

ET - 20734



RE: KY SHPO

Melanie Yasbin to: David.Navecky@stb.dot.gov

08/01/2013 09:56 AM

Dave,

The line in KY does not need to be upgraded to carry 286,000. The upgrade in KY will be rail, tie and surfacing work and this normally does not disturb the subgrade. This type of rail, tie and surfacing work is the type of work that is done in the normal course of railroad maintenance. Due to the nature of the funding and agreement regarding the upgrade, the amount of work will be more than LIRC normally performs, but the type of work is consistent with normal railroad maintenance.

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

From: David.Navecky@stb.dot.gov [mailto:David.Navecky@stb.dot.gov]  
Sent: Wednesday, July 31, 2013 9:56 AM  
To: Melanie Yasbin  
Subject: Re: KY SHPO

Melanie -

Is this a CSXT new position? Unless I missed it somewhere, the Petition and PDEA state "the Line" would be upgraded and don't specify that the Kentucky portion of the Line won't be upgraded.

For details about the upgrade, the Petition refers readers to the Operating Agreement including Attachment D to the Operating Agreement. The Operating Agreement doesn't state that the upgrade would be limited to the Indiana portion of the Line. Page A-11 of the Operating Agreement specifically refers to the Upgrade as encompassing the KY portion of the Line (see Item D). Attachment D states that "substantially all of the L&I Line rail" would be replaced with continuously welded rail.

What is the existing weight and type (i.e., continuously welded versus jointed) of rail on the KY portion of the Line? Page A-18 of the Operating Agreement suggests that neither L&I nor CSXT can move locomotives or cars weighing more than 263,000 pounds GWOR over portions of the Line that have not been upgraded. Does the KY portion of the Line not require an upgrade because its rail weight can already safely accommodate 286,000 pound GWOR cars?

Nevertheless, the information that I requested by phone yesterday regarding

language about the process for replacing rails and ties (e.g.,, underlying soils would not be disturbed) is still relevant. I'd like to place that language in the EA and it will likely prove useful in discussions with the Indiana SHPO.

Thanks,

Dave

From: Melanie Yasbin <Melanie@lgraillaw.com>  
To: "David.Navecky@stb.dot.gov" <David.Navecky@stb.dot.gov>  
Date: 07/30/2013 09:43 PM  
Subject: KY SHPO

Dave,

The portion of the line in KY is not going to be upgraded. So there will be no construction or soil disturbance on the KY portion of the line. The line will continue to be maintained as it is now with tie replaced when scheduled. I hope this information will help. If you have any questions, let me know.

Thanks  
Melanie

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