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August 12, 2016

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

Re: **Finance Docket No. 35523, CSX Transportation, Inc. –Joint Use –Louisville & Indiana Railroad Company - Semi-Annual Report No. 2**

Dear Mrs. Rutson:

Pursuant to voluntary mitigation measure (“VM”) 62 and mandatory mitigation measure (“MM”) 23 imposed by the Surface Transportation Board (the “Board”) in *CSX Transportation, Inc. –Joint Use –Louisville & Indiana Railroad Company, Inc.* Docket No. FD 35523 (served April 10, 2015) (the “*Decision*”), CSX Transportation, Inc. (“CSXT”) and the Louisville & Indiana Railroad Company (“L&I” and together with CSXT, the “Applicants”) are submitting their second semi-annual report on the progress of, implementation of, and compliance with the mitigation measures for the period of January 1, 2016 through June 30, 2016. The Upgrade is not required to be completed until June 17, 2022.

CSXT acquired the easement over the 106.5-mile railroad line between L&I’s connection with CSXT in Indianapolis, Ind., at milepost 4.0±, and L&I’s connection with CSXT in Louisville, Ky., at milepost 110.5± (the “L&I Line”) on June 17, 2015 (the “Transaction”). Pursuant to the terms of the Transaction, L&I is responsible for conducting all construction related to the Upgrade on the L&I Line.

Enclosed is an Excel spreadsheet that lists each specific mitigation measures (62 VM and 23 MM), the implementation deadline for each (if any), the process, and the status of implementation. Below is a detailed description of activities between January 1, 2016 through June 30, 2016 concerning the Upgrade/Construction, Operations, and other issues related to the Transaction.

In compliance with VM 62, the period for the third semi-annual report will end on December 31, 2016.

Upgrade/Construction.

As required by the conditions imposed in the *Decision*, specific provisions in the contracts entered with contractors that perform the Upgrade work require them to comply with VM 1-29 and MM 9-13.

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Between January 1, 2016 and June 30, 2016, jointed rail was replaced with 136# continuous welded rail from milepost 75.8 to milepost 97.05 on the East Rail and from milepost 75.8 to milepost 97.6 on the West Rail.

Operations.

As of the closing date for this report, no Transaction related traffic has moved over the L&I Line.

Training.

At the request of Clark County, in March 2016, training was provided to emergency response organizations including hazardous material training.

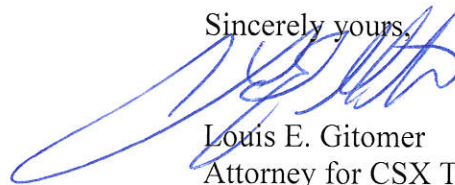
Notification.

Pursuant to MM 8, as of June 29, notification signage was installed between Seymour and Jeffersonville in anticipation of operational changes on this segment of track around September 1, 2016

Pursuant to MM 23, a copy of this letter and the Excel spreadsheet of the semi-annual report have been served on each Mayor on the L&I Line.

If you have any questions, please contact me.

Sincerely yours,



Louis E. Gitomer
Attorney for CSX Transportation, Inc.

