

**RE: FD 35523****Louis E. Gitomer** to: 'David.Navecky@stb.dot.gov'

04/08/2016 10:19 AM

History:

This message has been replied to.

1 attachment



20151214 Exhibit 1 Meetings Summary.docx

Dave - I do not show a record of having sent you the revised Grade Crossing Mitigation plan. I apologize. A copy is attached. Let me know if you have any questions. Lou

Louis E. Gitomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

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

From: David.Navecky@stb.dot.gov [mailto:David.Navecky@stb.dot.gov]
Sent: Tuesday, November 24, 2015 10:13 AM
To: Louis E. Gitomer
Subject: RE: FD 35523

Lou -

Yes, please place the clarifications in a revised Exhibit 1, and considering the holiday week, sometime in the next couple of weeks or so will be just fine.

Happy Thanksgiving to you as well.

Thanks,

Dave

Dave Navecky
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC 20423
202-245-0294

www.stb.dot.gov

From: "Louis E. Gitomer" <Lou@lgrailaw.com>
To: "David.Navecky@stb.dot.gov" <David.Navecky@stb.dot.gov>
Date: 11/24/2015 10:06 AM
Subject: RE: FD 35523

Dave - We will get the information. I doubt we'll have the answers this week because we are going to contact the individuals and it is Thanksgiving week. I'll let you know when we get the answers. Do you want us to revise Exhibit 1 once we have the answers? Happy Thanksgiving. Lou

From: David.Navecky@stb.dot.gov [David.Navecky@stb.dot.gov]
Sent: Tuesday, November 24, 2015 9:52 AM
To: Louis E. Gitomer
Subject: Re: FD 35523

Lou -

Exhibit 1 requires some clarification:

1. On May 28, 2015, the railroad representatives met with Jerry Hounshel, a county commissioner for Jackson County, IN. Mr. Hounshel is also identified as the official representing New Farmington, Retreat and Crothersville, IN in the next three entries. Retreat and New Farmington are unincorporated areas within the Mr. Hounshel's district. If Mr. Hounshel was officially representing Retreat and New Farmington, please state this fact. The Town of Crothersville, however, is incorporated and appears to have its own elected council and it's unclear why Mr. Hounshel was consulted and not a representative of the town council. Did the town council designate Mr. Hounshel to represent the town in these matters? Please clarify.

2. On May 28, 2015, the railroad representatives met with Larry Blevins, a county commissioner for Scott County, IN. Mr. Blevins is also identified as the official representing Vienna and Underwood, IN in the next two entries. Vienna and Underwood are unincorporated areas in Scott County. If Mr. Blevins was officially representing Vienna and Underwood, please state this fact.

3. On May 26, 2015, the rail representatives met with Jack Coffman, President, Clark County, IN Commissioners. In four entries on the exhibit, Mr. Coffman is identified as the official representing Henryville, Memphis, Sellersburg and Cementville, IN. Henryville, Memphis and Cementville appear to be unincorporated areas within Clark County. If Mr. Coffman was officially representing Henryville, Memphis and Cementville, please state this fact. The Town of Sellersburg, however, is incorporated and appears to have its own elected council and it's unclear why Mr. Coffman was consulted and not a representative of the town council. Did the town council designate Mr. Coffman to represent the town in these matters? Please clarify.

Thanks,

Dave

Dave Navecky
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC 20423
202-245-0294
www.stb.dot.gov

From: "Louis E. Gitomer" <Lou@lgraillaw.com>
To: "Dave Navecky (naveckyd@stb.dot.gov)" <naveckyd@stb.dot.gov>
Date: 10/07/2015 02:31 PM
Subject: FD 35523

Dave - Attached is a copy of the grade crossing mitigation plan that was just filed in the environmental docket. Let me know if you have any questions.
Lou

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Lou@lgraillaw.com

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Thank you.

