



RE: FD 35523 Voluntary Mitigation

Louis E. Gitomer

to:

'David.Navecky@stb.dot.gov', Melanie Yasbin

09/03/2014 02:15 PM

Cc:

"Vicki.Rutson@stb.dot.gov"

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From: "Louis E. Gitomer" <Lou@lgrailaw.com>

To: "'David.Navecky@stb.dot.gov'" <David.Navecky@stb.dot.gov>, Melanie Yasbin <Melanie@lgrailaw.com>,

Cc: "Vicki.Rutson@stb.dot.gov" <Vicki.Rutson@stb.dot.gov>

History: This message has been replied to and forwarded.

Dave – CSXT is agreeable to extending the VM 33-61 to the Louisville Connection, Indianapolis Terminal Subdivision - Louisville Secondary Branch and Indianapolis Line Subdivision with the following two comments.

VM 37 should apply only to LIRC on the LIRC line since LIRC will continue to own and dispatch that line. With regard to the Louisville Connection, Indianapolis Terminal Subdivision - Louisville Secondary Branch and Indianapolis Line Subdivision lines. VM 37 should apply only to CSXT since CSXT will own, operate and dispatch (i.e., have exclusive control of) those lines.

VM 48. Will Ohio be added to the list of states, even though there have been no comments from Ohio?

CSXT is willing to absorb the cost of notifying the 200 receptors. With respect to mitigation, CSXT proposes "Within six months of the closing of the transaction, CSXT shall schedule two meetings to be held in the area of Indianapolis that will be affected by noise increases. CSXT shall publicize these meetings in advance. The purpose of the meetings shall be for CSXT to explain the proposal and listen to the attendees concerning the increase in traffic on the railroad line. CSXT shall provide a response to the concerns and provide a report to OEA of the meetings and the response within 60 days of the last meeting." What do you think?

Let me know if you have any questions. Lou

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

From: David.Navecky@stb.dot.gov [mailto:David.Navecky@stb.dot.gov]

Sent: Monday, August 25, 2014 1:43 PM

To: Louis E. Gitomer; Melanie Yasbin

Cc: Vicki.Rutson@stb.dot.gov

Subject: FD 35523 Voluntary Mitigation

Lou and Melanie -

Two questions related to voluntary mitigation for the Supplemental EA.

1. Do Applicants agree to extend the operations-related Voluntary Mitigation in the Draft EA (i.e., VM 33 through VM 61) to CSXT's Louisville Connection, Indianapolis Belt Line and Indianapolis Line Subdivision in the Supplemental EA, as applicable?

2. For the Indianapolis Belt Line, environmental justice communities in Indianapolis (specifically, low-income populations) would disproportionately bear potentially adverse noise impacts, that is, noise levels that exceed 70 dBA Ldn and an increase in Ldn of 5 dBA or greater.

On the Belt Line, the number of noise sensitive receptors exposed to greater than 70 and 5 would increase from zero under existing conditions to

346 under the Proposed Transaction. 200 of these receptors are

low-income. Would the Applicants be willing to volunteer more specific mitigation to address these potential noise impacts? In the absence of any voluntary mitigation, OEA may recommend mitigation that would require Applicants to conduct targeted outreach to the Indianapolis community containing these 200 receptors as well as community's leaders/elected officials, disclose the potentially adverse noise impacts.

In addition, to comply with the Executive Order on environmental justice, OEA will be taking additional steps to facilitate the affected community's ability to participate in the environmental review process. To accomplish this, we envision mailing a hard copy of the Executive Summary of the Supplemental EA (along with the disk) to each mailing address in the affected community. The Final EA would also go out to the expanded mailing list. These steps will add reproduction and mailing cost not currently covered in HDR's budget.

Once you've had a chance to consider these questions, and perhaps discuss them CSXT, I would be happy to speak about them over the phone.

Thanks,

Dave

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