202 736 8000
FACSIMILE 202 736 8711

HONG KONG
LONDON
SHANGHAI
SINGAPORE
TOKYO

FOUNDED 1866

WRITER'S DIRECT NUMBER
(202) 736-8071

February 7, 2000



By Hand Delivery – Original and 25 Copies

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
Mercury Building, Room 700
1925 K Street, N.W.
Washington, D.C. 20423

ENTERED
Office of the Secretary

FEB - 8 2000

Part of
Public Record

Re: Finance Docket No. 33388--CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company--Control and Operating Leases/Agreements--Conrail, Inc. and Consolidated Rail Corporation--Negotiated Agreement with City of Muncie, Indiana

Dear Secretary Williams:

Norfolk Southern Corporation and Norfolk Southern Railway Company hereby submit a Negotiated Agreement with the City of Muncie pursuant to Environmental Condition 11 of Decision No. 89 (slip op. at 401-02). This Negotiated Agreement effectuates the Board's preference for privately negotiated solutions stated in Decision No. 89 (slip op. at 153): "[To] give effect to privately negotiated solutions whenever possible, we clarify that negotiated agreements will remain available as an alternative to the local and site-specific mitigation imposed here (for example, specific grade crossing upgrade mitigation, real time monitoring for emergency response delay, or noise mitigation)." Environmental Condition 11 similarly provides that the specific terms of the condition may be superseded by a Negotiated Agreement with the responsible local government that satisfies that community's environmental concerns.

As stated in the enclosed Negotiated Agreement, the parties request that Environmental Condition 11 be amended by deleting the City of Muncie receptors from those identified on the Alexandria, IN to Muncie, IN line segment and that Environmental Condition 51 be amended by adding this Negotiated Agreement with the City of Muncie, dated January 6, 2000, to the list of Negotiated Agreements entered into by Norfolk Southern.

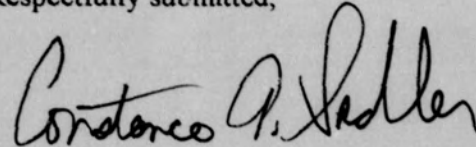
SIDLEY & AUSTIN

WASHINGTON, D.C.

The Honorable Vernon A. Williams
February 7, 2000
Page 2

Thank you for your assistance in this matter. Please contact me at (202) 736-8071 should you have any questions about this submission.

Respectfully submitted,

A handwritten signature in cursive script, reading "Constance A. Sadler".

Constance A. Sadler
Counsel for Norfolk Southern Corporation
and Norfolk Southern Railway Company

Enclosure

cc: Elaine K. Kaiser
The Honorable Daniel C. Canan, Mayor, City of Muncie

A small, light-colored handwritten mark or signature, possibly a stylized "S" or a small flourish.



Norfolk Southern Corporation
One American Square
Suite 1370, Box 82069
Indianapolis, IN 46282
317-635-4845
317-267-9732 FAX

Michael Scime
Manager
Public Affairs

January 4, 2000

The Honorable Daniel C. Canon
Mayor, City of Muncie
300 N. High Street
Muncie, IN 47305

Re: Negotiated Agreement Relating to CSX/NS Acquisition of Conrail

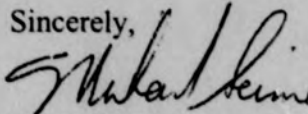
Dear Mayor Canon:

Thank you for the time you dedicated to the opportunities and environmental issues associated with NS's operations over the line between Alexandria and Muncie. NS Consulted with the City of Muncie regarding the environmental effects identified by the Surface Transportation Board of increased train traffic, including wayside noise, through the City of Muncie. The City of Muncie and NS have jointly developed this Negotiated Agreement to satisfy the City of Muncie's environmental concerns. NS will pay the City of Muncie \$40,000. The City of Muncie agrees to utilize the settlement amount in its sole discretion for the benefit of the citizens of the City of Muncie, for appropriate public purposes including noise mitigation.

This Negotiated Agreement will be filed with the Surface Transportation Board to document satisfaction with Environmental Condition 11 with respect to the City of Muncie, and is intended to supersede any other obligations under Environmental Condition 11. The parties jointly request the Board's approval by requesting that this Negotiated Agreement be incorporated into Environmental Condition 51 of Finance Docket No. 33388, Decision No. 89. This Negotiated Agreement will become effective upon an order of the Board accepting this agreement.

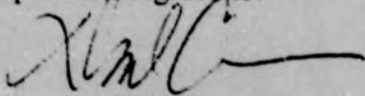
Please countersign this letter to indicate your agreement.

Sincerely,



Michael Scime

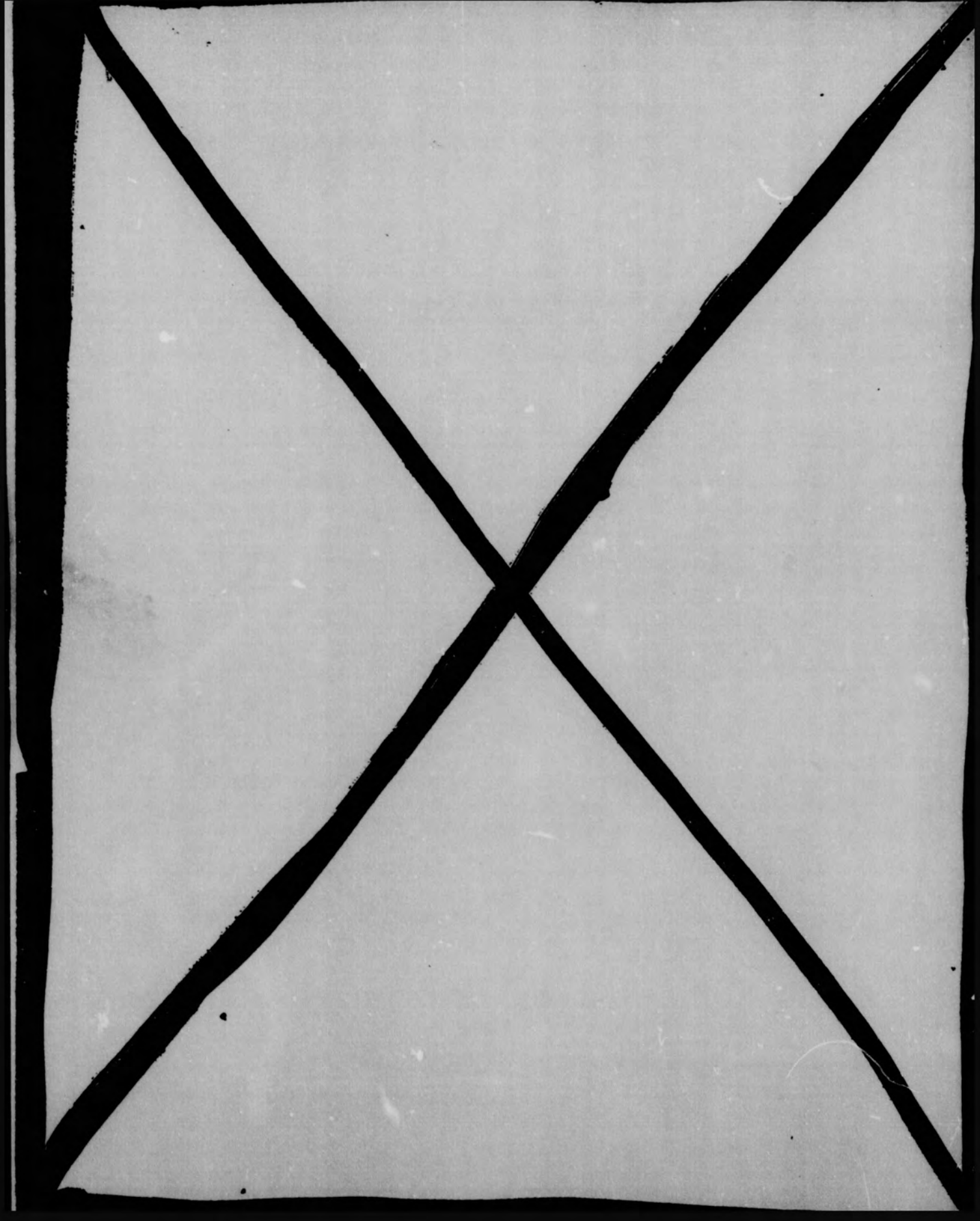
Accepted and Agreed to:



Daniel C. Canon, Mayor - City of Muncie, Indiana

Date:

1/6/00



STB

FD-33388

2-7-00

K

196678

SIDLEY & AUSTIN
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

CHICAGO
DALLAS
LOS ANGELES
NEW YORK

1722 EYE STREET, N.W.
WASHINGTON, D.C. 20006
TELEPHONE 202 736 8000
FACSIMILE 202 736 8711

FOUNDED 1866

WRITER'S DIRECT NUMBER
(202) 736-8071

HONG KONG
LONDON
SHANGHAI
SINGAPORE
TOKYO



WRITER'S E-MAIL ADDRESS
csadler@sidley.com

February 7, 2000

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
Mercury Building, Room 700
1925 K Street, N.W.
Washington, D.C. 20423

ENTERED
Office of the Secretary

FEB - 8 2000

Part of
Public Record

Re: Finance Docket No. 33388--CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company--Control and Operating Leases/Agreements--Conrail, Inc. and Consolidated Rail Corporation--Negotiated Agreement with Madison County, Indiana

Dear Secretary Williams:

Norfolk Southern Corporation and Norfolk Southern Railway Company hereby submit a Negotiated Agreement with Madison County, Indiana pursuant to Environmental Condition 11 of Decision No. 89 (slip op. at 401-02). This Negotiated Agreement effectuates the Board's preference for privately negotiated solutions stated in Decision No. 89 (slip op. at 153): "[To] give effect to privately negotiated solutions whenever possible, we clarify that negotiated agreements will remain available as an alternative to the local and site-specific mitigation imposed here (for example, specific grade crossing upgrade mitigation, real time monitoring for emergency response delay, or noise mitigation)." Environmental Condition 11 similarly provides that the specific terms of the condition may be superseded by a Negotiated Agreement with the responsible local government that satisfies that community's environmental concerns.

As stated in the enclosed Negotiated Agreement, the parties request that Environmental Condition 11 be amended by deleting the Madison County receptors not located within the City of Muncie from those identified on the Alexandria, IN to Muncie, IN line segment and that Environmental Condition 51 be amended by adding this Negotiated Agreement with Madison County, dated January 10, 2000, to the list of Negotiated Agreements entered into by Norfolk Southern.

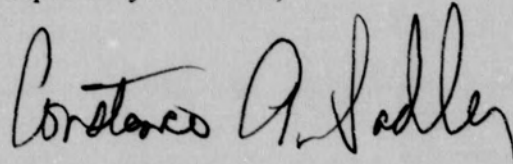
SIDLEY & AUSTIN

WASHINGTON, D.C.

The Honorable Vernon A. Williams
February 7, 2000
Page 2

Thank you for your assistance in this matter. Please contact me at (202) 736-8071 should you have any questions about this submission.

Respectfully submitted,

A handwritten signature in cursive script, reading "Constance A. Sadler". The signature is written in dark ink and is positioned above the printed name and title.

Constance A. Sadler
Counsel for Norfolk Southern Corporation
and Norfolk Southern Railway Company

Enclosure

cc: Elaine K. Kaiser
The Madison County Board of Commissioners, Otis E. Cox, President



Norfolk Southern Corporation
One American Square
Suite 1370, Box 82069
Indianapolis, IN 46282
317-635-4845
317-267-9732 FAX

Michael Scime
Manager
Public Affairs

January 4, 2000

The Madison County Board of Commissioners
16 East 9th Street
Anderson, IN 46016

Re: Negotiated Agreement Relating to CSX/NS Acquisition of Conrail

Dear Commissioners:

Thank you for the time you dedicated to the opportunities and environmental issues associated with NS's operations over the line between Alexandria and Muncie. NS Consulted with Madison County regarding the environmental effects identified by the Surface Transportation Board of increased train traffic, including wayside noise, through Madison County. Madison County and NS have jointly developed this Negotiated Agreement to satisfy Madison County's environmental concerns. NS will pay Madison County \$20,000. Madison County agrees to utilize the settlement amount in its sole discretion for the benefit of the citizens of Madison County, for appropriate public purposes including noise mitigation.

This Negotiated Agreement will be filed with the Surface Transportation Board to document satisfaction with Environmental Condition 11 with respect to Madison County, and is intended to supersede any other obligations under Environmental Condition 11. The parties jointly request the Board's approval by requesting that this Negotiated Agreement be incorporated into Environmental Condition 51 of Finance Docket No. 33388, Decision No. 89. This Negotiated Agreement will become effective upon an order of the Board accepting this agreement.

Please countersign this letter to indicate your agreement.

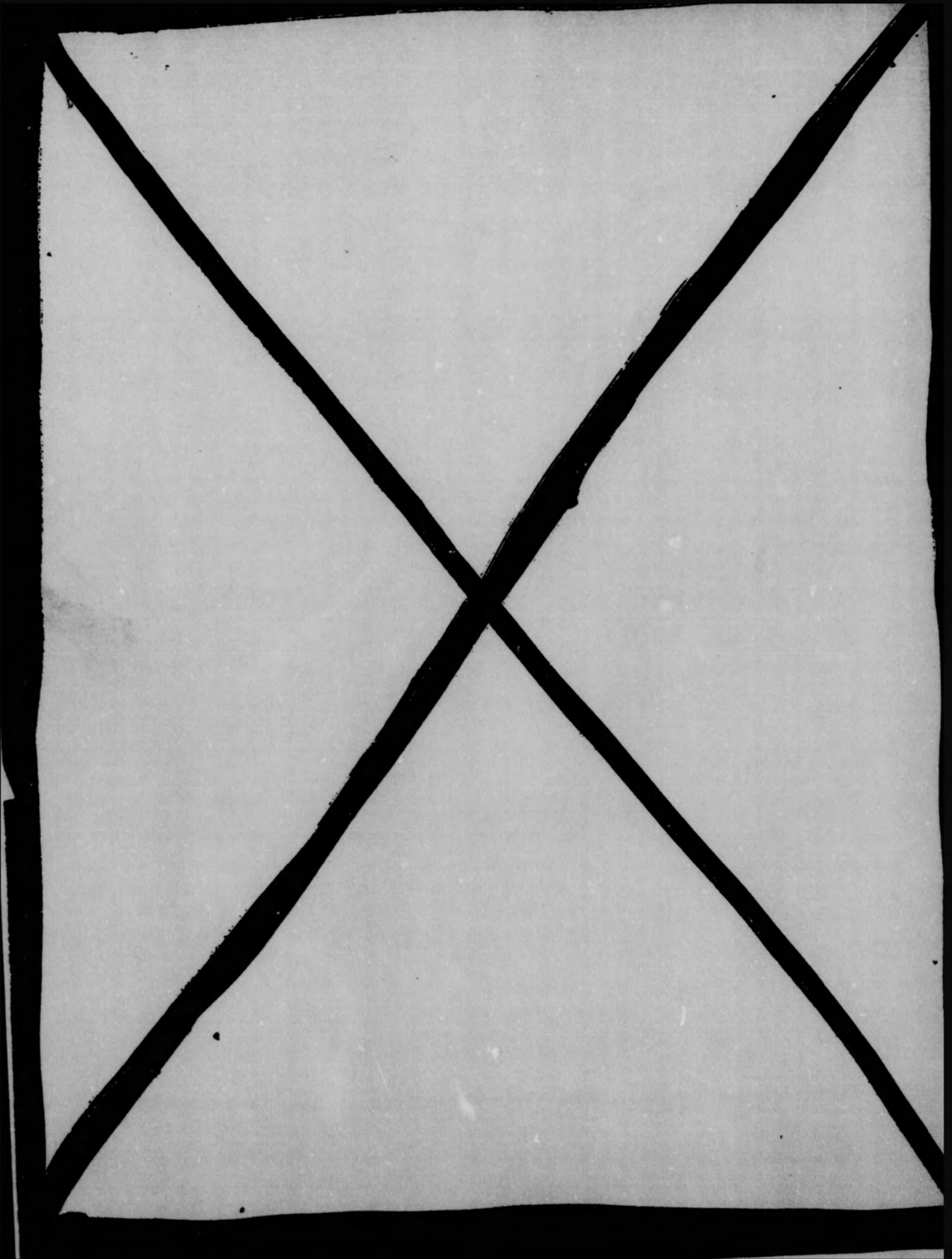
Sincerely,

Michael Scime

Accepted and Agreed to by the Madison County Board of Commissioners

President, Madison County Board of Commissioners

Date: Jan. 10, 2000



STB

FD-33388

1-19-00

K

196525

ENTERED
Office of the Secretary

JAN 19 2000

Part of
Public Record

ARNOLD & PORTER

555 TWELFTH STREET, N.W.
WASHINGTON, D.C. 20004-1202

(202) 942-5000
FACSIMILE: (202) 942-5999

MARY GABRIELLE SPRAGUE
(202) 942-5773

NEW YORK
DENVER
LOS ANGELES
LONDON

January 19, 2000

BY HAND DELIVERY – Original and 25 Copies

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
Mercury Building, Room 700
1925 K Street, N.W.
Washington, D.C. 20423



Re: Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company – Control and Operating Leases/Agreements – Conrail Inc. and Consolidated Rail Corporation – Negotiated Agreement with Indiana Department of Transportation

Dear Secretary Williams:

CSX Corporation and CSX Transportation, Inc. hereby submit a Railroad Corridor Safety Agreement, dated June 25, 1998, between CSX Transportation, Inc. ("CSXT") and the Indiana Department of Transportation ("INDOT") (the "Railroad Corridor Safety Agreement" or "Agreement") regarding highway/rail at-grade crossing improvements in Indiana. This negotiated agreement effectuates the Board's preference for privately negotiated solutions stated in Decision No. 89, slip op. at 153 (served July 23, 1998).

The Railroad Corridor Safety Agreement is intended to supersede Environmental Condition 8(A) with respect to the 16 highway/rail at-grade crossings located in the State of Indiana which are listed under "CSX" in Environmental Condition 8(A) of Appendix Q of Decision No. 89 (slip op. at 395-396).

Subparagraph I.A. of the Railroad Corridor Safety Agreement called for the diagnostic review of each and every grade crossing on the B&O Corridor through Indiana. This review resulted in the development of the Indiana Corridor Project List (the "List"), as provided for in Subparagraph I.B. of the Agreement. The current version of the Indiana Corridor Project List, dated May 27, 1999, is included in this submission. As explained below, the List specifies upgrades for 13 of the 16 Indiana crossings listed under "CSX" in Environmental Condition 8(A). The three remaining crossings are addressed in a letter dated December 16, 1999 from Steven J. Hull of INDOT to Randall G. Frederick of CSX, also included in this submission.

ARNOLD & PORTER

The Honorable Vernon A. Williams

January 19, 2000

Page 2

As stated in the May 27, 1999 List, the warning systems at the following 13 crossings shall be upgraded to flashing lights and gates, which meets or exceeds the specifications for these crossings in Environmental Condition 8(A): 155372W (Kimmell), 155380N (Cromwell), 155391B (Syracuse), 155394W (Syracuse), 155395D (Syracuse), 155419P (Nappanee), 155465R (Teegarden), 155476D (Walkerton), 155484V (Walkerton), 155496P (Union Mills), 155632M (Willow Creek),¹ 155633U (Gary), and 155645N (Gary).

In addition, as stated in the letter dated December 16, 1999 from INDOT to CSX, INDOT has concluded that three crossings listed in Environmental Condition 8(A) which are presently equipped with flashing lights and gates shall be upgraded as specified in that letter: 155392H (Syracuse) 155615W (Portage) and 155637W (Gary). Environmental Condition 8(A) directs that these three crossings be upgraded to "4-Quadrant Gates, or Alternative Mitigation such as Median Barriers." As explained in the December 16, 1999 letter, after thorough diagnostic field review, INDOT specified "alternative mitigation" for these three crossings.

Finally, as you can see from the Indiana Corridor Project List, the Agreement provides for the upgrade of warning system devices or for closure at 43 crossings in addition to the 16 crossings listed in Environmental Condition 8(A), which INDOT believes "should make a substantial improvement to overall rail crossing safety within this corridor." December 16, 1999 letter from INDOT to CSX.

Accordingly, the parties request that the 16 CSX crossings in Indiana be deleted from Environmental Condition 8(A). The parties further request that Environmental Condition 51 be amended by adding the Railroad Safety Corridor Agreement to the list of Negotiated Agreements entered into by CSX.

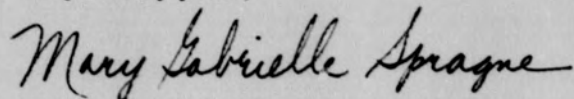
¹ This crossing is identified as being located in Gary in Environmental Condition 8(A).

ARNOLD & PORTER

The Honorable Vernon A. Williams
January 19, 2000
Page 3

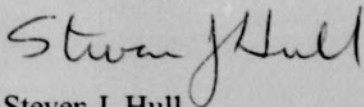
Thank you for your assistance in this matter. Please call me (202-942-5773) or Steven J. Hull of INDOT (317-232-5340) if you have any questions about the Railroad Safety Corridor Agreement.

Respectfully yours,



Mary Gabrielle Sprague
Counsel for CSX Corporation and
CSX Transportation, Inc.

Concurred in by:



Steven J. Hull
Engineering Services Manager, Division of Design,
Indiana Department of Transportation

Enclosures

cc: Elaine K. Kaiser

RAILROAD CORRIDOR SAFETY AGREEMENT

This Railroad Corridor Safety Agreement ("Agreement") is entered into this 25 day of June, 1998, by and between CSX Transportation, Inc. ("CSXT") and the Indiana Department of Transportation ("INDOT") and is intended to facilitate grade crossing safety improvements on the B&O Corridor.

RECITALS

WHEREAS, on June 23, 1997, in Finance Docket No. 33388, CSXT and Norfolk Southern Corporation ("NS") filed a joint application with the federal Surface Transportation Board ("STB"), seeking STB authorization for the acquisition of control of Conrail, Inc. by CSXT and NS and for the subsequent division of Conrail's assets (the "Acquisition");

WHEREAS, CSXT has identified a transportation corridor, extending from the eastern border of Indiana at Milepost BI-110 to Pine Junction, Indiana at Milepost BI-248.7 (the "B&O Corridor"), and is expanding the capacity of said corridor to accommodate a greater volume of trains traveling at higher rates of speed as a result of STB approval of the Acquisition;

WHEREAS, by letter dated April 25, 1997, CSXT filed a Notice of Intent with INDOT notifying INDOT of its intent to reinstall double-track at various locations along the B&O Corridor and by letter dated January 26, 1998, filed a Petition for review of public highway-railroad grade crossings of said Corridor in view of expected train traffic and train traffic speed increases expected to arise after the Acquisition. See Docket No. DOT-RR-1207;

WHEREAS, INDOT has statutory authority to regulate to promote and support safe, adequate and efficient rail services pursuant to Indiana Code 8-3-1-1;

WHEREAS, INDOT is responsible for evaluating public highway-railroad grade crossings to determine the need for upgrading warning devices and apportioning the costs thereof pursuant to Indiana Code 8-6-7.7-2 and 8-6-7.7-4;

WHEREAS, INDOT also administers federal funds which can be used for safety upgrades to eliminate hazards at public grade crossings, pursuant to the Federal Aid Highway Safety Act of 1973 and the Intermodal Surface Transportation Efficiency Act of 1991, and subsequent amendments thereto;

WHEREAS, CSXT and INDOT jointly desire to review grade crossing safety along the B&O Corridor ("the Corridor") in light of increased CSXT train volumes and speeds expected along these routes after the Acquisition;

WHEREAS, CSXT and INDOT further jointly desire to provide for grade crossing safety improvements along the Corridor;

WHEREAS, certain public grade crossings along the Corridor have crossbucks signage or are equipped solely with flashing lights;

WHEREAS, CSXT and INDOT propose to facilitate grade crossing improvements identified pursuant to this Agreement in accordance with the , applicable provisions of Title 23 of the United States Code and established procedures between CSXT and INDOT for such work or as may be subsequently jointly agreed;

WHEREAS, CSXT and INDOT recognize that the circumstances giving rise to this Agreement are unique and, therefore, that the terms of this Agreement set no precedent for future decisions or agreements regarding grade crossing safety and will not be utilized as precedential by either party;

WHEREAS, this Agreement is the product of extensive negotiations between CSXT and INDOT to promote grade crossing safety within Indiana;

NOW, THEREFORE, CSXT and INDOT agree as follows:

I. SELECTION of CROSSINGS for SAFETY UPGRADES

A. INDOT will establish a diagnostic team, as defined in 23 CFR §646.204(g), and will review each and every public grade crossing on said B&O Corridor for the purpose of elimination of hazards to both vehicles and pedestrians on railroad highway crossings to include, but not limited to, improved grade crossing warning devices, other grade crossing safety improvements, and grade crossing elimination. INDOT will use a systems approach in its review of said B&O Corridor similar to that described on Pages 85 to 87 of the Railroad-Highway Grade Crossing Handbook, September, 1986, 2nd Edition, FHWA-TS-86-215.

B. As a result of the review of the Corridor, INDOT and CSXT will, within six (6) months after entry into this Agreement, develop a list, to which they both agree, of railroad/highway grade crossing locations targeted for installation of safety enhancements which list will also specify the type of safety upgrade agreed to for each location (the "List" or "Listed Crossings"). This List may be modified by agreement of the parties.

C. INDOT and CSXT agree that the List shall include the crossing on Hobart Road in Gary, Indiana (Milepost 240.67, AAR/DOT # 155633U) for installation of train activated warning lights with gates, and that such inclusion shall provide full remedy and relief of the issues relative to INDOT Docket DOT-RR-1157 for Hobart Road, and that INDOT and CSXT shall jointly and severally take any and all actions as may be needed to withdraw and/or dismiss that earlier action.

D. INDOT agrees to work with CSXT and local highway authorities to identify the grade crossing locations along the B&O Corridor which may be permanently closed to public vehicular traffic. Potential public grade crossing closures, if any, shall be separately identified and addressed. In the event of closure of a Crossing on the B&O Corridor, money which would have been applied for installation of active warning devices at that crossing shall be applied to safety upgrades at any location within the B&O Corridor mutually agreed upon by the parties.

II. ADMINISTRATION of PROJECTS for SAFETY UPGRADES

A. Cost Allocation

For purposes of this Agreement, costs shall be allocated between CSXT and INDOT for safety upgrades for each Listed Crossing as follows: fifty percent (50%) of the actual cost of safety upgrades for each Listed Crossing payable by CSXT and fifty percent (50%) of the actual cost of safety upgrades for each Listed Crossing payable by INDOT. INDOT will utilize federal funds pursuant to provisions of Title 23 of the United States Code (which makes federal funds available to improve grade crossings), and applicable implementing regulations at 23 CFR Parts 924 and 646, to pay for at least a portion of its share of the costs of safety upgrades for each Listed Crossing on the B&O Corridor as provided in this Agreement, and may pay for any remaining share of its costs with other state or local funds that may be at its disposal. CSXT in turn agrees to comply with all requirements necessary for INDOT to utilize said federal funds.

B. Total Costs

INDOT and CSXT further agree that the total cost to CSXT, including preliminary engineering, for all safety upgrades at Listed Crossings on the B&O Corridor shall be between \$2 and \$3 million and the total cost to INDOT shall be between \$2 and \$3 Million. However, if Congress authorizes ISTEA funding for any crossings on the B&O Corridor, said total cost to CSXT and said total cost to INDOT shall each be reduced by one-half (1/2) of the ISTEA funding amount so allocated. INDOT further agrees that any order issued by INDOT to CSXT in Docket No. DOT-RR-1207 shall not require CSXT to expend greater than between \$2 and \$3 million of its funds for grade crossing safety improvements relative to the B&O Corridor, less one-half (1/2) of any ISTEA funding amount authorized by Congress for grade crossing safety improvements on the B&O Corridor (see H. Report 105-467; Section 127, which currently includes \$1.4 million for B&O crossing upgrades in Indiana).

C. Administration

INDOT and CSXT agree that following selection of a crossing, all subsequent activities, including but not limited to detailed design and installation of improvements at each selected crossing, progress and final bills, and final acceptance shall be governed by usual and customary practices and procedures between CSXT and INDOT for federally funded projects pursuant to existing Master Agreements, plus any and all Supplements, Amendments and Attachments, unless otherwise mutually agreed. CSXT shall not proceed with detailed design or cost estimates for any crossing until so authorized in writing by INDOT. CSXT shall submit detailed designs and estimates to INDOT for review and approval, and shall not proceed with purchase of materials or construction until so authorized in writing by INDOT.

D. Completion

Pursuant to Indiana Code 8-6-7.7-4, CSXT shall complete the installation of train activated warning devices within twelve (12) months after written authorization by INDOT to proceed with construction. CSXT may, if necessary, request additional time to complete the installation. CSXT shall submit the request for additional time in writing to INDOT. The request shall specifically set forth the basis of the need for additional time to complete the work. INDOT agrees to grant any reasonable request for extension, including but not limited to requests based on the overall CSXT workload, number of concurrent projects, circumstances beyond CSXT's control, and the significant CSXT cost share in these projects in granting any extensions and/or assessing any civil penalties for failure to complete the installation on time.

III. RECORDKEEPING REQUIREMENTS

CSXT shall make all records, plans, correspondence and other materials associated with any safety improvement performed under this Agreement available for examination and reproduction by authorized representatives of the U.S. Government, the State of Indiana and/or their agents. All project records shall be maintained by CSXT for three (3) years after final acceptance of the project or three (3) years after the resolution of any disputes that may arise as part of any project. CSXT shall make available to the U.S. Government, State of Indiana, or their authorized agents, their books, records, papers and materials pertaining to the Railroad costs of performing improvements.

IV. TERMINATION

In the event the STB fails to approve the pending Application in Finance Docket No. 33388, CSXT reserves the right to terminate further performance under this Agreement. If, in the event of such termination, INDOT is for any reason required to repay to any federal or local agency funds used to pay CSXT or any other entity under the terms of this Agreement, then CSXT shall repay to INDOT such sum or sums upon receipt of a billing from INDOT. This Agreement shall otherwise terminate on May 15, 2000. If the safety upgrades covered under this Agreement are not completed by that date, it is the expressed intention of the parties to renew this Agreement for successive biennium periods until such time as all work contemplated herein has been satisfactorily completed, however, this Agreement shall not apply nor be renewed for any Listed Crossing for which INDOT fails to authorize CSXT to do the work prior to May 15, 2000.

V. EQUAL EMPLOYMENT OPPORTUNITY

CSXT policy provides equal opportunities in employment without regard to race, color, religion, sex, age, or national origin, and it is committed to employing and advancing qualified disabled veterans, disabled persons, and Vietnam-era veterans. CSXT further complies with the requirements placed on government contractors and subcontractors by Executive order 11246, Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, and Section 503 of the Rehabilitation Act of 1973. CSXT further certifies that any Contractor employed in fulfilling the terms of this agreement shall also comply with these same Executive Orders, Laws, rules and regulations as applicable.

VI. MAINTAINING A DRUG-FREE WORKPLACE

A. CSXT hereby covenants and agrees to make a good faith effort to provide and maintain during the term of this contract a drug-free workplace, and that it will give written notice to INDOT and the Indiana Department of Administration within ten (10) days after receiving actual notice that an employee of CSXT has been convicted of a criminal drug violation occurring in CSXT's workplace.

B. In addition to the provisions of subparagraph (A) above, because the total contract amount set forth in this contract is in excess of \$25,000, CSXT further certifies by signing this Agreement that it will provide a drug-free workplace by:

1. Publishing and providing to all of its employees a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the CSXT workplace and specifying the actions that will be taken against employees for violations of such prohibitions; and

2. Establishing a drug-free awareness program to inform employees about (a) the dangers of drug abuse in the workplace; (b) the CSXT policy of maintaining a drug-free workplace; (c) any available drug counseling, rehabilitations, and employee assistance programs; and (d) the penalties that may be imposed upon an employee for drug abuse violations occurring in the workplace;

3. Notifying all employees in the statement required by subparagraph (1) above that as a condition of continued employment, the employee will (a) abide by the terms of the statement; and (b) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction;

4. Notifying in writing the Indiana Department of Transportation and the Indiana Department of Administration within ten (10) days after receiving notice from an employee under subdivision (3) (b) above or otherwise receiving actual notice of such conviction;

5. Within thirty (30) days after receiving notice under subdivision (3) (b) above of a conviction, imposing the following sanctions or remedial measures on any employee who is convicted of drug abuse violations occurring in the workplace: (a) take appropriate personnel action against the employee, up to and including termination; or (b) require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency; and

6. Making a good faith effort to maintain a drug-free workplace through the implementation of subparagraphs (1) through (5) above.

C. It is further expressly agreed that the failure of CSXT to in good faith comply with the terms of subparagraph (A) above, or falsifying or otherwise violating the terms of subparagraph (B) above, shall constitute a material breach of this contract, and shall entitle INDOT to impose sanctions against CSXT including, but not limited to, suspension of contract payments, termination of this contract and/or debarment of CSXT from doing further business with the State of Indiana for up to three (3) years.

VII. DENIAL OF LIABILITY

This Agreement shall not constitute, be interpreted, construed or used as evidence of any admission of liability, law or fact, a waiver of any right or defense, nor an estoppel against any party either by the parties themselves or by any other person not a party.

VIII. HOLD HARMLESS

CSXT shall indemnify and hold harmless the State of Indiana, its officials and employees for all liability due to loss, damage, injuries or other casualties to the person or property of anyone arising from work negligently performed pursuant to this Agreement by CSXT, its agents or employees while engaged in the performance of this contract, including any claims arising out of the Workers Compensation Act. In case any action involving any work covered by this Agreement is brought by or against any party or parties, said party or parties shall promptly notify the other party or parties of such action.

IX. EFFECTIVE DATE

This Agreement shall not be effective unless and until it is approved by the Attorney General of the State of Indiana, or his representative, as to form and legality.

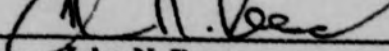
X. AMENDMENT

This Agreement may be amended by written agreement of the parties.

This Railroad Corridor Safety Agreement may be executed in one or more counterparts, each of which shall be deemed to be a duplicate original, but all of which taken together shall be deemed to constitute a single Agreement.

In Witness Hereof, INDOT and CSXT, through their proper duly appointed and authorized officials, have hereto affixed their signatures

CSX TRANSPORTATION, INC.

By: 
Name: John N. Reese
Title: Vice President-Engineering

**STATE OF INDIANA
DEPARTMENT OF TRANSPORTATION**

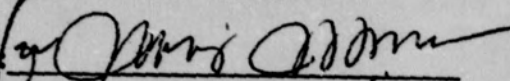
By: 
Name: Curtis A. Wiley
Title: Commissioner

**STATE OF INDIANA
DEPARTMENT OF ADMINISTRATION**

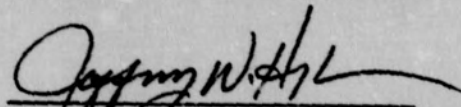
By: 
Name: Betty Cockrum
Title: Commissioner

JUN 17 1998

STATE OF INDIANA
STATE BUDGET AGENCY

By: 
Name: Peggy Boehm 6/23/98
Title: Director

Approved as to Form and Legality


Jeffrey A. Modisett
Attorney General of the State of Indiana
Date Approved: 6/25/98

ACKNOWLEDGEMENT for CSXT:

State of FLORIDA, County of DUVAL, SS:

Before me, the undersigned Notary Public in and for said County and State, personally appeared (name of signer, their official title and name of company) **John N. Reese, Vice President-Engineering, CSX Transportation, Inc.**, and acknowledged the execution of the foregoing contract on this 5th day of June, 1998.

Witness my hand and seal this said last named date.

My Commission Expires

11/22/99

Date

Duval

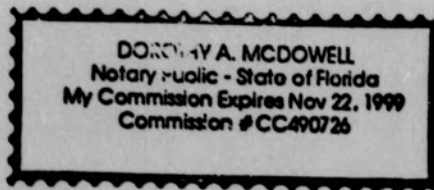
County of Residence

Dorothy A. McDowell

Notary Public

Dorothy A. McDowell

Print or type name



ACKNOWLEDGEMENT for INDOT:

State of Indiana, County of Marion, SS:

Before me, the undersigned Notary Public in and for said County and State, personally appeared Curtis A. Wiley, the Commissioner of the Indiana Department of Transportation, and acknowledged the execution of the foregoing contract on this 11th day of JUNE, 1998.

Witness my hand and seal this said last named date.