[attachment "FD 35523 Grade Crossing Mitigation Plan 20151007.pdf" deleted by David Navecky/STB]

Contact	Date of Contact	Topic of Contact	Notes	RR Representatives
Southport Mayor Jesse Testruth 371-786-5489 mayor@southport.in.gov 6901 Derbyshire Rd Southport, IN 46227	5/12/2015	STB Decision, Mitigation Measures, Road Closure potential.	Met with Mayor Testruth, Duane Langreck (Development Commission), Aaron Williams (Anderson Partners), David Kieser (Kieser Consulting Group) along with three other individuals. We went over some of the key mitigation measures as well as the overall construction plan and a general timeline as to when additional train traffic might start to begin. We also handed out the Quiet Zone pamphlets and discussed the various funding grants and that the RRs would support their efforts in obtaining such grants. Overall the meeting was positive in regards to the upgrade but they were more interested in talking about purchasing a piece of rail spur from LIRC so they could develop apartment-style housing in a lot west of the main track. This is a relatively new topic in which LIRC Marketing/Sales is working with them to identify a land swap.	Hall/Holder/Goldman
Greenwood Mayor Mark Meyers 317-887-5000 mayor@greenwood.in.gov 300 S. Madison Ave. Greenwood, IN 46142	5/6/2015	STB Decision, Mitigation Measures, Road Closure potential.	Met with Mayor Meyer and the city engineer. The mayor indicated that two of the seven crossings in the city are being upgraded as a result of their own projects (Worthsville Rd. and Stop 18). Mayor suggests that Meridian Street, Main Street and Pushville Road be made a priority and that Academy Street could be closed (even though the local businesses disagree). The Mayor argued that CSXT be responsible for the upgrades. Mayor Meyer also stated that Greenwood is looking to work with Franklin and Columbus in creating a corridor plan. We discussed, in	Hall/Holder/Goldman

			general, the overall construction schedule as well as when additional train traffic might be expected. We gave the mayor a pamphlet on quiet zones as well as discussing how we would notify the public concerning construction activity as well as notification prior to an increase in train traffic. The various funding grants were also discussed and that the RRs would support their efforts in obtaining such grants.	
Whiteland Johnson County Commission 59 Main Street Whiteland, IN 46184	7/23/2015	STB Decision, Mitigation Measures, Road Closure potential.	Discussed the overall scope of the project and the mitigation measures as they relate to construction and notification as well as the potential timeline for construction and subsequent increase in train traffic. Also discussed new crossing surfaces as well as the county's responsibility as it relates to crossing upgrades and closures.	Goldman/Holder/Armstrong
Franklin Mayor Joe McGuinness 371-736-3602 mayor@franklin.in.gov 70 E. Monroe Street Franklin, IN 46131	5/6/2015	STB Decision, Mitigation Measures, Road Closure potential.	Met with Mayor McGuinness and city engineer. They want to look at their crossing plan from a regional/corridor perspective possibly joining forces with Greenwood and Columbus. Stated that they have already had some dialogue with INDOT. The RR team provided them with a list of their crossings which also indicated the type of protection each currently has as well as the 2015 LIRC maintenance plan (surfacing) for the crossings in Franklin. We also discussed vegetation control, OLS, and handed them a pamphlet on Quiet Zones. LIRC also discussed with them the status on their Hurricane Creek project in which the LIRC is helping them with design of a new RR trestle	Hall/Holder/Goldman

