



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

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CHICAGO, IL 60604-3590

EI-20635

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REPLY TO THE ATTENTION OF: E-19J

Dave Navecky
Surface Transportation Board
395 E Street, SW
Room 1104
Washington, DC 20423

**RE: Supplemental Environmental Assessment (SEA) for CSX Transportation, Inc. (CSXT)
Joint Use – Louisville & Indiana Railroad Company, Inc. (L&I), between Indianapolis,
Indiana, and Louisville, Kentucky - Docket No. FD 35523**

Dear Mr. Navecky:

The U.S. Environmental Protection Agency (USEPA) has reviewed the above-mentioned document dated October 31, 2014 prepared by the Surface Transportation Board's (STB) Office of Environmental Analysis (OEA) for a proposed acquisition of an operating easement by CSXT. Said easement would allow CSXT to operate additional CSXT trains over existing L&I rail line. L&I would continue to operate a small number of L&I trains over the L&I rail line. CSXT proposes to improve existing (L&I) rail line to allow CSXT to move longer (up to 7,500 feet from 5,100 feet), faster (up to 49 miles per hour from 15 miles per hour), and heavier (from rail cars that can carry 268,000 pounds of freight to ones that can carry 286,000 pounds of freight) trains. This letter provides our comments on the Supplemental EA pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

Currently, the L&I rail line carries from two to seven trains per day on the various sections of the rail line. Under the joint use proposal studied in the Supplemental EA, CSXT would reroute some its trains from its current CSXT routes in the states of Indiana, Ohio, and Kentucky to a new route that includes the L&I rail line in Indiana. The rerouting of these CSXT trains would add from 13 to 15 trains per day over the various sections of the L&I rail line. The proposed transaction would allow CSXT to operate more efficiently and consistently in the region, and the improved operations are expected to reduce fuel consumption and emissions.

STB prepared a Draft EA in August 2013 that focused on the potential impacts of the proposed operational changes on the L&I rail line including grade crossing delay, emergency vehicle access, noise and vibration, and other topics. The Draft EA also considered potential construction impacts associated with the extension of several rail line sidings and replacement of a structurally inadequate rail bridge over the Flatrock River, all on the L&I rail line. However, during the public comment period, STB received comments that raised environmental issues not

addressed in the Draft EA. As a result of these comments, STB prepared the October 31, 2014 Supplemental EA to focus on three topics: 1) quantify potential impacts to wetlands, floodplains, and forested areas that could result from extending rail line sidings and replacing Flatrock River Bridge on the L&I Line; 2) potential changes in wildlife strikes that could result from re-routing train traffic on the L&I and CSXT rail lines as a result of the proposed transaction; and 3) potential operational impacts of moving additional trains on the CSXT rail lines – 11 trains per day on the Indianapolis Line Subdivision between Indianapolis and Sidney, 13 trains per day on the Indianapolis Terminal Subdivision – Louisville Secondary Branch, which connects the L&I Line and the Indianapolis Line Subdivision, and 12 trains per day on the Louisville Connection, which connects the L&I Line and the LCL Subdivision.

USEPA's comments are categorized by topic as follows.

PROJECT FEATURES

1. The proposed Flatrock River Bridge replacement could potentially impact up to a maximum of 1.79 acres of deciduous forest.

Recommendation: USEPA recommends that STB provide tree mitigation for all loss of acreage of upland trees/forest at a 1:1 ratio using native species. USEPA recommends that STB coordinate with the Indiana Department of Natural Resources (IDNR) Division of Wildlife, the Indiana Department of Environmental Management (IDEM), and/or local or county parks departments on this measure. If STB commits to voluntary upland tree mitigation as a mitigation measure, the statement indicating no adverse impact on vegetation, as found in *Table ES.4-1. Potential Impacts of the Proposed Transaction and Proposed Mitigation Measures*, would be accurate.