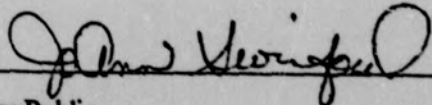
My Commission Expires

2-21-2000

Date

MARION

County of Residence



Notary Public

JOHN SWINFORD

Print or type name

s:\staff\dam\pam\Agreements\B&O Corridor Agreement PES new

INDIANA CORRIDOR PROJECT LIST

5/27/99

10:58 AM

FUNDING SOURCE	CSXT OP #	DOT#	R.R. M.P.	COUNTY	CITY	CROSSING NAME	PRESENT DEVICES	PROPOSED DEVICES	REMARKS/COMMENTS
N/A	Close	155289V	BI-113.57	DE KALB	ST. JOE	CR 60 / CR 14 (Center Road)	STOP SIGN	CLOSED	Crossing has been closed in accord with County agreement
N/A	Close	155292D	BI-114.30	DE KALB	ST. JOE	CR 60A / CR 218	X-BUCKS	CLOSED	Crossing has been closed in accord with County agreement
N/A	Close	155301A	BI-116.55	DE KALB	ST. JOE	CR 58	STOP SIGN	CLOSED	Crossing has been closed in accord with County agreement
N/A	Close	155305C	BI-118.71	DE KALB	ST. JOE	CR 179 / CR 47	STOP SIGN	CLOSED	Crossing has been closed in accord with County agreement
N/A	Close	155323A	BI-124.95	DE KALB	AUBURN	CR 321 (West Street)	X-BUCKS	CLOSED	Crossing has been closed in accord with County agreement
INDOT/CSXT Shared	IN0045	155288N	BI-112.74	DE KALB	ST. JOE	71st Street	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0002	155298U	BI-115.52	DE KALB	ST. JOE	Third Street	X-BUCKS	FLS&G	Crossing closure was rejected by County
INDOT/CSXT Shared	IN0003	155299B	BI-115.78	DE KALB	ST. JOE	CR 59 (Spencerville Road)	FLS	FLS&G	
INDOT/CSXT Shared	IN0004	155306J	BI-119.51	DE KALB	AUBURN	CR 43	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0005	155329R	BI-127.08	DE KALB	GARRETT	CR 13 (Taylor Road)	FLS	FLS&G	
INDOT/CSXT Shared	IN0006	155341X	BI-132.08	NOBLE	AVILLA	CR 309 / CR 1100E	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0007	155345A	BI-134.17	NOBLE	AVILLA	CR 900E	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0008	155349C	BI-136.15	NOBLE	AVILLA	CR 700E	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0009	155350W	BI-136.37	NOBLE	AVILLA	CR 100N	FLS	FLS&G	
INDOT/CSXT Shared	IN0046	155353S	BI-137.34	NOBLE	AVILLA	CR 600E	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0010	155365L	BI-143.55	NOBLE	ALBION	York Street	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0011	155374K	BI-149.65	NOBLE	KIMMEL	CR 19 / CR 600W / CR 300N	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0012	155378M	BI-151.40	NOBLE	KIMMEL	CR 143 (Sparta Lake Road)	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0014	155383J	BI-154.03	NOBLE	CROMWELL	CR 99 / CR 1025W	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0015	155395D	BI-161.15	KOSCIUSKO	SYRACUSE	CR 285 (Oak Street)	X-BUCKS	FLS&G	County withdrew offer of street closure
INDOT/CSXT Shared	IN0047	155414F	BI-168.89	KOSCIUSKO	MILFORD	CR 300W	X-BUCKS	FLS&G	
N/A	Close	155415M	BI-169.51	KOSCIUSKO	MILFORD	CR 360 (Gravelton Road)	X-BUCKS	TO BE CLOSED	When CR 400W (BI-169.89) is improved to FLS&G, CR 360 (Gravelton Road) crossing will be closed in accord with County agreement
INDOT/CSXT Shared	IN0017	155416U	BI-169.89	KOSCIUSKO	MILFORD	CR 400W	FLS	FLS&G	When CR 400W (BI-169.89) is improved to FLS&G, CR 360 (Gravelton Road) crossing will be closed in accord with County agreement
INDOT/CSXT Shared	IN0018	155417B	BI-170.87	ELKHART	NAPPANEE	CR 21 / CR 11	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0020	155431W	BI-175.40	ELKHART	NAPPANEE	CR 101 (Tomahawk Road)	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0021	155435Y	BI-177.91	MARSHALL	NAPPANEE	CR 87 (Beech Street)	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0022	155455K	BI-187.47	MARSHALL	LA PAZ	CR 297 (King Road)	X-BUCKS	FLS&G	
INDOT/CSXT Shared	IN0023	155464J	BI-191.97	MARSHALL	LA PAZ	CR 35 (Pine Road)	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0024	155465R	BI-192.68	MARSHALL	TEEGARDEN	CR 100 (First Road / Smith St.)	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0025	155466X	BI-192.97	MARSHALL	TEEGARDEN	CR 27 (Quince Road)	X-BUCKS	FLS&G	
INDOT/CSXT Shared	IN0026	155471U	BI-193.98	MARSHALL	TEEGARDEN	CR 19 (Redwood Road)	X-BUCKS	FLS&G	
INDOT/CSXT Shared	IN0027	155473H	BI-194.97	MARSHALL	TEEGARDEN	CR 17 (Sycamore Road)	X-BUCKS	FLS&G	
INDOT/CSXT Shared	IN0028	155476D	BI-196.48	MARSHALL	WALKERTON	CR 265 (Thorn Road)	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0029	155477K	BI-197.90	MARSHALL	WALKERTON	CR 263 (Ule Road)	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0030	155485C	BI-202.64	LA PORTE	WALKERTON	CR 111 / CR 750E	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0031	155487R	BI-204.41	LA PORTE	WALKERTON	CR 105 (Kankakee Street)	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0032	155496P	BI-215.39	LA PORTE	UNION MILLS	CR 39 / CR 500W	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0033	155498D	BI-217.41	LA PORTE	UNION MILLS	CR 700W	STOP SIGN	FLS&G	

INDIANA CORRIDOR PROJECT LIST

5/27/99

10:58 AM

<u>FUNDING SOURCE</u>	<u>CSXT OP #</u>	<u>DOT#</u>	<u>R.R. M.P.</u>	<u>COUNTY</u>	<u>CITY</u>	<u>CROSSING NAME</u>	<u>PRESENT DEVICES</u>	<u>PROPOSED DEVICES</u>	<u>REMARKS/COMMENTS</u>
INDOT/CSXT Shared	IN0034	155499K	BI-218.40	LA PORTE	UNION MILLS	CR 19 / CR 800W	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0035	155600G	BI-219.40	LA PORTE	UNION MILLS	CR 15 / CR 900W	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0036	155603C	BI-221.47	LA PORTE	UNION MILLS	CR 1100W	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0037	155605R	BI-223.38	PORTER	PORTAGE	CR 223 / CR 600E	BELLS	FLS&G??	
INDOT/CSXT Shared	IN0038	155610M	BI-226.71	PORTER	PORTAGE	CR 61 (Suman Road)	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0039	155613H	BI-228.58	PORTER	PORTAGE	CR 220 (Tratebas Road)	STOP SIGN	FLS&G	
INDOT/CSXT Shared	IN0040	155615W	BI-229.71	PORTER	PORTAGE	CR 64 / CR 900N	FLS&G	4 QUAD. GATES??	Diagnostics required for alternate mitigation techniques and/or INDOT exit gate operation timing
INDOT/CSXT Shared	IN0041	155627R	BI-236.67	PORTER	PORTAGE	Portage Avenue	FLS	FLS&G	
INDOT/CSXT Shared	IN0042	155632M	BI-238.99	PORTER	ILLOW CREE	CR 9600 (County Line Road)	FLS	FLS&G	
INDOT/CSXT Shared	IN0043	155633U	BI-240.67	LAKE	GARY	Hobart Road	FLS	FLS&G	
INDOT/CSXT Shared	IN0044	155637W	BI-241.35	LAKE	GARY	Lake Street	FLS&G	4 QUAD. GATES??	Diagnostics required for alternate mitigation techniques and/or INDOT exit gate operation timing
90% Fed 10% local	467521	155372W	BI-148.64	NOBLE	KIMMEL	CR 500W	STOP SIGN	FLS&G	
90% Fed 10% local	IN0013	155380N	BI-152.74	NOBLE	CROMWELL	CR 5 / CR 900W	STOP SIGN	FLS&G	
90% Fed 10% local	467581	155391B	BI-160.49	KOSCIUSKO	SYRACUSE	7TH Street (Front Street)	FLS	FLS&G	
90% Fed 10% local	467286	155392H	BI-160.65	KOSCIUSKO	SYRACUSE	SR 13 (Huntington St. / 5th St)	FLS	FLS&G	Diagnostics required for alternate mitigation techniques and/or INDOT exit gate operation timing
90% Fed 10% local	467580	155394W	BI-161.05	KOSCIUSKO	SYRACUSE	CR 89 (Main Street)	FLS	FLS&G	
0% Fed 3.3% LPA 6.6% CS	467571	155408C	BI-166.48	KOSCIUSKO	MILFORD	CR 229 / CR 50W	STOP SIGN	FLS&G	
90% Fed 10% local	467508	155420J	BI-172.90	ELKHART	NAPPANEE	CR 13 / CR 7	FLS	FLS&G	
90% Fed 10% local	IN0019	155419P	BI-171.88	ELKHART	NAPPANEE	CR 19 / CR 9	STOP SIGN	FLS&G	
90% Fed 10% local	467563	155484V	BI-201.39	LA PORTE	WALKERTON	CR 875E	STOP SIGN	FLS&G	
90% Fed 10% local	467476	155619Y	BI-231.68	PORTER	PORTAGE	CR 43 / CR 100W	STOP SIGN	FLS&G	
90% Fed 10% CSXT	467518	155645N	BI-248.22	LAKE	GARY	Clark Road	FLS	FLS&G	



INDIANA DEPARTMENT OF TRANSPORTATION
Division of Design, Engineering Services Section
100 North Senate Avenue - Room N642
Indianapolis, Indiana 46204-2249
(317) 232-5340 FAX: (317) 233-4929
An Equal Opportunity Employer • <http://www.state.in.us/dot>

FRANK O'BANNON, Governor

CRISTINE M. KLIKA, Commissioner

December 16, 1999

Mr. Randall G. Frederick
Public Improvements Engineer
CSX Transportation
4901 Belfort Road - Suite 130
Jacksonville, FL 32256

Re: DOT 155392H, Huntington Street (SR 13) in Syracuse, Kosciusko County, Indiana
DOT 155615W, County Road 900N, Porter County, Indiana
DOT 155637W, Lake Street in Gary, Lake County, Indiana

Dear Randy

Information in our files suggests that the STB recommended upgrades to warning devices at 16 crossings on the B&O Corridor in Indiana, including 4 quadrant gates for the three crossings noted above.

In fact, the jointly funded corridor project between CSX and INDOT will result in warning device upgrades to 43 crossings in this corridor, plus a few other upgrades funded solely by INDOT. However, we did not agree to installation of 4 quadrant gates at the three crossings as suggested by the STB.

INDOT and CSX representatives conducted a diagnostic field review at those three crossings and the general conclusion was that 4 quadrant gates were not indicated at the present time and that other more conventional upgrade solutions existed which should be implemented instead.

For Huntington Street, the existing mast mounted flashers and gates will be replaced with cantilever lights with 12" signal heads plus gates, and the control circuitry upgraded to constant warning time. This will improve visibility of the signals for approaching motorists, and constant warning time will provide better signal credibility considering the difference in train speeds between the 2 main line tracks and side track also located within this crossing.

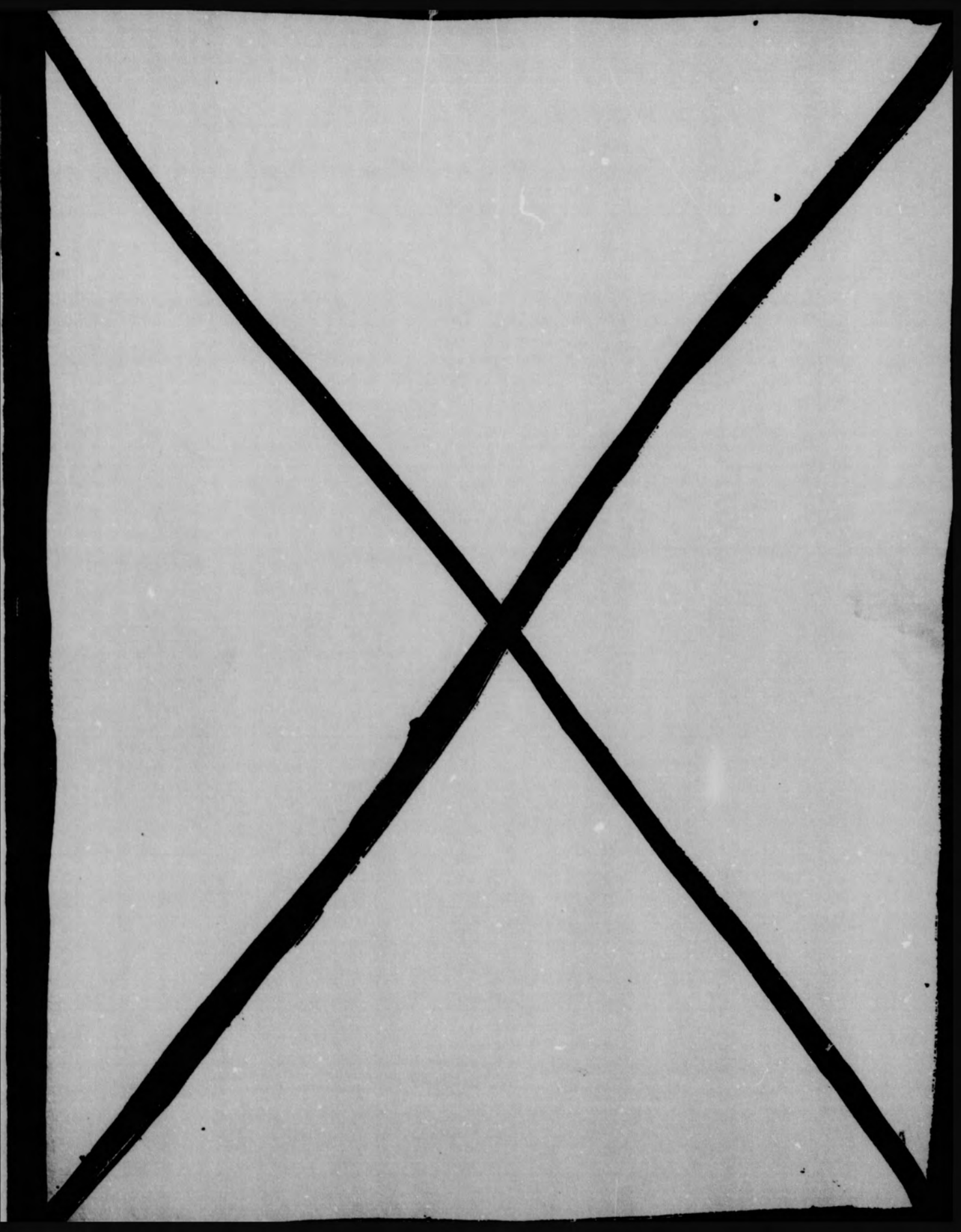
At County Road 900N, the approach roadway crosses the track in an S-curve. To improve visibility of the signals through the curves and make it harder for motorists to go around the gates, the existing flashing lights are being replaced with 12" LED signal heads that are brighter and have a wider field of view, and the gates are being lengthened. Further, the control circuitry is being upgraded to constant warning time.

Finally, at Lake Street, the existing flashing lights will be replaced with 12" LED signal heads for better overall visibility to approaching motorists, including left turn movements from side streets into the crossing. Further, the existing gates will be lengthened and realigned from perpendicular to the roadway to instead be parallel to the tracks. This narrows the gap between gate tips making it harder for motorists to drive around the gates, and also makes the gates more visible to motorists making those left turns from side streets into the crossing. The control circuitry is also being upgraded to constant warning time.

These improvements, along with warning device upgrades at over 40 other crossings, should make a substantial improvement to overall rail crossing safety within this corridor. We appreciate your cooperation in working with us in this jointly funded project.

Sincerely yours,

Steven J. Hull
Engineering Services Manager



STB

FD-33388

1-7-00

K

196446

196446

ARNOLD & PORTER

555 TWELFTH STREET, N.W.
WASHINGTON, D.C. 20004-1202

(202) 942-5000
FACSIMILE: (202) 942-5999

NEW YORK
DENVER
LOS ANGELES
LONDON

ENTERED
MARY GABRIELLE SHRAGUE the Secretary
(202) 942-5773

JAN 07 2000

Part of
Public Record

January 7, 2000



BY HAND DELIVERY - Original and 25 Copies

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
Mercury Building, Room 700
1925 K Street, N.W.
Washington, D.C. 20423

**Re: Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company -- Control and Operating Leases/Agreements -- Conrail Inc. and Consolidated Rail Corporation -
Negotiated Agreement with Township of Middleton, Ohio**

Dear Secretary Williams:

CSX Corporation and CSX Transportation, Inc. hereby submit a Negotiated Agreement with the Township of Middleton pursuant to Environmental Condition 11 of Decision No. 89 (slip op. at 401-02). This Negotiated Agreement effectuates the Board's preference for privately negotiated solutions stated in Decision No. 89 (slip op. at 153): "[To] give effect to privately negotiated solutions whenever possible, we clarify that negotiated agreements will remain available as an alternative to the local and site-specific mitigation imposed here (for example, specific grade crossing upgrade mitigation, real time monitoring for emergency response delay, or noise mitigation)." Environmental Condition 11 similarly provides that the specific terms of the condition may be superseded by a Negotiated Agreement with the responsible local government that satisfies that community's environmental concerns.

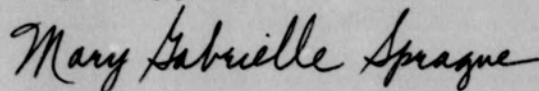
As stated in the enclosed Negotiated Agreement, the parties request that Environmental Condition 11 be amended by deleting the Township of Middleton receptors from those identified on the Deshler, OH to Toledo, OH line segment and that Environmental Condition 51 be amended by adding this Negotiated Agreement with the Township of Middleton, dated December 1, 1999, and accepted by the Township of Middleton on December 1, 1999, to the list of Negotiated Agreements entered into by CSX.

ARNOLD & PORTER

Hon. Vernon A. Williams
January 7, 2000
Page 2

Thank you for your assistance in this matter. Please contact me (202-942-5773) if you have any questions about this submission.

Respectfully yours,

A handwritten signature in cursive script that reads "Mary Gabrielle Sprague".

Mary Gabrielle Sprague
*Counsel for CSX Corporation and
CSX Transportation, Inc.*

Enclosure

cc: Elaine K. Kaiser
Milayne E. Walker, Clerk, Township of Middleton

December 1, 1999

Milayne E. Walker, Clerk
Middleton Township, Wood County
P. O. Box 154
Haskins, Ohio 43525-0154

Re: Negotiated Agreement Relating to CSX Acquisition of Conrail

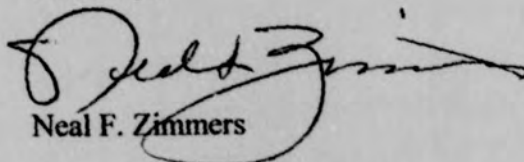
Dear Ms. Walker:

Thank you for the time you dedicated to the opportunities and environmental issues associated with CSX's operations through your community. CSX consulted with the Township of Middleton regarding the environmental effects identified by the Surface Transportation Board of increased train traffic, including wayside noise, through the Township of Middleton. The Township of Middleton and CSX have jointly developed this Negotiated Agreement to satisfy the Township of Middleton's environmental concerns. CSX will pay the Township of Middleton \$10,000.00. The Township of Middleton agrees to utilize the settlement amount in its sole discretion for the benefit of the citizens of the Township of Middleton, for appropriate public purposes including noise mitigation.

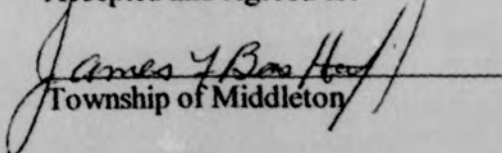
This Negotiated Agreement will be filed with the Surface Transportation Board to document satisfaction of Environmental Condition 11 with respect to the Township of Middleton, and is intended to supersede any other obligations under Environmental Condition 11. The parties jointly request the Board's approval by requesting that this Negotiated Agreement be incorporated into Environmental Condition 51 of Finance Docket No. 33388, Decision No. 89. This Negotiated Agreement will become effective upon an order of the Board accepting this agreement.

Please countersign this letter to indicate your agreement.

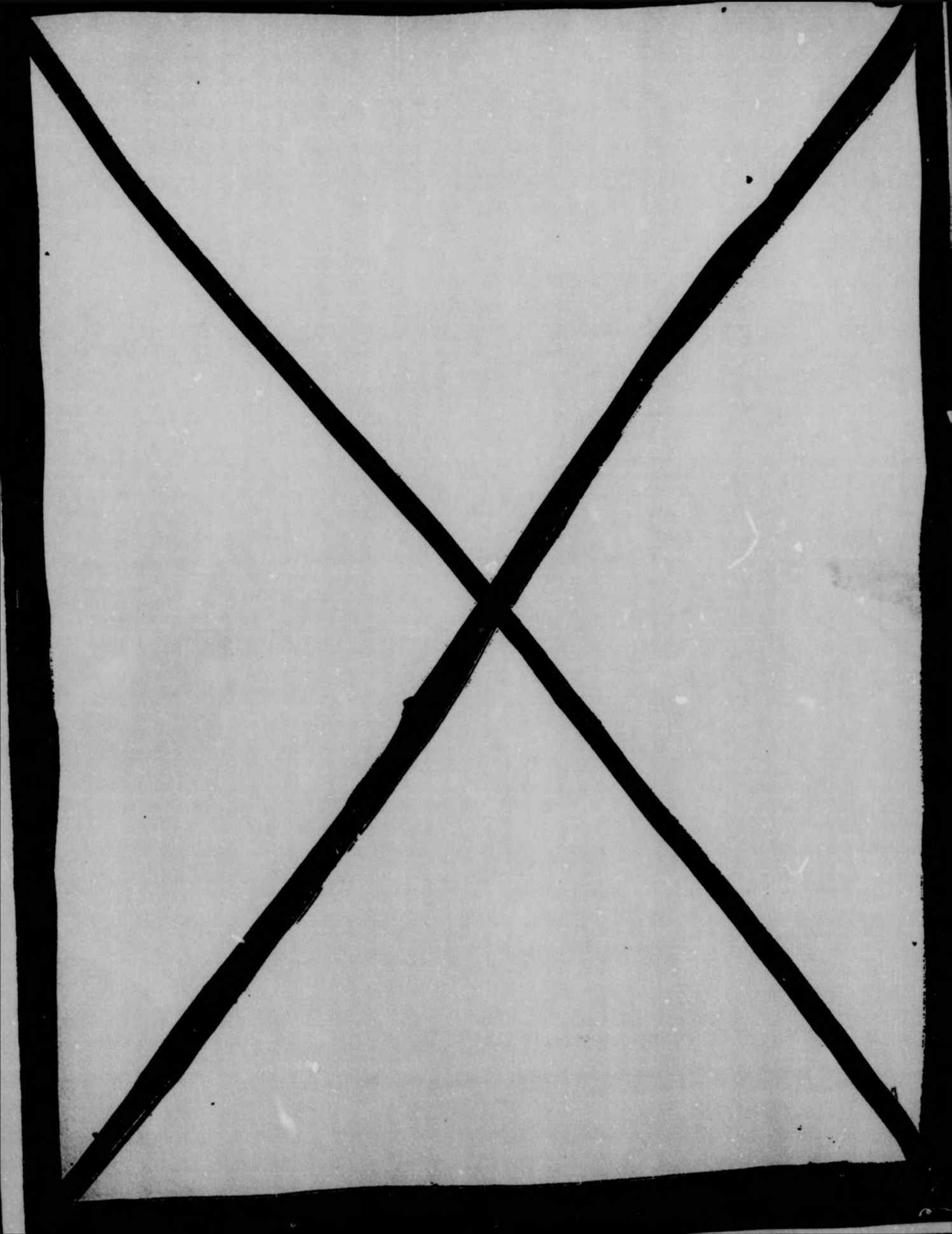
Sincerely,


Neal F. Zimmers

Accepted and Agreed to:


Township of Middleton

Date 12-1-99



STB

FD-33388

1-7-00

K

196447

196447

ARNOLD & PORTER

555 TWELFTH STREET, N.W.
WASHINGTON, D.C. 20004-1202

MARY GABRIELLE SPRAGUE
(202) 942-5773

ENTERED
Office of the Secretary

(202) 942-5000
FACSIMILE: (202) 942-5999

NEW YORK
DENVER
LOS ANGELES
LONDON

JAN 07 2000
Part of
Public Record

January 7, 2000



BY HAND DELIVERY - Original and 25 Copies

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
Mercury Building, Room 700
1925 K Street, N.W.
Washington, D.C. 20423

**Re: Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company -- Control and Operating Leases/Agreements -- Conrail Inc. and Consolidated Rail Corporation --
Negotiated Agreement with Township of New London, Ohio**

Dear Secretary Williams:

CSX Corporation and CSX Transportation, Inc. hereby submit a Negotiated Agreement with the Township of New London pursuant to Environmental Condition 11 of Decision No. 89 (slip op. at 401-02). This Negotiated Agreement effectuates the Board's preference for privately negotiated solutions stated in Decision No. 89 (slip op. at 153): "[To] give effect to privately negotiated solutions whenever possible, we clarify that negotiated agreements will remain available as an alternative to the local and site-specific mitigation imposed here (for example, specific grade crossing upgrade mitigation, real time monitoring for emergency response delay, or noise mitigation)." Environmental Condition 11 similarly provides that the specific terms of the condition may be superseded by a Negotiated Agreement with the responsible local government that satisfies that community's environmental concerns.

As stated in the enclosed Negotiated Agreement, the parties request that Environmental Condition 11 be amended by deleting New London from the list of communities on the Berea, OH to Greenwich, OH line segment and that Environmental Condition 51 be amended by adding this Negotiated Agreement with the Township of New London, dated December 13, 1999, and accepted by the Township of New London on December 13, 1999, to the list of Negotiated Agreements entered into by CSX.

ARNCLD & PORTER

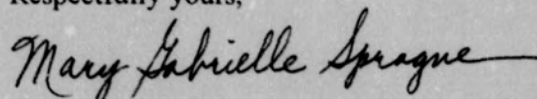
Hon. Vernon A. Williams

January 7, 2000

Page 2

Thank you for your assistance in this matter. Please contact me (202-942-5773) if you have any questions about this submission.

Respectfully yours,

A handwritten signature in cursive script that reads "Mary Gabrielle Sprague". The signature is written in dark ink and includes a long, sweeping horizontal line at the end.

Mary Gabrielle Sprague
*Counsel for CSX Corporation and
CSX Transportation, Inc.*

Enclosure

cc: Elaine K. Kaiser

Jerry Gardner, Clerk, Township of New London

DATE 12-13-99

Jerry Gardner, Clerk
New London Township, Huron County
5922 Townline Rd. 187
New London, Ohio 44851-9409

Re: Negotiated Agreement Relating to CSX Acquisition of Conrail

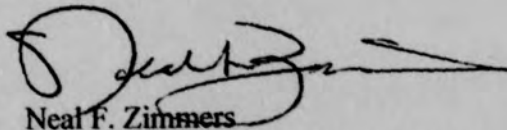
Dear Mr. Gardner:

Thank you for the time you dedicated to the opportunities and environmental issues associated with CSX's operations through your community. CSX consulted with the Township of New London regarding the environmental effects identified by the Surface Transportation Board of increased train traffic, including wayside noise, through the Township of New London. The Township of New London and CSX have jointly developed this Negotiated Agreement to satisfy the Township of New London's environmental concerns. CSX will pay the Township of New London \$110,000.00. The Township of New London agrees to utilize the settlement amount in its sole discretion for the benefit of the citizens of the Township of New London, for appropriate public purposes including noise mitigation.

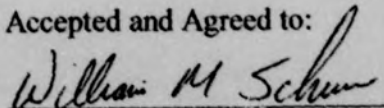
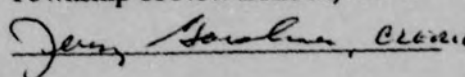
This Negotiated Agreement will be filed with the Surface Transportation Board to document satisfaction of Environmental Condition 11 with respect to the Township of New London, and is intended to supersede any other obligations under Environmental Condition 11. The parties jointly request the Board's approval by requesting that this Negotiated Agreement be incorporated into Environmental Condition 51 of Finance Docket No. 33388, Decision No. 89. This Negotiated Agreement will become effective upon an order of the Board accepting this agreement.

Please countersign this letter to indicate your agreement.

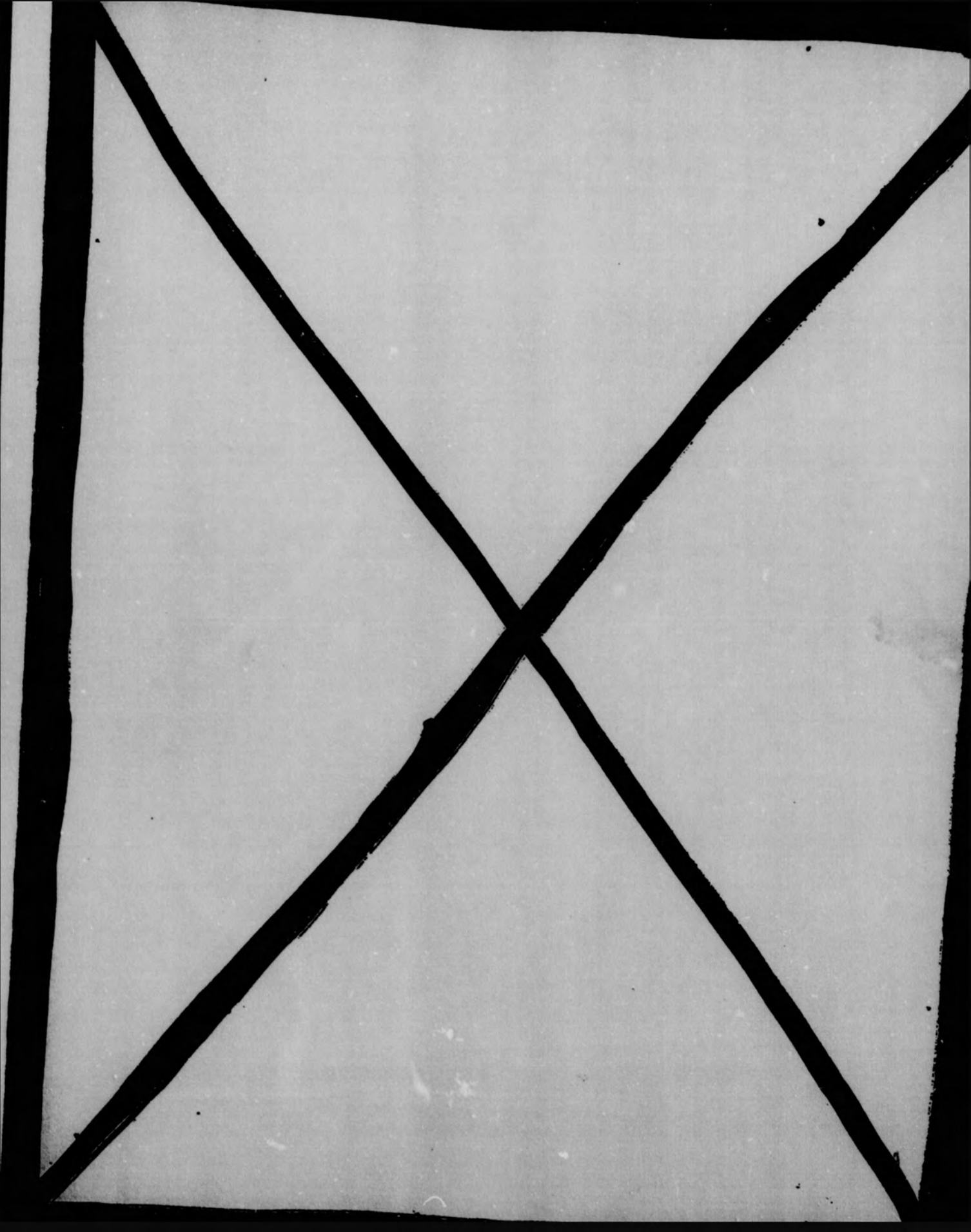
Sincerely,


Neal F. Zimmers

Accepted and Agreed to:


Township of New London, CHAIRMAN

Jerry Gardner, CLERK

Date 12-13-99



STB

FD-33388

1-7-00

K

196448

196448

ARNOLD & PORTER

555 TWELFTH STREET, N.W.
WASHINGTON, D.C. 20004-1202

MARY GABRIELLE SPRAGUE
(202) 942-5773

ENTERED
Office of the Secretary

(202) 942-5000
FACSIMILE: (202) 942-5999

NEW YORK
DENVER
LOS ANGELES
LONDON

JAN 07 2000

Part of
Public Record

January 7, 2000



BY HAND DELIVERY - Original and 25 Copies

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
Mercury Building, Room 700
1925 K Street, N.W.
Washington, D.C. 20423

Re: Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company -- Control and Operating Leases/Agreements -- Conrail Inc. and Consolidated Rail Corporation -- Negotiated Agreement with Township of Weston, Ohio

Dear Secretary Williams:

CSX Corporation and CSX Transportation, Inc. hereby submit a Negotiated Agreement with the Township of Weston pursuant to Environmental Condition 11 of Decision No. 89 (slip op. at 401-02). This Negotiated Agreement effectuates the Board's preference for privately negotiated solutions stated in Decision No. 89 (slip op. at 153): "[To] give effect to privately negotiated solutions whenever possible, we clarify that negotiated agreements will remain available as an alternative to the local and site-specific mitigation imposed here (for example, specific grade crossing upgrade mitigation, real time monitoring for emergency response delay, or noise mitigation)." Environmental Condition 11 similarly provides that the specific terms of the condition may be superseded by a Negotiated Agreement with the responsible local government that satisfies that community's environmental concerns.

As stated in the enclosed Negotiated Agreement, the parties request that Environmental Condition 11 be amended by deleting Weston from the list of communities on the Deshler, OH to Toledo, OH line segment and that Environmental Condition 51 be amended by adding this Negotiated Agreement with the Township of Weston, dated December 13, 1999, and accepted by the Township of Weston on December 13, 1999, to the list of Negotiated Agreements entered into by CSX.

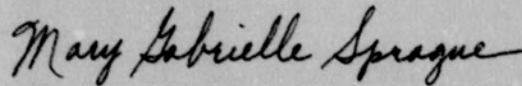
337903

ARNOLD & PORTER

Hon. Vernon A. Williams
January 7, 2000
Page 2

Thank you for your assistance in this matter. Please contact me (202-942-5773) if you have any questions about this submission.

Respectfully yours,

A handwritten signature in cursive script that reads "Mary Gabrielle Sprague".

Mary Gabrielle Sprague
Counsel for CSX Corporation and
CSX Transportation, Inc.

Enclosure

cc: Elaine K. Kaiser
Stanley B. Bucksy, Clerk, Township of Weston

December 13, 1999

Stanley B. Bucksy, Clerk
Weston Township, Wood County
P. O. Box ~~338~~ 332
Weston, Ohio 43569-~~0338~~ 0332

Re: Negotiated Agreement Relating to CSX Acquisition of Conrail

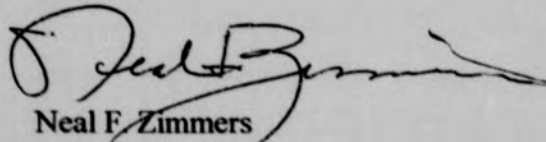
Dear Mr. Bucksy:

Thank you for the time you dedicated to the opportunities and environmental issues associated with CSX's operations through your community. CSX consulted with the Township of Weston regarding the environmental effects identified by the Surface Transportation Board of increased train traffic, including wayside noise, through the Township of Weston. The Township of Weston and CSX have jointly developed this Negotiated Agreement to satisfy the Township of Weston's environmental concerns. CSX will pay the Township of Weston \$20,000.00. The Township of Weston agrees to utilize the settlement amount in its sole discretion for the benefit of the citizens of the Township of Weston, for appropriate public purposes including noise mitigation.

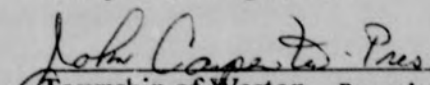
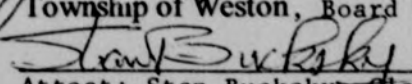
This Negotiated Agreement will be filed with the Surface Transportation Board to document satisfaction of Environmental Condition 11 with respect to the Township of Weston, and is intended to supersede any other obligations under Environmental Condition 11. The parties jointly request the Board's approval by requesting that this Negotiated Agreement be incorporated into Environmental Condition 51 of Finance Docket No. 33388, Decision No. 89. This Negotiated Agreement will become effective upon an order of the Board accepting this agreement.

Please countersign this letter to indicate your agreement.