			in order to open up the waterway and reduce flooding. The overall construction timeline as well as subsequent increases in rail traffic was discussed in general. The various funding grants were also discussed and that the RRs would support their efforts in obtaining such grants.	
Amity Johnson County Commission 86 West Court Street Franklin, IN 46131	7/23/2015	STB Decision, Mitigation Measures, Road Closure potential.	Discussed the overall scope of the project and the mitigation measures as they relate to construction and notification as well as the potential timeline for construction and subsequent increase in train traffic. Also discussed new crossing surfaces as well as the county's responsibility as it relates to crossing upgrades and closures.	Goldman/Holder/ Armstrong
Edinburgh Johnson County Commission 86 West Court Street Franklin, IN 46131	7/23/2015	STB Decision, Mitigation Measures, Road Closure potential.	Discussed the overall scope of the project and the mitigation measures as they relate to construction and notification as well as the potential timeline for construction and subsequent increase in train traffic. Also discussed new crossing surfaces as well as the county's responsibility as it relates to crossing upgrades and closures.	Goldman/Holder/ Armstrong
Taylorsville Johnson County Commission 86 West Court Street Franklin, IN 46131	7/23/2015	STB Decision, Mitigation Measures, Road Closure potential.	Discussed the overall scope of the project and the mitigation measures as they relate to construction and notification as well as the potential timeline for construction and subsequent increase in train traffic. Also discussed new crossing surfaces as well as the county's responsibility as it relates to crossing upgrades and closures.	Goldman/Holder/ Armstrong
Corn Brook Bartholomew County Officials	7/17/2015	STB Decision, Mitigation Measures, Road	Discussed the overall scope of the project and the mitigation measures as they relate to construction and notification as well as the	Goldman/Holder/ Armstrong

440 Third Street Columbus, IN 47201		Closure potential.	potential timeline for construction and subsequent increase in train traffic. Also discussed new crossing surfaces as well as the county's responsibility as it relates to crossing upgrades and closures.	
Columbus Mayor Kristen Brown 812-376-2500 mayor@columbus.in.gov 123 Washington Street Columbus, IN 47201	5/12/2015	STB Decision, Mitigation Measures, Road Closure potential.	After losing her re-election bid, Mayor Kristen Brown decided to take a few weeks off and didn't attend our meeting. We instead spoke with the city engineer and city attorney. Overall they didn't seem eager to be at our meeting. We discussed the mitigation measures in general, the overall known construction plans, notifications to communities as they relate to construction activity as well as the subsequent increase in train traffic. Their main concern was about an overpass at SR 46. The various funding grants were also discussed and that the RRs would support their efforts in obtaining such grants.	Hall/Holder/Goldman
Garden City Bartholomew County Officials 440 Third Street Columbus, IN 47201	7/16/2015	STB Decision, Mitigation Measures, Road Closure potential.	Discussed the overall scope of the project and the mitigation measures as they relate to construction and notification as well as the potential timeline for construction and subsequent increase in train traffic. Also discussed new crossing surfaces as well as the county's responsibility as it relates to crossing upgrades and closures.	Goldman/Holder/Armstrong
Walesboro Bartholomew County Officials 440 Third Street Columbus, IN 47201	7/16/2015	STB Decision, Mitigation Measures, Road Closure potential.	Discussed the overall scope of the project and the mitigation measures as they relate to construction and notification as well as the potential timeline for construction and subsequent increase in train traffic. Also discussed new crossing surfaces as well as	Goldman/Holder/Armstrong

			the county's responsibility as it relates to crossing upgrades and closures.	
Waynesville Bartholomew County Officials 440 Third Street Columbus, IN 47201	7/16/2015	STB Decision, Mitigation Measures, Road Closure potential.	Discussed the overall scope of the project and the mitigation measures as they relate to construction and notification as well as the potential timeline for construction and subsequent increase in train traffic. Also discussed new crossing surfaces as well as the county's responsibility as it relates to crossing upgrades and closures.	Goldman/Holder/ Armstrong
Jonesville Bartholomew County Officials 440 Third Street Columbus, IN 47201	7/16/2015	STB Decision, Mitigation Measures, Road Closure potential.	Discussed the overall scope of the project and the mitigation measures as they relate to construction and notification as well as the potential timeline for construction and subsequent increase in train traffic. Also discussed new crossing surfaces as well as the county's responsibility as it relates to crossing upgrades and closures.	Goldman/Holder/ Armstrong
Rockford Jackson County Officials 220 East Walnut Street Brownstown ,IN 47220	7/16/2015	STB Decision, Mitigation Measures, Road Closure potential.	Discussed the overall scope of the project and the mitigation measures as they relate to construction and notification as well as the potential timeline for construction and subsequent increase in train traffic. Also discussed new crossing surfaces as well as the county's responsibility as it relates to crossing upgrades and closures.	Goldman/Holder/ Armstrong
Seymour Mayor Craig Luedeman 812-522-4020 309 N. Chestnut Street Seymour, IN 47274	5/7/2015	STB Decision, Mitigation Measures, Road Closure potential.	Met with Mayor Craig Luedeman and the city engineer. We went over some of the key mitigation measures as well as the overall construction plan as well as a general timeline as to when additional train traffic might start to begin. We discussed the numerous redundant crossings in Seymour and the opportunity to close some of them.	Glover/Goldman