2. *Section 3.1.1.2, Environmental Impacts of Proposed Operational Changes*, of the Supplemental EA indicates CSXT would cooperate with the appropriate state and local agencies and municipalities to do the following as Voluntary Mitigation Measure (VM) 25 :

- *Evaluate the possibility that one or more roadways listed in Appendix B, Attachment B-3 could be closed at the point where they cross the Indianapolis Line Subdivision, Indianapolis Terminal Subdivision – Louisville Secondary Branch, or Louisville Connection to eliminate the at-grade crossings.*
- *Identify improvements or modifications to roadways where vehicle delays would be reduced by improving roadway capacity over the crossing through the construction of additional lanes.*
- *Assist in a survey of at-grade crossings to determine the adequacy of existing grade crossing signal systems, signage, roadway striping, traffic signaling inter-ties, and curbs and medians.*
- *Identify conditions and roadway, signal, and warning device configurations that could trap vehicles between warning device gates on or near the at-grade crossing.*

Recommendation: USEPA recommends the following be clarified for each bullet listed above:

- *Evaluate the possibility that one or more roadways listed in Appendix B, Attachment B-3 could be closed at the point where they cross the Indianapolis Line Subdivision, Indianapolis Terminal Subdivision – Louisville Secondary Branch, or Louisville Connection to eliminate the at-grade crossings.* The SEA

does not discuss the potential impact to roadways adjacent to or nearby the roadway(s) listed in Appendix B, Attachment B-3 that could be closed at the point where they cross the above rail sections in an effort to eliminate at-grade crossings. USEPA recommends traffic, safety, and Level of Service (LOS) impacts of the proposed action to eliminate at-grade crossings be included in the SEA.

- Identify improvements or modifications to roadways where vehicle delays would be reduced by improving roadway capacity over the crossing through the construction of additional lanes. While additional capacity would help to move vehicles once the crossing is free of train traffic; the delay would still occur. The concept of reducing vehicle delays by modifying the roadway should be clarified.
 - Assist in a survey of at-grade crossings to determine the adequacy of existing grade crossing signal systems, signage, roadway striping, traffic signaling inter-ties, and curbs and medians. It is unclear when and how frequently a survey of at-grade crossings to determine the above will occur and which entity(s) will prepare final decisions regarding the need to change/upgrade the items mentioned directly above. These concepts should be included in the SEA to inform the public.
 - Identify conditions and roadway, signal, and warning device configurations that could trap vehicles between warning device gates on or near the at-grade crossing. It is unclear when and how frequently a survey of at-grade crossings to determine the above will occur and which entity(s) will prepare final decisions regarding the need to change/upgrade the items mentioned directly above. These concepts should be included in the SEA to inform the public.
3. USEPA acknowledges the inclusion of VM 27, which states, “Within 6 months of acquisition of a freight easement over the L&I Line, Applicants will cooperate with INDOT, ODOT, and KYTC as well as appropriate local agencies to coordinate a review of corridors surrounding highway/rail at-grade crossings to examine safety and adequacy of the existing warning devices, and identify remedies to improve safety for highway vehicles.” (emphasis added)

The following is also included in the Supplemental EA: *MM 1. To address potential safety impacts at public at-grade crossings, Applicants shall complete a Grade Crossing Mitigation Plan (GCMP) prior to moving Transaction-related train traffic on the Indianapolis Line Subdivision, Indianapolis Terminal Subdivision – Louisville Secondary Branch, and Louisville Connection. In preparing the GCMP, Applicants shall meet with INDOT, ODOT, and KYTC within 45 days of the effective date of any Board approval of the Proposed Transaction to begin determining the need for grade crossing protection upgrades at each public at-grade crossing on the subject rail lines. Applicants shall update the Board’s OEA on the status of the GCMP in their semiannual mitigation and enforcement reports to OEA.* (emphasis added)

Recommendation: It is unclear from the above statement what criteria will be used to determine whether safety features should be improved at any highway/rail at-grade crossings. It is also unclear what obligation CSXT has to implement improvements at any highway/rail at-grade crossings deemed in need of safety improvements and what the timeframe is for installing protection upgrades. USEPA recommends these issues be clarified in the SEA.

Furthermore, VM 27 and MM 1 provide confusing information. USEPA recommends these two mitigation measures be clarified and consolidated, as appropriate.