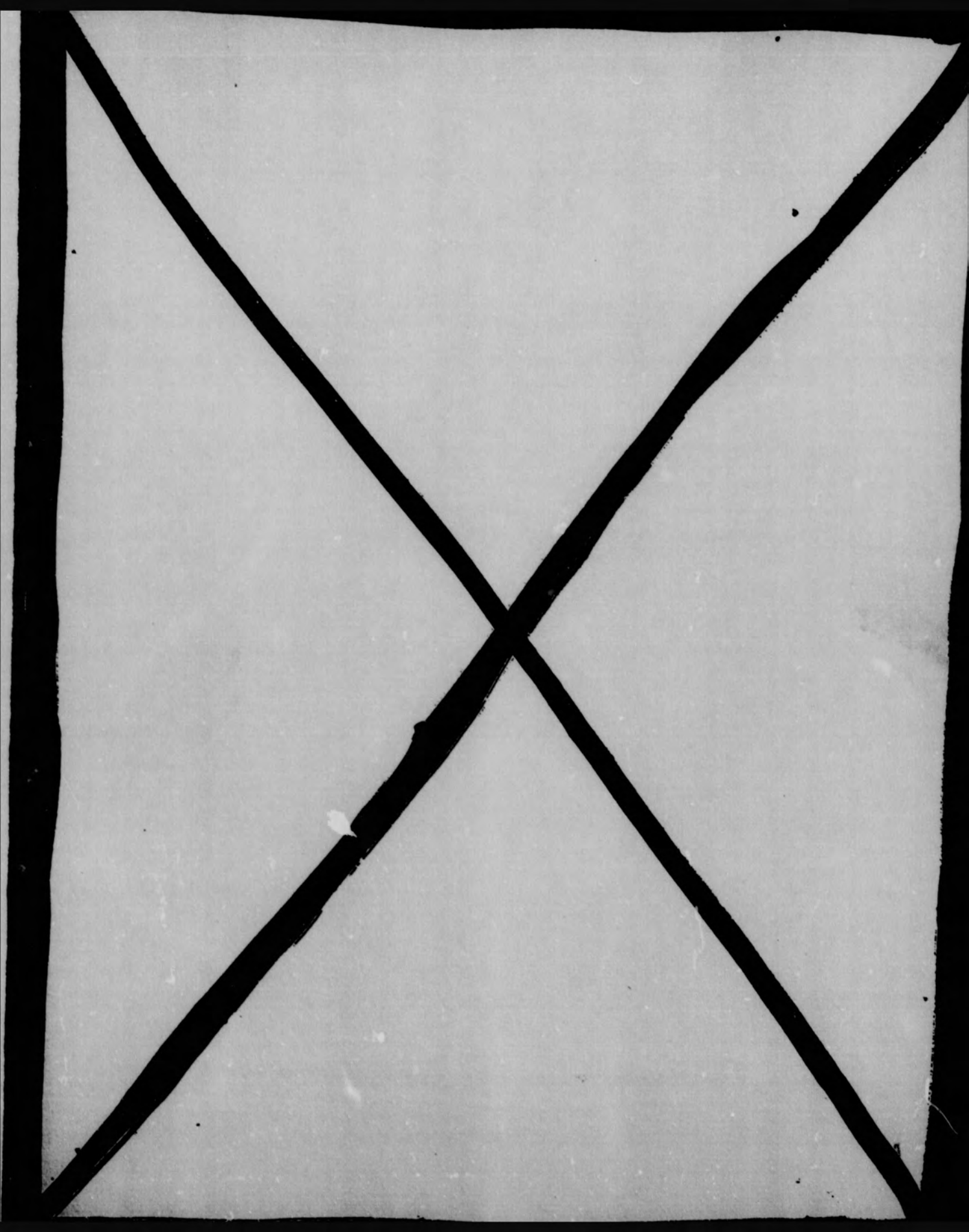
Sincerely,


Neal F. Zimmers

Accepted and Agreed to:


Township of Weston, Board President

Attest: Stan Bucksy, Clerk

Date DEC 13, 1999



STB

FD-33388

1-7-00

K

196449

196449

ARNOLD & PORTER

555 TWELFTH STREET, N.W.
WASHINGTON, D.C. 20004-1202

(202) 942-5000
FACSIMILE (202) 942-5999

MARY GABRIELLE SPRAGUE
(202) 942-5773

NEW YORK
DENVER
LOS ANGELES
LONDON

ENTERED
Office of the Secretary

JAN 07 2000

January 7, 2000

Part of
Public Record

BY HAND DELIVERY - Original and 25 Copies

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
Mercury Building, Room 700
1925 K Street, N.W.
Washington, D.C. 20423

K



**Re: Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company -- Control and Operating Leases/Agreements -- Conrail Inc. and Consolidated Rail Corporation --
Negotiated Agreement with Village of Haskins, Ohio**

Dear Secretary Williams:

CSX Corporation and CSX Transportation, Inc. hereby submit a Negotiated Agreement with the Village of Haskins pursuant to Environmental Condition 11 of Decision No. 89 (slip op. at 401-02). This Negotiated Agreement effectuates the Board's preference for privately negotiated solutions stated in Decision No. 89 (slip op. at 153): "[To] give effect to privately negotiated solutions whenever possible, we clarify that negotiated agreements will remain available as an alternative to the local and site-specific mitigation imposed here (for example, specific grade crossing upgrade mitigation, real time monitoring for emergency response delay, or noise mitigation)." Environmental Condition 11 similarly provides that the specific terms of the condition may be superseded by a Negotiated Agreement with the responsible local government that satisfies that community's environmental concerns.

As stated in the enclosed Negotiated Agreement, the parties request that Environmental Condition 11 be amended by deleting Haskins from the list of communities on the Deshler, OH to Toledo, OH line segment and that Environmental Condition 51 be amended by adding this Negotiated Agreement with the Village of Haskins, dated December 6, 1999, and accepted by the Village of Haskins on December 14, 1999, to the list of Negotiated Agreements entered into by CSX.

ARNOLD & PORTER

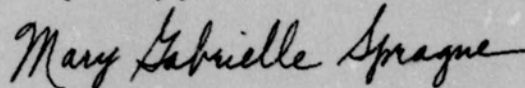
Hon. Vernon A. Williams

January 7, 2000

Page 2

Thank you for your assistance in this matter. Please contact me (202-942-5773) if you have any questions about this submission.

Respectfully yours,

A handwritten signature in cursive script that reads "Mary Gabrielle Sprague".

Mary Gabrielle Sprague
Counsel for CSX Corporation and
CSX Transportation, Inc.

Enclosure

cc: Elaine K. Kaiser
Mayor Kenneth Fallows, Village of Haskins

December 6, 1999

Ken Fallows, Mayor
PO Box 288
Haskins, Ohio 43525

RE: Negotiated Agreement Relating to CSX Acquisition of Conrail

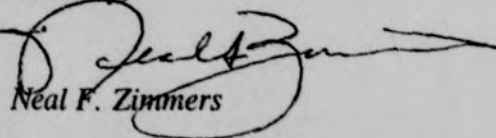
Dear Mayor Fallows,

Thank you for the time you dedicated to the opportunities and environmental issues associated with CSX's operations through your community. CSX consulted with the Village of Haskins regarding the environmental effects identified by the Surface Transportation Board of increased train traffic, including wayside noise, through the Village of Haskins. The Village of Haskins and CSX have jointly developed this Negotiated Agreement to satisfy the Village of Haskins's environmental concerns. CSX will pay the Village of Haskins \$90,000.00. The Village of Haskins agrees to utilize the settlement amount in its sole discretion for the benefit of the citizens of the Village of Haskins, for appropriate public purposes.

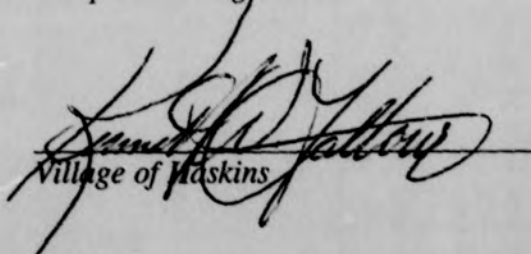
This Negotiated Agreement will be filed with the Surface Transportation Board to document satisfaction of Environmental Condition 11 with respect to the Village of Haskins, and is intended to supersede any other obligations under Environmental Condition 11. The parties jointly request the Board's approval by requesting that this Negotiated Agreement be incorporated into Environmental Condition 51 of Finance Docket No. 33388, Decision No. 89. This Negotiated Agreement will become effective upon an order of the Board accepting this agreement.

Please countersign this letter to indicate your agreement.

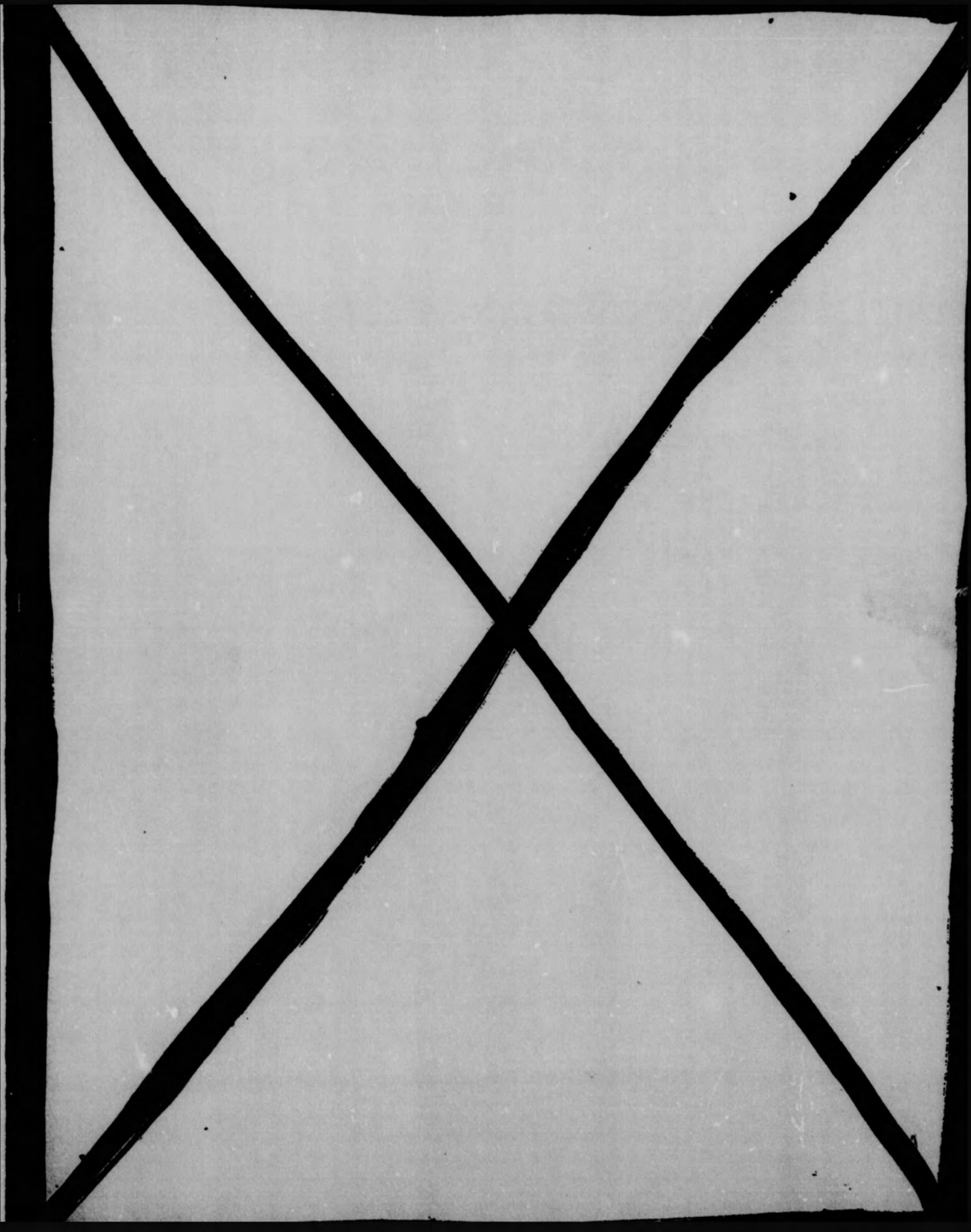
Sincerely,


Neal F. Zimmers

Accepted and Agreed to:


Village of Haskins

Date 14 December, 1999



STB

FD-33388

2-3-98

K

ID-CITIES



MONTACHUSETT

REGIONAL PLANNING COMMISSION

Offices: R1427 Water St., Fitchburg, Massachusetts 01420
(508) 345-7376 or 345-2216 Fax: (508) 345-9867

January 29, 1998



Office of the Secretary
Case Control Unit
Finance Docket No. 33388
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Attention: Elaine K. Kaiser
Environmental Project Director
Environmental Filing

ENVIRONMENTAL DOCUMENT

Dear Ms. Kaiser:

At the Montachusett Regional Planning Commission (MRPC) meeting held on Tuesday, January 27, 1998 members found that the Draft Environmental Impact Statement (DEIS) concerning the proposed Conrail acquisition does not conflict with regional goals, policies and objectives. According to the DEIS, the consolidation will not adversely affect environmental quality or transportation in Massachusetts. The Draft EIS indicates that there are no proposed new constructions or abandonments and that there would be no increased traffic or activity that meets the Board's thresholds for environmental analysis. CSX will operate all Conrail lines and facilities post-acquisition. SEA has also made a preliminary conclusion that there would be no significant cumulative effects associated with the proposed acquisition in the State of Massachusetts.

If you have any questions or desire further information please contact John Hume at (978) 343-9667 or Laila Michaud at (508) 345-7376 ext. 2245.

Very truly yours,

David Jarvenpaa
Chairman, MRPC

DJ/jh

STB FD-33388 2-3-98 K ID-BUSINESS



PORT AUTHORITY OF ALLEGHENY COUNTY

2235 Beaver Avenue
Pittsburgh, Pennsylvania 15233-1080
(412) 237-7000
FAX (412) 237-7101
Paul P. Skoutelas, P.E.
Executive Director

Direct Dial (412) 237-7111
Direct FAX (412) 237-7237

January 28, 1998



Office of the Secretary
Case Control Unit
Finance Docket No. 33388
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

ENVIRONMENTAL
DOCUMENT

Attn: Elaine K. Kaiser

Dear Ms. Kaiser:

The Port Authority of Allegheny County is the major public transportation provider in the Pittsburgh region. Its service area includes all of Allegheny County and small portions of Beaver, Westmoreland, and Armstrong Counties.

Port Authority staff has reviewed the Draft Environmental Impact Statement (DEIS) for the Proposed Conrail Acquisition. The major change within Port Authority's service area would be Norfolk Southern's acquisition of all local Conrail lines. Although the DEIS discusses commuter rail, there is no consideration of other transit modes.

Port Authority presently owns and operates a 25-mile Light Rail Transit (LRT) system, the 4.3-mile South Busway, and the 6.8-mile Martin Luther King, Jr. East Busway. A third busway, the 6.1-mile Airport Busway/Wabash HOV facility is under construction. Engineering and design is currently underway for a 2.3-mile extension to the East Busway. The locations of these facilities are shown on the enclosed map.

A short portion of the LRT system utilizes a former railroad tunnel and bridge. The East Busway was constructed on a portion of the Conrail right-of-way made available when the railroad consolidated its operations from three and four tracks to two tracks. The right-of-way is along Conrail's Pittsburgh Line (ID N-263). Similarly, Port Authority intends to construct the East Busway Extension property parallel to the Conrail Pittsburgh Line. Port Authority is also negotiating with Conrail to purchase right-of-way for the Airport Busway/Wabash HOV facility.

Accordingly, Conrail has extensive experience working with Port Authority while the busways and Stage I LRT were being developed. Existing Conrail agreements with Port Authority will be honored by purchasers. Further project development for the new busways will require Norfolk Southern's cooperation when negotiating agreements involving insurance, access, and property acquisition for the new busway projects.

Additionally, Port Authority will be considering new transit facilities in other corridors as part of its long-range planning activities. Usage of other railroad lines (either through purchase or shared rights of way) will be investigated. Port Authority anticipates that both CSX and Norfolk Southern lines will be considered. Information from both railroads on operating or abandonment status, train volumes, right-of-way widths, and other aspects of the rights-of-way will be requested.

Other transit systems in the geographic area of the merger are also considering usage of railroad rights of way for major transit projects. Accordingly, the scope for transportation chapter of the DEIS should be broadened to include consideration of modes of transit other than commuter rail.

Port Authority requests that the Surface Transportation Board require the following as a condition for approving the merger:

- Norfolk Southern cooperate with Port Authority when negotiating agreements involving insurance, access, and property acquisition for the new busway projects.
- Norfolk Southern and CSX will cooperate with Port Authority in planning, engineering, and construction of any other transit projects.

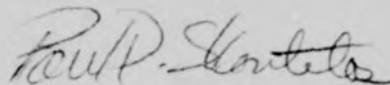
Port Authority staff reviewed the train volume information in the Master Table of all Rail Line Segments (Appendix A-1) for all lines in Southwestern Pennsylvania. Some of the 1996 volumes on the Conrail lines appear to be low.

In particular, the table lists 1996 daily train volumes on the Thomson to Jacks Run segment (ID N-269) at 15.5 trains per day. Conrail provided a schedule to Port Authority indicating that 25 trains use this line on a daily basis.

The table also shows that Norfolk Southern intends to decrease daily volumes to 9.9 daily trains. Did Norfolk Southern make its projections on a base of 15.5 trains per day or use other factors to estimate future volumes?

Port Authority originally intended to use a portion of this segment [ID N-269] for the Airport Busway/Wabash HOV facility. However, due to the installation of a 2nd track and increase in Conrail operations on this line, cost of construction increased significantly and this portion of the busway plan was eliminated as no longer being economically feasible. If Norfolk Southern does intend to reduce the number of trains using this segment, Port Authority may resume its interest in sharing this right-of-way.

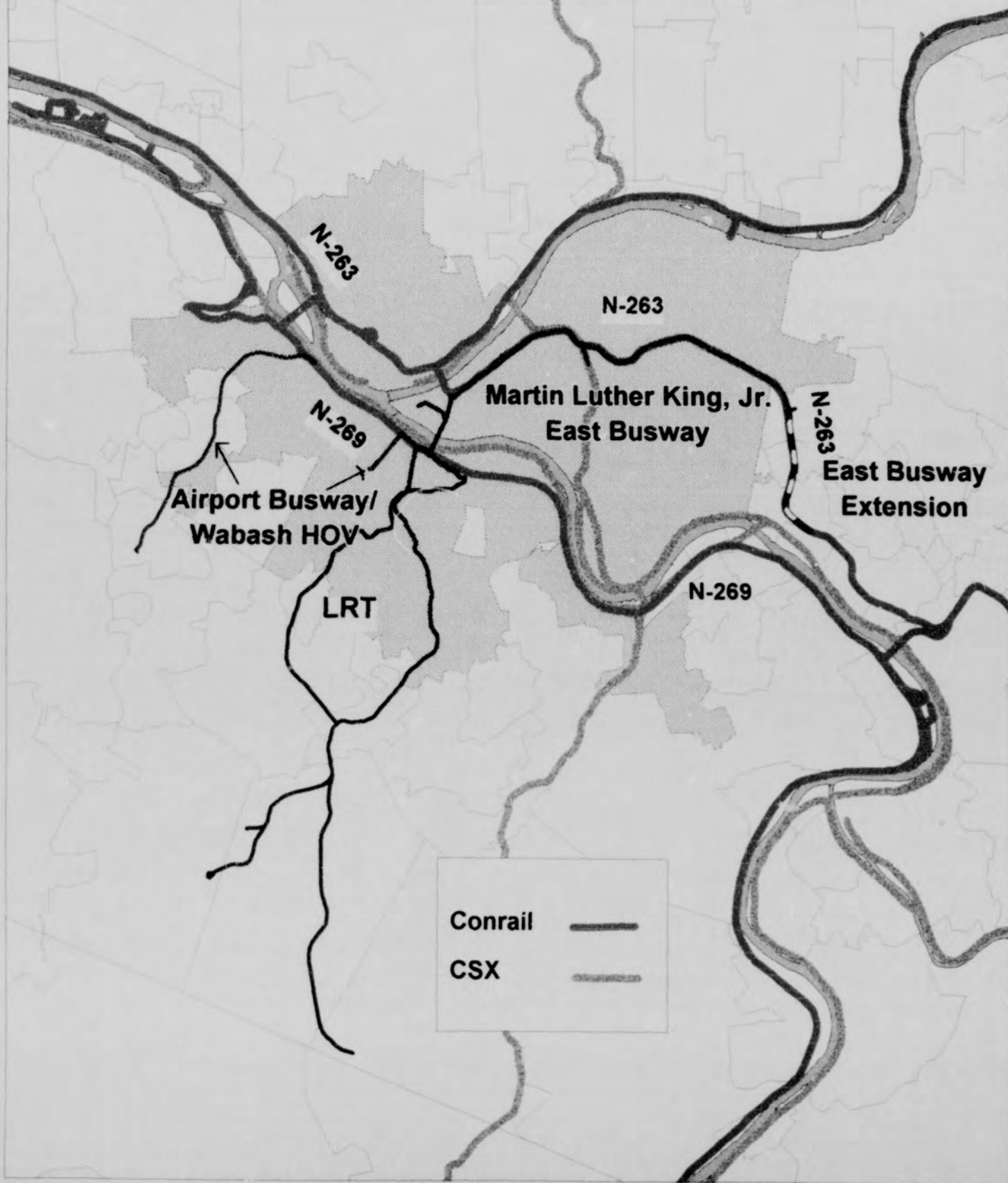
Sincerely,



Paul Skoutelas
Executive Director

Enclosure

PORT AUTHORITY'S FIXED GUIDEWAYS WITH CONRAIL AND CSX RAIL LINES



STB

FD-33388

2-3-98

K

ID-CITIES



January 29, 1998

**ENVIRONMENTAL
DOCUMENT**



Office of the Secretary
Case Control Unit
Finance Docket No. 33388
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Attention: Elaine K. Kaiser
Environmental Project Director
Environmental Filing

RE: DECISION ID NO. 28629

Dear Ms. Kaiser:

This letter is in response to the December 12, 1997, Draft Environmental Impact Statement (EIS) sent to the Unified Government of Athens-Clarke County. In the EIS, comments were made about the feasibility of commuter rail between Athens and Atlanta and the impact the Conrail acquisition would have on a commuter rail line. Since the release of the Draft EIS in early December, an event has occurred which has increased the probability of commuter rail within the next 4-7 years.

To promote the commuter rail effort, the Governor of the State of Georgia has allocated approximately \$4 million for preliminary engineering for the corridor between Athens and Atlanta, making this segment a top priority. Presently, the Unified Government of Athens-Clarke County has allocated approximately \$2 million in sales tax revenues toward the design of a Multi-Modal Transportation Center (MMTC). The MMTC would serve as a transportation hub for the region and would also accommodate commuter rail.

These efforts at the state and local levels indicate the commitment of the transportation community to offer the public alternative ways to travel. It is the hope of the Unified Government of Athens-Clarke County that the acquisition of Conrail by CSX and Norfolk Southern will further this effort.

Please continue to keep us informed of all activities involving the acquisition of Conrail by CSX and Norfolk Southern, so that we may continue to effectively plan for the possibility of commuter rail in our region. As previously stated, commuter rail is a key element in the location and design of our Multi-Modal Transportation Center (MMTC) and the acquisition of Conrail could play a role in this development.

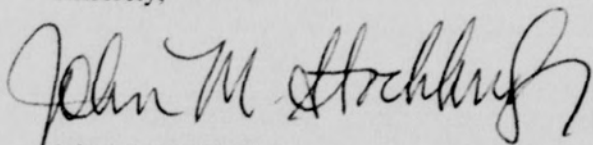
PLANNING DEPARTMENT

120 W. Dougherty Street • Athens, Georgia 30601 • (706) 613-3515 • FAX (706) 613-3844



If you should have any questions, please feel free to contact me at (706) 613-3515. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "John M. Stockbridge". The signature is fluid and cursive, with the first name "John" being the most prominent.

John M. Stockbridge

Planning Director

Project Director, Athens-Clarke-Oconee Regional Transportation Study (ACORTS)

JMS

cc: Al Crace, Manager
Bob Snipes, Deputy Manager
Phil Sutton, Assistant Manager
Jeff Prine, SPLOST IV Project Manager

STB

FD-33388

2-3-98

K

ID-CITIES



TRUSTEES

Lewis E. Enderle
Robert C. Boos
Donald G. Ritzenthaler

**HURON TOWNSHIP
BOARD OF TRUSTEES**

P.O. BOX 441 - HURON, OHIO 44839

CLERK

Barbara J. McClung-Lutes

ZONING INSPECTOR

John A. Zimmerman

January 30, 1998

Elaine K. Kaiser, Environmental Project Director
Surface Transportation Board
Office of the Secretary
Case Control Unit
Finance Docket No. 33388
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

ENVIRONMENTAL
DOCUMENT

RE: PROPOSED CONRAIL ACQUISITION

Dear Ms. Kaiser:

It is with great concern that we address the situation of the proposed acquisition and the effects that it will have on the area of Erie County, Ohio. We are concerned that these changes are being considered without efficient and correct data findings.

Safety being the first and foremost issue for those of us elected to office, to serve the residents of this area, we truly question whether this has been addressed accordingly.

While an increase in rail traffic may or may not be present with the proposed acquisition, it would certainly affect every resident of the public whom used the area roadways. Of which, we can probably agree, are the majority. If an increase in accidents, or an increase in emergency response times are not major factors and given the appropriate consideration with your review and studies, then the acquisition truly becomes one of selfishness and control and not a true Environmental Impact factor at all.

In one specific area, Oxford Township, when crossing delays occur, fire protection becomes nullified. **Is the loss of human life, due to train crossings being blocked so that emergency vehicles cannot access a community, not a valid and reasonable request for further consideration and alternate plans for such a merger.**

The assumptions and methodology used in the development of the EIS, are certainly questionable, and require review prior to any proposals being considered.

In addition to reviewing these issues, there are no reasons for any person to favor this proposed acquisition, no benefits to the persons living within the area, no benefits to the persons responsible for maintaining and servicing these roadways, **and no benefits of safety in any measure for the public.**

Page 2

January 30, 1998

The maintenance of the rail crossings in our area alone, are of great concern. Please take time to view and travel at several specific crossings. The first being, Camp Road, the second being, Rye Beach Road, and the third, being in the City of Huron. All crossings are in poor and inexcusable condition and we receive complaints on these "rough" crossings on a regular basis. If maintenance and improvement of these areas were a trade off for the increased speed and usage, perhaps the public would be more accommodating of such an acquisition.

Since we, the Board of Township Trustees, of Huron Township, elected to office by the Township residents, feel that there are many environmental issues that have not been resolved or discussed regarding the CSX/NS proposed railroad merger, and, since we are extremely concerned about these issues. **It is here, with written notice, that we, The Board of Trustees of Huron Township, state that we are not in support, of said acquisition.**

With this written notice of non-support being sent to all area Representatives of the State of Ohio, we truly hope you will re-consider and examine the potential impacts on the communities affected by this merger, and bring them to the attention of the persons proposing said acquisition. We will continue to seek other public entities and public officials to help us block said acquisition until a time when some resolve is made for the concerns presented and expressed.

Any correspondence would be greatly appreciated.

Sincerely,

HURON TOWNSHIP TRUSTEES

Donald G. Ritzenthaler, President
Robert C. Boos
Edward J. Enderle

/bjl

xc: HTT
Erie Co. Commissioners
Sen. Robert Latta
Rep. William Taylor
Rep. Darrel Opfer
Thomas O'Leary, Dir. of Ohio Rail Dev. Comm.
Rep. Gilmore

STB

FD-33388

2-3-98

K

ID-CITIES



THE SENECA NATION OF INDIANS

Environmental Protection Department

1508 Rt. 438
Irving, New York 14081

Tel: (716) 532-0024
Fax: (716) 532-0035

ENVIRONMENTAL DOCUMENT



February 2, 1998

Office of the Secretary
Case Control Unit
STB Finance Docket No 33388
Surface Transportation Board
1925 K Street NW
Washington DC 20423-0001

Re: Comments on Draft EIS

Dear Ms. Elaine K. Kaiser,

The Seneca Nation is please to submit comments on the Draft EIS of the Proposed Conrail Acquisiton. The comments are interim until the formal Nation approval process is met. The Seneca Nation Environmental Protection Department must submit comments to the Tribal Council for approval. However, our Tribal Council will not meet prior to the February 2, 1998 comment deadline. Therefore, a resolution is pending.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa Maybee", is written over the typed name.

Lisa Maybee, Director
Environmental Protection Department

Seneca Nation of Indians Interim Comment
on the Draft EIS "Proposed Conrail Acquisition"

page 6-3 Volume 4

SEA expanded the Land Use/Socioeconomic Issues section to specifically state that the EIS will address the potential environmental impacts of proposed rail line construction and abandonment activities on Native American reservations and sacred sites.

The Seneca Nation of Indians holds title to the Allegany, Cattaraugus, and Oil Springs reservations. Conrail has a small rail yard located on the Allegany Reservation. The Seneca Nation will not consider reclaiming the Salamanca railyard since there are major concerns of diesel and PCB contamination on site. There is documentation of spills through the US EPA and possibly New York State Department of Environmental Conservation. However, Conrail has failed to inform officials of the Seneca Nation. The Seneca Nation has serious concerns regarding the environmental integrity of the Conrail yard.

Another portion of the rail road extends through the Cattaraugus Reservation located in Irving, New York. This portion is identified as a "key route" through Western New York with an increase in volume of hazardous cargo from 7,000 to 26,000 carloads per year. (Chapter 5, NY 38, Native American Issues) The Seneca Nation lacks the capability to respond to emergent situations. Although there is an significant increase through the Cattaraugus Reservation there are no identified environmental justice impacts to Seneca Nation community in the EIS. How does CSX and Norfolk Southern plan to address the limited capacity to respond in some communities.

Environmental Justice addresses impacts to low income and minority populations. It appears the Seneca Nation would fall under this definition in some respect, although, there is no mention of any activities which may impact the Seneca Nation community in the proposed EIS. (Environmental Justice, Chapter 5) The Seneca Nation is a sovereign entity therefore must be addressed as such. Contact must be directly through the officials of the Seneca Nation. The Seneca Nation does not recognize New York State jurisdiction specifically relating to permit requirements. The Seneca Nation has several written laws like the Solid Waste Ordinance, Natural Resource Law, Pesticide/Herbicide Ordinance, etc., which are enforceable through the tribal Peacemaker Court system. Any individual or entity requesting work or proposing activity to be performed on the land of the Seneca Nation must recognize and abide by tribal rules.

There is major concern regarding the right-of-way of Conrail. The acquisition of the rail line needs an accurate title search. The status of the easement is

questionable. Adequate documentation must be provided to the Seneca Nation by Conrail prior to any new negotiation with CSX.

Cultural Resources - Methods Page 3-38 of Volume 1

Significant cultural resources (that is, historic properties)

SEA conducted archival searches and site visits to determine the presence of historic properties. SEA presented a preliminary eligibility and determination of effects to the SHPA in every state potentially affected by the proposed abandonment's and construction. Under the NHPA, any historic or archaeological resource listed on or eligible for listing on the National Register of Historic Places requires review under NHPA Section 106. The definition of cultural resource appears to be different from the Seneca Nation perspective.

Appendix G, describes the screening process, data sources, evaluation criteria and analysis, etc., and determination of significance based on age, type use, uniqueness, contest in local and national history and other factors as outlined in the National Register. Abandonment would cause impacts to cultural resources in instances of salvage, change of ownership, and maintenance activities. Construction of new connections would cause impacts due to physical destruction, damage, or alteration of historic property.

STB

FD-33388

2-3-98

K

ID-CITIES

Baltimore Metropolitan Council



601 North Howard Street
Baltimore, Maryland 21201-4585

Telephone: (410) 333-1750
Facsimile: (410) 659-1260

PAUL FARRAGUT
Executive Director

ENVIRONMENTAL DOCUMENT

Anne Arundel County
Baltimore City
Baltimore County
Carroll County
Harford County
Howard County



January 30, 1998

Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W., Room 700
Washington, D.C. 20423-0001

Re. CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Leases/Agreements—Conrail, Inc. and Consolidated Rail Corporation. (Surface Transportation Board Finance Docket No. 33388)

Dear Mr. Williams:

On behalf of the Transportation Steering Committee (TSC), the metropolitan planning organization (MPO) for the Baltimore region, I am responding to your request to review the Surface Transportation Board's Draft Environmental Impact Statement.

The following comment is submitted for your consideration. Volume 3A of the report includes a comprehensive section on the State of Maryland. Included in this section is an analysis of the proposed Norfolk Southern Triple Crown Service that will be constructed in Baltimore City. From our review, the report does not, however, mention the improved clearances for 20' 2" double stack service that Norfolk Southern has proposed via Amtrak's Northeast Corridor to Perryville or the impacts that construction would have on the Perryville community. The double stack clearances were mentioned in the Governor's October 2, 1997 letter to the STB, which is attached.

Thank you for the opportunity to comment on this important matter. If you have any questions, please contact me at 410/269-0064.

Sincerely,

Jon Arason, Chairman
Transportation Steering Committee

Attachment

cc: TSC members
Freight Movement Task Force



October 2, 1997

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
Mercury Building
Suite 700
1925 K Street, NW
Washington DC 20006

PARRIS N. GLENDENING
GOVERNOR

ANNAPOLIS OFFICE
STATE HOUSE
100 STATE CIRCLE
ANNAPOLIS, MARYLAND 21401
(410) 974-3901

WASHINGTON OFFICE
SUITE 311
444 NORTH CAPITOL STREET, N.W.
WASHINGTON, D.C. 20001
(202) 638-2215

TDD (410) 333-3098

RE: Finance Docket No.
33388, CSX Corporation and CSX Transportation,
Inc., Norfolk Southern Corporation and Norfolk
Southern Railway Company -- Control and
Operating Leases/Agreements -- Conrail, Inc. and
Consolidated Rail Corporation

Dear Mr. Williams:

Since last fall when the proposed merger of Conrail was first announced, the State of Maryland has been in continuous contact with both CSX and Norfolk Southern to ensure that any transaction that might result from a combination of railroads serving the State would protect the competitiveness of Maryland shippers and the interests of all Maryland citizens. At the outset, we established five major goals:

1. Preserve competition by having at least two Class I carriers serve the State.
2. Ensure the continuation of existing service and rail rates (for example, on the Eastern Shore of Maryland).
3. Maintain or increase rail employment in the State.
4. Secure commitments to specific infrastructure improvements necessary to achieve the purported benefits of the merger.
5. Preserve and enhance commuter rail service.

After months of negotiating with CSX and Norfolk Southern, we are pleased to say that the State has largely achieved these goals and has concluded letter agreements with both carriers that are attached hereto that ensure the following:

Enhanced Competition. The State will continue to be served by two Class I railroads that have substantially more market access to the Eastern and Midwestern United States than the two railroads currently serving Maryland. Thus, Maryland shippers and the Port of Baltimore will have access to superior single line service to both existing and new markets and improve their current ability to ship goods efficiently at competitive rates.

Improved Service. At the request of the State, both Norfolk Southern and CSX have committed to providing enhanced service after the transaction has been completed and these commitments have been included in the Operating Plans submitted to the STB with the Application. In particular, Norfolk Southern has agreed to provide, among other things: 1) new scheduled bimodal Triple Crown RoadRailer® service between the Baltimore area and Southeastern and Midwestern United States over Amtrak's Northeast Corridor ("NEC"); 2) regular intermodal and conventional freight service between the Baltimore area and the Southeastern and Midwestern United States; 3) regular high cube international and domestic double stack train service (including 20'2" double stacks) between the Baltimore area and Chicago, Illinois and other Midwestern gateways via Perryville, Maryland and Harrisburg, Pennsylvania; 4) regular train service for the automobile distribution terminal in the Baltimore area, and 5) service to the Eastern Shore that is at least as equitable and of high quality as is provided today. CSX, in turn, will streamline interchanges, extend and broaden its routes in order to provide single-line service between the State and several Northeastern and Midwestern markets that it currently serves only on an interline basis as well as use its reasonable efforts to 1) avoid significant congestion and late deliveries with respect to coal shipments originating and terminating in the State; 2) assist in marketing aggressively coal mined in the State to potential customers that will have single-line service provided by CSX after STB approval of the Application as well as other potential customers, and 3) identify and market single-line coal haulage efficiencies to receivers in Southern Maryland.

Increased Rail Employment: The railroads have indicated in their Operating Plans that there will, in fact, be an increase in rail jobs in Maryland. In particular, CSX has said that it will: 1) maintain the shops and yards at Cumberland, Maryland, 2) continue to base the Cumberland Coal Business Unit in Cumberland, and 3) keep a Service Lane Headquarters in Baltimore. Norfolk Southern has said that it will open a new Sales/Marketing office in the Baltimore area and that, overall, the transaction will result in a net increase in Maryland rail jobs during the three-year planning horizon of the Operating Plan.