Enclosure

FD-35523 Second Semi-Annual Report on Mitigation Measures as of June 30, 2016

Number	Description	Implementation Deadline	Process	Status
VM 1	Where transaction-related grade-crossing rehabilitation is mutually agreed to by Applicants and the Indiana Department of Transportation (INDOT), Applicants will assure that rehabilitated roadway approaches and rail line crossings meet or exceed INDOT's rules, guidelines, or statutes, and the American Railway Engineering and Maintenance of Way Association (AREMA) standards, with a goal of eliminating rough or humped crossings to the extent reasonably practicable.	Fall 2015 for MP 56 to MP 76, all in Indiana (the "2015 Construction"). First half of 2016 for milepost 75.8 to milepost 97.6 (the "First Half 2016 Construction")	Scheduled and ongoing	Highway grade crossing renewal work was completed for all crossings between MP 56 and MP 76 in 2015 as part of the L&I's Track Upgrade Program. Coordination with the local road authority was maintained to assure a smooth transition and compliance with INDOT and AREMA guidelines. The grade crossings received new crossing boards and new asphalt pavement surface. A total of thirty (30) crossings were reworked. As of June 30, 2016, new 136# CWR was laid from MP 75.8 to MP 97.05 on the East Rail and from MP 75.8 to MP 97.6 on the West Rail. Grade crossing rehabilitation has not been completed.
VM 2	Within six months of acquisition of a freight easement over the L&I Line, Applicants will consult with affected communities to improve visibility at highway rail at-grade crossings by clearing vegetation and other obstructions.	1/1/2016	Ongoing	LIRC has completed sight line visibility improvements at all highway at-grade crossings between MP 56 and MP 76 by removing excess vegetation and undergrowth in all four crossing quadrants for a distance of 500' parallel to the track from the near edge of the crossing surface equipped with electronic warning devices and for a distance of 1500' parallel to the track from the near edge of the highway surface for all other grade crossings as part of their 2015 Track Upgrade Program. A vegetation Clearance plan is under development. A similar sight line visibility improvement program along the First Half 2016 Construction began on June 22, 2016 but as of June 30, 2016, no new work has been completed.
VM 3	Applicants will adhere to all applicable Federal Occupational Safety and Health Administration (OSHA), Federal Railroad Administration (FRA), and state construction and operational safety regulations to minimize the potential for accidents and incidents on the L&I Line.	Prior to beginning all work.	Ongoing	Applicants adhere to all applicable Federal Occupational Safety and Health Administration (OSHA), FRA, and state construction and operational safety regulations to minimize the potential for accidents and incidents on the Line. CSXT conducts random operational testing of it's employees to ensure they are performing according to those guidelines. All workers on the L&I Track Upgrade Project are trained in Roadway Worker Protection rules and start each day with a Safety meeting. All work for the 2015 Track Upgrade Program was completed with zero FRA reportable injuries. All work completed though June 30, 2016 was completed with zero FRA reportable injuries.

VM 4	In undertaking Transaction-related construction activities, Applicants will use practices recommended by AREMA and recommended standards for track construction in the AREMA Manual for Railway Engineering.	Prior to beginning all work.	Ongoing	LIRC has established Track design and construction standards which meet or exceed AREMA standards and are circulated to all parties performing related work activities. The work performed as part of the 2015 Track Upgrade Program adhered to these standards. This work was part of the 2015 Track Upgrade Program and included the installation of twenty (20) miles of new 136# CWR (Continuous Welded Rail), the installation of 10,879 new timber crossties within the twenty mile segment and the surfacing of the track behind the CWR and Crosstie installation. In addition to the track work approximately five (5) miles of railroad embankment was widened within the railroad Right-of-Way limits to provide better support for the track. The First Half 2016 Construction adhered to the standards identified above.
VM 5	During Transaction-related construction concerning at-grade crossings, when reasonably practicable, Applicants will consult with INDOT and the Kentucky Transportation Cabinet (KYTC) regarding detours and associated signage, as appropriate, or maintain at least one open lane of traffic at all times to allow for the quick passage of emergency and other vehicles.	Prior to beginning all work.	Ongoing for first half of 2016 for milepost 75.8 to milepost 104.8	L&I has established Track design and construction standards which meet or exceed AREMA standards and are circulated to all parties performing related work activities. The work performed as part of the 2015 Track Upgrade Program adhered to these standards. This work was part of the 2015 Track Upgrade Program and included the installation of twenty (20) miles of new 136 pound CWR (Continuous Welded Rail), the installation of 10,879 new timber crossties within the twenty mile segment and the surfacing of the track behind the CWR and Crosstie installation. In addition to the track work approximately five (5) miles of railroad embankment was widened within the railroad Right-of-Way limits to provide better support for the track. The First Half 2016 Construction adhered to the standards identified above.
VM 6	Applicants will minimize temporary road closures during construction activities associated with the rail line upgrade and siding extension. Applicants will manage construction schedules to: • Minimize highway/rail at-grade crossing closures; and • Relay highway/rail at-grade crossing closure schedules to local emergency service providers.	Prior to beginning all work.	Ongoing	Highway grade crossing renewal work was completed for all crossings between MP 56 & MP 76 in 2015 as part of the L&I's Track Upgrade Program. Coordination with the local road authority was maintained to assure a smooth transition and compliance with INDOT and AREMA guidelines. The grade crossings received new crossing boards and new asphalt pavement surface. A total of thirty (30) crossings were reworked. LIRC has established Track design and construction standards which meet or exceed AREMA standards and are circulated to all parties performing related work activities. The work performed as part of the 2015 Track Upgrade Program adhered to these standards. This work was part of the 2015 Track Upgrade Program and included the installation of twenty (20) miles of new 136# CWR (Continuous Welded Rail), the installation of 10,879 new timber crossties within the twenty mile segment and the surfacing of the track behind the CWR and Crosstie installation. In addition to the track work approximately five (5) miles of railroad embankment was widened within the railroad Right-of-Way limits to provide better support for the track. The First Half 2016 Construction minimized highway/rail at-grade crossing closures.

