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September 30, 2013

Mrs. Victoria Rutson
Director, Office of Environmental Analysis
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423

Re: Docket No. FD-35523, *CSX Transportation, Inc. –Joint Use—Louisville & Indiana Railroad Company, Inc.*

Dear Mrs. Rutson:

On July 2, 2013, CSX Transportation, Inc. ("CSXT") and the Louisville & Indiana Railroad Company, Inc. ("L&I") filed an application pursuant to 49 U.S.C. §11323(a)(6) and 49 C.F.R. Part 1180 (the "Application") seeking approval from the Surface Transportation Board (the "Board") for the joint use by CSXT and L&I of L&I's 106.5-mile railroad line between its connection with CSXT in Indianapolis, IN, milepost 4.0±, and its connection with CSXT in Louisville, KY, milepost 110.5±, including designated sidings and turnouts (the "Line"). In order to jointly use the Line with L&I, CSXT seeks authority to acquire and jointly use a perpetual non-exclusive freight railroad operating easement over the Line (the "Easement"). The joint use and acquisition of the easement is referred to as the "Proposed Transaction." CSXT and L&I are collectively referred to as the "Applicants." On August 30, 2013, the Board's Office of Environmental Assessment ("OEA") served a Draft Environmental Assessment ("Draft EA"). In the Draft EA, OEA encouraged comments on the recommended mitigation measures. Below are CSXT's comments on the recommended mitigation measures.

There are several mandatory mitigation measures ("MMM") that are somewhat duplicative of the voluntary mitigation measures proposed by CSXT. While the mandatory mitigation measures and voluntary mitigation measures require the same outcome, the phrasing of each measure is slightly different, thus requiring compliance with both conditions. CSXT is willing to adopt many of OEA's the duplicative mandatory mitigation measures to remove the duplicative effect.

MMM 1 duplicates portions of voluntary mitigation measures ("VM") 4 and 35. Voluntary Mitigation measures 4 and 35 do not use the same wording as MMM (Grade Crossing Mitigation Plan) but lay out a grade crossing mitigation plan nonetheless. MMM 1 does not expand how to address the potential safety impacts at public at-grade crossings beyond the measures described in VMs 4 and 35. MMM 1 adds a timeframe for the initial meetings between Applicants and INDPT and KYTC. Applicants are willing to adopt the time timeframe in MMM 1 with regard to INDPT and KYTC.

Applicants believe that MMM 2 is a subset of VM 34 and is unnecessary. MMM 2 requires that the siding extensions and new sidings be located and designed to minimize blockage of public at-grade crossings. VM 34 generally requires Applicants to identify ways to reduce highway/rail at-grade crossings. The general language in VM 34 also covers the more limited condition in MMM 2.

MMM 5 duplicates the language and cooperative requirements of VM 5 with regard to schools and park districts, but adds residential communities to the list of parties. Applicants are willing to cooperate with residential communities to identify at-grade crossings where additional pedestrian warning devices may be warranted.

MMM 6 duplicates the purpose of VM 2 to advise motorists of the increase in number, length and speed of trains on the Line associated with the Proposed Transaction. MMM 6 and VM 2 both require Applicants to coordinate with the appropriate state departments of transportation, appropriate counties and affected communities to install temporary notification signs or message boards along the Line's right-of-way advising of the increase in number, length and speed of the trains on the Line. MMM 6 and VM 2 differ on what triggers the notice requirement. Applicants are willing to adopt OEA's language but believe that "Transaction-related train traffic" should be more clearly defined as when train traffic associated with the upgrade begins to move over the Line.

MMM 6 also includes written notification to OEA of when signage is installed and a newspaper publication requirement. Applicants are willing to comply with the written notification and newspaper publication requirements.

CSXT contends that MMM 14 should be limited to (1) the Flatrock River Railroad Bridge, which the Indiana SHPO has suggested may be eligible for inclusion on the Historic Register, and (2) the areas where a siding could be extended or new siding built. The Draft EA states that the Indiana SHPO identified eight archaeological sites and six cemeteries that have been recorded adjacent to the Line, and raised concern about the potential presence of previously unknown archaeological sites. If ground disturbing activities do occur, such activities will occur within the railroad right-of-way at the locations of the Elvin and Brook sidings and the proposed Crothersville and Underwood sidings.

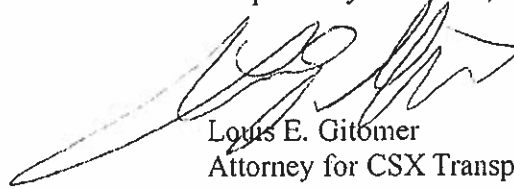
Applicants also believe that mitigation measure 4 should be limited to the Schneck Medical Center and the Seymour fire departments. The Hamilton Fire Station is no longer located at 414 W 2nd Street in Seymour. Applicants sent the Draft EA to the Hamilton Fire Station at 414 W. 2nd Street in Seymour via FedEx. FedEx conveyed to Applicants that the Fire Station was not located at this address. Applicants then sent the Draft EA to an address listed for the Hamilton Fire Station in Courtland, IN. That package was also returned. Applicants could not find an address for the Hamilton Fire Station within 2 miles of the line. Based on additional

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research, the Hamilton Fire Station maybe located at 6843 N 400 E, Seymour, IN. This location is more than 2 miles from the Line and from Schneck Medical Center.

Finally, CSXT recommends that the Final EA clarify that the extension of the Elvin and Brook sidings and the construction of the Crothersville and Underwood sidings will only occur if necessary. If volume warrant and at the sole discretion of the Applicants, L&I or its contractor will extend the existing sidings at Elvin and/or Brook and/or add capacity via construction of new sidings at Crothersville and/or Underwood. The exact siding locations will be determined based on operating needs and to minimize impact on highway crossings.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Louis E. Gitomer', is written over a faint, light-colored signature line.

Louis E. Gitomer
Attorney for CSX Transportation, Inc.