			The mayor agreed but was not inclined to do anything regarding this matter until after his November election. We also provided the Mayor with the quiet zone pamphlet. The mayor does not oppose the project but has a bigger picture in mind that deals with finishing a roadway around the outskirts of town to connect their two industrial parks which would keep this traffic out of town. In conjunction with this bypass he wants to build an overpass at the south end of town that would go over the main track. The various funding grants were also discussed and that the RRs would support their efforts in obtaining such grants.	
Jackson County Jerry Hounshel <u>County Commissioner</u> 812-569-2620 220 East Walnut Street Brownstown ,IN 47220	5/28/2015	STB Decision, Mitigation Measures, Road Closure potential.	Discussed with Mr. Hounshel along with two members of his group the overall project, mitigation measures, known construction schedule, the request for the county to identify any crossing closure/improvement possibilities, quiet zones and the funding sources. The group was very grateful for the discussion and in regards to the upgrade didn't have any concerns. The only concerns that were brought up concerned a few CSXT crossings.	Glover/Goldman
New Farmington Jerry Hounshel—, <u>as</u> <u>County Commissioner, the</u> <u>elected representative of</u> <u>New Farmington</u> 812-569-2620 220 East Walnut Street Brownstown ,IN 47220	5/28/2015	STB Decision, Mitigation Measures, Road Closure potential.	Discussed with Mr. Hounshel along with two members of his group the overall project, mitigation measures, known construction schedule, the request for the county to identify any crossing closure/improvement possibilities, quiet zones and the funding sources. The group was very grateful for the discussion and in regards to the upgrade	Glover/Goldman

			didn't have any concerns. The only concerns that were brought up concerned a few CSXT crossings.	
Retreat Jerry Hounshel, <u>as County Commissioner, the elected representative of Retreat</u> 812-569-2620 220 East Walnut Street Brownstown ,IN 47220	5/28/2015	STB Decision, Mitigation Measures, Road Closure potential.	Discussed with Mr. Hounshel along with two members of his group the overall project, mitigation measures, known construction schedule, the request for the county to identify any crossing closure/improvement possibilities, quiet zones and the funding sources. The group was very grateful for the discussion and in regards to the upgrade didn't have any concerns. The only concerns that were brought up concerned a few CSXT crossings.	Glover/Goldman
Crothersville Jerry Hounshel, <u>as County Commissioner, an elected representative of Crothersville</u> 812-569-2620 220 East Walnut Street Brownstown ,IN 47220	5/28/2015	STB Decision, Mitigation Measures, Road Closure potential.	Discussed with Mr. Hounshel along with two members of his group the overall project, mitigation measures, known construction schedule, the request for the county to identify any crossing closure/improvement possibilities, quiet zones and the funding sources. The group was very grateful for the discussion and in regards to the upgrade didn't have any concerns. The only concerns that were brought up concerned a few CSXT crossings.	Glover/Goldman
Austin Mayor Doug Campbell 812-794-9446 82 West Main Street Austin, IN 47102	5/7/2015	STB Decision, Mitigation Measures, Road Closure potential.	Met with Mayor Campbell who will not be in office after this year. The mayor suggested that with so few crossings in Austin that there wasn't much opportunity for closure other than for Cherry Street. He will get back with us in late June as to whether this street can be closed. We discussed with him the mitigation measures, known construction plans and potential timing on increase of	Glover/Goldman