Improved Infrastructure. At our request, the railroads have included in their Operating Plans commitments to make substantial investments in their infrastructure that will directly benefit Maryland. In particular, Norfolk Southern's Operating Plan provides for them to, among other things: 1) improve clearances on the NEC to enable Norfolk Southern to provide 20'2" double stack intermodal service to and from the Port of Baltimore via Perryville, Maryland and

Honorable Vernon A. Williams
Page Three

Harrisburg, Pennsylvania; 2) construct, reopen or convert an automobile distribution terminal in the Baltimore area; 3) expand or improve a conventional intermodal facility in Maryland; 4) construct a new Triple Crown RoadRailer® intermodal terminal in the Baltimore area; and 5) improve the track connection at Hagerstown, Maryland to facilitate the flow of traffic. CSX's Operating Plan includes investments benefiting the State of Maryland, including among others: 1) improvements on the former B&O line between the Port of Baltimore and Chicago, Illinois that will result in raising the track capacity west of Cumberland, Maryland to 50 trains per day and the operating speeds up to 70 miles per hour on most segments; and 2) improvements in the rail service to the auto distribution terminal in Jessup, Maryland (including, but not limited to increasing the clearance of the Virginia Avenue Tunnel) to permit service by tri-level auto rack cars.

Commitment to Commuter Rail Service. Both CSX and Norfolk Southern have assured the State that each will work with the State of Maryland to maintain (and, with respect to CSX, to enhance) commuter rail service for Maryland's citizens and honor all operating agreements that they may now, or in the future, have with the Mass Transit Administration. Norfolk Southern has also agreed to participate in a Northeast Corridor Advisory Team which will include as members, among others, the MASS TRANSIT ADMINISTRATION Freight Manager and the MARC Service Director.

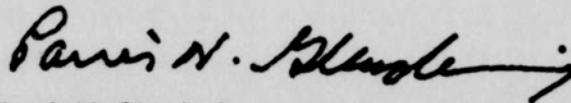
While the State has accomplished most of its goals with respect to rail competition, service, employment, infrastructure and commuter service, there are still some issues of concern. The State will continue to work with CSX and Norfolk Southern to address these issues, which include assurances that: 1) the Port of Baltimore and Maryland shippers and coal producers will not be put at a competitive disadvantage as a direct result of the transaction or related conditions or agreements; and 2) NEC improvements and proposed operations will adequately address congestion, as well as speed and weight concerns.

In addition, the State may have concerns with issues that arise in the course of this proceeding; thus, it reserves the right to file additional comments on these and other matters. The State appreciates comments from the representatives of both railroads assuring the smooth integration of Conrail into the two railroads and commitments to assure the rapid delivery of the full benefits of the transaction. It is our expectation and understanding that commitments made by the railroads in their Operating Plans, as approved by the STB, will be subject to future enforcement via the STB.

Honorable Vernon A. Williams
Page Four

After extensive discussions with the affected interests in the State of Maryland and with the subsequent commitments made by the railroads in the letter agreements, we have concluded that the proposed acquisition and division of Conrail by CSX and Norfolk Southern will clearly benefit the public. Because of these benefits, the State of Maryland supports the transaction and urges the STB to approve the Application in these proceedings. We look forward to working with both CSX and Norfolk Southern in forging long-term and mutually beneficial partnerships.

Sincerely,

A handwritten signature in black ink, reading "Parris N. Glendening". The signature is fluid and cursive, with a long horizontal stroke at the end.

Parris N. Glendening
Governor

STB FD_33388 2-3-98 K ID-STATES



Ohio Senate
State House
Columbus, Ohio 43215
614/466-8086

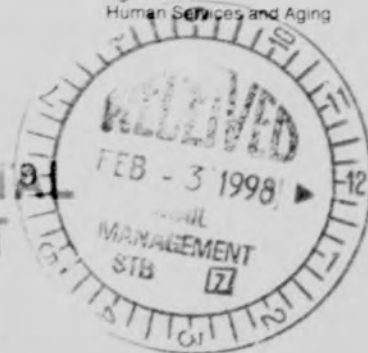
Committees:
State and Local Government
and Veterans' Affairs, Chairman
Education
Agriculture
Human Services and Aging

January 26, 1998

Dick Schafrath
19th District

Office of the Secretary
Case Control Unit
Finance Docket No. 33388
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001

ENVIRONMENTAL
DOCUMENT



Attention: Elaine K. Kaiser, Environmental Project Director, Environmental Filing

Dear Ms. Kaiser:

I understand at this time the Surface Transportation Board and its members are conducting a comment period for interested parties to offer their concerns regarding the proposed changes resulting from the acquisition of Conrail by Norfolk Southern Railroad and CSX Railroad. I would like to take this opportunity to share with you some of my concerns and those concerns brought to my attention by the local officials within my district.

This proposed acquisition will affect Huron County, specifically Greenwich and Willard, Ohio, which are both among my district. Among these two areas there have been several concerns including, but not limited to, the following: underpasses, proper signalization, access road, safety of children going to and from school, emergency vehicle access for public safety, and the possibility of long delays causing increased anxiety to the motoring public.

Due to the volume of concerned citizens from all parts of Ohio, Senator Oelslager and Representative Bateman held a special Joint Legislative Transportation Committee for the purpose of reviewing the CSX merger with Conrail and the merger's impact upon Ohio and its citizens. During those committee meetings many individuals and local officials from all over Ohio came to testify, including my constituents from Greenwich and Willard, Ohio and Huron County officials. At the conclusion of the subject in committee, Senate Concurrent Resolution (SCR) 14 was introduced.

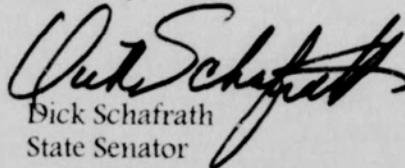
SCR 14 opposes the sale of Conrail to CSX and Norfolk Southern unless certain conditions are imposed on the sale by the Federal Surface Transportation Board which mitigate the commercial and community harm caused by the proposal. Recognizing that the final decision regarding this matter will be made by the Surface Transportation Board, I would respectfully request the board and its members to take under serious consideration my concerns as well as those concerns submitted by the citizens and local officials who will be directly affected by the outcome of the board's decision.

Elaine K. Kaiser
January 26, 1998
Page 2

To the credit of the railroad company, CSX has been attempting to work with and address those concerns raised by Huron County officials. However, there are still areas that have not yet been resolved between the railroad company and Huron County. It is critical that these remaining concerns be resolved prior to the approval of this acquisition.

If during your consideration of this matter you or any of the board members would like to speak to me regarding my thoughts and concerns, please feel free to contact my office. Thank you for your consideration and attention in this matter, and I trust my comments will be of service to both you and the board.

Sincerely,


Dick Schafrath
State Senator

DS/baj

cc: Congressman Paul Gillmor
Huron County Commissioners

STB

FD-33388

2-3-98

K

ID-GOV



Commonwealth of Kentucky
Transportation Cabinet

Frankfort, Kentucky 40622

January 28, 1998



Paul E. Patton
Governor

James C. Codell, III
Secretary of Transportation

T. Kevin Flanery
Deputy Secretary

Office of the Secretary
Case Control Unit
STB Finance Docket No. 33388
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001

**ENVIRONMENTAL
DOCUMENT**

ATTENTION: Elaine K. Kaiser, Environmental Project Director, Environmental Filing

Dear Ms. Kaiser:

SUBJECT: Draft Environmental Impact Statement
Recommended Mitigation for Kentucky
Conrail Acquisition Proposal

Our Cabinet is reviewing the Draft Environmental Impact Statement (DEIS) issued by the Board's Section of Environmental Analysis on December 12, 1997, concerning the acquisition of Conrail by CSX and Norfolk Southern. One concern that required special consideration was the required coordination on the part of CSX for acquisition-related impacts in Kentucky. Specifically, the DEIS directs CSX to consult with the Kentucky Transportation Cabinet concerning upgrading the following grade crossings:

<u>FRA ID</u>	<u>Crossing Name</u>	<u>City</u>	<u>Recommended Mitigation</u>
345-246 C	Duffy Street	Hopkinsville	Upgrade to Flashing Lights
345-269 J	7th Street*	Hopkinsville	Upgrade to Flashing Lights
345-318 D	Moss Avenue	Earlington**	Upgrade to Flashing Lights
345-329 R***	West Center Street	Madisonville	Upgrade to Gates
345-331 S	West Noel Avenue	Madisonville	Grade Separation
345-362 R	West Dixon Street	Sebree	Upgrade to Gates
345-267 V	East 9th Street	Hopkinsville	Grade Separation

* Incorrectly shown as East 6th Street in the DEIS

** Incorrectly shown as Madisonville in the DEIS

*** Incorrectly shown as 155-645 N in the DEIS

KENTUCKY TRANSPORTATION CABINET

"PROVIDE A SAFE, EFFICIENT, ENVIRONMENTALLY SOUND, AND FISCALLY RESPONSIBLE TRANSPORTATION SYSTEM
WHICH PROMOTES ECONOMIC GROWTH AND ENHANCES THE QUALITY OF LIFE IN KENTUCKY"

"AN EQUAL OPPORTUNITY EMPLOYER M/F/D"

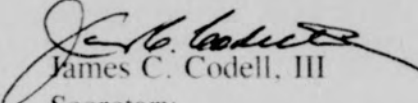
Elaine K. Kaiser
January 28, 1998
Page 2

We certainly understand the Board's interest and concern regarding the impacts of the seven at-grade locations for which safety-mitigated improvements are proposed.

Three of the locations have recently been upgraded or approved for additional work. These include the 7th Street crossing in Hopkinsville that has been upgraded to Cantilever Flashing Light Signals and Bell, the Moss Avenue crossing in Earlington that is proposed for upgrading from passive to Flashing Light Signals and Bell, and the West Center Street crossing in Madisonville that has been programmed for upgrading from Flashing Light Signals and Bell to Flashing Light Signals and Automatic Gates. The other locations on Duffy Street in Hopkinsville and West Dixon Street in Sebree will certainly be considered for upgrading in one of our future Crossing Warning Device Improvement Programs.

The proposed grade separations at East 9th Street in Hopkinsville and West Noel Avenue in Madisonville are located near the centralized business districts of those communities and near dense residential areas. The implementation of grade separation projects would have severe impacts on many businesses and residences. The economic impact to these communities, coupled with the impact on historic/cultural resources, makes the proposals unreasonable at this time. Therefore, the Cabinet cannot support or endorse the proposed mitigated separation at these locations.

Sincerely,


James C. Codell, III
Secretary

JCC:JMY:CSR:LSB

c: Jay Westbrook, CSX

STB FD-33388 2-3-98 K ID-CITIES



Erie County Commissioners

HAROLD C. BUTCHER

THOMAS M. FERRELL, JR.

NANCY C. McKEEN

Michael J. Bixler, Administrator

Carolyn Spayd, Clerk of Board

2900 Columbus Avenue, Sandusky, Ohio 44870-5554

(419) 627-7672

P.O. Box 1180, Sandusky, Ohio 44871-1180

FAX: (419) 627-7692

January 30, 1998

ENVIRONMENTAL
DOCUMENT



Elaine K. Kaiser, Environmental Project Director
Surface Transportation Board
Office of the Secretary, Case Control Unit
Finance Docket No. 33388
1925 K. Street, N. W.
Washington, DC 20423-0001

Re: Erie County, Ohio's Response to Proposed NS/CSX Acquisition of Conrail

Dear Ms. Kaiser:

Pursuant to the Surface Transportation Board's request, please find Erie County, Ohio's comments regarding the Draft Environmental Impact Study (EIS) for the proposed NS/CSX acquisition of Conrail. Enclosed for your review are:

- 1) Resolution 98-39, which is the Erie County Commissioners' objection to the NS/CSX application to acquire Conrail;
- 2) Erie County's response to the Draft EIS "Proposed Conrail Acquisition"; and
- 3) Legislation and letters from various other political subdivisions within our County.

If you have any questions in regards to the County's position, please feel free to contact us at (419) 627-7672.

Sincerely,

Michael J. Bixler
County Administrator

MJB/lf

b4:con-acq

c: Erie County Commissioners
Alex J. MacNicol, Regional Planning

RESOLUTION NO. 98-39

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO, FOR THE PURPOSE OF OBJECTING TO THE PROPOSED ACQUISITION OF CONRAIL, INC., AND CONSOLIDATED RAIL CORPORATION (CONRAIL) BY CSX CORPORATION AND NORFOLK AND SOUTHERN RAILWAY COMPANY (NS), AND REQUESTING THAT THE SURFACE TRANSPORTATION BOARD NOT APPROVE THE ACQUISITION.

The Board of County Commissioners of Erie County, Ohio, met this 29th day of January, 1998, in Regularly Scheduled Special Session with the following members present: Harold C. Butcher, Thomas M. Ferrell, Jr. and Nancy C. McKeen.

Mr. Ferrell introduced the following resolution and moved its adoption.

WHEREAS, an application has been submitted by CSX Corporation and the Norfolk and Southern Railway Co. (NS) requesting approval of the acquisition of Conrail, Inc. and the Consolidated Rail Corporation (Conrail); and

WHEREAS, the proposed acquisition of Conrail, Inc. and the Consolidated Rail Corporation (Conrail) by CSX Corporation and Norfolk and Southern Railway Co. will adversely effect the health and safety of residents and visitors to Erie County, Ohio; and

WHEREAS, the proposed acquisition will result in increased rail traffic and that increase will disrupt the motor vehicle traffic movements in many areas of the County; and

WHEREAS, the increase in rail traffic will result in the isolation of sections of our three cities (Sandusky, Huron, and Vermilion), thereby affecting the ability to provide emergency service delivery (police, fire and emergency medical services) which in turn will create unacceptable delays and could have the potential to threaten life as well as property; and

WHEREAS, the proposed increase in rail traffic will have detrimental social consequences for County residents including a percentage of the population which is classified as low-to-moderate income persons as well as minority persons; and

WHEREAS, Erie County, Ohio, questions some of the assumptions and methodology employed in developing the Surface Transportation Board's "Draft Environmental Impact Statement" and the resulting conclusion from the same (in particular the use of Average Daily Traffic levels that do not address the concern of smaller urban and rural communities); and

WHEREAS, comments and objections to the proposed acquisition must be filed with the Surface Transportation Board by February 2, 1998; and

WHEREAS, it is deemed necessary in order to provide for the preservation of the public peace, property, health, safety and convenience of Erie County, Ohio, its citizens and businesses; and

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY, OHIO:

THAT, the County Administrator of Erie County, Ohio, be and hereby authorized to forward to the Surface Transportation Board notice of the County's objection to the proposed acquisition of Conrail, Inc. and the Consolidated Rail Corporation (Conrail) by CSX and the Norfolk and Southern Railway Co.; and

THAT, the copies of the County's objection to the proposed acquisition of Conrail, Inc. and Consolidated Rail Corporation (Conrail) be forwarded to Congressman Paul E. Gillmor, U. S. Senators Glenn and DeWine, State Senator Robert Latta, State Representative Daryl Opfer, and the Ohio Rail Development Commission; and

THAT, this Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

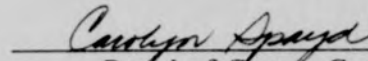
Mrs. McKeen seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

Roll Call: Mr. Ferrell, Aye; Mrs. McKeen, Aye; Mr. Butcher, Aye.

Adopted: January 29, 1998.

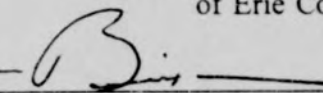
CERTIFICATE

I, Carolyn Spayd, Clerk of the Board of County Commissioners of Erie County, Ohio, hereby do certify that the above is a true and correct copy of resolution adopted by said Board under said date, and as same appears in Commissioners' Journal, Volume #106.



Board of County Commissioners
of Erie County, Ohio Clerk

Approved by County Administrator



Michael J. Bixler

r3:conacq

ERIE COUNTY'S
RESPONSE TO THE DRAFT
ENVIRONMENTAL IMPACT STATEMENT
"PROPOSED CONRAIL ACQUISITION"



JANUARY 1998

AS PREPARED BY
THE BOARD OF ERIE COUNTY COMMISSIONERS
2900 COLUMBUS AVENUE
SANDUSKY, OHIO 44870

ERIE COUNTY'S
RESPONSE TO THE DRAFT
ENVIRONMENTAL IMPACT STATEMENT
"PROPOSED CONRAIL ACQUISITION"



JANUARY 1998

AS PREPARED BY
THE BOARD OF ERIE COUNTY COMMISSIONERS
2900 COLUMBUS AVENUE
SANDUSKY, OHIO 44870



Erie County Commissioners

HAROLD C. BUTCHER

THOMAS M. FERRELL, JR.

NANCY C. McKEEN

Michael J. Bixler, Administrator

2900 Columbus Avenue, Sandusky, Ohio 44870-5554

P.O. Box 1180, Sandusky, Ohio 44871-1180

Carolyn Spayd, Clerk of Board

(419) 627-7672

FAX: (419) 627-7692

January 23, 1998

Elaine K. Kaiser, Environmental Project Director
Surface Transportation Board
Office of the Secretary
Case Control Unit
Finance Docket No. 33388
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Re: Draft EIS for the "Proposed Conrail Acquisition"

Dear Ms. Kaiser:

Enclosed please find Erie County's Comments regarding the proposed Conrail acquisition. If you have any questions regarding this matter I can be reached at 419-627-7682.

Sincerely,

Michael J. Bixler
County Administrator

Erie County's response to the
Draft Environmental Impact Statement
" Proposed Conrail Acquisition "

We appreciate the opportunity to comment on the Draft Environmental Impact Statement " Proposed Conrail Acquisition ". We have arranged a number of meetings in our area to review the above noted document. These meetings included a meeting with Congressman, Paul E. Gillmor. Based on our review and input from the area meetings we offer the following comments:

I. HIGHWAY/RAIL AT GRADE CROSSINGS 5-OH.6.

The following is an excerpt from the Environmental Impact Statement (EIS):

" SEA'S safety analysis showed that for the 36 highway/rail at-grade crossings studied in Erie County, the predicted increases in accident frequency would range from 0.0035 to 0.0677. This translates into a range of increases from one (1) accident every 286 years to one (1) accident every 15 years. SEA determined that the predicted increases was significant at Skadden Rd. (CR 42). This highway/rail at-grade crossing is classified as Category A. SEA found the predicted increases at the other locations to be below the criteria for significance."

We are concerned that this great increase in accident rates is not considered as significant. It is notes that the proposed mitigation to this significant increase in accident rates is the addition of a flashing light at Skadden Rd. It is further notes that the Skadden Rd. Crossing presently has flashing lights. As a County, we are also concerned that roadways with less than 5,000 ADT were not reviewed for at crossing safety or for at crossing delays. We would request that with the increase in accident rates from one (1) accident every 286 years to one (1) accident every 15 years, that the SEA again review the safety at our rail crossings to ensure the safety to individuals traveling through Erie County will not be compromised.

II. ROADWAY CROSSING DELAY 5-OH.9

The following is an excerpt from the Environmental Impact Statement (EIS)

" The three crossings analyzed in Erie County would have a minimal increase in crossing delay per stopped vehicle. The levels of service under post-Acquisition conditions would be B and C. The largest increase in maximum queue would be one vehicle."

We are concerned that only 3 crossings were reviewed in Erie County and that no review was undertaken on roadways with less than 5,000 ADT. Erie County has numerous crossings with significant delays which encourage motorists who are held up at a crossing to find alternate routes. In addition, perceived additional delays could encourage motorists to risk crossing trackage when signals are first activated. Such a situation increases the potential for car/train accidents. Slow moving trains are a significant problem in many areas of Erie County. The conclusion that the largest increase in maximum queue would be one vehicle is unrealistic.

III. INTERMODAL FACILITIES

As indicated in the EIS, NS had planned to move its TCS facilities from Crestline, Ohio, to Bellevue, Ohio. In October 1997 NS notified SEA that this intermodal facility would be moved to Sandusky, Ohio, rather than Bellevue. Since this facility is projected to be located in Erie County, we would request that additional information be provided prior to the final EIS. It is noted that the truck traffic is projected to increase by 65 trucks/day and this increase would need to be addressed and the impact determined.

It is further noted that roadway officials have not approached the City or County to discuss any preliminary plans for such a relocation.

IV. CONSTRUCTION: VERMILION CONNECTION

The following is an excerpt from the EIS:

"NS proposes to build a rail connection between the existing northeast-southwest Conrail and NS lines west of the City of Vermilion. The proposed action would connect two parallel tracks that are approximately 2,100 feet apart. The connection would be approximately 5,300 feet long. It would accommodate 12 trains per day. Figure 5-OH-5, presented at the end of this state discussion, shows the area of the proposed rail line connection."

"The new rail connection would involve the construction of a new at-grade crossing at Coen Road. This roadway has an ADT Volume of 420 vehicles, as indicated in the Federal Railroad Administration database. Based on this low ADT volume, SEA concluded that the new highway/rail at-grade crossing would result in insignificant vehicle delay and queues. SEA performed an highway/rail at-grade crossing accident risk analysis at this new crossing based on installation of a gate warning device consistent with the existing warning devices along Coen Road at the Conrail and NS tracks. The results of this study, summarized in Table 5-OH-12, indicate an accident frequency of 0.0007 accidents per year, or one accident every 1,429 years. Based on these results, SEA has preliminarily concluded that the accident risk at this new highway/rail at-grade crossing would be negligible."

"The proposed Acquisition would create typical short-term vehicular delays and the need for detours during construction of this rail connection. NS would perform the construction in accordance with applicable Federal, state, and local regulations for construction projects. Construction traffic would use Ridsen or Coen Roads to travel to and from the Construction site."

"The vertical difference in elevation between the track beds and the adjacent roadway surface is approximately ten feet. Steep roadway grades are used to transition between the track and roadway elevations. The new highway/rail at-grade crossing would be approximately 525 feet north of the existing NS crossing and approximately 2,000 feet south of the existing Conrail crossing. This new crossing, located 525 feet from the existing crossing, would result in a "roller coaster" effect for vehicular traffic along Coen Road."

"SEA determined that the Coen Road crossing would be significantly affected and it is SEA's preliminary recommendation that NS consider the following mitigation strategy to alleviate the vertical alignment of Coen Road."

"Raise the elevation of Coen Road between the NS crossing and the new crossing to minimize the "roller coaster" effect of the grade variation. "

This section indicates that NS consider elevating Coen Road to eliminate the "roller coaster". It is noted Tables 5-2 Summary of Impact Warranting Mitigation indicates that NS shall raise the elevation of Coen Road. We would request that the word "consider" used on page OH-41 be changed to "shall" as in Table 5-2.

V. RAIL TRANSPORT OF HAZARDOUS MATERIALS

Three of the rail line segments that run into or from Erie County will experience significant increases in car loads containing hazardous materials. The Vermilion to Bellevue rail line would increase from 9,000 car loads to 15,000 car loads annually, the Oak Harbor to Bellevue line would increase from 3,000 car loads to 18,000 car loads annually and the Cleveland to Vermilion line would increase from 9,000 to 32,000 car loads annually, of hazardous waste. Since 1990 Erie County has experienced four(4) derailments and five(5) accidents at the Bellevue yard. We are concerned that with this train traffic increase additional spills will occur. We would request the mitigation be established for key route designations and this be expanded to include more than material accident simulations.

VI. COMMENTS ERIE COUNTY EMERGENCY MANAGEMENT AGENCY

I do have several concerns as noted below.

1. We have a limited number of over/under passes in the county. With additional train traffic, response to public safety calls must be addressed.

2. Our two hospitals, along with schools and retirement/care centers are located extremely close to these tracks. The additional train traffic would increase the likelihood of hazardous materials spills (derailments). This must be addressed.

VII. COMMENTS ERIE COUNTY SHERIFF'S DEPARTMENT

TO: Michael Bixler, Erie County Administrator
FROM: Capt. G. D. Hovey, Operations Officer
RE: Obstruction to Traffic on Public Roadways

In regards to our conversation of this date I am forwarding to you a copy of an incident reported to this agency. This is the result of numerous calls to this office by citizens reporting the obstruction of public right-of-ways by trains. These occurrences have increased in the past several weeks and primarily effect the following roadways:

State Route 99
Patten Tract Road
Ransom Road

The concern is not only the fact that the public is denied the use of the obstructed roadways, and the act itself violates state law, but these conditions increase the risk of delaying emergency services and the delivery of necessary care to those in need of such services.

It has been ascertained that the present conditions may only become worse in this area as the proposed merger will increase rail activity in this region. It is strongly recommended that some arrangements be made, in the early stages, to rectify this existing problem and prepare to address any future troubles before they arise.

Thank you for your cooperation in this matter, and please call if you need anything further.

VIII. GENERAL COMMENTS

The City of Sandusky and the City of Vermilion would be experiencing significant increases in rail traffic. The City of Sandusky is particularly concerned with impact of isolating the western sector of the city with existing and additional rail traffic. The city has previously identified the need for a grade separation crossing at US Route 6 (Venice Rd.) And a preliminary engineering report has been prepared identifying grade separation options. The funds need to be provided to allow for the construction of a structure as noted above.

The City of Vermilion is concerned the additional train traffic will increase emergency response time in many areas of the City. It is further noted the city is also concerned with additional delays at existing crossings.

The County questions some of the assumptions and methodology used in the development of the EIS in particular eliminating the review of roadway with ADT of less than 5,000 vehicles.

It is our opinion that projected delays and safety considerations at highway/rail grade crossings need to be reconsidered to minimize the negative impacts of the proposed Conrail acquisition on the residents of Erie County, Ohio.

RESOLUTION NO. 002-98R

A RESOLUTION OBJECTING TO THE PROPOSED ACQUISITION OF CONRAIL, INC. AND CONSOLIDATED RAIL CORPORATION (CONRAIL) BY CSX CORPORATION AND NORFOLK AND SOUTHERN RAILWAY COMPANY (NS), AND REQUESTING THAT THE SURFACE TRANSPORTATION BOARD NOT APPROVE THE SAME AND DECLARING AN EMERGENCY.

WHEREAS, an application has been submitted requesting approval of the acquisition of Conrail, Inc. and the Consolidated Rail Corporation (Conrail) by CSX Corporation and the Norfolk and Southern Railway Co. (NS); and

WHEREAS, the proposed acquisition of Conrail, Inc. and the Consolidated Rail Corporation (Conrail) by CSX Corporation and Norfolk and Southern Railway Co. would result in physical and operational changes in the City of Sandusky, Ohio, and Erie County, Ohio; and

WHEREAS, the proposed acquisition will result in increased rail traffic within the City of Sandusky, Ohio, and that increase will result in the disruption of motor vehicle and pedestrian traffic movements in many areas of the City; and

WHEREAS, the increase in rail traffic will result in the isolation of sections of the City of Sandusky, Ohio, thereby affecting the City's ability to provide emergency service delivery (police, fire and emergency medical services) which in turn will create unacceptable delays and could have the potential to threaten life as well as property; and

WHEREAS, the proposed increase in rail traffic will have detrimental social consequences for City residents including a large percentage of the population which is classified as low-to-moderate income persons as well as minority persons; and

WHEREAS, the City of Sandusky, Ohio, has been designated as an "Impacted City" reflecting distress factors related to socio-economic conditions, and any use of City funds to address the impacts of the proposed rail acquisition would have the effect of reducing funds available to meet recognized local needs; and

WHEREAS, the City of Sandusky, Ohio, has recently completed a strategic planning process (1997) which process identified the need for continued economic development efforts, particularly in the western section of the City which would be isolated by increased rail traffic; and

WHEREAS, the City of Sandusky, Ohio, is in the process of finalizing a Comprehensive Plan to guide the future growth and development of the City and that the plan emphasizes the need for protecting and enhancing the potential of the western section of the City for both residential and industrial development, and that area of the City would be isolated by increased rail traffic; and

WHEREAS, the City of Sandusky, Ohio, has previously identified the need for a grade separation crossing on U.S. Route 6 (Venice Road) at the NS tracks and any increase in rail traffic as proposed

the need for a grade separation crossing on U.S. Route 6 (Venice Road) at the NS tracks and any increase in rail traffic as proposed through this acquisition would further exacerbate transportation problems in the City; and

WHEREAS, the City of Sandusky, Ohio, questions some of the assumptions and methodology employed in developing the Surface Transportation Board's "Draft Environmental Impact Statement" and the resulting conclusion from the same (in particular the use of ADT levels that do not address the concern of smaller urban and rural communities); and

WHEREAS, comments and objections to the proposed acquisition must be filed with the Surface Transportation Board by February 2, 1998; and

PAGE 2 - RESOLUTION NO. 002-98R

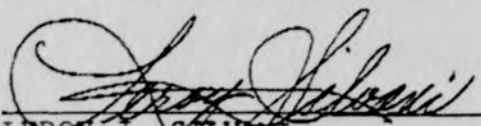
WHEREAS, it is deemed necessary in order to provide for the preservation of the public peace, property, health, safety and convenience of the City of Sandusky, Ohio, its citizens and businesses, the City Commission finds it advisable to declare this Resolution to be an emergency measure and to take effect immediately upon its adoption; and NOW THEREFORE,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO:

Section 1. That the President of the City Commission and the City Manager of the City of Sandusky, Ohio, be and hereby are authorized to forward to the Surface Transportation Board notice of the City's objection to the proposed acquisition of Conrail, Inc. and the Consolidated Rail Corporation (Conrail) by CSX and the Norfolk and Southern Railway Co.; and

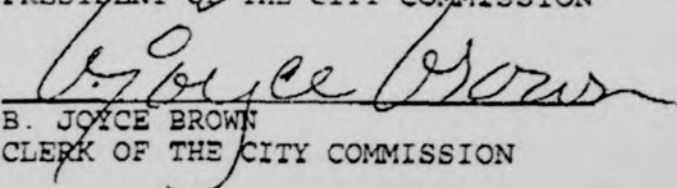
Section 2. That copies of the City's objection to the proposed acquisition of Conrail, Inc. and Consolidated Rail Corporation (Conrail) be forwarded to Congressman Paul E. Gillmor, U.S. Senators Glenn and DeWine, State Senator R. Latta, State Representative Opfer, the Ohio Rail Development Commission, and Erie County; and

Section 3. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure which shall take effect and be in full force immediately upon its passage, and due authentication by the President and the Clerk of this Commission of the City of Sandusky, Ohio.



LEROY J. SILVANI
PRESIDENT OF THE CITY COMMISSION

ATTEST:



B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

CERTIFICATION

I, B. Joyce Brown, the duly appointed, qualified Clerk of the City Commission of the City of Sandusky, Ohio, do hereby certify that I have compared the foregoing copy of Resolution No. 002-98R with the original of said Resolution on file in my office and that the same is a true and correct copy of said Resolution which was regularly passed by the City Commission of said City at their meeting duly held on the 26th day of January, 1998.

Dated this 27th day of January, 1998.



B. Joyce Brown
 B. Joyce Brown
 Clerk of the City Commission
 City of Sandusky, Ohio

98 JAN 28 AM 11:26
 ERE COUNTY COMMISSIONERS

Post-it* Fax Note	7671	Date	1/28	# of pages	3
To	Mike Gipe	From	Rick Fern		
Co./Dept.		Co.			
Phone #		Phone #	627.5844		
Fax #	627-1692	Fax #			

THE CITY OF VERMILION



January 27, 1998

JIMMY L. DAVIS, MAYOR

Surface and Transportation Board
Washington, D.C. 20423

Re: Proposed Railroad merger of Conrail and Norfolk & Southern

Dear Sirs:

Upon review of the Surface and Transportation Board impact study of the merger of Conrail and Norfolk & Southern, I am submitting the following comments. Please note that as Mayor of the City of Vermilion, Ohio, I am responding on behalf of all citizens of our community.

The plans that are being proposed indicate that Vermilion will be the only city that will experience the full impact of a merger. Increased train traffic will be routed through Vermilion and a connector rail is expected to be constructed just west of our city limit. This connector will allow rail traffic to switch from one line to the other. This addition, along with greatly increased train traffic raises concern for many reasons, I will address only a few of the more important.

The City of Vermilion is divided into four unequal areas by the two rail lines that cross at a location in the north-central area of the most densely populated section of the city. There are twelve (12) road crossing locations; six (6) on each track. The city currently has five (5) grade separations. While on paper this may seem like an adequate percentage of grade separations, it is not. The city is also divided east from west by the Vermilion River. This river has only one bridge crossing north of the two sets of tracks. That bridge is on Liberty Avenue. The next closest is the bridge on the State Route 2 interstate highway. There are no grade separations on the south west section of the rail system. This situation allows for the entire south west section of the City of Vermilion, and the entire Vermilion Township to become isolated from the area of the community that houses all of the safety forces.

The City of Vermilion provides safety services that include fire protection, police protection, and ambulance services, to approximately 28,100 citizens in the City of Vermilion, Brownhelm Township, and Vermilion Township. As with all emergency service delivery programs, response time is most critical to the survival rates of our citizens. The ambulance response time is currently averaging 5.5 minutes per run. This response time will be increased by as much as 7 to 10 minutes if the railroad crossings are congested with additional train traffic as proposed. This would result in an average response time that would greatly put our residents at a much greater safety risk. It is indeed unfair, and most unacceptable to have the residents of the greater Vermilion area be adversely affected by outside actions that will provide absolutely no benefit or return for our sacrifice.

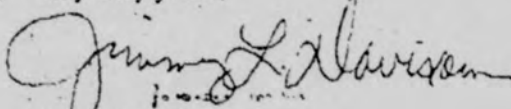
Surface and Transportation Board
January 27, 1998
Page 2

The City of Vermilion is experiencing some of its most difficult economic times in the history of the community. The Lorain Ford Motor company recently ceased production on the passenger care line, and as a result many of our residents are now being forced to either find other work, or relocate. The status of the remaining commercial van production activity is rumored to be subject to change in the near future. This economic uncertainty has been amplified by the defeat of seven Vermilion School levies. As a result of the serious nature of the shrinking tax base in our area, it is critical that a more diverse and stable tax base be established through the controlled growth of light industry and office development. It must be recognized that increased rail traffic that would limit or restrict the efficient and effective delivery of services will adversely affect the city's ability to be successful in its efforts to rebound and rebuild from the current financial hardships.

In addition to the safety concerns and the financial stability concerns, the entire area is struggling to correct and manage storm water runoff in an effective manner. A recent storm water management study conducted by a consulting engineering firm has noted that several of the areas most critical drainage obstructions are the railroad culverts on Edson Creek on the west side of the city. No work should be considered in this area without an extensive review, and an upgrade of the existing drainage systems.

I ask that no action be taken on the merger of these railroads until all of these issues can be addressed in a manner that will not depreciate the quality of life nor adversely affect the future growth and economic opportunities of the City of Vermilion and the neighboring townships. The integrity of our community must not be compromised in any manner.

Very truly yours,



Jimmy L. Davis
Mayor

JLD/am

cc: Paul E. Gillmor, Congressman
Thomas M. O'Leary, Ohio Rail Commission
Elaine Kaiser, Surface and Transportation Board
William Taylor, State Representative
Maria F. Ward, Conrail
Alan J. Zaleski, Senator

OXFORD TOWNSHIP
BOARD OF TRUSTEES
ERIE COUNTY, OHIO
5617 W. Taylor Road
Sandusky, Ohio 44870-9729
(419) 359-1735

Thomas Sloma
Trustee

James Stewart
Trustee

Thomas Weilnau
Trustee

George Parker
Clerk

January 27, 1998

Re. Comments on proposed Conrail Acquisition

Dear Mrs. Kaiser,

The Oxford Township Trustees would like to take the opportunity to express its concerns on the acquisition of Conrail. Norfolk and Southern's east and west main line from Vermilion to Bellevue cuts through the middle of Oxford Township. Five roads are crossed by this rail line. Four of the five crossings have blinking lights, three of the five have safety gates, and one crossing on Thomas road has neither lights nor gates.

We have concerns that we feel must be addressed before we can come to a conclusion on the acquisition. They are the following: 1. **Crossing Safety** 2. **Crossing Delays** and 3. **Hazardous Materials**

Crossing Safety- With the eleven (11) additional trains per day from Vermilion to Bellevue and the speed that the trains will be traveling, we strongly feel that all crossings should be equipped with **safety gates and lights**. Numerous deaths have occurred at three of the four crossings in Oxford Township. We can only perceive that with eleven additional trains per day, we can expect additional casualties unless crossings are properly equipped with safety gates and lights.

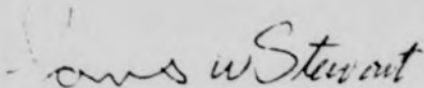
Crossing Delays- As a Township with no fire department of its own, we must rely on fire protection from two adjoining Townships- Milan and Groton. They have volunteer fire departments that assist our needs. With the crossing delays already at an alarming rate and with the increase of eleven more trains per day, we believe our fire protection and Emergency Medical Service will greatly be affected. We have access to a pond that has a dry hydrant installed and provides the southern half of the Township with water for fire protection. This water source is located in the town of Kimball and when crossing delays occur, fire protection becomes nullified.

Hazardous Materials- Oxford Township understands that the rail line from Vermilion to Bellevue would increase its number of hazardous loads, from 9,000 to 15,000 cars annually. We find this increase very **alarming!** Since 1990, Erie County has experienced four derailments and five accidents at the Bellevue rail yard. We are concerned that this increase will definitely add to additional spills and we would request the mitigation be established for key route designations and this be expanded to include more than material accident simulations.