4. USEPA acknowledges the inclusion of VM 28, which states, *“Within 6 months of Applicants’ initiating operational changes associated with the Proposed Transaction, Applicants will cooperate with school and park districts to identify at-grade crossings where additional pedestrian warning devices may be warranted.”*

Recommendation: It is unclear from the above statement what criteria will be used to determine whether safety for pedestrians and school and park districts should be improved at any rail at-grade crossings. It is also unclear what obligation CSXT has to implement improvements at any rail at-grade crossings deemed in need of safety improvements and what the timeframe is for installing protection upgrades. USEPA recommends these issues be clarified in the SEA.

5. *Section 3.1.1.2, Environmental Impacts of Proposed Operational Changes*, of the Supplemental EA indicates *“...Applicants would install power switches along the Indianapolis Line Subdivision, Indianapolis Terminal Subdivision – Louisville Secondary Branch, and Louisville Connection where they determine that manual switches could cause stopped trains to block grade crossings for excessive periods of time and that power switches would increase the speed of trains and reduce the likelihood of such blockages (VM 23).”* (emphasis added)

Recommendation: The above statement is vague and noncommittal. USEPA recommends the following phrases: “where they determine” and “excessive periods of time” be clarified in the above mitigation measure. For example, what criteria are used to determine whether manual switches could cause trains to block grade crossings for excessive periods would increase train speed and reduce blockage potential? Additionally, as stated in the Supplemental EA, 9 of the 176 public at-grade crossings on the three CSXT rail lines studied would experience vehicle delay of over 40 vehicle hours per day. Also, the level of service (LOS) would degrade one level at 36 public at-grade crossings, the LOS would degrade two levels at 6 public at-grade crossings: from LOS A to C at 4 public at-grade crossings and from LOS C to E at 2 public at-grade crossings. The Final EA should discuss whether it is possible to install power switches at 51 at-grade crossings discussed directly above. We encourage OEA to recommend to the STB that CSXT commit to analyzing and installing power switches at the 51 at-grade crossings discussed above and determine if power switches are needed at other locations along the lines.

6. *Section 3.1.1.2, Environmental Impacts of Proposed Operational Changes*, of the Supplemental EA indicates *“...In addition, OEA preliminarily recommends that Applicants be required to develop a Grade Crossing Mitigation Plan (mitigation measure [MM] 1) and to establish a Community Liaison to (1) consult with affected communities, businesses, agencies, concerned citizens, and others, and (2) cooperatively develop potential solutions to local concerns including grade crossing delays (MM 14).”*

Recommendation: The above statement is vague and noncommittal. USEPA recommends the SEA include a description of a “grade crossing mitigation plan,” what it typically consists of, and how successful other such plans have been in reducing delays. Additionally, the SEA is not clear regarding when the Community Liaison would consult to cooperatively develop solutions. For example, will the Community Liaison reach out to the affected communities

as soon as the transaction may be finalized or within six months of increased train traffic? Will this activity occur more than once during the life of the easement? These questions should be answered in the Final EA.

WATER RESOURCES

1. USEPA acknowledges the inclusion of VM 1, which states, *"Applicants will compensate in accordance with U.S. Army Corps of Engineers (USACE) regulations in Indiana for wetland impacts that cannot be avoided and for impacts that are determined by USACE to be on waters of the United States for construction related to the Proposed Transaction."* The wetland delineation references isolated wetlands located within the project area.

Recommendation: In addition to Waters of the United States that fall under the jurisdiction of IDEM, CSXT will also need to compensate for regulated waters of the state (isolated wetlands or waters) under IDEM's jurisdiction in Indiana Code 13-18-22. USEPA recommends to the Final EA include a mitigation commitment that CSXT will consult with IDEM regarding compensation for isolated wetland impacts that cannot be avoided, in addition to coordinating with the Louisville District, Indianapolis Field Office of the USACE.

2. Referring to Figure 2, Aquatic Resources – Sheet 6, Wetland S-9, it appears this impact is avoidable. Rebuilding a bridge in place should allow for staging, etc. to remain outside this wetland.