VM 7	To the extent reasonably practicable, Applicants will confine construction traffic to a temporary access road within the construction right-of-way or established public roads. Where traffic cannot be confined to temporary access roads or established public roads, Applicants will make necessary arrangements with landowners to gain access from private roadways. The temporary access roads will be used only during project-related construction. Any temporary access roads constructed outside the rail line right-of-way will be removed and restored upon completion of construction unless otherwise agreed to with the landowners.	Prior to beginning all work.	Ongoing	Highway grade crossing renewal work was completed for all crossings between MP 56 & MP 76 in 2015 as part of the L&I's Track Upgrade Program. Coordination with the local road authority was maintained to assure a smooth transition and compliance with INDOT and AREMA guidelines. The grade crossings received new crossing boards and new asphalt pavement surface. A total of thirty (30) crossings were reworked. LIRC has established Track design and construction standards which meet or exceed AREMA standards and are circulated to all parties performing related work activities. The work performed as part of the 2015 Track Upgrade Program adhered to these standards. This work was part of the 2015 Track Upgrade Program and included the installation of twenty (20) miles of new 136# CWR (Continuous Welded Rail), the installation of 10,879 new timber crossties within the twenty mile segment and the surfacing of the track behind the CWR and Crosstie installation. In addition to the track work approximately five (5) miles of railroad embankment was widened within the railroad Right-of-Way limits to provide better support for the track. The First Half 2016 Construction traffic was confined to the LIRC right-of-way and public roads.
VM 8	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.	Prior to beginning all work.	Ongoing	A Waters of the US determination was made for all watercourse crossings in the project. 401 WQC and 404 permit submittals were submitted (Permits Pending) to USACE and IDEM. For the 404 application (USACE), impacts over 1 acre of wetland will require mitigation and an Individual permit. For the 401 application (IDEM), an individual WQC will be required if impacts are over 0.1 acre. Wetland impacts over 0.1 acre will likely require mitigation. USACE & IDEM permits were obtained for all work performed within the limits of the First Half 2016 Construction.
VM 9	To minimize sedimentation into streams and waterways during construction, Applicants will use Best Management Practices (BMPs), such as silt fences and straw bale dikes, to minimize soil erosion, sedimentation, runoff, and surface instability during Transaction-related construction activities. Applicants will seek to disturb the smallest area possible around any streams and will conduct reseeding efforts to ensure proper revegetation of disturbed areas as soon as reasonably practicable following Transaction-related construction activities.	Prior to beginning all work.	Ongoing	A Storm Water Pollution Prevention Plan (SWP3) will be prepared and submitted in order to obtain an IDEM Rule 5 permit.
VM 10	In order to control erosion, with respect to jurisdictional waters of the U.S., Applicants will establish staging and lay down areas for Transaction-related construction material and equipment in accord with the requirements of permits issued by the USACE and in areas that are not environmentally sensitive. Applicants will not clear any vegetation between the staging area and the waterway or wetlands. To the extent reasonably practicable, areas with non-jurisdictional isolated waters will not be used for staging and lay down and will only be impacted when necessary for construction. When Transaction-related construction activities, such as culvert and bridgework, require work in streambeds, Applicants will conduct these activities, to the extent reasonably practicable, during low-flow conditions.	Prior to beginning all work.	Ongoing	All temporary and permanent impacts were included with the 401/404 submittals. Contractors were briefed to not use non-jurisdictional isolated waters for staging and lay-down to the extent practically reasonable.