The Oxford Township Trustees appreciate the opportunity to express our concerns. We hope they are taken seriously. If any questions arise please don't hesitate to call or write. Any correspondence would be greatly appreciated.

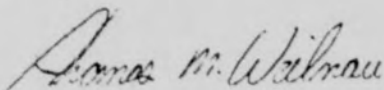
Sincerely,

Oxford Township Trustees

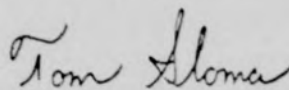


Jim Stewart-President

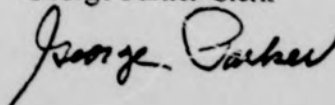
Tom Sloma-Vice President



Tom Weilnau



George Parker-Clerk



RESOLUTION NO. 1998-7

A RESOLUTION EXPRESSING CONCERNS OF THE MEMBERS OF THE HURON CITY COUNCIL REGARDING THE CSX/NS PROPOSED RAILROAD MERGER.

WHEREAS, members of the Huron City Council recognize there are many environmental issues in Erie County, Ohio that have not been resolved regarding the CSX/NS proposed railroad merger, and;

WHEREAS, members of the Huron City Council are concerned about the maintenance of the railroad crossings within the corporation limits, and;

WHEREAS, members of the Huron City Council are extremely concerned about the increased transportation of hazardous waste material through the City of Huron, Ohio.


NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

Section 1. That this Council will not support the merger of CSX/NS unless all environmental issues and concerns in Erie County, Ohio have been addressed and resolved.

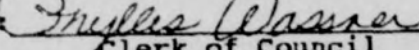
Section 2. That this Council will not support the merger unless they are provided with written assurance that regular maintenance of the railroad crossings within the corporate limits will be done with specific attention being given to the Rye Beach Road, Main Street, River Road and Berlin Road grade crossings.

Section 3. That this Council will not support the merger until they are satisfied that safety measures have been implemented to assure the safe transport of shipments of all hazardous waste materials throughout Erie County, Ohio.

Section 4. That the Clerk of Council be, and she hereby is, directed to forward a copy of this Resolution to the Erie County Commissioners, the Surface Transportation Board and the U. S. Representative and Senator from this district.


Edward Asher, Mayor

ATTEST:


Clerk of Council

ADOPTED: JAN 26 1998, 1998

ERIE COUNTY COMMISSIONERS

98 JAN 29 PM 3:18

*Board of Trustees of
Vermilion Township*

*P.O. Box 83
Vermilion, Ohio 44089*

*Clerk's Office
216-967-3251*

January 28, 1998

Office of the Secretary
Case Control Unit
Finance Docket No. 33388
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001

Attention: Elaine K. Kaiser
Environmental Project Director
Environmental Filing

Dear Sir or Madam:

We are writing to express our concerns regarding the proposed acquisition of Conrail by Norfolk and Southern Railroad and CSX Railroad.

Vermilion Township is targeted to receive a proposed connection that will join Conrail and Norfolk and Southern rail lines on Coen Road. This connection will cause added congestion to traffic in the Vermilion City and Vermilion Township areas. This increased activity will have an enormous impact on crossings being blocked to emergency vehicles, pedestrians and other modes of transportation. Hazardous material is also a concern to all affected by the increased use of the rail system in this area. Crossing gates and lights are a priority in this area for any new intersection that will be added because Coen Road is a heavily traveled roadway to by pass Vermilion.

Vermilion Township has experienced severe seasonal drainage problems in the area targeted for the new connection. A large area to the south is drained by the culverts under the railroad and the size of these culverts would need to be increased to provide adequate drainage.

Vermilion Township also has two railroad crossings not protected by crossing gates and lights just west of the new merge area, which are on the Norfolk and Southern line. They are the Stanley Road crossing and the Barnes Road crossing. These two crossings will need gates and lights because of the proposed increase of train traffic.

Office of the Secretary
January 28, 1998
Page 2

To sum up our concerns, safety and drainage are a priority and unless these concerns are resolved to our satisfaction, we must oppose the merger.

Preservation of public peace, health and safety have always been a priority in Vermilion Township, and one in which we wish not to compromise.

Sincerely,

Board of Trustees
Vermilion Township

Charles W. Kishman, Chairman Charles W. Kishman

Janet E. Knittle, Trustee Janet E. Knittle

Donald J. Kishman, Trustee Donald J. Kishman

cc Erie County Commissioner's Office



MASS TRANSIT ADMINISTRATION

MARYLAND DEPARTMENT OF TRANSPORTATION

Parris N. Glendening, Governor • David L. Winstead, Secretary • Ronald L. Freeland, Administrator

January 30, 1998

Office of the Secretary
Case Control Unit
STB Finance Docket No. 33388
Surface Transportation Board
1925 K Street, NW
Washington DC 20423-0001

**ENVIRONMENTAL
DOCUMENT**



Attention: Elaine K. Kaiser
Environmental Project Director
Section of Environmental Analysis

Dear Ms. Kaiser:

This letter is being submitted as the comments of the Mass Transit Administration of the Maryland Department of Transportation on the Surface Transportation Board Draft Environmental Impact Statement of the Proposed Conrail Acquisition (STB DEIS).

In Chapter 5 page MD-9 and Chapter 7 Section 7.2.2, the STB DEIS recommends a safety mitigation measure on several line segments including the Maryland line segment from Washington D.C. to Point of Rocks, Maryland (C-003). The safety mitigation measure is that CSX and NS establish passenger trains as "superior" trains and other trains would clear the tracks at least 15 minutes before and after the expected arrival of a passenger train at any point.

We support efforts that contribute to the safe operation of passenger and freight trains. There are a wide range of implications, however, to implementing this measure. Before a determination is made to proceed, it is proposed that several questions be addressed. Evaluating these concerns could be accomplished through an analysis, which could be carried out by the National Transportation Safety Board and the Federal Railroad Administration, with the participation of freight and commuter railroads. The analysis should answer such questions as past experience with this approach, potential safety benefits, routes where this might be beneficial, and impacts on present and future commuter and freight service operations and capacity expansion.

My phone number (410) _____ FAX number (410) _____ TTY (410) _____

William Donald Schaefer Tower • 6 Saint Paul Street • Baltimore, Maryland 21202-1614

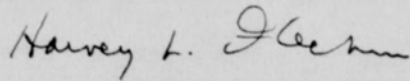
Ms. Elaine K. Kaiser

January 30, 1998

page 2

Thank you for the opportunity to comment on the DEIS. Please contact me at 410-767-3787 or Diane H. Ratcliff at 410-767-3771, if you have any further questions.

Sincerely,

A handwritten signature in cursive script that reads "Harvey L. Flechner".

Harvey L. Flechner

Director

Office of Planning and Programming

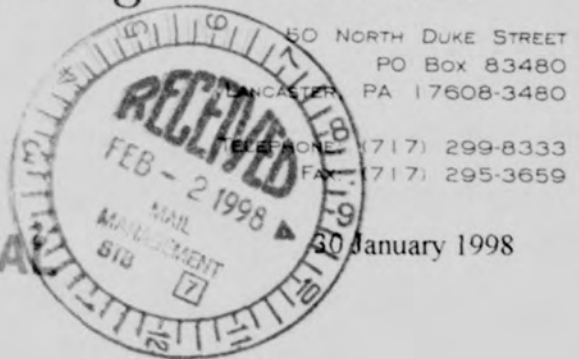
cc: Ronald L. Freeland, MTA
David Chapin, MDOT

LANCASTER COUNTY

Transportation Coordinating Committee

MEMBERS

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
LANCASTER COUNTY BOARD OF COMMISSIONERS
LANCASTER COUNTY PLANNING COMMISSION
CITY OF LANCASTER
RED ROSE TRANSIT AUTHORITY



ENVIRONMENTAL
DOCUMENT

Office of the Secretary
Case Control Unit
STB Finance Docket No. 33388
Surface Transportation Board
1925 K Street, N. W.
Washington, DC 20423-0001

Attention: Elaine K. Kaiser, Environmental Project Manager
Section of Environmental Analysis

Dear Ms. Kaiser:

The Lancaster County Transportation Coordinating Committee, the Metropolitan Planning Organization for Lancaster County, Pennsylvania, appreciates the opportunity to review the Draft Environmental Impact Study (DEIS) of the proposed Conrail acquisition prepared by the Section of Environmental Analysis of the Surface Transportation Board. We previously commented on Volumes 6, 6a, 6b, and 6c of the Environmental Report prepared for the applicants, CSX Corporation and Norfolk Southern Corporation.

The following are our comments on the DEIS, based on our review of Chapters 2 and 5-PA.

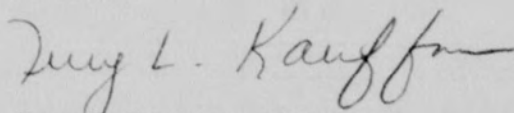
1. No mention is made of either Conrails' New Holland Branch or its Lititz Branch, both of which are reached via Amtrak's Keystone Corridor. Nor, is there any mention of the branch line between Columbia, PA and the Dillerville Junction with Amtrak. We noted this deficiency in our previous comments as these three branch lines serve important industries in our county.
2. Lancaster County is not analyzed for increased emissions, apparently because it did not reach the emissions screening threshold of 50 tons per year. In reaching this threshold conclusion, it does not appear that the DEIS accounted for emission increases from 330 additional truck trips per day traveling on PA283 in Lancaster County to reach the proposed conventional intermodal facility near the town of Rutherford Heights via Interstate 283 and US322. We believe these truck emissions

should be estimated and included in our total.

3. Many of these additional truck trips will also use deficient and unsafe portions of US30 in eastern Lancaster County to reach PA283 and the proposed conventional intermodal facility. This is a concern of Lancaster County particularly in light of recent fatal accidents on this stretch of US30 which already has heavy truck volumes.
4. We note the preliminary conclusion of the DEIS that no rail line segments, rail yards, or intermodal facilities in Pennsylvania warrant noise mitigation. The DEIS also notes that the Federal Railroad Administration (FRA) has indicated that it will propose new rules on train horn blowing procedures in 1998. It would helpful for the final EIS to note the names of all communities located on rail lines that might qualify for "quiet zones" under FRA's proposed new rules in 1998.

We trust you will consider our comments and incorporate them in the final EIS document about the proposed acquisition. If you have any questions about our comments, please call Chris Neumann, Chief Transportation Planner, at (717) 299-8333. Thank you.

Sincerely,



Terry L. Kauffman, Chairman
Lancaster Co. Transportation Coordinating Committee

TLK/CRN/mlb

copy: Members of the Coordinating Committee
Board of Lancaster County Commissioners



THE VILLAGE OF OAK HARBOR

146 CHURCH STREET
P.O. BOX 232
OAK HARBOR, OHIO 43449
(419) 898-5561



January 30, 1998

Office of the Secretary
Case Control Unit
STB Finance Docket No. 33388
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

**ENVIRONMENTAL
DOCUMENT**

Attention: Elaine K. Kaiser, Chief
Section of Environmental Analysis
Environmental Filing

Dear Ms. Kaiser:

I am writing to you in response to the draft Environmental Impact Study of the Conrail sale/merger that was released on December 12, 1997.

I offer on behalf of the Village of Oak Harbor the following comments:

- Nothing is mentioned in the report about the problems of backed up traffic on State Route 163 in downtown Oak Harbor. Yes, there is an existing problem now, but with an increase of 200% in train traffic, there will also be a 200% increase in traffic backups. We fear because of this, the motoring public will find other routes to travel. This will be detrimental to our downtown businesses. We are also concerned about the traffic stopped by trains interfering with the fire department. They are located just 1/2 block east of the crossing. Our department is a volunteer force, this means they would have problems getting to the station for a call and will have problems getting out of the station with the trucks when they get there.
- Hazardous Material Mitigation. It is suggested that the railroad coordinate training with the local emergency hazardous material response units. We are proud to say that our department is very well trained. The problem is you can be well trained, but if

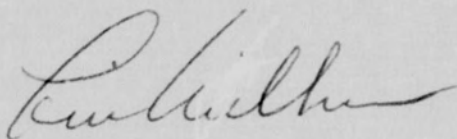
you don't have the equipment, the training is of no use. Equipment is very expensive. We estimate costs for hazardous material suits to be as high as \$24,000.00.

- Noise Mitigation: We feel this needs to be addressed also. This will take someone other than the railroad or the Village to study. We would like to see a professional engineer hired to study this situation before a definite answer is given.

We have begun discussion with Norfolk Southern Railroad concerning these matters. It is too premature for the Village to agree to anything. This matter needs to be studied in depth prior to any decisions being made.

We will make ourselves available to meet and discuss with your board on any of the above mentioned matters.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tim Wilkins".

Tim Wilkins
Village Administrator

TLW:dmd

STB

FD-33388

2-3-98

K

ID-FEDS



DEPARTMENT OF THE ARMY

DETROIT DISTRICT, CORPS OF ENGINEERS

BOX 1027

DETROIT, MICHIGAN 48231-1027

January 30, 1998

IN REPLY REFER TO

Construction-Operations Division
Regulatory Branch
File No. 97-200-014-0E



Office of the Secretary
Case Control Unit
STB Finance Docket No. 33388
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001

ENVIRONMENTAL
DOCUMENT

ATTN: Elaine K. Kaiser
Environmental Project Director
Environmental Filing

Dear Ms. Kaiser:

This is in response to the Draft Environmental Impact Statement (DEIS) for the "Proposed Conrail Acquisition" dated December 12, 1997 and received in this office December 24, 1997, wherein comments have been requested by February 2, 1998.

The Detroit District Corps of Engineers has the responsibility of regulating activities in the waters and wetlands of Michigan and the northern third of Indiana. The Corps' jurisdiction in Michigan is unique in the fact that we have joint regulating responsibilities with the Michigan Department of Environmental Quality (MDEQ) along all the navigable waters and their adjacent wetlands. Work along these areas, therefore, requires prior authorization from both governmental agencies. The remaining inland waters and/or wetlands will require prior authorization from the MDEQ only.

Within the DEIS it specifically stated that there would be new construction/connections and abandonments within the Detroit Districts jurisdiction limits and those actions would be permitted before the fact by the actual railway company. However, this office has yet to receive any such request. For your convenience, informational brochures and applications for both Indiana and Michigan have been enclosed. Please complete and return these applications to the attention of Mary C. Miller, Project Manager. Plan view and cross-sectional view drawings, in 8 1/2" format, should accompany the applications, along with a clear description of all quantities, dimensions, and nature of

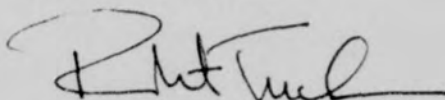
material placement or soil movement. Be advised that a wetland delineation, in accordance with the Corps of Engineers 1987 delineation Manual, must also be completed for each proposed work site to determine if any wetlands are present.

The authority of the Corps of Engineers to regulate construction or other work in navigable waters of the United States is contained in Section 10 of the Rivers and Harbors Act, Section 404 of the Clean Water Act and regulations promulgated pursuant to these Acts. Please be advised that filling and grading work, mechanized landclearing, ditching or other excavation activity, and piling installation constitute or otherwise involve discharges of dredged and/or fill material under the Corps' regulatory authority.

It was noted that the DEIS Volume 5B, Appendix L, section of environmental analysis sample consultation letter and recipients, did not identify the MDEQ as being on the contact list. Therefore, we recommend that you contact Ms. Peg Bostwick, Lake and Stream Protection Unit, Land and Water Management Division, MDEQ, P.O. Box 30458, Lansing, Michigan, 48909, (517)373-1950, for their comments and a determination of State permit requirements.

Should you have any questions, please contact Mary C. Miller at the above address or telephone (313) 226-2220. All correspondence should reference File Number: 97-200-014-0E.

Sincerely,



Robert Tucker
Chief, Enforcement Section
Regulatory Branch

Enclosures

MDEQ / Bostwick

Recognizing Wetlands





Wetland complex

What is a wetland?

The US Army Corps of Engineers (Corps) and the US Environmental Protection Agency jointly define wetlands as follows:

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetlands are areas that are covered by water or have waterlogged soils for long periods during the growing season. Plants growing in wetlands are capable of living in saturated soil conditions for at least part of the growing season. Wetlands such as swamps and marshes are often obvious, but some wetlands are not easily recognized, often because they are dry during part of the year or "they just don't look very wet" from the roadside. Some of these wetland types include, but are not limited to, many bottom-land forests, pocosins, pine savannahs, bogs, wet meadows, potholes, and wet tundra. The information presented here usually will enable you to determine whether you might

have a wetland. If you intend to place dredged or fill material in a wetland or in an area that might be a wetland, contact the local Corps District Office for assistance in determining if a permit is required.

Why is it necessary to consider whether an area is a wetland?

Section 404 of the Clean Water Act requires that anyone interested in depositing dredged or fill material into "waters of the United States, including wetlands," must receive authorization for such activities. The Corps has been assigned responsibility for administering the Section 404 permitting process. Activities in wetlands for which permits may be required include, but are not limited to:

- Placement of fill material.
- Ditching activities when the excavated material is sidecast.
- Levee and dike construction.



Wetlands fill activities

- Mechanized land clearing.
- Land leveling.
- Most road construction.
- Dam construction.

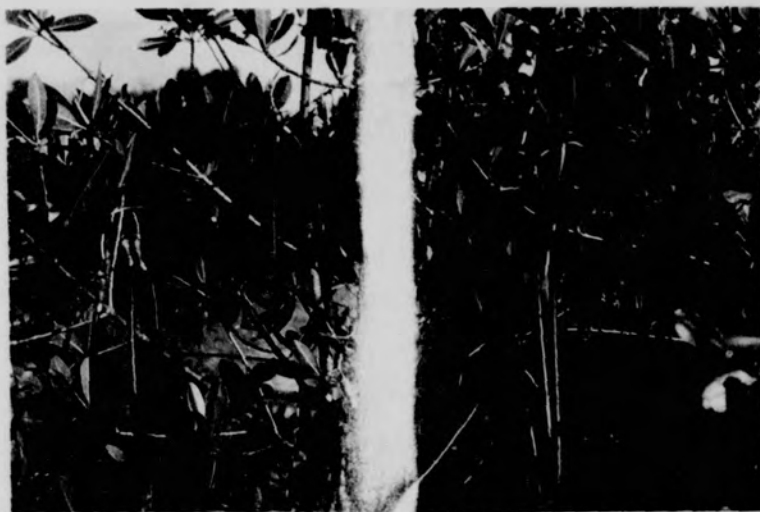
The final determination of whether an area is a wetland and whether the activity requires a permit must be made by the appropriate Corps District Office.

How can wetlands be recognized?

The Corps uses three characteristics of wetlands when making wetland determinations – vegetation, soil, and hydrology. Unless an area has been altered or is a rare natural situation, wetland indicators of all three characteristics must be present during some portion of the growing season for an area to be a wetland. Each characteristic is discussed below. However, there are some general situations in which an area has a strong probability of being a wetland. If any of the following situations occur, you should ask the local Corps office to determine whether the area is a wetland:

- Area occurs in a floodplain or otherwise has low spots in which water stands at or above the soil surface during the growing season. *Caution: Most wetlands lack both standing water and waterlogged soils during at least part of the growing season.*

- Area has plant communities that commonly occur in areas having standing water for part of the growing season (e.g., cypress-gum swamps, cordgrass marshes, cattail marshes, bulrush and tule marshes, and sphagnum bogs).



Mangrove wetland

- Area has soils that are called peats or mucks.
- Area is periodically flooded by tides, even if only by strong, wind-driven, or spring tides.

Many wetlands can be readily identified by the general situation stated above. For the boundary of these areas and numerous other wetlands, however, it is unclear whether these situations occur.

In such cases, it is necessary to carefully examine the area for wetland indicators of the three major characteristics of wetlands – vegetation, soil, and hydrology. Wetland indicators of these characteristics, which may indicate that the area is a wetland, are described on the following pages.



Freshwater wetland



Salt marsh

Vegetation indicators

Nearly 2,000 plant types in most of the United States may occur in wetlands. These plants, known as *hydrophytes* or *obligate wetland plants*, are listed in regional publications of the U.S. Fish and Wildlife Service (available from the National Technical Information Service (NTIS); see last page for address). However, you can usually determine if wetland vegetation is present by knowing a relatively few plant types that commonly occur in your area. For example, cattails, bulrushes, cordgrass, sphagnum, arrow, bald cypress, willows, marshes, sedges, rushes, arrowheads, and water plantains usually occur in wetlands. Other indicators of plants growing in wetlands include trees having shallow root systems, swollen trunks (e.g., bald cypress, tupelo gum), or roots found growing from the plant stem or trunk above the soil surface. Several Corps offices have published pictorial guides of representative wetland plant types. If you cannot determine whether the plant types in your area are those that commonly occur in wetlands, ask the local Corps District office or a local botanist for assistance.



Button bush

Soil indicators

There are approximately 2,000 named soils in the United States that may occur in wetlands. Such soils, called *hydric*, have characteristics that indicate they were developed under conditions where soil oxygen is limited by the presence of saturated soil for long periods during the growing season. If soil in your area is listed as hydric by the U.S. Soil Conservation Service (SCS) (information available from [county SCS]), the area might be a wetland.

If the name of the soil in your area is not known, an examination of the soil can determine the presence of any life soil indicators, including:



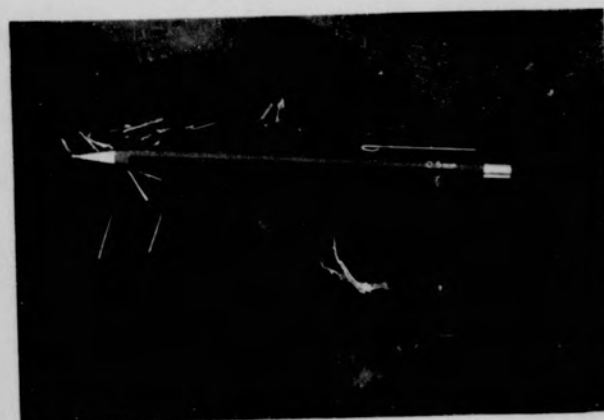
Vegetation sampling method



Soil sampling



Sampling core



Gray mottles indicate hydric soil conditions in thick, dark prairie soils (mollisols)

- Soil consists predominantly of decomposed plant material (peats or mucks).
- Soil has a thick layer of decomposing plant material on the surface.
- Soil has a bluish gray or gray color below the surface, or the major color of the soil at this depth is dark (brownish black or black) and dull.
- Soil has the odor of rotten eggs.
- Soil is sandy and has a layer of decomposing organic material at the soil surface.
- Soil is sandy and has dark stains or dark streaks of organic material in the upper layer below the soil surface. These streaks are decomposed plant material attached to the soil particles. When soil from these streaks is rubbed between the fingers, a dark stain is left on the fingers.

Hydrology indicators

Wetlands are characterized by the presence of water at or near the surface of the soil or in shallow surface water bodies. The water may be permanent or seasonal, and it may be standing or flowing. The water may be fresh, brackish, or salt water. The water may be at the surface of the soil or in shallow surface water bodies. The water may be permanent or seasonal, and it may be standing or flowing. The water may be fresh, brackish, or salt water. The water may be at the surface of the soil or in shallow surface water bodies.

- Seasonal flooding: water is present at or near the surface of the soil or in shallow surface water bodies for a period of time.
- Soil saturation: the soil is saturated with water for a period of time.
- Waterlogging: the soil is waterlogged for a period of time.
- Free flow: water is free to flow through an area, and it is not impeded by any physical barrier.



• Lodged against trees.



Water marks, the system



- Debris is lodged in trees or other objects by water.
- Thin layers of sediments are deposited on layers of other objects. Sometimes these become consolidated with small plant parts to form thin, continuous layers on the soil surface.

Wetland determination

Wetland determination is a process that involves the use of hydrology, soil, and plant indicators to determine if an area is a wetland. It is a process that involves the use of hydrology, soil, and plant indicators to determine if an area is a wetland. It is a process that involves the use of hydrology, soil, and plant indicators to determine if an area is a wetland.

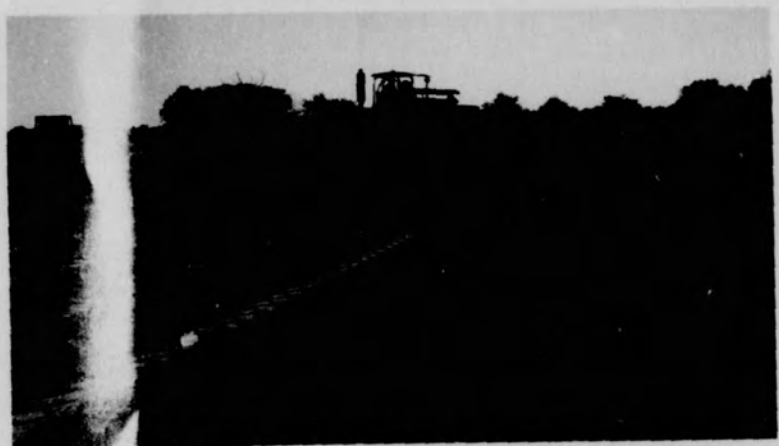


Fluctuating wetland hydrology

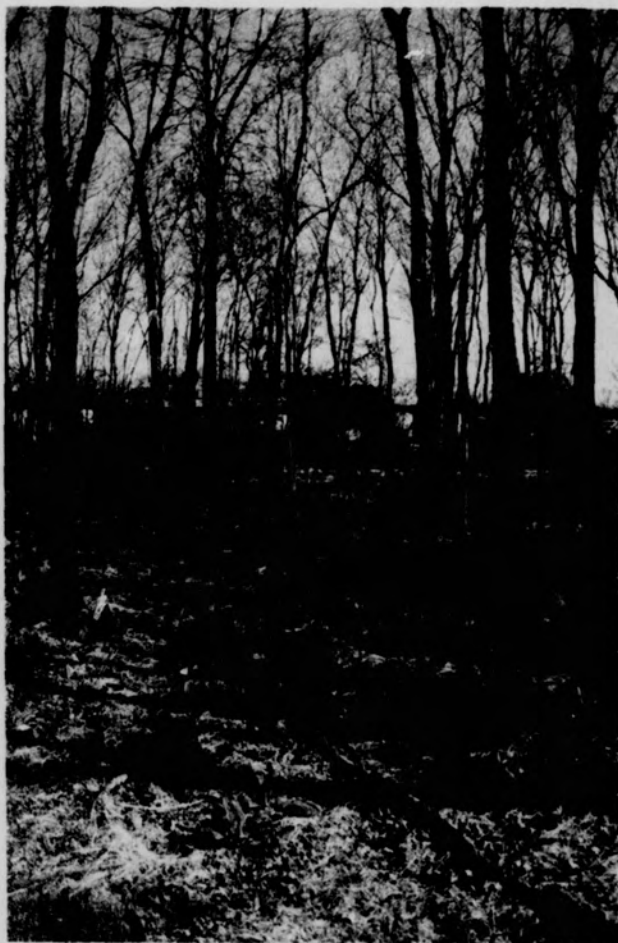
This brochure is not intended to be used to make a final wetland determination or delineation; it is intended, however, to provide some general information concerning wetlands identification.

**What to do if your area
has wetlands that you
propose to alter?**

Contact the Corps District Office that has responsibility for the Section 404 permitting process in your area. This office will assist you in defining the boundary of any wetlands on your property, and will provide instructions for applying for a Section 404 permit, if necessary.



Section 404 permit needed



Seasonally flooded wetland forest

This brochure describes, in nontechnical terms, ways an individual can determine whether an area may be a wetland for purposes of the Corps of Engineers regulatory program. It also tells who to contact if you think an area to be altered is a wetland.

US Department of Commerce
National Technical Information Service
5285 Port Royal Road
Springfield, VA 22161

Key NTIS Telephone Numbers

To place an order (703) 487-4650

For help in identifying a title for sale (703) 487-4780

Front Cover Photo: Salt marsh



US Army Corps
of Engineers

Young least terns



APPLICATION FOR PERMIT

FOR OFFICIAL USE

Corps of Engineers
Department of the Army

Corps File No.

State of Michigan
Department of Environmental Quality
Land and Water Management Division

DEQ File No.

PLEASE READ INSTRUCTIONS BEFORE FILLING OUT THIS APPLICATION — PRINT OR TYPE

1. APPLICANT (individual or corporate name)			AGENT/CONTRACTOR (firm name, if known)		
ADDRESS			ADDRESS		
CITY	STATE	ZIP	CITY	STATE	ZIP
TELEPHONE (Work)	SOC. SECURITY or FED. I.D. No.		TELEPHONE		
TELEPHONE (Home)					

2. If applicant is not owner of the property where the proposed activity will be conducted, provide name and address of owner and include letter of authorization from owner.

OWNER'S NAME	MAILING ADDRESS	CITY	STATE	ZIP
--------------	-----------------	------	-------	-----

3. PROJECT LOCATION

Street/Road	Village/City	BODY OF WATER (Lake, stream, creek, pond, or drain)
County	Township	Town
Range	Section	Subdivision or Plat
Lot No.	Private Claim	

4. PROJECT INFORMATION

(a) Describe proposed activity

(b) Attach drawings of the proposed activity prepared in accordance with the *DRAWING REQUIREMENTS* on pages 1 & 2 of instructions.

(c) Check appropriate Project Type (below) See Samples of Drawings Required

1. ☐ Dredging, Filling, Draining or Construction Work in Inland Lakes or Streams, Great Lakes Bottomlands or Wetland Areas 1, 2, 3, 4, or 5

2. ☐ Work in Riverine Flood Plain (See SPECIAL INSTRUCTIONS, Section 1, on back of this form) 6

3. ☐ New or Replacement Bridge or Culvert (See SPECIAL INSTRUCTIONS, Section 2, on back of this form) 7, 8, 9 and 10

4. ☐ Dam Construction or Reconstruction (See SPECIAL INSTRUCTIONS, Section 3, on back of this form) 11

NOTE: If boxes 2, 3 and/or 4, above, are checked provide appropriate additional information on the back under "SPECIAL INSTRUCTIONS"

(d) PROPOSED USE

1. ☐ Public; ☐ Private; ☐ Commercial; ☐ Other (specify) _____

(Check appropriate box) 2. Will the project site be served by a new on-site Sewage Disposal System (Septic Tank) ☐ No ☐ Yes

(e) Location of Source of Fill if more the 50 cubic yards are required for other than commercial source:

County	Township	Town	Range	Section	1/4 Section
--------	----------	------	-------	---------	-------------

Further Description (provide vicinity map of Source Site (Sample Drawing 5) if more than 50 cubic yards and source is other than commercial)

(f) Dredge Spoils Disposal Location Site (if required):

County	Township	Town	Range	Section	1/4 Section
--------	----------	------	-------	---------	-------------

Further Description (provide vicinity map for Disposal Site (Sample Drawing 3))

(g) Describe any project alternatives considered

If fill is required, is project water dependent? ☐ No ☐ Yes

(h) Date activity will commence if permit is issued _____, be completed _____

(i) Is any portion of the requested project now complete? ☐ No ☐ Yes. If yes, identify the completed portion on the drawings you submit and give the date activity was completed _____

DO NOT WRITE IN THIS SPACE — FOR CASHIER USE ONLY

APPLICATION CONTINUED ON
REVERSE SIDE.

REMOVE INSTRUCTIONS BEFORE MAILING

DO NOT REMOVE THIS STUB

APPLICATION FOR PERMIT
LAND AND WATER MANAGEMENT DIVISION

PR 2731
Rev. 4/97

(APPLICANT COMPLETE THE FOLLOWING)

NAME OF REMITTER	
ADDRESS	
<input type="checkbox"/> 1994 P.A. 451 Part 13 Floodplains & Floodways <input type="checkbox"/> 1994 P.A. 451 Part 301 Inland Lakes & Streams <input type="checkbox"/> 1994 P.A. 451 Part 303 Wetland Protection <input type="checkbox"/> 1994 P.A. 451 Part 325 Submerged Lands	

PR 2731
Rev. 4/97

5. State why you believe the project will not cause pollution, impair or destroy the water or any natural resources

6. List all other Federal, State or local governmental agency permits or certifications required for proposed project. Specify permit approvals or denials already received. Explain reasons for denials.

Agency _____ Type Approval _____ Identification No. _____ Date Applied _____ Date Approved/Denied _____

State reasons if permit denied _____

7. Is there any present litigation involving the subject property? ☐ No ☐ Yes If Yes explain _____

8. Adjoining Riparian (Neighboring Waterfront Property Owner) Name and mailing address at which they may be reached

Name of Riparian #1 _____ Address _____ City _____ State _____ ZIP _____

Name of Riparian #2 _____ Address _____ City _____ State _____ ZIP _____

Name and Address of Lake Association _____ Address _____ City _____ State _____ ZIP _____

READ CAREFULLY BEFORE SIGNING.

9. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true and accurate and in compliance with the State Coastal Zone Management Program. I certify that I have the authority to undertake the activities proposed in the application. By signing this application, I understand to allow representatives of the Michigan Department of Environmental Quality and the U.S. Corps of Engineers to enter upon said property in order to inspect the proposed project. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirements of obtaining the permit requested hereon before commencing the project. I understand that the payment of fee does not guarantee permit.

SIGNATURE _____

DATE _____

SPECIAL INSTRUCTIONS

SECTION 1. FOR WORK IN FLOODWAY AREAS: a hydraulic engineering report prepared by a Registered Professional Engineer showing the impact of the proposal on flood stage or discharge characteristics may be needed.

SECTION 2. FOR NEW OR REPLACEMENT BRIDGES OR CULVERTS: To assist in the selection of an appropriate size structure, a design discharge may be requested from the Department of Environmental Quality, Land and Water Management Division. Requests should be accompanied by a location description giving the town, range, section, stream and road name. A location map as illustrated on page 4, Sample Drawing 11, should be included with the submission.

STRUCTURAL DATA:

Existing

PROPOSED (replacement)

Type _____
Entrance Design _____
Span, Rise _____
Length (width) _____
Waterway Area (total) _____

ELEVATIONS: (Bench Mark Datum)

Low Steel (culvert crown) _____ upstr _____ dnstr _____ upstr _____ dnstr _____
Invert _____ upstr _____ dnstr _____ upstr _____ dnstr _____
Highwater (observed or recorded) _____

ROAD GRADES

EXISTING

PROPOSED

At structure _____
Low Point of Approach _____

SECTION 3. DAM CONSTRUCTION OR RECONSTRUCTION. COMPLETE THE FOLLOWING:

Proposed head _____ ft. (Difference between normal pond level and stream water surface level below dam)

Proposed Impoundment size (flooded area) _____

If the proposed dam project has a head of five (5) feet or more or impounds five (5) or more surface acres, compliance with the Dam Construction Approval Act is required. Following a review of the environmental impacts of the proposed dam construction and clearance for the issuance of an Inland Lake and Streams Act Permit, you will be notified of the need to submit construction plans and specifications, prepared by a Registered Professional Engineer. Also, at that time you will be notified that an additional fee will be required in accordance with the following schedule:

Head less than five (5) feet: No Fee Head greater than five (5) feet but less than eight (8) feet: \$200.00
Head greater than eight (8) feet but less than 20 feet: \$400.00 Head greater than 20 feet: \$600.00

GENERAL INSTRUCTIONS

1. Please type or print legibly the application. Use black ink or pencil. (Do not use blue ink).
2. Answer each question thoroughly. Incomplete applications will be returned.

FORM COMPLETION INSTRUCTIONS

- 1, 2 and 3 are self-explanatory.
- 4 (a) Describe proposed activity. EXAMPLE: Construct a steel seawall for shore protection. Dredge 50 cubic yards of material for fill behind the wall. Place 30 cubic yards of sand for beach construction.
- 4 (b) Drawings are required for each activity. Drawing instructions are included on pages 1 and 2 of these instructions. Sample drawings are on pages 3 and 4 of instructions.
- 4 (c) If Project Types 2, 3, and/or 4 are checked, additional information is required as specified under SPECIAL INSTRUCTIONS on the back of application form.
- 4 (d), 4 (e) and 4 (f) are self-explanatory.
- 4 (g) Describe any project alternatives considered. EXAMPLE: Placement of rock rip rap was determined "unacceptable" because of wave wash at the shoreline.
- 4 (h) and 4 (i) are self-explanatory.
5. Reasons you believe project will not cause pollution, etc. EXAMPLE: The project will stabilize shoreline and minimize erosion.
- 6, 7 and 8 are self-explanatory.
9. Read carefully before signing. Should you have any questions, please contact the Corps of Engineers at (313) 226-6812 or the Department of Natural Resources at (517) 373-9244.

FEEES

- (A) For all nongovernmental projects located on an inland lake or stream or any project located in a wetland, a state fee of \$25.00 must accompany the application. The payment of the fee does not guarantee a permit. Projects located on the Great Lakes, unless they are under the Wetlands act, do not require a fee. Make checks payable to "STATE OF MICHIGAN". See attached listing of fees.
- (B) The U.S. Army Corps of Engineers will notify you of the appropriate Federal filing fee when their permit application review has been completed and a preliminary determination has been made that a permit will be issued. Fees are assessed as follows: (1) Commercial or industrial users — \$100.00 and (2) noncommercial users — \$10.00. DO NOT SUBMIT ANY FEE TO THE U.S. ARMY CORPS OF ENGINEERS UNTIL YOU ARE NOTIFIED OF THE REQUIRED AMOUNT.
- (NOTE: The federal filing fee is in addition to any fee required by the State of Michigan.)