Recommendation: USEPA recommends a commitment to avoid impact to Wetland S-9 be included in the Final EA. If this impact cannot be avoided, the Final EA should explain why not. Additionally, any trees that need to be removed for clearance or safety reasons in this area should be cut at ground level and the root balls be left in place.

3. Referring to Table 2 – Defined Channels in Appendix D, Water Resources refers to four unnamed tributaries.

Recommendation: USEPA recommends the table and accompanying analysis be revised to refer to unnamed tributaries as tributaries of the (closest named) US Geological Survey blue-line stream as named on topographic maps.

4. USEPA acknowledges the inclusion of VM 3, which states, *"In order to control erosion, Applicants will establish staging and lay down areas for Transaction-related construction material and equipment at least 50 feet from jurisdictional waters of the U.S. and in areas that are not environmentally sensitive."*

Recommendation: USEPA recommends the Final EA include a definition of, and examples of, "areas that are not environmentally sensitive." Including a definition and examples of "environmentally sensitive" habitat will provide clarity to both CSXT and the public.

NOISE AND VIBRATION

1. USEPA acknowledges the inclusion of VM 51, which states, *"To minimize noise and vibration, Applicants will install and maintain rail and rail beds according to American Railway Engineering and Maintenance-of-Way Association (AREMA) standards."*

Additionally, VM 49. *In addition to the development of other noise mitigation measures, Applicants will consider lubricating curves where doing so would both be consistent with safe and efficient operating practices and significantly reduce noise for residential or other noise-sensitive receptors. Applicants will also continue to employ safe and efficient operating procedures that, in lieu of, or as complement to, other noise mitigation measures can have the collateral benefit of effectively reducing noise from train operations. Such procedures will include:*

- *Inspecting rail car wheels to maintain wheels in good working order and minimize the development of wheel flats;*

Recommendation: USEPA understands the above mitigation measure to include rail grinding and wheel truing on a maintenance schedule of sufficient frequency to reduce or eliminate wheel noise depending on the frequency of train use. USEPA recommends information be added to the Final EA regarding how often, on average, wheels are trued and rails are ground based on the type of use CSXT proposes, and whether the typical schedule is sufficient to reduce or eliminate wheel noise.

2. Additional efforts to reduce or eliminate noise from train traffic include proper alignment of new track, the use of continuously-welded rails, the cross-overs, etc.

Recommendation: The SEA indicates that CSXT proposes to spend between \$70 and \$90 million to improve the rail line to allow CSXT to operate longer, heavier, and faster trains. In light of this proposed activity, USEPA recommends the Final EA discuss how effective the above noise reduction measures would be in reducing noise near communities. In particular, we suggest the explanation focus on the use of these noise reduction measures when CSXT trains will approach and travel near sensitive receptors. Additional analyses may be needed to support noise mitigation measures. If noise can further be reduced by employing these measures, we recommend OEA incorporate a commitment to include these measures for all receptors.

3. USEPA acknowledges the inclusion VM 46. *Applicants will work with affected communities that have noise-sensitive receptors that would experience an increase of at least 5 A-weighted decibels (dBA) and reach 70 dBA, because of Transaction-related train increases, to mitigate train noise to levels as low as 70 dBA by cost-effective means as are agreed to by an affected community and Applicants. In the absence of such an agreement, Applicants will implement cost-effective mitigation.*

Recommendation: The above statement is vague. USEPA recommends this mitigation measure be expanded. We suggest examples be included in the Final EA of typical noise mitigation actions and analysis of whether these typical actions are successful at decreasing noise to an acceptable level (e.g., 65 dBA or lower). For example, would sound insulation be provided or noise walls be erected for sensitive receptors to reduce noise to an acceptable level?