VM 11	During Transaction-related construction activities, Applicants will require all contractors to use BMPs, including daily inspections of all equipment for any fuel, lube oil, hydraulic, or antifreeze leaks. If leaks are found, Applicants will require the contractor to immediately remove the equipment from service and repair or replace it.	Prior to beginning all work.	Ongoing	BMP's will be identified as a part of the SWP3 and becomes a requirement of the permit by rule. Any violation of the permit will be subject to enforcement actions and penalties.
VM 12	Applicants will employ BMPs to control turbidity and disturbance to bottom sediments of surface waters during Transaction-related construction. Applicants will implement BMPs in wetlands or other waters of the U.S. to avoid adverse downstream impacts on fish, mussels, and other aquatic biota.	Prior to beginning all work.	Ongoing	BMP's will be implemented and outlined with the permit applications.
VM 13	During Transaction-related construction, Applicants will prohibit construction vehicles from driving in or crossing streams at other than established crossing points unless approved by appropriate federal or state permits.	Prior to beginning all work.	Ongoing	All planned temporary crossings will be considered with permit applications as temporary impacts. If a construction vehicle drives in or crosses a stream at other than established crossing points in the permit it will be subject to enforcement actions and penalties.
VM 14	During Transaction-related construction activities, Applicants will, to the extent reasonably practicable and consistent with BMPs, ensure that any fill placed below the ordinary high water line of wetlands and streams is appropriate material selected to minimize impacts to the wetlands and streams. All stream crossing points will be returned to their pre-construction contours to the extent reasonably practicable and the crossing banks will be reseeded or replanted with native species immediately following project-related construction.	Prior to beginning all work.	Ongoing	Permanent and temporary impacts will be included with all permit submittals. Terms and conditions are placed in the permits by the agencies with requirements for during and after construction.
VM 15	Applicants will obtain a National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit from U.S. Environmental Protection Agency (USEPA) or appropriate state agencies for Transaction-related construction activities that warrant such compliance.	Prior to beginning all work.	Ongoing	An IDEM Rule 5 permit will be obtained and most likely approved by each county impacted by the project. In Indiana, construction projects subject to Rule 5 are administered through a general permit. A general permit is a permit by rule, and as such it is not "issued" in the same manner as an individual NPDES permit would be issued. IDEM permits have been obtained for the First Half 2016 Construction.
VM 16	Prior to any Transaction-related construction activities, Applicants will comply with any regulations required in the preparation of a construction Stormwater Pollution Prevention Plan.	Prior to beginning all work.	Ongoing	A Stormwater Pollution Prevention Plan ("SWP3") will be prepared and included with the IDEM Rule 5 permit submittal.
VM 17	Before beginning any Transaction-related construction activity, Applicants will survey all suitable habitats potentially impacted by the construction activity for state-listed threatened or endangered plant species. If any listed plant species are located, Applicants will implement a mitigation plan in consultation with the appropriate federal and state agencies.	Prior to beginning all work.	Ongoing	The list of Endangered, Threatened, and Rare (ETR) Species by County will be reviewed. Coordination with federal and state agencies will occur in order to determine whether or not suitable habitat exists within the project limits. Survey may be required based upon said coordination.
VM 18	In order to avoid a take of the federally endangered Indiana bat, Applicants will not clear trees during its roosting period (April 1 – September 30).	Whenever contracts are prepared the language will be included	Ongoing	This stipulation will be included in all contracts for work within the ROW.
VM 19	During Transaction-related construction, temporary barricades, fencing, and/or flagging will be used in sensitive habitats to contain construction-related impacts to the area within the existing right-of-way.	During Transaction-related construction	Ongoing	These provisions will be provided for on all design plans for construction activities.
VM 20	Applicants will employ BMPs to implement their current noxious weed control program during construction and operation of Transaction-related potential siding extensions. Applicants will only use herbicides that have been approved by USEPA.		Ongoing	L&I will minimize the use of herbicides to the extent possible.