			train traffic. Overall the mayor is a fan of rail and supports the project. The various funding grants were also discussed and that the RRs would support their efforts in obtaining such grants.	
Scottsburg Mayor Bill Graham 812-752-3169 2 E. McClain Avenue Scottsburg, IN 47170	5/7/2015	STB Decision, Mitigation Measures, Road Closure potential.	Mayor Graham was not available for this meeting as he was summoned to a meeting concerning the AIDS outbreak in Scott County. We spoke with the city engineer about the project, the various mitigation measures, quiet zones and potential for crossing closures. His view was that crossing closures are not something very high on their priority list. However, in previous meetings the mayor has been open to closing the Fairgrounds Road crossing in conjunction with another project that the city and LIRC have been working on. The various funding grants were also discussed and that the RRs would support their efforts in obtaining such grants.	Glover/Goldman
Scott County Commissioner Blevins 812-820-3926 1 E. McClain Avenue Scottsburg, IN 47170	5/28/2015	STB Decision, Mitigation Measures, Road Closure potential.	Spoke with Mr. Blevins about the upgrade in general, then touched on the various mitigation measures, known construction plans, potential future train volume, speed, and lengths. We also discussed that he needed to look for opportunity as to any crossings that could be eliminated and/or upgrade the protection at existing crossings along with the various funding mechanisms.	Glover/Goldman
Vienna Commissioner Blevins, <u>as the elected representative of Vienna</u>	5/28/2015	STB Decision, Mitigation Measures, Road Closure	Spoke with Mr. Blevins about the upgrade in general, then touched on the various mitigation measures, known construction plans, potential future train volume, speed,	Glover/Goldman

812-820-3926 1 E. McClain Avenue Scottsburg, IN 47170		potential.	and lengths. We also discussed that he needed to look for opportunity as to any crossings that could be eliminated and/or upgrade the protection at existing crossings along with the various funding mechanisms.	
Underwood Commissioner Blevins, <u>as the elected representative of Underwood</u> 812-820-3926 1 E. McClain Avenue Scottsburg, IN 47170	5/28/2015	STB Decision, Mitigation Measures, Road Closure potential.	Spoke with Mr. Blevins about the upgrade in general, then touched on the various mitigation measures, known construction plans, potential future train volume, speed, and lengths. We also discussed that he needed to look for opportunity as to any crossings that could be eliminated and/or upgrade the protection at existing crossings along with the various funding mechanisms.	Glover/Goldman
Jeffersonville Mayor Mike Moore 812-285-6403 MMoore@CityofJeff.net 500 Quartermaster Court Jeffersonville, IN 47130	5/8/2015	STB Decision, Mitigation Measures, Road Closure potential.	Gave Mayor Moore an overview of the upgrade and then discussed the mitigation measures. We also talked about construction schedule, crossing exposure, mitigating any impact to vehicular detours, as well as the notification process when trains increase as a result of the upgrade. We also discussed Operation Lifesaver along with other training that the railroads already have provided and will continue to provide. We talked about the various grade crossing funding mechanisms (all of the main track through the city actually already goes over the roads in city limits). Mayor Moore was very supportive of the project.	Hall/Goldman
Henryville Commission President Jack Coffman, <u>as the elected representative of Henryville</u>	5/26/2015	STB Decision, Mitigation Measures, Road Closure potential.	This meeting followed the same path as did the meeting with Mayor Moore of Jeffersonville as previously outlined. There are more opportunities as it relates to grade crossing mitigation. We told Commissioner	Hall/Goldman