4. USEPA acknowledges the inclusion VM 52. *Upon request, Applicants will consult with communities affected by wheel squeal at existing locations on the Indianapolis Line Subdivision, Indianapolis Terminal Subdivision – Louisville Secondary Branch, and Louisville Connection, and cooperate in determining the most appropriate methods for implementing VM 49.*

Recommendation: USEPA recommends the above mitigation measure be revised to cover wheel squeal based on engineering and CSXT should determine the most appropriate methods for implementing noise reduction via community outreach. While it is important to consult with the community on potential impacts and mitigation efforts, it is inappropriate to rely on community input for determining mitigation measures for engineered structures, such as rail and wheel alignment. USEPA recommends CSXT should first determine areas where wheel squeal is likely and potential mitigation may be needed before discussing noise mitigation with the community.

5. USEPA acknowledges the Supplemental EA includes several noise mitigation measures. Additional efforts to reduce or eliminate noise from train traffic include the use of resilient track fasteners or tire-derived aggregate to reduce vibration in or near non-sensitive receptors.

Recommendation: The Supplemental EA indicates that CSXT proposes to spend between \$70 and \$90 million to improve the rail line to allow CSXT to operate longer, heavier, and faster trains. In light of this proposed activity, USEPA recommends the Final EA reflect analyses on the effectiveness of the above noise reduction measures to reduce noise near communities. In particular, we suggest the analysis focus on the use of these noise reduction measures when CSXT trains will approach and travel near sensitive receptors. If noise can be reduced by employing these measures, we recommend OEA incorporate a commitment to include these measures for all receptors.

EMERGENCY RESPONSE

1. In Section 3.1.4, Emergency Response, the Supplemental EA states the presence of rail traffic is not a new factor to which emergency responders within the project area would need to adapt, but the potential increase in train traffic from the proposed action could require additional planning. USEPA acknowledges OEA used a screening process to evaluate the potential effects of blocked at-grade crossings on emergency service providers and identified eight crossings that would be exposed to the maximum estimated delay of 8.7 minutes (Table 3.1-4). However, there are a total of 176 public at-grade crossings on the three lines listed as affected for the proposed action.

Recommendation: USEPA requests CSXT coordinate with communities affected by increased train traffic at at-grade public crossings to determine which communities would benefit from and be receptive to an 'early warning system' to notify emergency responders (fire and medical) when rail lines in a community are blocked. By having advance warning that trains are blocking at-grade public crossings, emergency responders could automatically use alternate routes, thereby saving time when responding to an emergency.

As the chart shows communities experiencing a maximum estimated delay of 8.7 minutes having alternate routes from approximately 300 feet to 1,700 feet away, we recommend OEA require the applicant to reach out to all communities that experience a time delay. For example, perhaps an increase in average travel time by some percentage (e.g., 10%) and/or with alternate routes greater than 'x' feet away would be suitable benchmarks for CSXT to coordinate with communities to determine if an 'early warning system' would be beneficial for the community and to develop a system alerting emergency responders to use alternate routes and to avoid the rail lines at a particular time as trains are moving through.

USEPA recommends OEA analyze the value and feasibility of the above-mentioned mitigation, or a different approach, for increased emergency response times.

FEDERALLY- AND STATE-LISTED THREATENED OR ENDANGERED SPECIES

1. Section 3.6.3, Environmental Impacts of Proposed Construction on L&I Line, of the Supplemental EA indicates proposed replacement of the Flatrock River Bridge could affect the rabbitsfoot mussel, a Federally-listed threatened species, which has been found in the Flatrock River approximately 15 miles upstream of the L&I crossing. USFWS may require a mussel survey prior to bridge construction to assess if suitable habitat is present and/or if the mussel is found in the area of the proposed bridge replacement.

Additionally, the pyramid pigtoe, a state-listed species, could potentially occur in the Flatrock River. IDNR may require a mussel survey prior to bridge construction to assess if suitable habitat is present and/or if the mussel is found in the area of the proposed bridge replacement.

Recommendation: USEPA acknowledges CSXT has volunteered to implement a number of mitigation measures that would avoid or minimize erosion and sedimentation. Nevertheless, the Final EA should indicate that CSXT is obligated to comply with USFWS and IDNR requirements for evaluating and mitigating impacts to listed species. If mussel habitat and/or pyramid pigtoe or rabbitsfoot mussels are located in or nearby the project area (upstream or downstream), CSXT should comply with USFWS and/or IDNR protocols to protect these mussel species.