VM 21	To minimize fugitive dust emissions created during Transaction-related construction activities, Applicants will implement appropriate fugitive dust suppression controls, such as spraying water or other approved measures. Applicants will also regularly operate water trucks on haul roads to reduce dust.	During Transaction-related construction	Ongoing	These provisions will be provided for on all design plans for construction activities.
VM 22	Applicants will work with their contractors to make sure that Transaction-related construction equipment is properly maintained and that mufflers and other required pollution-control devices are in working condition in order to limit construction-related air emissions.	Whenever contracts are prepared the language will be included	Ongoing	Compliance with this provision is included in all contracts for work within the ROW.
VM 23	Applicants will consult with affected communities and work with the construction contractors to minimize, to the extent reasonably practicable, Transaction-related construction noise disturbances near any residential areas.		Ongoing	Applicants have consulted with affected communities. Compliance with this provision is included in all contracts to ensure that the contractor's activities are performed as efficiently as possible to minimize the noise disturbances.
VM 24	Applicants will commence reclamation of disturbed areas as soon as reasonably practicable after Transaction-related construction ends along a particular stretch of the L&I Line. The goal of reclamation will be the rapid and permanent reestablishment of native ground cover on disturbed areas. If weather or season precludes the prompt reestablishment of vegetation, Applicants will use measures such as mulching or erosion control blankets to prevent erosion until reseeded can be completed.		Ongoing	L&I has provisions in the contract documents for reseeding and planting of new trees in the areas of construction.
VM 25	Applicants will limit ground disturbance to only the areas necessary for Transaction-related construction activities.		Ongoing	L&I complied for the work completed by December 31, 2015. The agreements with contractors require compliance with this provision.
VM 26	Applicants will review the limits of land disturbance prior to Transaction-related construction to determine whether any U.S. Department of Commerce, National Geodetic Survey monuments (that is, a government-owned permanent survey marker) would be disturbed. If any survey monuments would be disturbed, Applicants will give a 90-day notification to the National Geodetic Survey.		Ongoing	Prior to construction between MP 56 and MP 76 and also the First Half 2016 Construction, L&I determined that no National Geodetic Survey monuments would be disturbed.
VM 27	Applicants will require contractors to dispose of waste generated during Transaction-related construction activities in accordance with all applicable federal, state, and local regulations.		Fall 2015 for 2015 Construction Ongoing for First Half 2016 Construction	L&I's contract documents require the contractors to completely remove all released materials from the railroad ROW and dispose of in accordance with Federal, State and Local regulations.
VM 28	Applicants will make reasonable efforts to identify all utilities that have agreements with either Applicant and that are reasonably expected to be materially affected by Transaction-related construction within their existing right-of-way or that cross their existing right-of-way. Applicants will notify the owner of each such utility identified prior to commencing Transaction-related construction activities and will coordinate with the owner to minimize damage to utilities. Applicants will also consult with utility owners to ensure that utilities are reasonably protected during Transaction-related construction activities.		Ongoing for First Half 2016 Construction	

VM 29	During Transaction-related construction activity, Applicants will take reasonable steps to ensure contractors use fill material appropriate and in accordance with applicable regulations for the project area.		Ongoing for First Half 2016 Construction	L&I's contractors used Clean No. 2 Limestone for embankment work in 2015 and for First Half 2016 Construction.
	The following VMs apply to rail line operations. Unless otherwise specified below, L&I shall apply these VMs to rail operations on the L&I Line, and CSXT shall apply these VMs to rail operations on the Indianapolis Line Subdivision, Indianapolis Terminal Subdivision – Louisville Secondary Branch, and Louisville Connection.			
VM 30	Applicants will install power switches along the L&I Line, 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 rail traffic and reduce the likelihood of such blockages.		Ongoing	Transaction related traffic has not begun to move over the L&I Line.
VM 31	Applicants will examine train operations to identify reasonable ways to reduce highway/rail at-grade crossing blockages.		Ongoing	Transaction related traffic has not begun to move over the L&I Line.
VM 32	Applicants will cooperate with the appropriate state and local agencies and municipalities to: • Evaluate the possibility that roadways listed in the Supplemental EA, Appendix B, Attachment B-3 and Draft EA, Appendix C, Table C-1 could be closed at the point where they cross the Indianapolis Line Subdivision, Indianapolis Terminal Subdivision – Louisville Secondary Branch, Louisville Connection or L&I Line to eliminate the at-grade crossings; • Improve or identify modifications to roadways that would reduce vehicle delays by improving roadway capacity over the crossing by construction of additional lanes; • Assist in a survey of highway/rail at-grade crossings for a determination of the adequacy of existing grade crossing signal systems, signage, roadway striping, traffic signaling inter-ties, and curbs and medians; and • Identify conditions and roadway, signal, and warning device configurations that may trap vehicles between warning device gates on or near the highway/rail at-grade crossing.			Between April 14, 2015, and July 16, 2015, Applicants met with State and Local agencies to discuss highway/rail at-grade crossings. In a letter to OEA dated October 7, 2015, Applicants provided an initial Grade Crossing Mitigation Plan and a summary of all meetings with State and Local agencies regarding highway/rail at-grade crossings. Current and in process.
VM 33	Applicants will coordinate with INDOT, Ohio Department of Transportation (ODOT), or KYTC, as appropriate and, counties and affected communities along the L&I Line, Indianapolis Line Subdivision, Indianapolis Terminal Subdivision – Louisville Secondary Branch, and Louisville Connection to install temporary notification signs or message boards, where warranted, in railroad ROW at highway/rail at-grade crossings, clearly advising motorists of the increase in train traffic on affected rail line segments. The format and lettering of these signs will comply with the Federal Highway Administration's (FHWA's) Manual on Uniform Traffic Control Devices (FHWA 2012) and will be in place no less than 30 days before and 6 months after Applicants' initiate operational changes associated with the Proposed Transaction.			Transaction related traffic has not begun to move over the L&I Line. As of June 29, the required signage was installed between Seymour and Jeffersonville in anticipation for operational changes on this segment of track around September 1, 2016.