PLEASE READ THE PRIVACY ACT AND APPLICATION PENALTY STATEMENT ON PAGE 2 OF THESE INSTRUCTIONS.

MAIL APPLICATION AND STATE FILING FEE (if applicable) TO:

Department of Environmental Quality
Land and Water Management Division
Box 30204
Lansing, Michigan 48909-7704

DRAWING REQUIREMENTS

PLAN SHEETS REQUIRED

SEE ATTACHED SAMPLE DRAWING. Drawings must be legible in black ink or pencil on standard weight paper of 8½ x 11" size. Additional sheets may be required. In addition, each drawing must contain the following elements. If plans are engineering plans larger than 8½ x 11", submit a minimum of five copies.

- (1) Simple title block on lower right hand corner of each sheet with applicant name, name of water way, city, village or township, county, description of activity and scale of drawing (number of sheets, total number in set (sheet 1 of 4), date drawing was prepared).
- (2) Location map stating source of the map, nearest main road, crossroad, and route to project site.
- (3) Existing and proposed structures clearly identified, the dimensions of each showing existing shore features and man-made structures and the length of shore frontage, water level and bottom configuration around project. If existing structures were previously authorized by federal/state permit, show corresponding permit number.
- (4) Typical cross sections of existing and proposed shoreline, waterline, structures, dredge cuts and fills, including dimensions and elevations, location of wetlands.
- (5) A description of construction materials such as: thickness, slope, type (stone, concrete, etc.) and size or weight of riprap material when placing a protective facing on earth retention structure. Include the total amount (volume) cubic yards of all fill or dredge material.
- (6) Existing water depth and ground surface elevations referenced to (Low Water Datum (L.W.D.) on International Great Lakes) U.S.G.S. Quad sheets and areas flooded by water part of the year, existing shorelines and high water marks, flow and circulation patterns, if any.
- (7) Show names and addresses of the owners of the adjoining property on both sides and if on a stream, address of opposite riparian, and the relative location of any structures which may exist along shoreline of adjacent properties. If there are no adjacent structures, show existing shorelines. Size relationship between proposed project and total area, i.e. one acre fill in 15 acre wetland.
- (8) If proposed activity involves bulkhead construction, show the distance along both property lines from the face of the bulkhead to the centerline of a street or other definable reference point, i.e. NE corner of concrete patio, 12' maple on W property line.

— CONTINUED ON BACK —

DRAWING REQUIREMENTS (con't.)

- (9) If activity involves dredging, furnish the following:
 - a) If the dredged material is to be placed on-site, outline the disposal area on the drawing. If the dredged material is to be hauled away, provide a vicinity map showing the disposal area. If more than 50 cubic yards of fill is required, indicate the location or source of fill. This information will be used by the History Division to evaluate the impacts on historic or archaeological resources.
 - b) Show method of containing dredged material to prevent re-entry into any waterway or wetland. Describe all procedures by which applicant proposed to minimize adverse effects of construction.
- (10) If your activity involves flood plain alterations, proposed and existing contours must be shown on a site development plan. Sample Drawing #6.
- (11) If your activity involves a bridge or culvert crossing, furnish the following:
 - a) Typical stream valley cross-section representative of the channel and flood plain area downstream of the proposal. Sample Drawing #7.
 - b) Plan view of the proposal. Sample Drawing #9.
 - c) Cross-sectional view of the proposed structure superimposed on the existing structure (if applicable). This view should include the existing and proposed road centerline profile for the width of the stream valley or a minimum of 300 feet either side of the structure. Sample Drawing #10.
 - d) Photographs of the structure, channel and flood plain areas.
 - e) A profile view of the proposed structure showing the proposed end treatment and bank stabilization. Sample Drawing #8.
- (12) If the project activity involves dam construction, provide a sketch showing the head and approximate flooded area. Sample Drawing #11.

DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 U.S.C. 552a)	
TITLE OF FORM APPLICATION FOR PERMIT (Form PR 2731) from the STATE OF MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY and DEPARTMENT of the ARMY, CORPS OF ENGINEERS.	PRESCRIBED DIRECTIVE ER 1145-2-303
1. AUTHORITY SECTION 10 River & Harbor Act 1899, Section 103 Marine Protection, Research & Sanctuaries Act of 1972, and Section 404 of the Clean Water Act Amendments.	
2. PRINCIPAL PURPOSE(S) Application form for permits authorizing structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into navigable waters, and the transportation of dredged material for the purpose of dumping it into ocean waters.	
3. ROUTINE USES Describes the proposed activity, its purpose and intended use, including a description of the types of structures, if any, to be erected on fills, or pile float-supported platforms, and the type, composition and quantity of materials to be discharged or dumped and means of conveyance. If the application is made at the Detroit District level, a copy will be furnished the Michigan Department of Environmental Quality, conversely if the application is submitted to the Michigan DEQ, a copy will be furnished the Detroit District, and subsequently the content is made a matter of public record through issuance of a public notice. The application is made available to any requesting state and Federal agencies, dealing with the review of the application. The form itself is not made available; only that information which is pertinent to the evaluation of the permit request. The form (or copies) could be kept on file at the Michigan DEQ, Detroit District, Division or OCE level, depending on the details surrounding the case. The information could become a part of any record of a reviewing agency with a need to know, such as U.S. Fish & Wildlife, Environmental Protection Agency, etc. The application will become a part of the record in any litigation action by the Department of Justice or the Michigan Attorney Generals Office involving the work or activity.	
4. MANDATORY OR VOLUNTARY DISCLOSURE AND EFFECT ON INDIVIDUAL NOT PROVIDING INFORMATION The disclosure of information is VOLUNTARY. Incomplete data precludes proper evaluation of the permit application. Without the necessary data (i.e., name, address and phone number), the permit application cannot be processed or a permit subsequently issued.	

PENALTY

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

5. State why you believe the project will not cause pollution, impair or destroy the water or any natural resources.

6. List all other Federal, State or local governmental agency permits or certifications required for proposed project. Specify permit approvals or denials already received. Explain reasons for denials.

Agency	Type Approval	Identification No.	Date Applied	Date Approved/Denied
--------	---------------	--------------------	--------------	----------------------

State reasons if permit denied.

7. Is there any present litigation involving the subject property? ☐ No ☐ Yes If Yes, explain.

8. Adjoining Riparian (Neighboring Waterfront Property Owner) Name and mailing address at which they may be reached.

Name of Riparian #1	Address	City	State	ZIP
Name of Riparian #2	Address	City	State	ZIP
Name and Address of Lake Association	Address	City	State	ZIP

READ CAREFULLY BEFORE SIGNING.

9. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true and accurate and in compliance with the State Coastal Zone Management Program. I certify that I have the authority to undertake the activities proposed in the application. By signing this application, I understand to allow representatives of the Michigan Department of Environmental Quality and the U.S. Corps of Engineers to enter upon said property in order to inspect the proposed project. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirements of obtaining the permit requested hereon before commencing the project. I understand that the payment of fee does not guarantee permit.

SIGNATURE

DATE

SPECIAL INSTRUCTIONS

SECTION 1. FOR WORK IN FLOODWAY AREAS, a hydraulic engineering report prepared by a Registered Professional Engineer showing the impact of the proposal on flood stage or discharge characteristics may be needed.

SECTION 2. FOR NEW OR REPLACEMENT BRIDGES OR CULVERTS, To assist in the selection of an appropriate size structure, a design discharge may be requested from the Department of Environmental Quality, Land and Water Management Division. Requests should be accompanied by a location description giving the town, range, section, stream and road name. A location map as illustrated on page 4, Sample Drawing 11, should be included with the submission.

STRUCTURAL DATA:	Existing	PROPOSED (replacement)
Type		
Entrance Design		
Span, Rise		
Length (width)		
Waterway Area (total)		
ELEVATIONS: (Bench Mark Datum)		
Low Steel (culvert crown)	upstr _____ dnstr _____	upstr _____ dnstr _____
Invert	upstr _____ dnstr _____	upstr _____ dnstr _____
Highwater (observed or recorded)		
ROAD GRADES		
At structure	EXISTING	PROPOSED
Low Point of Approach		

SECTION 3. DAM CONSTRUCTION OR RECONSTRUCTION, COMPLETE THE FOLLOWING.

Proposed head _____ ft. (Difference between normal pond level and stream water surface level below dam)

Proposed impoundment size (flooded area) _____

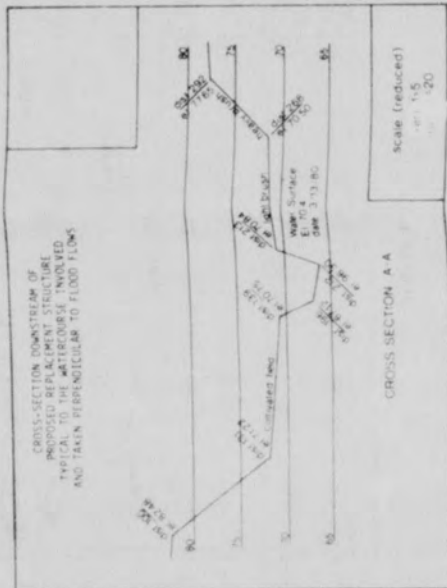
If the proposed dam project has a head of five(5) feet or more or impounds five (5) or more surface acres, compliance with the Dam Construction Approval Act is required. Following a review of the environmental impacts of the proposed dam construction and clearance for the issuance of an Inland Lake and Streams Act Permit, you will be notified of the need to submit construction plans and specifications, prepared by a Registered Professional Engineer. Also, at that time you will be notified that an additional fee will be required in accordance with the following schedule.

Head less than five (5) feet . . . No Fee . . . Head greater than five (5) feet but less than eight (8) feet . . . \$200.00

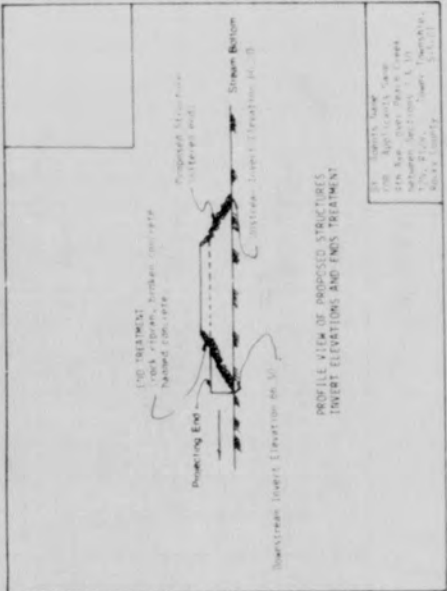
Head greater than eight (8) feet but less than 20 feet . . . \$400.00 . . . Head greater than 20 feet . . . \$600.00

SAMPLE DRAWINGS 7 through 10 for New or Replacement Bridge or Culvert

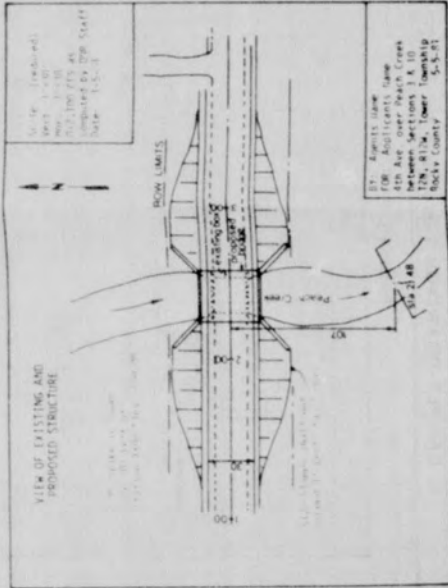
SAMPLE 7



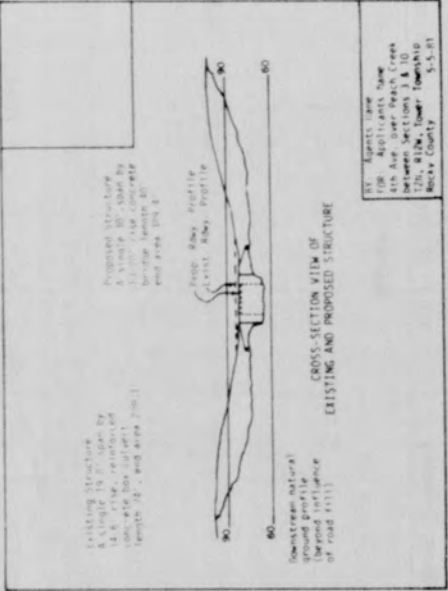
SAMPLE 8



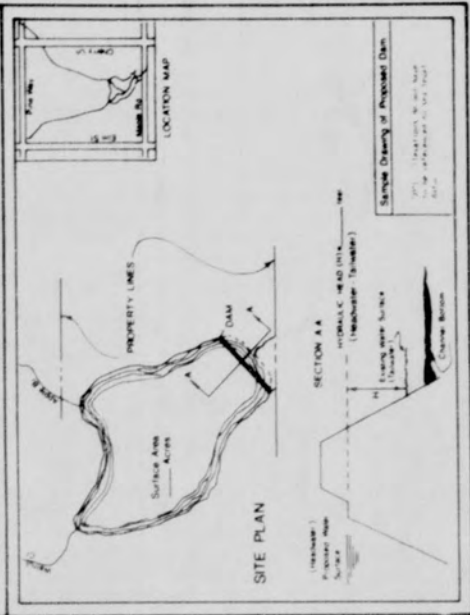
SAMPLE 9



SAMPLE 10



SAMPLE DRAWING 11 for Dam Construction or Reconstruction



APPLICATION FOR PERMIT

FOR OFFICIAL USE

Corps of Engineers
Department of the Army

Corps File No.

State of Michigan
Department of Environmental Quality
Land and Water Management Division

DEQ File No.

PLEASE READ INSTRUCTIONS BEFORE FILLING OUT THIS APPLICATION — PRINT OR TYPE

1. APPLICANT (individual or corporate name) ADDRESS _____ CITY _____ STATE _____ ZIP _____ TELEPHONE (Work) _____ (Home) _____ SOC. SECURITY or FED. I.D. No. _____		AGENT/CONTRACTOR (firm name, if known) ADDRESS _____ CITY _____ STATE _____ ZIP _____ TELEPHONE _____	
2. If applicant is not owner of the property where the proposed activity will be conducted, provide name and address of owner and include letter of authorization from owner. <div style="display: flex; justify-content: space-between;"> OWNER'S NAME _____ MAILING ADDRESS _____ CITY _____ STATE _____ ZIP _____ </div>			
3. PROJECT LOCATION		BODY OF WATER (Lake, stream, creek, pond, or drain)	
Street/Road _____	Village/City _____		
County _____	Township _____	Range _____	Section _____
		Subdivision or Plat _____	Lot No. _____
		Private Claim _____	
4. PROJECT INFORMATION			
(a) Describe proposed activity _____ _____			
(b) Attach drawings of the proposed activity prepared in accordance with the <i>DRAWING REQUIREMENTS</i> on pages 1 & 2 of Instructions.			
(c) Check appropriate Project Type (below)		See Samples of Drawings Required	
1. <input type="checkbox"/> Dredging, Filling, Draining or Construction Work in Inland Lakes or Streams, Great Lakes Bottomlands or Wetland Areas		1, 2, 3, 4, or 5	
2. <input type="checkbox"/> Work in Riverine Flood Plain (See SPECIAL INSTRUCTIONS, Section 1, on back of this form)		6	
3. <input type="checkbox"/> New or Replacement Bridge or Culvert (See SPECIAL INSTRUCTIONS, Section 2, on back of this form)		7, 8, 9 and 10	
4. <input type="checkbox"/> Dam Construction or Reconstruction (See SPECIAL INSTRUCTIONS, Section 3, on back of this form)		11	
NOTE: If boxes 2, 3 and/or 4, above, are checked provide appropriate additional information on the back under "SPECIAL INSTRUCTIONS"			
(d) PROPOSED USE			
1. <input type="checkbox"/> Public, <input type="checkbox"/> Private, <input type="checkbox"/> Commercial, <input type="checkbox"/> Other (specify) _____			
2. Will the project site be served by a new on-site Sewage Disposal System (Septic Tank) <input type="checkbox"/> No <input type="checkbox"/> Yes			
(e) Location of Source of Fill if more than 50 cubic yards required for other than commercial source			
County _____	Township _____	Range _____	Section _____
Further Description (provide vicinity map of Source Site (Sample Drawing 5) if more than 50 cubic yards and source is other than commercial)			
(f) Dredge Spoils Disposal Location Site (if required)			
County _____	Township _____	Range _____	Section _____
Further Description (provide vicinity map for Disposal Site (Sample Drawing 3))			
(g) Describe any project alternatives considered _____			
If fill is required, is project water dependent? <input type="checkbox"/> No <input type="checkbox"/> Yes			
(h) Date activity will commence if permit is issued _____, be completed _____			
(i) Is any portion of the requested project now complete? <input type="checkbox"/> No <input type="checkbox"/> Yes. If yes, identify the completed portion on the drawings you submit and give the date activity was completed _____			

DO NOT WRITE IN THIS SPACE — FOR CASHIER USE ONLY

APPLICATION CONTINUED ON
REVERSE SIDE.

REMOVE INSTRUCTIONS BEFORE MAILING

DO NOT REMOVE THIS STUB

APPLICATION FOR PERMIT
LAND AND WATER MANAGEMENT DIVISIONPR 2731
Rev. 4/97

(APPLICANT COMPLETE THE FOLLOWING)

NAME OF REMITTER _____	
ADDRESS _____	
<input type="checkbox"/> 1994 P.A. 451 Part 13 Floodplains & Floodways <input type="checkbox"/> 1994 P.A. 451 Part 301 Inland Lakes & Streams <input type="checkbox"/> 1994 P.A. 451 Part 303 Wetland Protection <input type="checkbox"/> 1994 P.A. 451 Part 325 Submerged Lands	

PR 2731
Rev. 4/97

GENERAL INSTRUCTIONS

1. Please type or print legibly the application. Use black ink or pencil. (Do not use blue ink).
2. Answer each question thoroughly. Incomplete applications will be returned.

FORM COMPLETION INSTRUCTIONS

- 1, 2 and 3 are self-explanatory.
- 4 (a) Describe proposed activity. **EXAMPLE:** Construct a steel seawall for shore protection. Dredge 50 cubic yards of material for fill behind the wall. Place 30 cubic yards of sand for beach construction.
- 4 (b) Drawings are required for each activity. Drawing instructions are included on pages 1 and 2 of these instructions. Sample drawings are on pages 3 and 4 of instructions.
- 4 (c) If Project Types 2), 3) and/or 4) are checked, additional information is required as specified under **SPECIAL INSTRUCTIONS** on the back of application form.
- 4 (d), 4 (e) and 4 (f) are self-explanatory.
- 4 (g) Describe any project alternatives considered. **EXAMPLE:** Placement of rock rip rap was determined "unacceptable" because of wave wash at the shoreline.
- 4 (h) and 4 (i) are self-explanatory.
- 5 Reasons you believe project will not cause pollution, etc. **EXAMPLE:** The project will stabilize shoreline and minimize erosion.
- 6, 7 and 8 are self-explanatory.
- 9 Read carefully before signing. Should you have any questions, please contact the Corps of Engineers at (313) 226-6812 or the Department of Natural Resources at (517) 373-9244.

FEES

- (A) For all nongovernmental projects located on an inland lake or stream, or any project located in a wetland, a state fee of \$25.00 must accompany the application. The payment of the fee does not guarantee a permit. Projects located on the Great Lakes, unless they are under the Wetlands act, do not require a fee. Make checks payable to "STATE OF MICHIGAN". See attached listing of fees.
- (B) The U.S. Army Corps of Engineers will notify you of the appropriate Federal filing fee when their permit application review has been completed and a preliminary determination has been made that a permit will be issued. Fees are assessed as follows: (1) Commercial or industrial users — \$100.00 and (2) noncommercial uses — \$10.00. **DO NOT SUBMIT ANY FEE TO THE U.S. ARMY CORPS OF ENGINEERS UNTIL YOU ARE NOTIFIED OF THE REQUIRED AMOUNT.**
- (NOTE: The federal filing fee is in addition to any fee required by the State of Michigan).

PLEASE READ THE PRIVACY ACT AND APPLICATION PENALTY STATEMENT ON PAGE 2 OF THESE INSTRUCTIONS.

MAIL APPLICATION AND STATE FILING FEE (if applicable) TO:

Department of Environmental Quality
Land and Water Management Division
Box 30204
Lansing, Michigan 48909-7704

DRAWING REQUIREMENTS

PLAN SHEETS REQUIRED

SEE ATTACHED SAMPLE DRAWING. Drawings must be legible in black ink or pencil on standard weight paper of 8½ x 11" size. Additional sheets may be required. In addition, each drawing must contain the following elements. If plans are engineering plans larger than 8½ x 11", submit a minimum of five copies.

- (1) Simple title block on lower right hand corner of each sheet with applicant name, name of water way, city, village or township, county, description of activity and scale of drawing (number of sheets, total number in set (sheet 1 of 4), date drawing was prepared).
- (2) Location map stating source of the map, nearest main road, crossroad, and route to project site.
- (3) Existing and proposed structures clearly identified, the dimensions of each showing existing shore features and man-made structures and the length of shore frontage, water depths and bottom configuration around project. If existing structures were previously authorized by federal/state permit show corresponding permit number.
- (4) Typical cross sections of existing and proposed shoreline, waterline, structures, dredge cuts and fills, including dimensions and elevations, location of wetlands.
- (5) A description of construction materials such as: thickness, slope, type (stone, concrete, etc.) and size or weight of riprap material when placing a protective facing on earth retention structure. Include the total amount (volume) cubic yards of all fill or dredge material.
- (6) Existing water depth and ground surface elevations referenced to (Low Water Datum (L.W.D.) on International Great Lakes) U.S.G.S. Quad sheets and areas flooded by water part of the year, existing shorelines and high water marks, flow and circulation patterns, if any.
- (7) Show names and addresses of the owners of the adjoining property on both sides and if on a stream, address of opposite riparian, and the relative location of any structures which may exist along shoreline of adjacent properties. If there are no adjacent structures, show existing shorelines. Size relationship between proposed project and total area, i.e. one acre fill in 15 acre wetland.
- (8) If proposed activity involves bulkhead construction, show the distance along both property lines from the face of the bulkhead to the centerline of a street or other definable reference point, i.e. NE corner of concrete patio, 12" maple on W property line.

— CONTINUED ON BACK —

DRAWING REQUIREMENTS (con't.)

- (9) If activity involves dredging, furnish the following:
- If the dredged material is to be placed on-site, outline the disposal area on the drawing. If the dredged material is to be hauled away, provide a vicinity map showing the disposal area. If more than 50 cubic yards of fill is required, indicate the location or source of fill. This information will be used by the History Division to evaluate the impacts on historic or archaeological resources.
 - Show method of containing dredged material to prevent re-entry into any waterway or wetland. Describe all procedures by which applicant proposed to minimize adverse effects of construction.
- (10) If your activity involves flood plain alterations, proposed and existing contours must be shown on a site development plan. Sample Drawing #6.
- (11) If your activity involves a bridge or culvert crossing, furnish the following:
- Typical stream valley cross-section representative of the channel and flood plain area downstream of the proposal. Sample Drawing #7.
 - Plan view of the proposal. Sample Drawing #9.
 - Cross-sectional view of the proposed structure superimposed on the existing structure (if applicable). This view should include the existing and proposed road centerline profile for the width of the stream valley or a minimum of 300 feet either side of the structure. Sample Drawing #10.
 - Photographs of the structure, channel and flood plain areas.
 - A profile view of the proposed structure showing the proposed end treatment and bank stabilization. Sample Drawing #8.
- (12) If the project activity involves dam construction, provide a sketch showing the head and approximate flooded area. Sample Drawing #11.

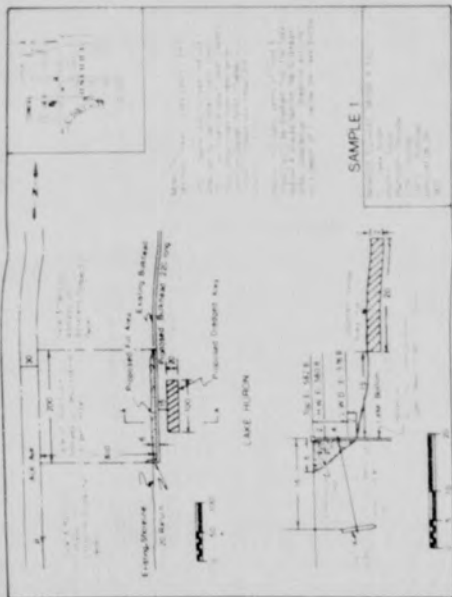
DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 U.S.C. 552a)	
TITLE OF FORM APPLICATION FOR PERMIT (Form PR 2731) from the STATE OF MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY and DEPARTMENT of the ARMY, CORPS OF ENGINEERS.	PRESCRIBED DIRECTIVE ER 1145-2-303
1. AUTHORITY SECTION 10 River & Harbor Act 1899; Section 103 Marine Protection, Research & Sanctuaries Act of 1972; and Section 404 of the Clean Water Act Amendments.	
2. PRINCIPAL PURPOSE(S) Application form for permits authorizing structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into navigable waters, and the transportation of dredged material for the purpose of dumping it into ocean waters.	
3. ROUTINE USES Describes the proposed activity, its purpose and intended use, including a description of the types of structures, if any, to be erected on fills, or pile float-supported platforms, and the type, composition and quantity of materials to be discharged or dumped and means of conveyance. If the application is made at the Detroit District level, a copy will be furnished the Michigan Department of Environmental Quality, conversely if the application is submitted to the Michigan DEQ, a copy will be furnished the Detroit District, and subsequently the content is made a matter of public record through issuance of a public notice. The application is made available to any requesting state and Federal agencies, dealing with the review of the application. The form itself is not made available; only that information which is pertinent to the evaluation of the permit request. The form (or copies) could be kept on file at the Michigan DEQ, Detroit District, Division or OCE level, depending on the details surrounding the case. The information could become a part of any record of a reviewing agency with a need to know, such as U.S. Fish & Wildlife, Environmental Protection Agency, etc. The application will become a part of the record in any litigation action by the Department of Justice or the Michigan Attorney General's Office involving the work or activity.	
4. MANDATORY OR VOLUNTARY DISCLOSURE AND EFFECT ON INDIVIDUAL NOT PROVIDING INFORMATION The disclosure of information is VOLUNTARY. Incomplete data precludes proper evaluation of the permit application. Without the necessary data (i.e., name, address and phone number), the permit application cannot be processed or a permit subsequently issued.	

PENALTY

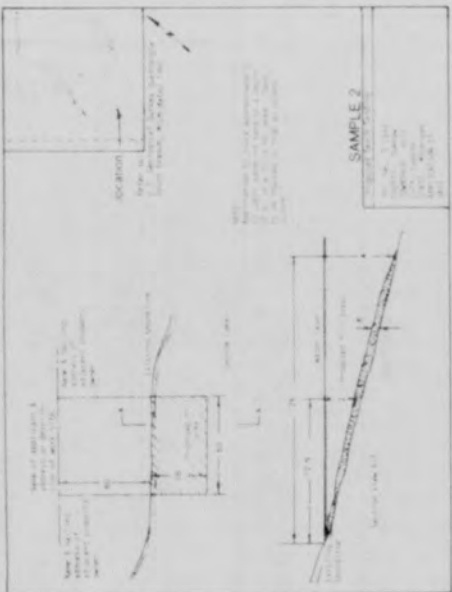
18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

SAMPLE DRAWINGS 1 through 5 for Dredging, Filling, Draining or Construction Works in Inland Lakes or Streams, Great Lakes Bottomlands or Wetland Areas.

SAMPLE 1



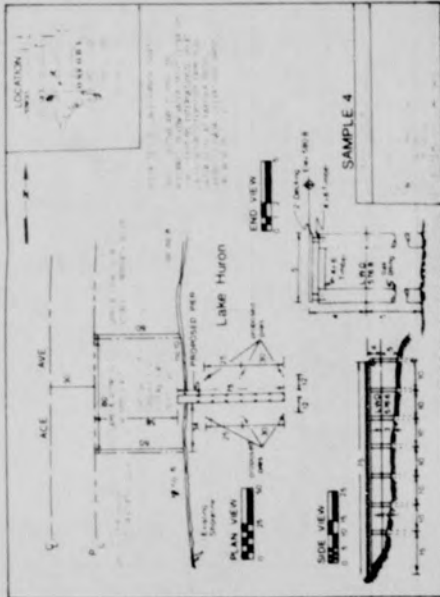
SAMPLE 2



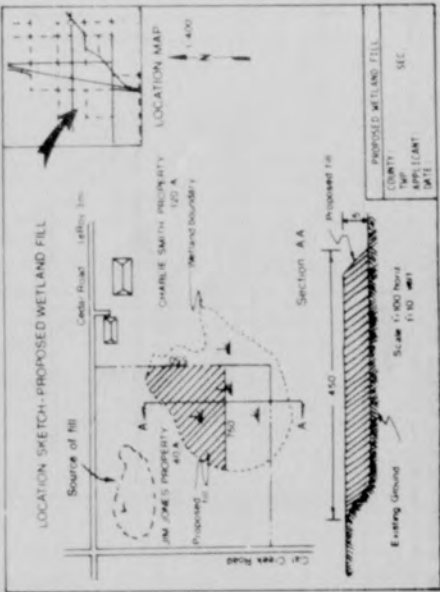
SAMPLE 3



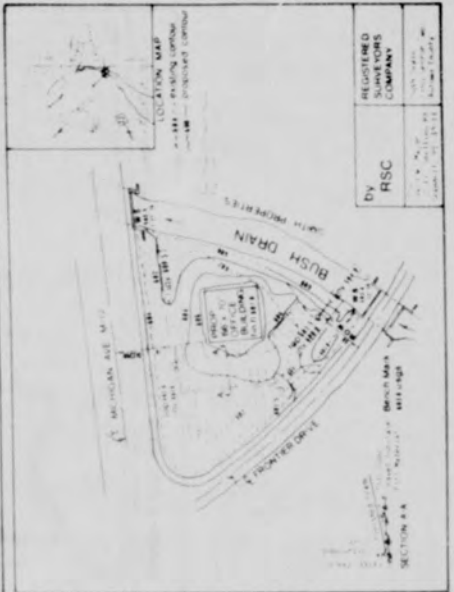
SAMPLE 4



SAMPLE 5

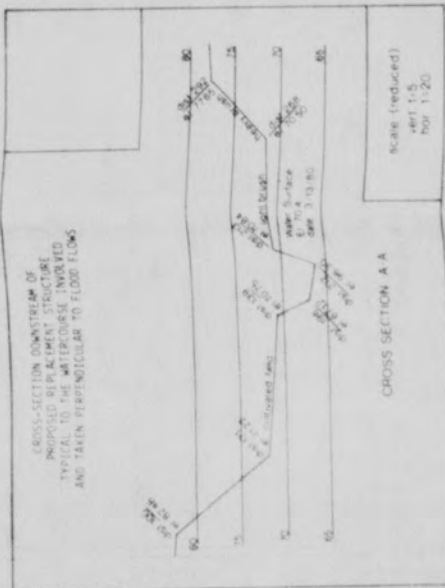


SAMPLE DRAWING 6 for Work in Riverine Flood Plain

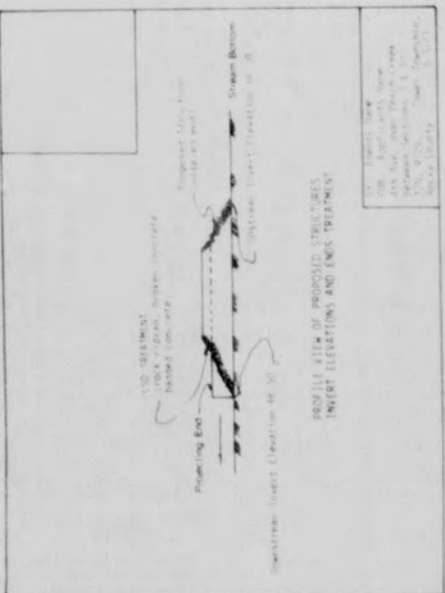


SAMPLE DRAWINGS 7 through 10 for New or Replacement Bridge or Culvert

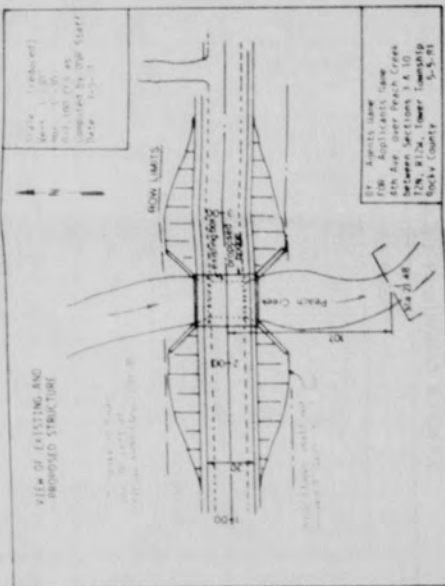
SAMPLE 7



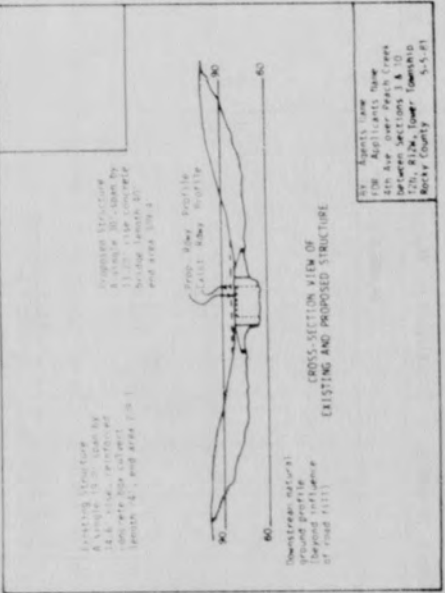
SAMPLE 8



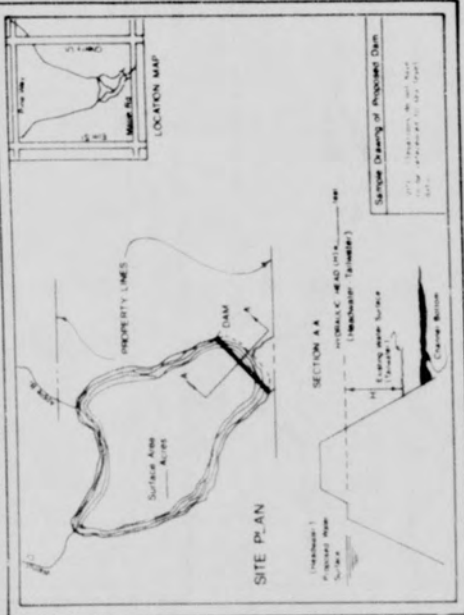
SAMPLE 9



SAMPLE 10



SAMPLE DRAWING 11 for Dam Construction or Reconstruction



STATE FEES

All permit applications for projects located on a lake or stream or within a wetland or floodplain regulated by the Inland Lakes and Streams Act, 1972 PA 346, as amended; Great Lakes Submerged Lands Act, 1955 PA 247; Joelle Anderson Wetland Protection Act, 1979 PA 203, as amended; Floodplain Regulatory Authority, found in 1929 PA 245, as amended by 1968 PA 167; or the Dam Safety Act, 1989 PA 300, shall be accompanied by a fee in accordance with the following fee schedule. Fees are not cumulative, with the exception of dam projects. The highest of all other fees will be charged.

Category	Fee
All projects not covered below.	\$500.00
For minor projects listed in R281.816 for Act 346 or R323.1013 for Act 247.	\$50.00
For a minor project category authorized under Section 2a(5) of 1929, PA 245.	\$100.00
For renewal of marina operating permit under Act 346.	\$50.00
For construction or expansion of a marina under Act 346 or 247:	
• expansion of 1-10 slips	\$50.00
• new marina of 1-10 slips	\$100.00
• expansion of 11-50 slips	\$250.00
• new marina of 11-50 slips	\$500.00
• new or expansion marina over 50 slips	\$10/SLIP
• existing marina - maintenance dredging of 10,000 cubic yards or more or the addition of seawalls, bulkheads, revetments of 500 feet or more.	\$1,500.00
For major projects as listed below under Acts 346 or 247:	\$2,000.00
• dredging of 10,000 cubic yards or more.	
• filling of 10,000 cubic yards or more.	
• seawalls, bulkheads, or revetment of 500 feet or more.	
• filling or draining of 1 acre or more of contiguous wetland.	
• new dredging or upland boat basin excavation in areas of suspected contamination.	
• shore protection that extends 150 feet or more into a lake or stream.	
• new commercial docks or wharves of 300 feet or more in length.	
• stream enclosures of 100 feet or more in length.	
• stream relocation of 500 feet or more in length.	
• new golf courses.	
• subdivisions.	
• condominiums.	
For floodplain projects where engineering computations are required to assess the impact of a proposed floodplain alteration on flood stage or discharge characteristics.	\$2,000.00
For dam projects under 1989, PA 300, the following fees. These fees are in addition to any fees listed above.	
• dam height 6 feet or more, but less than 10 feet	\$500.00
• dam height 10 feet or more, but less than 20 feet	\$1,000.00
• dam height 20 feet or more	\$3,000.00
• dam repair, alteration removal, or abandonment	\$200.00
• minor project pursuant to Section 27(1).	\$100.00
For wetland only projects.	\$25.00

FEDERAL FEES

The U.S. Army Corps of Engineers will notify you of the appropriate federal filing fee when their permit application review has been completed and a preliminary determination has been made that a permit will be required. Fees are assessed as follows:

Category	Fee
• commercial or industrial users.	\$100.00
• noncommercial users	\$10.00
DO NOT SUBMIT ANY FEE TO THE U.S. ARMY CORPS OF ENGINEERS UNTIL YOU ARE NOTIFIED OF THE REQUIRED AMOUNT.	
NOTE: The federal filing fee is in addition to any fee required by the state of Michigan.	