502-552-5224 jackcoffman@jackcoffman.com 501 East Court Avenue Jeffersonville, IN 47130			Coffman that all crossing surfaces will be renewed as the upgrade was completed. The various funding grants were also discussed and that the RRs would support their efforts in obtaining such grants. Mr. Coffman did not voice any concerns but was instead very supportive of the project.	
Memphis Commission President Jack Coffman, <u>as the elected representative of Memphis</u> 502-552-5224 jackcoffman@jackcoffman.com 501 East Court Avenue Jeffersonville, IN 47130	5/26/2015	STB Decision, Mitigation Measures, Road Closure potential.	This meeting followed the same path as did the meeting with Mayor Moore of Jeffersonville as previously outlined. There are more opportunities as it relates to grade crossing mitigation. We told Commissioner Coffman that all crossing surfaces will be renewed as the upgrade was completed. The various funding grants were also discussed and that the RR would support their efforts in obtaining such grants. Mr. Coffman did not voice any concerns but was instead very supportive of the project.	Hall/Goldman
Sellersburg Commission President Jack Coffman, <u>as an elected representative of Sellersburg</u> 502-552-5224 jackcoffman@jackcoffman.com 501 East Court Avenue Jeffersonville, IN 47130	5/26/2015	STB Decision, Mitigation Measures, Road Closure potential.	This meeting followed the same path as did the meeting with Mayor Moore of Jeffersonville as previously outlined. There are more opportunities as it relates to grade crossing mitigation. We told Commissioner Coffman that all crossing surfaces will be renewed as the upgrade was completed. The various funding grants were also discussed and that the RR would support their efforts in obtaining such grants. Mr. Coffman did not voice any concerns but was instead very supportive of the project.	Hall/Goldman
Cementville Commission President Jack Coffman	5/26/2015	STB Decision, Mitigation Measures, Road	This meeting followed the same path as did the meeting with Mayor Moore of Jeffersonville as previously outlined. There	Hall/Goldman

502-552-5224 jackcoffman@jackcoffman.com 501 East Court Avenue Jeffersonville, IN 47130		Closure potential.	are more opportunities as it relates to grade crossing mitigation. We told Commissioner Coffman that all crossing surfaces will be renewed as the upgrade was completed. The various funding grants were also discussed and that the RR would support their efforts in obtaining such grants. Mr. Coffman did not voice any concerns but was instead very supportive of the project.	
Clark County Commission President Jack Coffman 502-552-5224 jackcoffman@jackcoffman.com 501 East Court Avenue Jeffersonville, IN 47130	5/26/2015	STB Decision, Mitigation Measures, Road Closure potential.	This meeting followed the same path as did the meeting with Mayor Moore of Jeffersonville as previously outlined. There are more opportunities as it relates to grade crossing mitigation. We told Commissioner Coffman that all crossing surfaces will be renewed as the upgrade was completed. The various funding grants were also discussed and that the RR would support their efforts in obtaining such grants. Mr. Coffman did not voice any concerns but was instead very supportive of the project.	Hall/Goldman
City of Louisville Mary Ellen Weiderwohl 502-574-2003 MaryEllen.Wiederwohl@louisvilleky.gov 527 W. Jefferson Street Louisville, KY 40202	6/16/2015	STB Decision, Mitigation Measures, Road Closure potential.	Provided City officials with an overview of the transaction and asked for guidance/suggestions on potential issues/concerns. None were provided.	Hall
Indiana Department of Transportation (INDOT) Chris Kiefer 317-233-3601 CKIEFER@indot.IN.gov 100 N. Senate Ave. Rm.	4/14/2015	STB Decision, Mitigation Measures, Road Closure potential.	Provided INDOT with an overview of the transaction, invited them to join the applicants for meetings with community leaders and asked for guidance on any potential issues/concerns. INDOT officials declined the offer to attend community	Hall/Goldman

N758 Indianapolis, IN 46204			meetings and highlighted traffic issues in the City of Columbus as an area of concern. See City of Columbus line item.	
Kentucky Transportation Cabinet Kim Jenkins 502-782-4037 kimberly.jenkins@ky.gov 200 Mero Street Frankfort, KY 40622	6/17/2015	STB Decision, Mitigation Measures, Road Closure potential.	Provided KYTC with an overview of the transaction and asked for guidance on any potential issues/concerns regarding the Louisville area. They had none and referred us to the City of Louisville.	Hall
Ohio Department of Transportation/ Ohio Rail Development Commission Matthew Dietrich Thomas Burns Richard Behrendt Catherine Stout Jill Henry 614-644-0295 matt.dietrich@dot.state.oh.us 1980 W. Broad Street Columbus, OH 43223	6/17/2015	STB Decision, Mitigation Measures, Road Closure potential	Provided ODOT with an overview of the transaction and asked for guidance on any potential issues/concerns; none were offered.	Glover