VM 34	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.	10-Oct-15	Complete	Between April 14, 2015, and July 16, 2015, Applicants met with State and Local agencies to discuss highway/rail at-grade crossings. In a letter to OEA dated October 7, 2015, Applicants provided an initial Grade Crossing Mitigation Plan and a summary of all meetings with State and Local agencies regarding highway/rail at-grade crossings. Current and in process.
VM 35	Within 6 months of Applicants' initiating operational changes associated with the Proposed Transaction, Applicants will cooperate with residential communities, schools and park districts to identify at grade crossings where additional pedestrian warning devices may be warranted.	Within 6 months of operational changes associated with the Proposed Transaction		No Transaction related operating changes have occurred. In progress.
VM 36	For up to 3 years from the date that Applicants' initiate operational changes associated with the Proposed Transaction, CSXT will make Operation Lifesaver® programs available to communities, schools, and other appropriate organizations located along the L&I Line, Indianapolis Line Subdivision, Indianapolis Terminal Subdivision - Louisville Secondary Branch, and Louisville Connection.	Within 6 months of operational changes associated with the Proposed Transaction		No Transaction related operating changes have occurred. All communities (schools, first responders, various clubs) have been reached out to as it relates to Operation Lifesaver®. Not all have accepted the offer as of yet.
VM 37	For each of the public grade crossings on the L&I Line, Indianapolis Line Subdivision, Indianapolis Terminal Subdivision - Louisville Secondary Branch, and Louisville Connection, CSXT will provide and maintain permanent signs prominently displaying both a toll-free telephone number and a unique grade-crossing identification number in compliance with Federal Highway Administration regulations (23 Code of Federal Regulations [C.F.R.] Part 655). The toll-free number will enable drivers to report accidents, malfunctioning warning devices, stalled vehicles, or other dangerous conditions and will be answered 24 hours per day by Applicants' personnel.		Complete	Completed in 2015.
VM 38	Applicants will continue ongoing efforts with community officials to identify elementary, middle, and high schools within 0.5 mile of the L&I Line, Indianapolis Line Subdivision, Indianapolis Terminal Subdivision - Louisville Secondary Branch, and Louisville Connection ROW and provide, upon request, informational materials concerning railroad safety to such identified schools.			No Transaction related operating changes have occurred. In 2015 all school districts were provided materials and those that requested received a presentation. No presentations made in the first six months of 2016.
VM 39	Applicants will consult with state departments of transportation and other appropriate agencies and will abide by the reasonable requirements of INDOT, ODOT, and KYTC prior to constructing, relocating, upgrading, or modifying highway/rail at-grade crossing warning devices on the L&I Line, Indianapolis Line Subdivision, Indianapolis Terminal Subdivision - Louisville Secondary Branch, and Louisville Connection.			No Transaction related operating changes have occurred. Meetings were held in the first half of 2016 with INDOT Rail Office and the following communities; Greenwood, Franklin, Edinburgh, Seymour, Austin, Scottsburg and Johnson County and Sellersburg City Council. Potential grade crossing projects reviewed on site with INDOT Rail Office Code of Enforcement. Grade crossing inventory reviewed and updated.
VM 40	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 L&I Line, 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.			No Transaction related operating changes have occurred. Clark County Hazmat team requested and received training in March 2016. Next training session scheduled for September 2016 which includes multiple agencies along the LIRC line.