NOTICE
NEW FEES EFFECTIVE OCTOBER 11 1993

1. Noncommercial piers, docks, and boat hoists.
 - a. Not greater than the length or size of smaller structures and will not unreasonably interfere with the navigability or boatability of the water involved.
 - b. Free littoral flow of water and drift material is provided for.
 - c. Clean, nonpolluting materials will be used.
 - d. Structure is a single pier or dock an added boat hoist, minor pier, or extension to an existing boat hoist, pier, or dock.
2. Spring piles and pile clusters.
 - a. Location, number, and purpose for placement is usual for such projects in the vicinity and watercourse involved.
 - b. Materials used are clean, nonpolluting materials.
 - c. Placement will not create an obstruction to navigation.
3. Seawalls, bulkheads, and other permanent revetment structures.
 - a. Structure fulfills an identifiable need for erosion protection, bank stabilization.
 - b. Structure will be free from pollutants, waste metal products, debris, or organic materials.
 - c. Not more than 300 feet in length and is located in an area on the body of water where other similar structures already exist.
 - d. Backfill or other fill does not exceed an average of 2 cubic yards per running foot and a maximum of 300 cubic yards.
 - e. Structure or any associated fill will not be placed in a wetland or impair surface water flow into or out of any wetland area.
4. Filling for the creation and improvement of swimming areas and beaches that do not exceed 300 cubic yards and meet both of the following design criteria.
 - a. Suitable material free from pollutants, waste metal products, debris, or organic materials.
 - b. Will not exceed a blanket depth of 6 inches and will not be placed in a water depth exceeding 4 feet.
5. Dredging maintenance of previously dredged areas or dredging of not more than 300 cubic yards when both of the following criteria are met:
 - a. No reasonable expectation exists that the materials to be dredged are polluted.
 - b. All dredging spoils will be removed to an upland site exclusive of wetland areas.
6. Construction of bridges and culverts which meet all of the following criteria.
 - a. The proposed structure has a waterway opening area of not more than 25 square feet and the waterway opening approximates or exceeds the cross-sectional area of the channel.
 - b. Is a temporary stream crossing structure programmed for removal and site restoration within 2 years from the date of permit issuance and has a waterway area that approximates or exceeds the cross-sectional area of the channel.
 - c. Is a replacement stream crossing which fully spans the bottomlands and the owner or the owner's engineering consultant certifies that the proposed structure is of equal or greater hydraulic capacity, that deletion of auxiliary waterway openings is not planned, available information does not indicate the presence of a harmful interference.
 - d. Is a new stream crossing structure which fully spans the bottomlands, the design of which is certified by a registered professional engineer to pass the 100-year flood.
 - e. Is a new or replacement structure to be placed on an upland channel or where the passage of flow is not a significant design factor.
 - f. Is an extension of an existing bridge or culvert where the total extended length does not exceed 24 feet.
 - g. Structure will provide sufficient underclearance to facilitate passage of watercraft which could be expected to navigate the waters involved.
 - h. Total volume of fill to be placed below the ordinary high watermark for placement of the structure does not exceed 200 cubic yards.
 - i. Removal of existing structures conducted without causing degradation materials in the watercourse, and new culvert, water ways, or other structures to be installed.
7. Watercourse crossings by utilities, pipelines, or sewer lines which meet all of the following design criteria.
 - a. Minimum of 30 inches of cover will be maintained.
 - b. Method of construction is the least disruptive to the environment.
 - c. Backfilling will be of washed gravel.
 - d. Diameter of pipe, cable, or encasement does not exceed 20 inches.
8. Dredging and construction or enlargement of ponds, ditches, stormwater management basins, and similar waterways meet both of the following criteria:
 - a. Will have a surface area of less than 5 acres, direct connection to an existing inland lake or waterway.
 - b. Spoils will be placed on an appropriate upland area.
9. Structural repair of manmade structures which meet the following design and purpose criteria:
 - a. Will not alter the original use of a serviceable structure.
 - b. Will not adversely affect public trust values or interests.
 - c. Constructed of nonpolluting materials.
10. Fish or wildlife habitat structures which meet all of the following criteria:
 - a. Not to impede navigation or create a navigation hazard.
 - b. Anchored to the bottomlands.
 - c. Constructed of nonpolluting materials.
 - d. Has the written authorization of the riparian or the appropriate department district fisheries biologist, or both.
11. Scientific structures, such as staff gauges, water monitoring devices, water quality testing devices, survey devices, core sampling devices, which meet all of the following design and purpose criteria:
 - a. Does not impede navigation or create a navigation hazard.
 - b. Are constructed of nonpolluting materials.
 - c. Written authorization of the riparian owner.
12. Navigational aids which meet either of the following criteria:
 - a. Approved by the United States Coast Guard.
 - b. Approved under Act No. 303 of the Public Acts of 1906.
13. Extension of a project under a current permit.
14. Physical removal of manmade structures or natural obstructions which meet all of the following criteria:
 - a. Debris and spoils shall be removed to an upland site.
 - b. Stream bank or shoreline and bottom contours shall be restored to an acceptable condition.
 - c. Site does not constitute a safety or navigation hazard.
15. Late or impoundment drawdowns or the associated refilling or both, which meet the following design and purpose criteria:
 - a. Drawdown is temporary in nature for the purpose of inspection to determine the integrity of the flood control structure.
 - b. Is associated with the routine operations of fish and wildlife floodings, ponds, or impoundments where purpose of the drawdown is the enhancement or protection of fish, wildlife, or associated habitat.
 - c. Drawdown authorized by court order under provisions of Act No. 166 of the Public Acts of 1906.
16. Dams 50 feet or less in length, as measured from the abutment, which meet all of the following criteria:
 - a. Is a concrete dam, with the lakeward end not more than 1 foot above the existing water level.
 - b. Is located at least 1/2 of the grain length from adjacent property line or closer with written approval of the adjacent riparian.
17. Sand trap walls which meet all of the following criteria:
 - a. Is 300 feet or less in length.
 - b. Does not extend more than 30 feet lakeward of the ordinary high water level.
 - c. Is low profile, is not more than 1 foot above ordinary high water level.
 - d. Constructed of wood or steel or other nonpolluting materials.
18. Structures will be designed and placed to avoid any increase in stream erosion or downcutting.

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
(33 CFR 325)

OMB APPROVAL NO. 0710-003
Expires October 1996

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in, or affecting, navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine Uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
--------------------	----------------------	------------------	-------------------------------

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME	8. AUTHORIZED AGENT'S NAME AND TITLE <i>(an agent is not required)</i>
6. APPLICANT'S ADDRESS	9. AGENT'S ADDRESS
7. APPLICANT'S PHONE NOS. W/AREA CODE a. Residence b. Business	10. AGENT'S PHONE NOS. W/AREA CODE a. Residence b. Business

11. STATEMENT OF AUTHORIZATION

I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

APPLICANT'S SIGNATURE

DATE

NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE <i>(see instructions)</i>	
13. NAME OF WATERBODY, IF KNOWN <i>(if applicable)</i>	14. PROJECT STREET ADDRESS <i>(if applicable)</i>
15. LOCATION OF PROJECT _____ COUNTY STATE	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN, <i>(see instructions)</i>	
17. DIRECTIONS TO THE SITE	

18. Nature of Activity (Description of project, include all features)

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

23. Is Any Portion of the Work Already Complete? Yes ☐ No ☐ IF YES, DESCRIBE THE COMPLETED WORK

24. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (If more than can be entered here, please attach a supplemental list).

25. List of Other Certifications or Approvals/Denials Received from other Federal, State or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
--------	----------------	-----------------------	--------------	---------------	-------------

*Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

Instructions for Preparing a
Department of the Army Permit Application

Blocks 1 through 4. To be completed by Corps of Engineers.

Block 5. Applicant's Name. Enter the name of the responsible party or parties. If the responsible party is an agency, company, corporation or other organization, indicate the responsible officer and title. If more than one party is associated with the application, please attach a sheet with the necessary information marked **Block 5**.

Block 6. Address of Applicant. Please provide the full address of the party or parties responsible for the application. If more space is needed, attach an extra sheet of paper marked **Block 6**.

Block 7. Applicant Telephone Number(s). Please provide the number where you can usually be reached during normal business hours.

Blocks 8 through 11. To be completed if you choose to have an agent.

Block 8. Authorized Agent's Name and Title. Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer or any other person or organization. Note: An agent is not required.

Block 9 and 10. Agent's Address and Telephone number. Please provide the complete mailing address of the agent, along with the telephone number where he/she can be reached during normal business hours.

Block 11. Statement of Authorization. To be completed by applicant if an agent is to be employed.

Block 12. Proposed Project Name or Title. Please provide name identifying the proposed project (i.e., Landmark Plaza, Burned Hills Subdivision or Edsall Commercial Center).

Block 13. Name of Waterbody. Please provide the name of any stream, lake, marsh or other waterway to be directly impacted by the activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

Block 14. Proposed Project Street Address. If the proposed project is located at a site having a street address (not a box number), please enter here.

Block 15. Location of Proposed Project. Enter the county and state where the proposed project is located. If more space is required, please attach a sheet with the necessary information marked **Block 15**.

Block 16. Other Location Descriptions. If available, provide the Section, Township and Range of the site and/or the latitude and longitude. You may also provide description of the proposed project location, such as lot numbers, tract numbers or you may choose to locate the proposed project site from a known point (such as the right descending bank of Smith Creek, one mile down from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed project site if known.

Block 17. Directions to the Site. Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site.

Block 18. Nature of Activity. Describe the overall activity or project. Give appropriate dimensions of structures such as wingwalls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles or float supported platforms.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked **Block 18**.

Block 19. Proposed project Purpose. Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project. Give the approximate dates you plan to both begin and complete all work.

Block 20. Reason(s) for Discharge. If the activity involves the discharge of dredged and/or fill material into a wetland or other waterbody, including the temporary placement of material, explain the specific purpose of the placement of the material (such as erosion control).

Block 21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards. Describe the material to be discharged and amount of each material to be discharged within Corps jurisdiction. Please be sure this description will agree with your illustrations. Discharge material includes: rock, sand, clay, concrete, etc.

Block 22. Surface Areas of Wetlands or Other Waters Filled. Describe the area to be filled at each location. Specifically identify the surface areas, or part thereof, to be filled. Also include the means by which the discharge is to be done (backhoe, dragline, etc.). If dredged material is to be discharged on an upland site, identify the site and the steps to be taken (if necessary) to prevent runoff from the dredged material back into a waterbody. If more space is needed, attach an extra sheet of paper marked **Block 22**.

Block 23. Is Any Portion of the Work Already Complete? Provide any background on any part of the proposed project already completed. Describe the area already developed, structures completed, any dredged or fill material already discharged, the type of material, volume in cubic yards, acres filled, if a wetland or other waterbody (in acres or square feet). If the work was done under an existing Corps permit, identify the authorization if possible.

Block 24. Names and Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Project Site. List complete names and full mailing addresses of the adjacent property owners (public and private) lessees, etc., whose property adjoins the waterbody or aquatic site where the work is being proposed so that they may be notified of the proposed activity (usually by public notice). If more space is needed, attach an extra sheet of paper marked **Block 24**.

Information regarding adjacent landowners is usually available through the office of the tax assessor in the county of counties where the project is to be developed.

Block 25. Information about Approvals or Denials by Other Agencies. You may need the approval of other Federal, state or local agencies for your project. Identify any applications you have submitted and the status, if any (approved or denied) of each application. You need not have obtained all other permits before applying for a Corps permit.

Block 26. Signature of Applicant or Agent. The application must be signed by the owner or other authorized party (agent). This signature shall be an affirmation that the party applying for the permit possesses the requisite property rights to undertake the activity applied for (including compliance with special conditions, mitigation, etc.).

DRAWINGS AND ILLUSTRATIONS

General Information.

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a **Vicinity Map**, a **Plan View** or a **Typical Cross-Section Map**. Identify each illustration with a figure or attachment number.

Please submit one original, or good quality copy, of all drawings on 8 1/2x11 inch plain white paper (tracing paper or film may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations.

Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view or cross-section). While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate and contain all necessary information.

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
(33 CFR 325)

OMB APPROVAL NO. 0710-003
Expires October 1996

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in, or affecting, navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine Uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
--------------------	----------------------	------------------	-------------------------------

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME	8. AUTHORIZED AGENT'S NAME AND TITLE <small>(an agent is not required)</small>
6. APPLICANT'S ADDRESS	9. AGENT'S ADDRESS
7. APPLICANT'S PHONE NOS. W/AREA CODE	10. AGENT'S PHONE NOS. W/AREA CODE
a. Residence	a. Residence
b. Business	b. Business

11. STATEMENT OF AUTHORIZATION

I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

APPLICANT'S SIGNATURE

DATE

NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE <small>(see instructions)</small>	
13. NAME OF WATERBODY, IF KNOWN <small>(if applicable)</small>	14. PROJECT STREET ADDRESS <small>(if applicable)</small>
15. LOCATION OF PROJECT	
_____ COUNTY	_____ STATE
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN, <small>(see instructions)</small>	
17. DIRECTIONS TO THE SITE	

18. Nature of Activity (Description of project, include all features)

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

23. Is Any Portion of the Work Already Complete? Yes ☐ No ☐ IF YES, DESCRIBE THE COMPLETED WORK

24. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (If more than can be entered here, please attach a supplemental list).

25. List of Other Certifications or Approvals/Denials Received from other Federal, State or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
--------	----------------	-----------------------	--------------	---------------	-------------

*Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

Instructions for Preparing a
Department of the Army Permit Application

Blocks 1 through 4. To be completed by Corps of Engineers.

Block 5. Applicant's Name. Enter the name of the responsible party or parties. If the responsible party is an agency, company, corporation or other organization, indicate the responsible officer and title. If more than one party is associated with the application, please attach a sheet with the necessary information marked **Block 5**.

Block 6. Address of Applicant. Please provide the full address of the party or parties responsible for the application. If more space is needed, attach an extra sheet of paper marked **Block 6**.

Block 7. Applicant Telephone Number(s). Please provide the number where you can usually be reached during normal business hours.

Blocks 8 through 11. To be completed if you choose to have an agent.

Block 8. Authorized Agent's Name and Title. Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer or any other person or organization. Note: An agent is not required.

Block 9 and 10. Agent's Address and Telephone number. Please provide the complete mailing address of the agent, along with the telephone number where he/she can be reached during normal business hours.

Block 11. Statement of Authorization. To be completed by applicant if an agent is to be employed.

Block 12. Proposed Project Name or Title. Please provide name identifying the proposed project (i.e., Landmark Plaza, Burned Hills Subdivision or Edsall Commercial Center).

Block 13. Name of Waterbody. Please provide the name of any stream, lake, marsh or other waterway to be directly impacted by the activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

Block 14. Proposed Project Street Address. If the proposed project is located at a site having a street address (not a box number), please enter here.

Block 15. Location of Proposed Project. Enter the county and state where the proposed project is located. If more space is required, please attach a sheet with the necessary information marked **Block 15**.

Block 16. Other Location Descriptions. If available, provide the Section, Township and Range of the site and/or the latitude and longitude. You may also provide description of the proposed project location, such as lot numbers, tract numbers or you may choose to locate the proposed project site from a known point (such as the right descending bank of Smith Creek, one mile down from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed project site if known.

Block 17. Directions to the Site. Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site.

Block 18. Nature of Activity. Describe the overall activity or project. Give appropriate dimensions of structures such as wingwalls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles or float supported platforms.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked **Block 18**.

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
(33 CFR 325)

OMB APPROVAL NO. 0710-003
Expires October 1996

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in, or affecting, navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine Uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
--------------------	----------------------	------------------	-------------------------------

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME	8. AUTHORIZED AGENT'S NAME AND TITLE <i>(an agent is not required)</i>
6. APPLICANT'S ADDRESS	9. AGENT'S ADDRESS
7. APPLICANT'S PHONE NOS. W/AREA CODE	10. AGENT'S PHONE NOS. W/AREA CODE
a. Residence	a. Residence
b. Business	b. Business

11.

STATEMENT OF AUTHORIZATION

I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

APPLICANT'S SIGNATURE

DATE

NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE <i>(see instructions)</i>	
13. NAME OF WATERBODY, IF KNOWN <i>(if applicable)</i>	14. PROJECT STREET ADDRESS <i>(if applicable)</i>
15. LOCATION OF PROJECT	
_____ COUNTY	_____ STATE
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN, <i>(see instructions)</i>	
17. DIRECTIONS TO THE SITE	

United States Army Corps of Engineers

Regulatory Program

Applicant Information



CONTENTS

	Page
General Information	2
Authority for the Regulatory Program	2
Explanation of Some Commonly Used Terms	3
Questions That Are Frequently Asked	4
The Permit Application	6
General	6
Typical Processing Procedure for a Standard Individual Permit	7
Evaluation Factors	8
Forms and Permits	9
Instructions for Preparing an Application	10
Sample Application	12
Drawings	14
General Information	14
Vicinity Map	14
Plan View	14
Elevation and/or Cross Section View	15
Notes on Drawings	15
Sample Drawings	16
Divisions and Districts for Regulatory Activities (Map)	18
Locations of Regulatory Offices	20

2

Authority for the Regulatory Program

The U.S. Army Corps of Engineers has been regulating activities in the nation's waters since 1890. Until the 1960's the primary purpose of the regulatory program was to protect navigation. Since then, as a result of laws and court decisions, the program has been broadened so that it now considers the full public interest for both the protection and utilization of water resources.

The regulatory authorities and responsibilities of the Corps of Engineers are based on the following laws:

- ☐ **Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)** prohibits the obstruction or alteration of navigable waters of the United States without a permit from the Corps of Engineers.
- ☐ **Section 404 of the Clean Water Act (33 U.S.C. 1344).** Section 301 of this Act prohibits the discharge of dredged or fill material into waters of the United States without a permit from the Corps of Engineers.

- ☐ **Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1413)** authorizes the Corps of Engineers to issue permits for the transportation of dredged material for the purpose of dumping it into ocean waters.

Other laws may also affect the processing of applications for Corps of Engineers permits. Among these are the National Environmental Policy Act, the Coastal Zone Management Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Deepwater Port Act, the Federal Power Act, the Marine Mammal Protection Act, the Wild and Scenic Rivers Act, and the National Fishing Enhancement Act of 1984.

Explanation of Some Commonly Used Terms

Certain terms which are closely associated with the regulatory program are explained briefly in this section. If you need more detailed definitions, refer to the Code of Federal Regulations (33 CFR Parts 320 through 330) or contact a Corps district regulatory office.

Activity(ies) as used in this pamphlet includes structures (for example a pier, wharf, bulkhead, or jetty) and work (which includes dredging, disposal of dredged material, filling, excavation or other modification of a navigable water of the United States).

Navigable Waters of the United States are those waters of the United States that are subject to the ebb and flow of the tide shoreward to the mean high water mark and/or are presently used, or have been used in the past or may be susceptible to use to transport interstate or foreign commerce. These are waters that are navigable in the traditional sense where permits are required for certain activities pursuant to Section 10 of the Rivers and Harbors Act. This term should not be confused with the term *waters of the United States* below.

Waters of the United States is a broader term than navigable waters of the United States defined above. Included are adjacent wetlands and tributaries to navigable waters of the United States and other waters where the degradation or destruction of which could affect interstate or foreign commerce. These are the waters where permits are required for the discharge of dredged or fill material pursuant to Section 404 of the Clean Water Act.

Pre-application Consultation is one or more meetings between members of the district engineer's staff and an applicant and his agent or his consultant. A pre-application consultation is usually related to applications

for major activities and may involve discussion of alternatives, environmental documents, National Environmental Policy Act procedures, and development of the scope of the data required when an environmental impact statement is required.

Public Hearings may be held to acquire information and give the public the opportunity to present views and opinions. The Corps may hold a hearing or participate in joint public hearings with other Federal or state agencies. The district engineer may specify in the public notice that a hearing will be held. In addition, any person may request in writing during the comment period that a hearing be held. Specific reasons must be given as to the need for a hearing. The district engineer may attempt to resolve the issue informally or he may set the date for a public hearing. Hearings are held at times and places that are convenient for the interested public. Very few applications involve a public hearing.

The Public Interest Review is the term which refers to the evaluation of a proposed activity to determine probable impacts. Expected benefits are balanced against reasonably foreseeable detriments. All relevant factors are weighed. Corps policy is to provide applicants with a timely and carefully weighed decision which reflects the public interest.

Public Notice is the primary method of advising interested public agencies and private parties of the proposed activity and of soliciting comments and information necessary to evaluate the probable impact on the public interest. Upon request, anyone's name will be added to the distribution list to receive public notices.

Waterbody is a river, creek, stream, lake, pool, bay, wetland, marsh, swamp, tidal flat, ocean, or other water area.

Questions That Are Frequently Asked

Various questions are often asked about the regulatory program. It is hoped that these answers will help you to understand the program better.

Q. When should I apply for a Corps permit?

A. Since two to three months is normally required to process a routine application involving a public notice, you should apply as early as possible to be sure you have all required approvals before your planned commencement date. For a large or complex activity that may take longer, it is often helpful to have a "pre-application consultation" or informal meeting with the Corps during the early planning phase of your project. You may receive helpful information at this point which could prevent delays later. When in doubt as to whether a permit may be required or what you need to do, don't hesitate to call a district regulatory office.

Q. I have obtained permits from local and state governments. Why do I have to get a permit from the Corps of Engineers?

A. It is possible you may not have to obtain an individual permit, depending on the type or location of work. The Corps has many general permits which authorize minor activities without the need for individual processing. Check with your Corps district regulatory office for information on general permits. When a general permit does not apply, you may still be required to obtain an individual permit.

Q. What will happen if I do work without getting a permit from the Corps?

A. Performing unauthorized work in waters of the United States or failure to comply with terms of a valid permit can have

serious consequences. You would be in violation of Federal law and could face stiff penalties, including fines and /or requirements to restore the area.

Enforcement is an important part of the Corps regulatory program. Corps surveillance and monitoring activities are often aided by various agencies, groups, and individuals, who report suspected violations. When in doubt as to whether a planned activity needs a permit, contact the nearest district regulatory office. It could save a lot of unnecessary trouble later.

Q. How can I obtain further information about permit requirements?

A. Information about the regulatory program is available from any Corps district regulatory office. Addresses and telephone numbers of offices are listed at the back of this pamphlet. Information may also be obtained from the water resource agency in your state.

Q. Why should I waste my time and yours by applying for a permit when you probably won't let me do the work anyway?

A. Nationwide, only three percent of all requests for permits are denied. Those few applicants who have been denied permits usually have refused to change the design, timing, or location of the proposed activity. When a permit is denied, an applicant may redesign the project and submit a new application. To avoid unnecessary delays pre-application conferences, particularly for applications for major activities, are recommended. The Corps will endeavor to give you helpful information, including factors which will be considered during the public interest review, and alternatives to consider that may prove to be useful in designing a project.

Q. What is a wetland and what is its value?

A. Wetlands are areas that are periodically or permanently inundated by surface or ground water and support vegetation adapted for life in saturated soil. Wetlands include swamps, marshes, bogs and similar areas. A significant natural resource, wetlands serve important functions relating to fish and wildlife; food chain production; habitat; nesting; spawning; rearing and resting sites for aquatic and land species; protection of other areas from wave action and erosion; storage areas for storm and flood waters; natural recharge areas where ground and surface water are interconnected; and natural water filtration and purification functions.

Although individual alterations of wetlands may constitute a minor change, the cumulative effect of numerous changes often results in major damage to wetland resources. The review of applications for alteration of wetlands will include consideration of whether the proposed activity is dependent upon being located in an aquatic environment.

Q. How can I design my project to eliminate the need for a Corps permit?

A. If your activity is located in an area of tidal waters, the best way to avoid the need for a permit is to select a site that is above the high tide line and avoids wetlands or other waterbodies. In the vicinity of fresh water, stay above ordinary high water and avoid wetlands adjacent to the stream or lake. Also, it is possible that your activity is exempt and does not need a Corps permit or that it has been authorized by a nationwide or regional general permit. So, before you build, dredge or fill, contact the Corps district regulatory office in your area for specific information about location, exemptions, and regional and nationwide general permits.

6

General

The application form used to apply for a permit is Engineer Form 4345, *Application for a Department of the Army Permit*. You can obtain the application from one of the Corps of Engineers district regulatory offices listed in the back of this pamphlet. Some offices may use a slightly modified form for joint processing with a state agency; however, the required information is basically the same. It is important that you provide complete information in the requested format. If incomplete information is provided, processing of your application will be delayed. This information will be used to determine the appropriate form of authorization, and to evaluate your proposal. Some categories of activities have been previously authorized by nationwide or regional permits, and no further Corps approvals are required. Others may qualify for abbreviated permit processing, with authorizations in the form of letters of permission, in which a permit decision can usually be reached in less than 30 days. For other activities, a Public Notice may be required to notify Federal, state, and local agencies, adjacent property owners, and the general public of the proposal to allow an opportunity for review and comment or to request a public hearing. Most applications involving Public Notices are completed within four months and many are completed within 60 days.

The district engineer will begin to process your application immediately upon receipt of all required information. You will be sent an acknowledgement of its receipt and the application number assigned to your file. You should refer to this number when inquiring about your application. Your proposal will be reviewed, balancing the need and expected benefits against the probable impacts of the work, taking into consideration all comments received and other relevant factors. This process is called the *public interest review*. The Corps goal is to reach a decision regarding permit issuance or denial within 60 days of receipt of a complete application. However, some complex activities, issues, or requirements of law may prevent the district engineer from meeting this goal.

For any specific information on the evaluation process, filling out the application forms, or the status of your application, you should contact the regulatory branch of the Corps of Engineers district office which has jurisdiction over the area where you plan to do the work.

**Typical Processing Procedure for a
Standard Individual Permit**

1. Preapplication consultation (optional)
2. Applicant submits ENG Form 4345 to district regulatory office*
3. Application received and assigned identification number
4. Public notice issued (within 15 days of receiving all information)
5. 15 to 30 day comment period depending upon nature of activity
6. Proposal is reviewed** by Corps and:
 - Public
 - Special interest groups
 - Local agencies
 - State agencies
 - Federal agencies
7. Corps considers all comments
8. Other federal agencies consulted, if appropriate
9. District engineer may ask applicant to provide additional information
10. Public hearing held, if needed
11. District engineer makes decision
12. Permit issued
 - or
 - Permit denied and applicant advised of reason

*A local variation, often a joint federal-state application form may be submitted.

**Review period may be extended if applicant fails to submit information or due to requirements of certain laws.

Evaluation Factors

The decision whether to grant or deny a permit is based on a public interest review of the probable impact of the proposed activity and its intended use. Benefits and detriments are balanced by considering effects on items such as:

- conservation
- economics
- aesthetics
- general environmental concerns
- wetlands
- cultural values
- fish and wildlife values
- flood hazards
- floodplain values
- food and fiber production
- navigation
- shore erosion and accretion
- recreation
- water supply and conservation
- water quality
- energy needs
- safety
- needs and welfare of the people
- considerations of private ownership

The following general criteria will be considered in the evaluation of every application:

- ☐ the relative extent of the public and private need for the proposed activity;
- ☐ the practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed activity; and
- ☐ the extent and permanence of the beneficial and/or detrimental effects which the proposed activity is likely to have on the public and private uses to which the area is suited.

Section 404(b) (1) of the Clean Water Act

If your project involves the discharge of dredged or fill material, it will be necessary for the Corps to evaluate your proposed activity under the Section 404(b)(1) guidelines prepared by the Environmental Protection Agency. The guidelines restrict discharges into aquatic areas where less environmentally damaging, practicable alternatives exist.

Forms and Permits

The following forms apply to the permit process:

Application

The form that you will need to initiate the review process is ENG Form 4345 or a joint Federal-state application that may be available in your state. The appropriate form may be obtained from the district regulatory office which has jurisdiction in the area where your proposed project is located.

Individual Permits

An individual permit may be issued as either ENG Form 1721, the standard permit, or as a Letter of Permission.

- ☐ A standard permit is one processed through the typical review procedures, (see page 7) which include public notice, opportunity for a public hearing, and receipt of comments. It is issued following a case-by-case evaluation of a specific activity.
- ☐ If work is minor or routine with minimum impacts and objections are unlikely, then it may qualify for a Letter of Permission (LOP). An LOP can be issued much more quickly than a standard permit since an individual public notice is not required. The District Engineer will notify you if your proposed activity qualifies for an LOP.

General Permits

In many cases the formal processing of a permit application is not required because of general permits already issued to the public at large by the Corps of Engineers. These are issued on a regional and nationwide basis.

Separate applications may not be required for activities authorized by a general permit; nevertheless, reporting may be required. For specific information on general permits, contact a district regulatory office.

ENG Form 4336

The third form, ENG Form 4336, is used to assist with surveillance for unauthorized activities. The form, which contains a description of authorized work, should be posted at the site of an authorized activity. If the Corps decides it is appropriate for you to post this form, it will be furnished to you when you receive your permit.

Fees. Fees are required for most permits. \$10.00 will be charged for a permit for a non-commercial activity; \$100.00 will be charged for a permit for a commercial or industrial activity. The district engineer will make the final decision as to the amount of the fee. Do not send a fee when you submit an application. When the Corps issues a permit, you will be notified and asked to submit the required fee payable to the Treasurer of the United States. No fees are charged for transferring a permit from one property owner to another, for Letters of Permission, or for any activities authorized by a general permit or for permits to governmental agencies.

Instructions for Preparing an Application

The instructions given below, together with the sample application and drawings, should help in completing the required application form. If you have additional questions, do not hesitate to contact the district regulatory office.

Block Number 1. Application Number.

Leave this block blank. When your completed application is received, it will be assigned a number for identification. You will be notified of the number in an acknowledgement letter. Please refer to this number in any correspondence or inquiry concerning your application.

Block 2. Name and address of

applicant(s). Fill in name, mailing address, and telephone number(s) for all applicants. The telephone number(s) should be a number where you can be reached during business hours. If space is needed for additional names, attach a sheet of white, 8½ × 11 inch paper labeled "Block 2 Continued."

Block 3. Name, address and title of authorized agent. It is not necessary to have an agent represent you; however, if you do, fill in the agent's name, address, title and telephone number(s). If your agent is submitting and signing the application, you must fill out and sign the Statement of Authorization in Block 3.

Block 4. Detailed description of proposed activity. The written description and the drawings are the most important parts of the application. If there is not enough space in Block 4, (a), (b) or (c) attach additional sheet(s) of white, 8½ × 11 inch paper labeled "Block 4 Continued."

- a. **Activity.** Describe the overall activity. Give the approximate dimensions of structures, fills, excavations (lengths, widths, heights or depths).

- b. **Purpose.** Describe the purpose, need and intended use (public, private, commercial, or other use) of the proposed activity. Include a description of related facilities, if any, to be constructed on adjacent land. Give the date you plan to begin work on the activity and the date work is expected to be completed.

- c. **Discharge of Dredged or Fill Material.** If the activity will involve the discharge of dredged or fill material, describe the type (rock, sand, dirt, rubble, etc.), quantity (in cubic yards), and mode of transportation to the discharge site.

Block 5. Names and addresses of adjoining property owners, lessees, etc. whose property adjoins the waterbody. List complete names, addresses and zip codes of adjacent property owners (both public and private), lessee, etc., whose property also adjoins the waterbody or wetland, in order that they may be notified of the proposed activity. This information is usually available at the local tax assessor office. If more space is needed attach a sheet of white, 8½ × 11 inch paper labeled "Block 5 Continued."

Block 6. Waterbody and location on waterbody where activity exists or is proposed. Fill in the name of the waterbody and the river mile (if known) at the location of the activity. Include easily recognizable landmarks on the shore of the waterbody to aid in locating the site of the activity.

Block 7. Location and land where activity exists or is proposed. This information is used to locate the site. Give the street address of the property where the proposed activity will take place. If the site does not have a street address, give the best descriptive location (name or waterbody), names and/or numbers of roads or highways, name of nearest community or town, name of county and state, and directions, such as 2 miles east of Brown's Store on Route 105.

Do not use your home address unless that is the location of the proposed activity. Do not use a post office box number.

Block 8. Information about completed activity. Provide information about parts of the activity which may be complete. An activity may have been authorized by a previously issued permit, may exist from a time before a Corps permit was required or may be constructed on adjacent upland.

Block 9. Information about approvals or denials by other government agencies. You may need approval or certification from other Federal, interstate, state, or local government agencies for the activity described

in your application. Applications you have submitted, and approvals, certifications, or disapprovals that you have received should be recorded in Block 9. It is not necessary to obtain other Federal, state, and local permits before applying for a Corps of Engineers permit.

Block 10. Signature of applicant or agent. The application must be signed in Block 10 by the owner, lessee, or a duly authorized agent. The person named in Block 3 will be accepted as the officially designated agent of the applicant. The signature will be understood to be affirmation that the applicant possesses the requisite property interest to undertake the proposed activity.

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT

(33 CFR 325)

OMB APPROVAL NO. 0702-0036
Expires 30 June 1986

The Department of the Army permit program is authorized by Section 10 of the River and Harbor Act of 1899, Section 404 of the Clean Water Act and Section 103 of the Marine, Protection, Research and Sanctuaries Act. These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Information provided on this form will be used in evaluating the application for a permit. Information in this application is made a matter of public record through issuance of a public notice. Disclosure of the information requested is voluntary; however, the data requested are necessary in order to communicate with the applicant and to evaluate the permit application. If necessary information is not provided, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

1. APPLICATION NUMBER (To be assigned by Corps)	3. NAME, ADDRESS, AND TITLE OF AUTHORIZED AGENT None Telephone no. during business hours A/C () (Residence) A/C () (Office) Statement of Authorization: I hereby designate and authorize _____ to act in my behalf as my agent in the processing of this permit application and to furnish, upon request, supplemental information in support of the application.
2. NAME AND ADDRESS OF APPLICANT Fred R. Harris 852 West Branch Road Blue Harbor, Maryland 21705 Telephone no. during business hours A/C (301) 585-2779 (Residence) A/C () (Office)	SIGNATURE OF APPLICANT DATE

4. DETAILED DESCRIPTION OF PROPOSED ACTIVITY

4a. ACTIVITY

Build timber bulkhead and pier and fill.

4b. PURPOSE

To provide boat access and prevent erosion of shoreline at my place of residence.

4c. DISCHARGE OF DREDGED OR FILL MATERIAL

Approximately 200 cubic yards of upland fill will be placed between new bulkhead and existing shoreline.

5. NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS, LESSEES, ETC., WHOSE PROPERTY ALSO ADJOINS THE WATERWAY

Mary L. Clark
850 West Branch Road
Blue Harbor, Maryland 21703

(301) 585-8830

Harry N. Hampton
854 West Branch Road
Blue Harbor, Maryland 21703

(301) 585-3676

6. WATERBODY AND LOCATION ON WATERBODY WHERE ACTIVITY EXISTS OR IS PROPOSED

West Branch of the Haven River on Blue Harbor.

7. LOCATION ON LAND WHERE ACTIVITY EXISTS OR IS PROPOSED

ADDRESS

852 West Branch Road

STREET, ROAD, ROUTE OR OTHER DESCRIPTIVE LOCATION

King Edward, Maryland 21703
COUNTY STATE ZIP CODE

Town of Blue Harbor

LOCAL GOVERNING BODY WITH JURISDICTION OVER THE

8. Is any portion of the activity for which authorization is sought now completed? ☐ YES ☒ NO
If answer is "Yes" give reasons, month and year the activity was completed. Indicate the existing work on the drawings.

9. List all approvals or certifications and denials received from other federal, interstate, state or local agencies for any structures, construction, discharges or other activities described in this application.

ISSUING AGENCY	TYPE APPROVAL	IDENTIFICATION NO	DATE OF APPLICATION	DATE OF APPROVAL	DATE OF DENIAL
Town of Blue Harbor	Zoning	BH25172	6/20/82	6/30/82	
Md DNR	Certification	DNR258WQ	6/11/82	8/12/82	

10. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities or I am acting as the duly authorized agent of the applicant.