COMMUNITY RESOURCES AND LAND USE

1. Section 3.2 of the Supplemental EA discusses the affected environment and potential environmental impacts of the proposed action and the no-action alternative on community resources and land use in the project area. To evaluate impacts of proposed operational changes, a corridor extending approximately 0.25 mile on either side of the railroad centerline of the Indianapolis Line Subdivision, Indianapolis Terminal Subdivision – Louisville Secondary Branch, and Louisville Connection was defined as the study area. To evaluate potential impacts of proposed construction activities on the L&I Line, the study area includes a corridor extending approximately 0.25 mile from the centerline of the L&I Line in the areas of the potential Elvin and Brook siding extensions and the proposed Flatrock River Bridge replacement.

Recommendation: It is not clear from the contents of the SEA how the 0.25 mile buffer on either side of the railroad centerline was derived. USEPA recommends the Final EA clarify how this buffer size was selected.

HAZARDOUS MATERIALS

1. USEPA acknowledges the inclusion VM 33. Applicants will assist in the hazardous materials training of emergency responders for affected communities that express an interest in such training. Applicants will support through funding or other means the training of one representative from each of the communities located along the Indianapolis Line Subdivision,

Indianapolis Terminal Subdivision – Louisville Secondary Branch, and Louisville Connection where the transportation of hazardous materials would increase. Applicants will complete the training within 3 years from the date that they initiate operational changes associated with the Proposed Transaction.

Recommendation: It is unclear why CSXT proposes to complete training within 3 years from the date operational changes are initiated. If hazardous materials will be transported, it seems prudent to initiate and complete hazardous materials training for emergency responders within months of initiating operational changes and potentially transporting hazardous materials. USEPA requests OEA and STB clarify whether training should be completed by CSXT for all communities through which hazardous materials will be transported within months, and possibly not exceed one year. As emergency response personnel change over time, what obligation does CSXT have to provide ongoing training?

NON-NATIVE INVASIVE PLANT SPECIES (NNIS) AND NOXIOUS WEEDS/BIOLOGICAL RESOURCES

1. USEPA acknowledges the inclusion of VM 13. *Applicants will employ BMPs to implement their current noxious weed control program during construction and operation of Transaction-related potential siding extensions.*

Recommendation: USEPA recommends the Final EA include a list of best management practices typically employed by CSXT to control NNIS and noxious weeds during construction and/or operation activities along the right-of-way. For example, will equipment be washed before it enters a site? Will NNIS and noxious weeds be removed prior to starting construction? Will sites be monitored following construction to remove any NNIS or noxious weeds? If so, how many growing seasons will monitoring and removal occur?

OTHER

1. OEA has concluded that 9 of the 176 public at-grade crossings on the three CSXT rail lines studied would experience vehicle delay of over 40 vehicle hours per day. Additionally, the LOS would degrade one level at 36 public at-grade crossings, the LOS would degrade two levels at 6 public at-grade crossings: from LOS A to C at 4 public at-grade crossings and from LOS C to E at 2 public at-grade crossings.

Recommendation: USEPA recommends OEA consider recommending installation of signage in both directions at various distances from the railroad crossing to the farthest extent of expected vehicle queues at the above-mentioned 42 public at-grade crossings where LOS will degrade. Recommended signage would ask drivers to turn off their engines. Benefits from this simple activity include decreasing air pollution in the community from idling engines.

Thank you for providing USEPA with the opportunity to comment on the proposed project. We are available to discuss our comments with you in further detail if requested, and we look forward to reviewing future NEPA documents prepared for this project. If you have any

questions about this letter, please contact Kathy Kowal of my staff at 312-353-5206 or via email at kowal.kathleen@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth A. Westlake", written over a horizontal line.

Kenneth A. Westlake, Chief
NEPA Implementation Section
Office of Enforcement and Compliance Assurance

cc: Laban Lindley, USACE-Indianapolis Field Office
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