VM 41	Applicants will comply with the current Association of American Railroads (AAR) "key train" guidelines, found in AAR Circular No. OT-55-N (2013), and any subsequent revisions.		Ongoing	No Transaction related operating changes have occurred. CSXT complies with "key train" operating guidelines found in AAR Circular No. OT-55-1 and any subsequent revisions.
VM 42	Applicants will comply with all hazardous materials regulations of the U.S. Department of Transportation (including FRA and the U.S. Pipeline and Hazardous Materials Safety Administration) and Department of Homeland Security (including the Transportation Security Administration). Applicants will dispose of all hazardous materials that cannot be reused in accordance with applicable law.		Ongoing	No Transaction related operating changes have occurred.
VM 43	Upon request from local emergency response organizations, Applicants will implement real-time or desktop simulation emergency response drills with the voluntary participation of local emergency response organizations.		Ongoing	No Transaction related operating changes have occurred. As of December 31, 2015, no requests from local response organizations has been received. Clark County requested and received training in March 2016. Clark County and Columbus requested and will receive training in September 2016.
VM 44	Applicants will continue their ongoing efforts with community officials to identify the public emergency response teams located along the L&I Line, Indianapolis Line Subdivision, Indianapolis Terminal Subdivision – Louisville Secondary Branch, and Louisville Connection, and will provide, upon request, hazardous material training.			No Transaction related operating changes have occurred. As of December 31, 2015, no requests from local response organizations has been received. Clark County requested and received training in March 2016. Clark County and Columbus requested and will receive training in September 2016.
VM 45	Applicants will, upon request, conduct Transportation Community Awareness and Emergency Response Program workshops (training for communities through which hazardous materials are transported) in communities along the L&I Line, Indianapolis Line Subdivision, Indianapolis Terminal Subdivision – Louisville Secondary Branch, and Louisville Connection.			No Transaction related operating changes have occurred. As of June 30, 2016, no requests from local response organizations has been received.
VM 46	Applicants will develop internal transportation emergency response plans to allow for agencies to be notified in an emergency, and to locate and inventory the appropriate emergency equipment. Applicants will provide the transportation emergency response plans to the relevant state and local authorities within 6 months of acquisition of a freight easement over the L&I Line.		Ongoing	In progress.
VM 47	Applicants will incorporate the L&I Line into their existing Transportation Emergency Response Plan (TERP).	17-Jun-15		No Transaction related operating changes have occurred.

VM 48	In accordance with their TERPs, Applicants will make the required notifications to the appropriate federal and state environmental agencies in the event of a reportable hazardous materials release. Applicants will work with appropriate agencies such as U.S. Fish and Wildlife Service (USFWS), Indiana Department of Environmental Management (INDEM), Ohio Environmental Protection Agency, and Kentucky Department for Environmental Protection to respond to and remediate hazardous materials releases with the potential to affect wetlands or wildlife habitat(s), particularly those of federally threatened or endangered species. Applicants will adhere to all U.S. Environmental Protection Agency (USEPA) regulations described in 40 C.F.R. Part 263 and will coordinate with USEPA, state agencies, and local agencies on spill responses.			No emergencies involving Hazardous Materials have occurred on the L&I Line as of June 30, 2016.
VM 49	Applicants will notify appropriate Emergency Services Dispatching Centers on the L&I Line, Indianapolis Line Subdivision, Indianapolis Terminal Subdivision – Louisville Secondary Branch, and Louisville Connection of all crossings blocked by trains that are stopped and may be unable to move for a significant period of time. Applicants will work with affected communities to minimize emergency vehicle delay by maintaining facilities for emergency communication with local Emergency Response Centers through a dedicated toll-free telephone number.			No transaction related trains have stopped or been unable to move for a significant period of time as of December 31, 2015.
VM 50	Applicants will maintain drainage ditches typical of railroad drainage ditches to provide stormwater retention and treatment in accordance with NPDES requirements. Removal of accumulated sediments will be conducted only as necessary to maintain stormwater retention capacity and function.		Ongoing for first half of 2016 for milepost 75.8 to milepost 104.8	L&I is maintaining existing drainage ditches and improving existing culverts to maintain drainage conditions.
VM 51	Applicants will ensure that any herbicides used in right-of-way maintenance to control vegetation are approved by USEPA and are applied by licensed individuals. Application will be limited to the extent necessary for rail operations. Herbicides will be applied so as to prevent or minimize drift off of the right-of-way onto adjacent areas.		Ongoing	L&I uses a certified vegetation control contractor to apply approved herbicides within the L&I Line.
VM 52	Applicants, to the extent reasonably practicable, will adopt efficient fuel saving practices that may include a range of operating practices that will help reduce locomotive emissions, such as shutting down locomotives when not in use and when temperatures are above 40 degrees.			No Transaction related operating changes have occurred.
VM 53	Applicants will comply with USEPA emissions standards for diesel-electric railroad locomotives (40 C.F.R. Part 92) when purchasing and rebuilding locomotives.		Ongoing	In compliance. Every locomotive built after October 29, 2007 must not have an average noise level above 85dB. The OEM is responsible for testing and ensuring that the locomotives meet this standard out of the factory.
VM 54	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.	Once Transaction related traffic begins to move.		No Transaction related traffic has begun to move over the Lines. CSXT currently investigates noise complaints and performs necessary mitigation on rails to minimize noise.