John R. Harris
SIGNATURE OF APPLICANT

Oct. 15, 1982
DATE

SIGNATURE OF AGENT

DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in Block 3 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of The United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

Do not send a permit processing fee with this application. The appropriate fee will be assessed when a permit is issued.

General Information

Three types of drawings—Vicinity, Plan, and Elevation—are required to accurately depict activities (See sample drawings on pages 16 and 17).

Submit one original, or good quality copy, of all drawings on 8½ × 11 inch white paper (tracing cloth or film may be used). Submit the fewest number of sheets necessary to adequately show the proposed activity. Drawings should be prepared in accordance with the general format of the samples, using block style lettering. Each page should have a title block. See check list below. Drawings do not have to be prepared by an engineer, but professional assistance may become necessary if the project is large or complex.

Leave a 1-inch margin at the top edge of each sheet for purposes of reproduction and binding.

In the title block of each sheet of drawings identify the proposed activity and include the name of the body of water; river mile (if applicable); name of county and state; name of applicant; number of the sheet and total number of sheets in set; and date the drawing was prepared.

Since drawings must be reproduced, use heavy dark lines. Color shading cannot be used; however, dot shading, hatching, or similar graphic symbols may be used to clarify line drawings.

Vicinity Map

The vicinity map you provide will be printed in any public notice that is issued and used by the Corps of Engineers and other reviewing agencies to locate the site of the proposed activity. You may use an existing road map or U.S. Geological Survey topographic map (scale 1:24,000) as the vicinity map. Please include sufficient details

to simplify locating the site from both the waterbody and from land. Identify the source of the map or chart from which the vicinity map was taken and, if not already shown, add the following:

- ☐ location of activity site (draw an arrow showing the exact location of the site on the map).
- ☐ latitude, longitude, river mile, if known, and/or other information that coincides with Block 6 on the application form.
- ☐ name of waterbody and the name of the larger creek, river, bay, etc., that the waterbody is immediately tributary to.
- ☐ names, descriptions and location of landmarks.
- ☐ name of all applicable political (county, parish, borough, town, city, etc.) jurisdictions.
- ☐ name of and distance to nearest town, community, or other identifying locations.
- ☐ names or numbers of all roads in the vicinity of the site.
- ☐ north arrow.
- ☐ scale.

Plan View

The plan view shows the proposed activity as if you were looking straight down on it from above. Your plan view should clearly show the following:

- ☐ Name of waterbody (river, creek, lake, wetland, etc.) and river mile (if known) at location of activity.
- ☐ Existing shorelines.
- ☐ Mean high and mean low water lines and maximum (spring) high tide line in tidal areas.
- ☐ Ordinary high water line and ordinary low water line if the proposed activity is located on a non-tidal waterbody.

- ☐ Average water depths around the activity.
- ☐ Dimensions of the activity and distance it extends from the high water line into the water.
- ☐ Distances to nearby Federal projects, if applicable.
- ☐ Distance between proposed activity and navigation channel, where applicable.
- ☐ Location of structures, if any, in navigable waters immediately adjacent to the proposed activity.
- ☐ Location of any wetlands (marshes, swamps, tidal flats, etc.)
- ☐ North arrow.
- ☐ Scale.
- ☐ If dredged material is involved, you must describe the type of material, number of cubic yards, method of handling, and the location of fill and spoil disposal area. The drawing should show proposed retention levees, weirs, and/or other means for retaining hydraulically placed materials.
- ☐ Mark the drawing to indicate previously completed portions of the activity.

Elevation and/or Cross Section View

The elevation and/or cross section view is a scale drawing that shows the side, front, or rear of the proposed activity. If a section view is shown, it represents the proposed structure as it would appear if cut internally for display. Your elevation should clearly show the following:

- ☐ Water elevations as shown in the plan view.

- ☐ Water depth at waterward face of proposed activity or, if dredging is proposed, dredging and estimated disposal grades.
- ☐ Dimensions from mean high water line (in tidal waters) for proposed fill or float, or high tide line for pile supported platform. Describe any structures to be built on the platform.
- ☐ Cross section of excavation or fill, including approximate side slopes.
- ☐ Graphic or numerical scale.
- ☐ Principal dimensions of the activity.

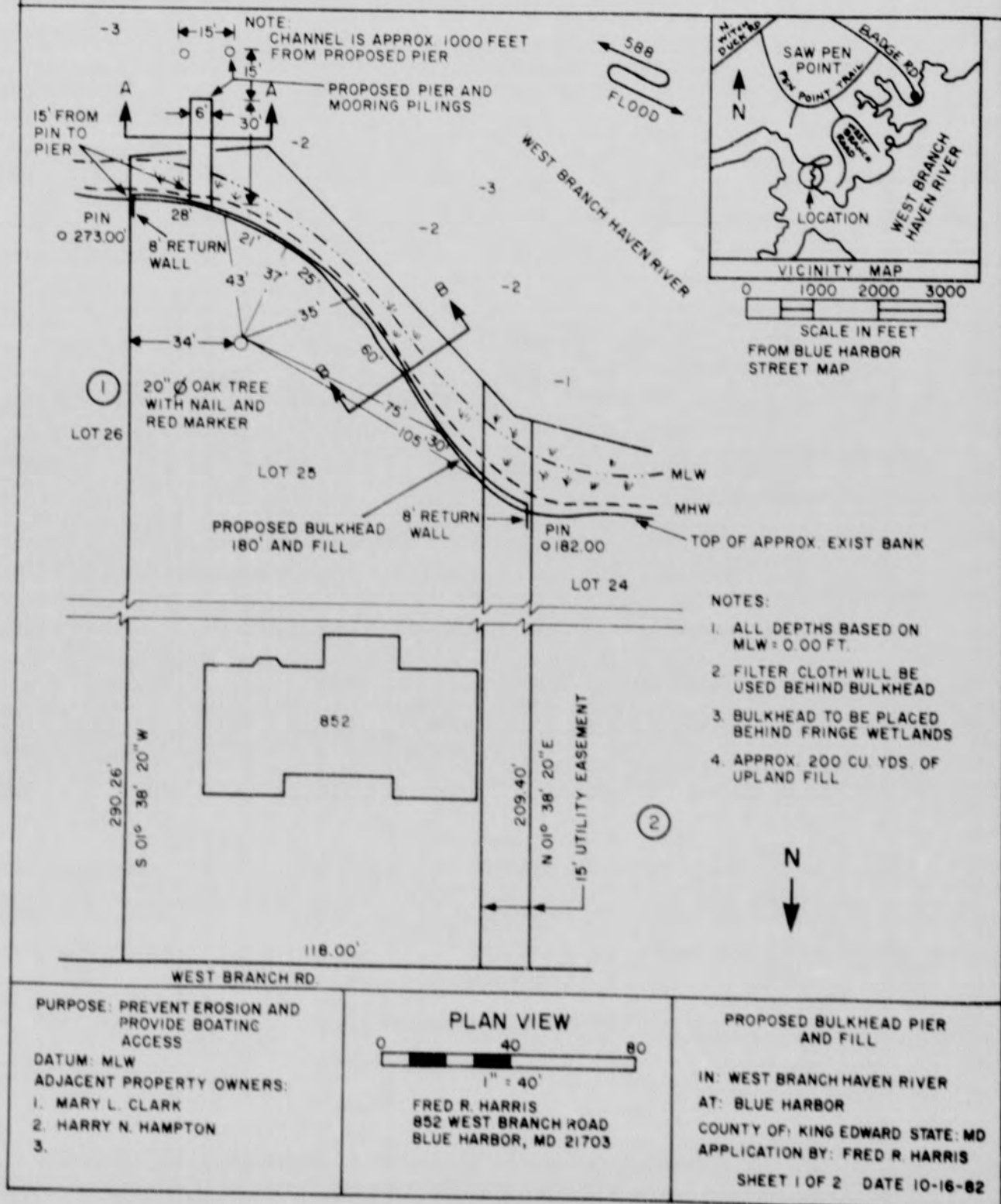
Notes on Drawings*

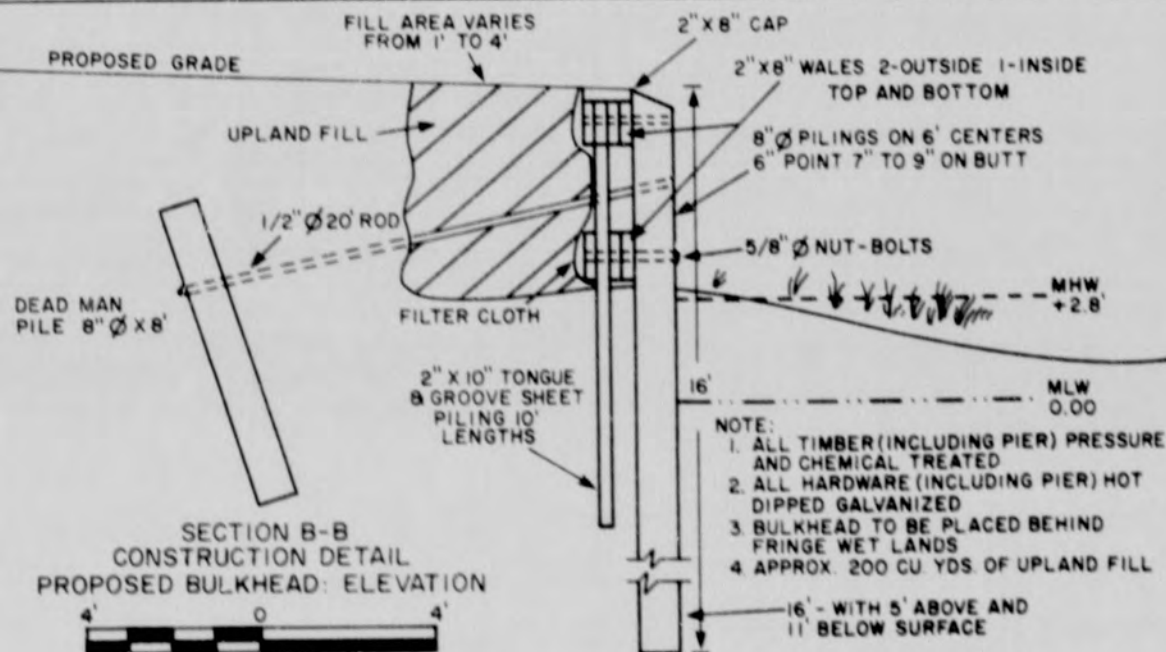
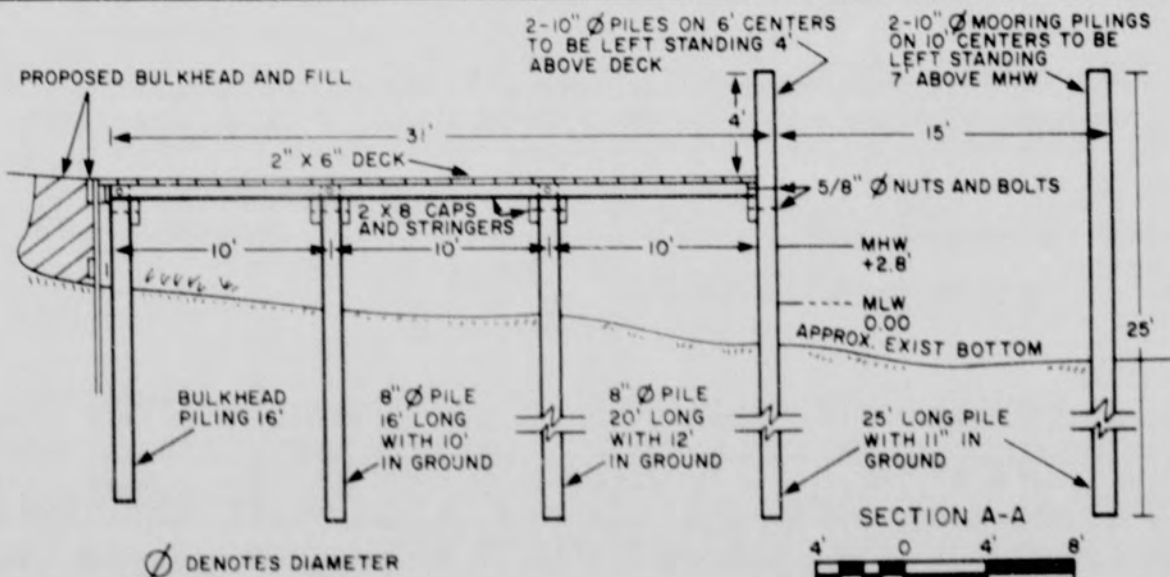
- ☐ Names of adjacent property owners who may be affected. Complete names and addresses should be shown in Block 5 on ENG Form 4345.
- ☐ Legal property description: Number, name of subdivision, block and lot number. Section, Township and Range (if applicable) from plot, deed or tax assessment.
- ☐ Photographs of the site of the proposed activity are not required; however, pictures are helpful and may be submitted as part of any application.

*Drawings should be as clear and simple as possible (i.e., not too "busy").

SAMPLE DRAWINGS FOR A PERMIT APPLICATION

NOTE: THE DRAWINGS SUBMITTED NEED NOT BE PREPARED BY A PROFESSIONAL DRAFTSMAN AS IN THESE SAMPLES.





PURPOSE: PREVENT EROSION AND PROVIDE BOATING ACCESS

DATUM: MLW

ADJACENT PROPERTY OWNERS:

1. MARY L. CLARK
2. HARRY N. HAMPTON
- 3.

SECTION VIEWS

FRED R. HARRIS
852 WEST BRANCH ROAD
BLUE HARBOR, MD 21703

PROPOSED BULKHEAD PIER AND FILL

IN: WEST BRANCH HAVEN RIVER
AT: BLUE HARBOR
COUNTY OF: KING EDWARD STATF: MD
APPLICATION BY: FRED R. HARRIS

SHEET 2 OF 2 DATE 10-16-82





Note: In Iowa the eastern bank of the Missouri River is regulated by the Omaha office.

Address correspondence to:

**The District Engineer
U.S. Army Engineer
District**

Please include attention
line in address.

ALASKA

P.O. Box 898
Anchorage, AK
99506-0898
Attention: NPACO-RF
907/753-2712

ALBUQUERQUE

P.O. Box 1580
Albuquerque, NM
87103-1580
Attention: SWACO-OR
505/766-2776

BALTIMORE

P.O. Box 1715
Baltimore, MD 21203-1715
Attention: NABCP-R
301/962-3670
*Joint application with
New York, Maryland*

BUFFALO

1776 Niagara Street
Buffalo, NY 14207-3199
Attention: NCBCO-S
716/876-5454 x2313
*Joint application with
New York*

CHARLESTON

P.O. Box 919
Charleston, SC
29402-0919
Attention: SACCO-P
803/724-4330

CHICAGO

219 S. Dearborn Street
Chicago, IL 60604-1797
Attention: NCCCO-R
312/353-6428
*Joint application with
Illinois*

DETROIT

P.O. Box 1027
Detroit, MI 48231-1027
Attention: NCECO-L
313/226-2218
*Joint application with
Michigan*

FT. WORTH

P.O. Box 17300
Ft. Worth, TX 76102-0300
Attention: SWFOD-O
817/334-2681

GALVESTON

P.O. Box 1229
Galveston, TX 77553-1229
Attention: SWGCO-R
409/766-3925

HUNTINGTON

502 8th Street
Huntington, WV 25701-2070
Attention: ORHOP-F
304/529-5487
*Joint application with
West Virginia*

HONOLULU

Building 230, Fort Shafter
Honolulu, HI 96858-5440
Attention: PODCO-O
808/438-9253

JACKSONVILLE

P.O. Box 4970
Jacksonville, FL 32232-0019
Attention: SAJRD
904/791-1659
*Joint application with
Florida, Virgin Islands*

KANSAS CITY

700 Federal Building
601 E. 12th Street
Kansas City, MO 64106-2896
Attention: MRKOD-P
816/374-3645

LITTLE ROCK

P.O. Box 867
Little Rock, AR
72203-0867
Attention: SWLCO-P
501/378-5295

LOS ANGELES

P.O. Box 2711
Los Angeles, CA 90053-2325
Attention: SPLCO-R
213/688-5606

LOUISVILLE

P.O. Box 59
Louisville, KY 40201-0059
Attention: ORLOP-F
502/582-5452

*Joint application with
Illinois*

MEMPHIS

Clifford Davis Federal
Building
Room B-202
Memphis, TN 38103-1894
Attention: LMMCO-G
901/521-3471

*Joint application with
Missouri, Tennessee,
Kentucky*

MOBILE

P.O. Box 2288
Mobile, AL 36628-00001
Attention: SAMOP-S
205/690-2658
*Joint application with
Mississippi*

NASHVILLE

P.O. Box 1070
Nashville, TN 37202-1070
Attention: ORNOR-F
615/251-5181
*Joint application with TVA,
Tennessee, Alabama*

NEW ORLEANS

P.O. Box 60267
New Orleans, LA
70160-0267
Attention: LMNOD-S
504/838-2255

NEW YORK

26 Federal Plaza
New York, NY 10278-0090
Attention: NANOP-R
212/264-3996

NORFOLK

803 Front Street
Norfolk, VA 23510-1096
Attention: NAOOP-P
804/446-3652
*Joint application with
Virginia*

OMAHA

P.O. Box 5
Omaha, NE 68101-0005
Attention: MROOP-N
402/221-4133

PHILADELPHIA

U.S. Custom House
2nd and Chestnut Street
Philadelphia, PA
19106-2991
Attention: NAPOP-R
215/597-2812

PITTSBURGH

Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222-4186
Attention: ORPOP-F
412/644-4204
*Joint application with
New York*

PORTLAND

P.O. Box 2946
Portland, OR 97208-2946
Attention: NPPND-RF
503/221-6995
*Joint application with
Oregon*

ROCK ISLAND

Clock Tower Building
Rock Island, IL 61201-2004
Attention: NCROD-S
309/788-6361 x6370
*Joint application with
Illinois*

SACRAMENTO

650 Capitol Mall
Sacramento, CA 95814-4794
Attention: SPKCO-O
916/440-2842

ST. LOUIS

210 Tucker Blvd., N
St. Louis, MO 63101-1986
Attention: LMSOD-F
314/263-5703
*Joint application with
Illinois, Missouri*

ST. PAUL

1135 USPO & Custom
House
St. Paul, MN 55101-1479
Attention: NCSCO-RF
612/725-5819

SAN FRANCISCO

211 Main Street
San Francisco, CA 94105-1905
Attention: SPNCO-R
415/974-0416

SAVANNAH

P.O. Box 989
Savannah, GA 31402-0889
Attention: SASOP-F
912/944-5317
*Joint application with
Georgia*

SEATTLE

P.O. Box C-3755
Seattle, WA 98124-2255
Attention: NPSOP-RF
206/764-3495
Joint application with Idaho

TULSA

P.O. Box 61
Tulsa, OK 74121-0061
Attention: SWTOD-RF
918/581-7261

VICKSBURG

P.O. Box 60
Vicksburg, MS 39180-0060
Attention: LMKOD-F
601/634-5276
*Joint application with
Mississippi*

WALLA WALLA

Building 602
City-County Airport
Walla Walla, WA
99362-9265
Attention: NPWOP-RF
509/522-6718
*Joint application with
Idaho*

WILMINGTON

P.O. Box 1890
Wilmington, NC
28402-1890
Attention: SAWCO-E
919/343-4511
*Joint application with North
Carolina*

**The Division Engineer
U.S. Army Engineer
Division**

NEW ENGLAND

424 Trapelo Road
Waltham, MA 02254-9149
Attention: NEDOD-R
617/647-8338
*Joint application with
Massachusetts, Maine*

STB

FD-33388

2-3-98

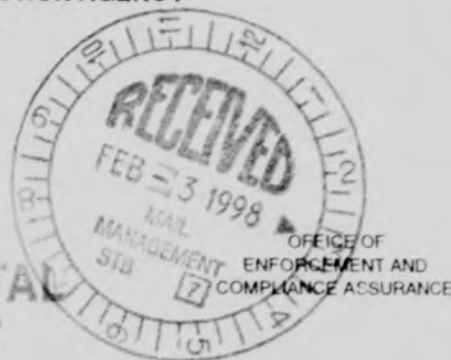
K

ID-FEDS



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

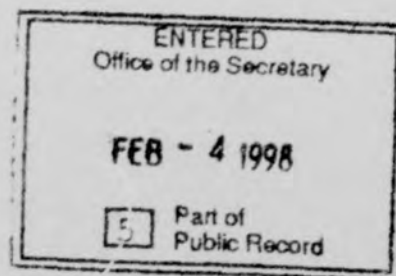
FEB 2 1998



ENVIRONMENTAL
DOCUMENT

Office of the Secretary
Case Control Unit
STB Finance Docket No. 33388
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Attention: Elaine K. Kaiser
Chief, Section of Environmental Analysis
Environmental Filing



Dear Ms. Kaiser:

In accordance with the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA), the Environmental Protection Agency (EPA) is providing comments to you on the 'Draft Environmental Impact Statement (EIS) for the Proposed Conrail Acquisition.' Our comments are meant to build upon our previous scoping comments and technical assistance offered to you in 1997.

As outlined in this letter and technical enclosure, EPA has many specific concerns with the proposed acquisition; however, we think the impacts from the proposal can be successfully avoided, offset or mitigated. Therefore, EPA has rated the potential impacts from the acquisition as described in the draft EIS "EC" (environmental concerns). EPA rates the documentation of the draft EIS "2" (insufficient information) because, while EPA recognizes the difficulty in trying to analyze and document an undertaking which affects 24 states and the District of Columbia, we also think the draft EIS could have described more fully the potential impacts to and risk from air quality, noise, increased hazardous material transport, and the direct and cumulative impacts to water quality from increased rail operations and activity in rail yards and intermodal facilities. Our major issues are summarized below and our detailed technical comments are attached. The combined rating for the draft EIS is EC-2; a copy of our rating system is also enclosed.

EPA is concerned about the potential impacts to air quality that the proposed acquisition may impose. In our August 1997 scoping letter we indicated that the Surface Transportation Board (STB) needed to address the applicability of the General Conformity regulations of the CAA (40CFR 93.150-160). We further recommended that this information be included in the draft EIS. The draft EIS does not address our recommendation. If the STB has the ability to

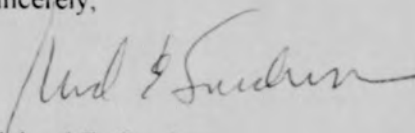
condition its approval of the proposed acquisition and division which limit the operation of the railroads, then the STB would have a continuing program responsibility for the approval and the resulting emissions. It appears that in some nonattainment and/or maintenance areas there will be a net increase in emissions above the de minimis levels; thus, a conformity determination may be necessary. EPA expects the STB to address our comments regarding General Conformity and recommends that this discussion be included in the final EIS. Please see our enclosed technical comments for our detailed concerns.

EPA also is concerned with the lack of justification for a number of critical assumptions used in the noise analysis. The noise mitigation results are directly related to the validity of these assumptions. The final EIS should offer a more substantive description of the STB's assumptions and their results or correct them.

Finally, although many minority or low income communities were identified by the STB, it appears that the STB has thus far made little effort to mitigate potential impacts. EPA believes that additional coordination may be appropriate in the communities identified and that mitigation should be discussed in the final EIS. Because the STB does not have extensive regional or field staff, the STB staff may want to contact the Environmental Justice Coordinators located in other federal regional or field offices to see if they can provide information on these potentially affected communities. Additionally, the Council on Environmental Quality issued its "Environmental Justice Guidance Under the National Environmental Policy Act" in December 1997. This guidance should be referred to during the preparation of the final EIS.

Thank you for the opportunity to review this document. If you have any questions regarding our review, the staff contact is Patricia Haman. She can be reached at 202-564-7152.

Sincerely,



Richard E. Sanderson
Director
Office of Federal Activities

Enclosures

Technical Comments

Air Quality:

Lake and Porter Counties in Indiana have been granted a nitrogen oxides (NO_x) waiver; however, Vanderburg, Marion, St. Joseph and Elkhart Counties all have maintenance plans and a NO_x budget. The NO_x emissions in these counties from the project (if above 100 tons per year) should be compared with the projected NO_x emissions in the maintenance plan to determine if the projected growth can be accommodated. If the NO_x emissions are found to be greater than the growth allowed by the maintenance plan, then mitigation measures could be implemented so the project can be found to conform.

Six Michigan counties were evaluated for potential impacts from the proposed Conrail Acquisition: Calhoun, Jackson, Kalamazoo, Monroe, Wayne, and Washtenaw. Monroe, Wayne, and Washtenaw are part of the Detroit-Ann Arbor, Michigan, metropolitan area which is an ozone maintenance area, and Wayne County is part of a nonclassifiable nonattainment area for carbon monoxide (CO). The Detroit-Ann Arbor, Michigan, area was redesignated to maintenance in 1995, but the areas subsequently violated the ozone standard in the same year. This violation prompted U.S. EPA to remove a NO_x waiver which was granted as part of the redesignation request. Please address this change in status in the final EIS.

EPA is also concerned that passenger or commuter trains which currently utilize freight train tracks affected by this acquisition may not be able to continue to provide valuable transportation services to the public. Specifically, because much of the area affected by this acquisition is in the Northeast corridor and is in non-attainment or maintenance status for ground level ozone, EPA is concerned that if these trains are unable to offer their services or must reduce service, their passengers may resort to additional single occupancy vehicle trips, potentially impeding an area's ability to attain the National Ambient Air Quality Standard for ozone. EPA thinks this potential resultant impact to air quality needs to be addressed in the final EIS.

The draft EIS assumes that relocation of intermodal facilities and increased truck activities at these facilities will have little impact on local roadway systems. However, the current conditions or Level of Service of these local roadways were not identified or the effects of the additional truck traffic evaluated. In the review of transportation projects, the effect of truck traffic and the percentage of truck traffic on local roadways contributes to operational and safety problems. The draft EIS also does not discuss the interaction of the proposed rail modifications with proposed transportation projects in the potentially affected states. There are a number of major highway projects that being undertaken near rail lines involved with this project. For example, the Erie East Side Access in downtown Erie, Pennsylvania (PA), will cross the relocated Norfolk Southern tracks in Erie; SR 322 in Dauphin County, PA, could be affected by changes in operation of the adjacent rail lines. Corridor H in West Virginia also could be affected. Coordination with the State Departments of Transportation should be undertaken for all activities within each state.

Hazardous Materials:

The impact of the proposal on hazardous materials transport is not discussed fully in the draft EIS. It is unclear why the draft EIS only recommends mitigation for hazardous materials transport for rail segments which, post-acquisition, exceed 10,000 car loads of hazardous materials per year. The transportation of hazardous materials is increasing substantially on some rail routes (e.g., N-477 by 133%) albeit still to a level lower than 10,000 car loads. The risk calculations used in the draft EIS do not imply or support a significant increase of risk of release at the 10,000 car load level nor does the draft EIS provide enough discussion to explain what those risks may mean to a community.

We also are concerned about the adequacy of the proposed mitigation for hazardous materials transport to effectively address an anticipated increase in release of hazardous materials. The proposed mitigation which would be required for an increase in hazardous materials transport appears limited to complying with Association of American Railroads "Key Route" guidelines (AAR Circular No. OT-55-B). These guidelines appear only to address specific measures designed to decrease the probability of train accidents or car failures as the cause of accidental releases of hazardous materials and not what happens should an accident occur. The Key Routes or Major Key Routes do not appear to take into account the population or proximity of communities adjacent to these routes. We also note that the analysis of incidents involving hazardous materials contained in Chapter 4 of the draft EIS shows that vehicle-train accident/derailment accounts for less than 5% of the causes of these incidents. We suggest that an appropriate mitigation plan would include provisions to address all causes of incidents involving release of hazardous materials. Although the STB's Section of Environmental Analysis (SEA), "... believes that CSX and NS should establish a formal Failure Mode and Effects Analysis (FMEA) for reducing risk of spills both for storage and transport of hazardous materials... [page 4-21 of the draft EIS]," EPA could find no specific requirements that this be addressed with specific mitigation measures, or that if conducted, the results would be implemented.

Noise:

In general EPA finds the noise analysis confusing and the methodological assumptions used not well documented. Specifically, we are concerned with the lack of justification for the mitigation criterion for wayside noise: "SEA considered noise impact of wheel/rail and locomotive engine noise (wayside noise) to warrant potential mitigation if any sensitive receptors are exposed to noise levels above 70 dBA-Ldn and have a 5 dB Ldn increase." Work done with airport-related noise [see Federal Agency Review of Selected Airport Noise Analysis Issues (Federal Interagency Committee on Noise), August 1992] indicates that threshold criteria for changes in noise levels should decrease with increasing absolute values. The SEA screening criterion goes the opposite direction, from 3 dBA change at 65 dBA to 5 dBA change at 70 dBA. The reason that this is a problem is that at the higher absolute levels, a greater percentage of people are "highly annoyed" for each dBA increase. Our concern is that this SEA mitigation threshold greatly underestimates the need for mitigation.

A number of other assumptions in the analysis which should be justified in the final EIS are:

- Why construction noise impacts were not analyzed nor discussed in the mitigation sections.
- The validity of the (implicit) assumption that post-acquisition traffic has the same day/night ratio as the pre-acquisition traffic.
- Why background noise was not included in the analysis and how its omission affects the noise mitigation outcome.
- Why the option of remote horn installations at crossings was not explored as a mitigation option.
- The need for mitigation for engine noise at switching or other engine "accelerating" areas.
- The feasibility of slower train speed through noise critical areas as a mitigation.

Finally, as a matter of clarification, while the draft EIS statement that "... noise effects in areas where the Ldn is less than 65 dBA are generally not considered adverse..." is true, the FICON group specifically concluded "...that it is prudent to provide for systematically analyzing noise levels below 65 dB in NEPA documents using the Screening Procedures indicated below. If done properly, this added level of analysis could provide useful information to both the public and decision-maker." (See Section 3.4, FICON.)

Water Quality:

Most of the rail segments show an increase in the number of train operations. Also, there is an increase in activity at rail yards and intermodal facilities. However, there is no discussion of the potential water quality impacts of this increased activity. Since little information is given on the environment surrounding the rail line segments it is impossible to ascertain if there are any water resources that could be sensitive to additional pollutant runoff. There is no discussion of storm water management treatment for any of the facilities or operational changes. Please address these impacts in the final EIS.

Safety:

The discussion on rail safety was confusing. Although the Federal Railroad Administration reports 2600 accidents nationally for 1996, the draft EIS shows that there will be no accidents for hundreds of years. We believe that both the Board and the public need to understand the potential for increases in rail accidents from the associated increases in rail operations.

The impact of additional freight trains on passenger rail operations is not fully addressed. For example, on page MI-9 the draft EIS states, "Based on information the railroad's provided and SEA's independent analysis, SEA determined that the increased risk for passenger train accidents for three of the four rail line segments exceeded SEA's criteria for significance. The draft EIS notes that one of the rail line segments, Kalamazoo to Porter, Indiana is owned and dispatched by Amtrak, a passenger rail service. SEA encourages Amtrak to implement any necessary modifications through its management of this rail line segment's operations. For the remaining two rail line segments, SEA anticipates that potential conflicts can be minimized by reinforcing passenger trains' priority over freight trains." We are concerned about the possibility that these conflicts may not be worked out and that increased freight rail operations may impinge on safe passenger rail service. We recommend that the final EIS address this concern in more detail.

Site-specific Analyses:

EPA is concerned with both the extent of the actions analyzed as well as the level of detail for those actions considered to "meet or exceed the Board's Environmental Thresholds". In particular, it appears that many of the activities resulting from the acquisition were not analyzed. We are unable to evaluate the direct and cumulative impacts of the changes to railroad operation or facilities as a result of the acquisition. For the segments or facilities evaluated in each of the states, regardless of the potential impact associated with the activity, the Board concludes a lack of significant impact with minimal data to support those assumptions.

In addition to these overriding concerns, EPA Region 5 expressed concern for specific sites in their review of the draft EIS. EPA believes additional analysis of potential impacts to watersheds, wetlands, and threatened or endangered species for construction/abandonment activities is needed for the following sites in:

<u>State</u>	<u>Activity</u>
Illinois	Exermont Connection
Illinois	Paris-Danville Abandonment
Illinois	Lincoln Avenue Chicago Connection
Illinois	59th Street Intermodal Facility
Indiana	Butler Connection
Indiana	South Bend to Dillion Junction Abandonment
Ohio	Oak Harbor, Ottawa County
Ohio	Willard Fueling, Huron/Seneca Counties
Ohio	Vermilion Connection, Erie County
Ohio	Toledo to Maumee Abandonment, Lucas County
Ohio	Columbus Connection, Franklin County
Ohio	Toledo Pivot Bridge Abandonment, Lucas County
Ohio	Collinwood New Intermodal Facility, Cleveland/Cuyahoga Counties

Best Management Practices:

It is in the public interest that the details of construction are accomplished with the most environmentally sound methods practicable. To avoid the necessity of detailed specifications for each construction detail, it is our opinion that Best Management Practices (BMP), as amended below, be followed. In addition, a disinterested third party should be contracted to supervise and audit the ongoing construction and abandonment activities from an environmental standpoint.

Best Management Practices (BMPs) listed in Volume 1, page 3-43, are well stated, but incomplete. They are expanded upon in Volume 4, Chapter 7.2.5; however, they are referred to as "General Mitigation for Proposed Constructions and Abandonments" and again in Volume 5A, Appendix I, where they are again referred to as "mitigation." It is our position that these are construction and abandonment management practices and not mitigation. To facilitate the review of such an extensive document, they should be compiled into one "Best Management Practices" section and referred back to when applicable, not repeated. Attached is a list provided by one of EPA's regions which we recommend be used to augment the BMP list in the draft EIS.

Recommended Best Management Practices

- a. We recommend the use of recycled materials and environmentally-sound products during construction. Abandonment activities should be coordinated with construction activities to take maximum advantage of reuse and recycled materials.
- b. Impacts or losses to wetlands should be avoided wherever possible. If wetland impacts are unavoidable, it must be demonstrated that there are no practicable alternatives available that would avoid or further minimize impacts to wetlands. Unavoidable wetland losses must be compensated for at a minimum of 1.5 acres of compensatory wetlands per each acre of naturally occurring wetlands impacted by the project at issue.
- c. Compensatory wetlands should be designed to replicate as closely as possible the specific mix of types, functions and values provided by the project-impacted wetlands. The compensatory wetlands should be established via the process of restoration to the extent feasible, and they should be located in an area as close as practicable to the project-impacted wetlands.
- d. If, in the course of the project, it is discovered that impacts will occur in a fen, bog, or a bottomland hardwood assemblage, the responsible parties will cease activities and contact the U.S. Army Corps of Engineers and the U.S. EPA immediately. These wetland resources are extremely scarce and cannot be adequately compensated for with existing mitigation and restoration technology.
- e. If trees will need to be cleared to accommodate the proposed project activities, compensation should be provided for the removed trees. Trees should be replaced with native saplings, if practicable, at a minimum ratio of 1:1, and replacement should occur as close as possible to the impacted areas. Replacement of removed trees would provide erosion control, increase the drainage capacity of the area, help mitigate the loss of habitat, and would improve aesthetics.
- f. Measures should be taken to protect vegetation from impacts that may be incurred by the use of heavy equipment. All activities should be restricted to the footprint of the project. The contractor should be required to install fences around the project area so that vegetation outside the immediate footprint is protected.
- g. To control erosion and spills, a staging area should be established for the construction equipment in an environmentally non-sensitive area, and all disturbed areas should be revegetated upon completion of the construction activities, preferably with native flora. The long root systems characteristic of native flora help hold the soil firmly in place. Also, natural vegetation works as an efficient filter, it provides habitat for wildlife, and improves aesthetics. "Natural landscaping" techniques maximize the use of native species thus reducing the need for fertilization and motorized maintenance.
- h. Construction activities will temporarily increase levels of noise, dust and carbon monoxide. Measures should be taken to minimize any adverse impacts. We suggest that the contractor be

required to control noise and fumes emitted by construction equipment by installing control devices and employing prescribed control methods.

i. The project plan should consider in every way possible the pollution prevention impacts of materials that are decommissioned from the rail line. When recycling or reuse is not a viable option, the project plan should specify how disposal of materials such as rail ties and potentially contaminated surrounding soils and ballast materials will be accomplished to ensure compliance with applicable solid and hazardous waste regulations.

j. In counties where threatened and endangered species are documented to exist but site visits to the project area did not find supportable habitat, the responsible parties will cease activities and contact the U.S. Fish and Wildlife Service and the appropriate state Department of Natural Resources immediately if construction or abandonment activities discover such habitat and/or species.

SUMMARY OF RATING DEFINITIONS AND FOLLOW UP ACTION*

Environmental Impact of the Action

LO--Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC--Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO--Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU--Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1--Adequate

The EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2--Insufficient Information

The draft EIS does not contain sufficient information for the EPA to fully assess the environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3--Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1540 Policy and Procedures for the Review of the Federal Actions Impacting the Environment