VM 55	Applicants will cooperate with interested communities along the L&I Line, Indianapolis Line Subdivision, Indianapolis Terminal Subdivision – Louisville Secondary Branch, and Louisville Connection for the establishment of quiet zones (QZs) and assist in identifying supplemental or alternative safety measures, practical operational methods, or technologies that may enable the community to establish QZs. *		Ongoing	In meeting between April 14, 2015 and July 16, 2015, with State and local agencies and officials, CSXT handed out Quiet Zone pamphlets and discussed various funding grants and that the railroads would support community efforts in obtaining such grants.
VM 56	Applicants will work with their contractors to maintain Transaction-related maintenance vehicles in good-working order with properly functioning mufflers to control noise.		Ongoing	L&I's contractors' vehicles are compliant with exhaust emission standards and have properly functioning mufflers, as required by contract.
VM 57	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; • Inspecting new and existing rail for rough surfaces and, where appropriate, grinding these surfaces to provide a smooth rail surface during operations; • Regularly maintaining locomotives and keeping mufflers in good working order.		Ongoing	Applicants currently comply with these procedures include: Inspecting rail car wheels to maintain wheels in good working order and minimize the development of wheel flats; Inspecting new and existing rail for rough surfaces and, where appropriate, grinding these surfaces to provide a smooth rail surface during operations; Regularly maintaining locomotives, and keeping mufflers in good working order; and removing or consolidating switches determined to no longer be needed.
VM 58	Applicants will comply with FRA regulations establishing decibel limits for train operations.		Ongoing	Every locomotive built after October 29, 2007 must not have an average noise level above 85dB. The OEM is responsible for testing and ensuring that the locomotives meet this standard out of the factory. CSXT performs a one time test on train horns to ensure they meet FRA guidelines.
VM 59	To minimize noise and vibration, Applicants will install and maintain rail and rail beds according to AREMA standards.		Ongoing for first half of 2016 for milepost 75.8 to milepost 104.8	L&I installed new 136# CWR and crossties and surface track between MP 56 ad MP 76. As of June 30, 2016, new 136# CWR was laid from MP 75.8 to MP 97.05 on the East Rail and from MP 75.8 to MP 97.6 on the West Rail.
VM 60	Upon request, Applicants will consult with communities affected by wheel squeal at existing locations on the L&I Line, Indianapolis Line Subdivision, Indianapolis Terminal Subdivision – Louisville Secondary Branch, and Louisville Connection, and cooperate in determining the most appropriate methods for implementing VM 57.		Ongoing	As of June 30, 2016 no requests have been made to discuss the noise created by wheel squeal.

VM 61	Because the residential neighborhoods adjacent to the Indianapolis Terminal Subdivision – Louisville Secondary Branch in Indianapolis, Indiana, would experience potentially adverse noise impacts from increased train activity associated with the Proposed Transaction, CSXT will host two meetings in the subject neighborhoods to explain the increased train activity and solicit community concerns about the increases in train-related noise. CSXT will schedule the meetings within 6 months of Applicants executing the Transaction agreement and will publicize the meetings in advance. Within 60 days after the meetings are held, CSXT will provide a meeting report to the Board's Office of Environmental Analysis (OEA) and any meeting attendees who request it. The report will specify CSXT's responses to the concerns raised at the meetings.	17-Jun-15	Complete Meetings occurred on November 11, 2015 and November 12, 2015	The meetings were advertised in the Southsider Voice a local community paper that covers the Southside of Indianapolis. The ads ran in the November 4th and November 11th editions of the paper. In addition, Jason Holder, CSXT Community Relations and Safety Manager, distributed the public meeting notice directly to neighbors and community leaders via email. CSXT hosted two public meetings at the Enmerich Manual High School located at 2405 Madison Avenue Indianapolis, Indiana 46255 on November 11th and 12th 2015 from 6:30 p.m. to 8:30 p.m. CSX representatives were on hand to provide an overview of planned upgrades to the L&I route from Louisville to Indianapolis, explain potential future changes in train activity and to listen to community members' questions and solicit feedback utilizing the comment cards. A report on the meetings was sent to the OEA on January 12, 2016.
VM 62	Upon approval of the Application by the Board, Applicants will submit semi-annual reports to OEA on the progress of, implementation of, and compliance with the mitigation measures for a period covering the first 3 years of operational changes.			Applicants are submitting the second semi-annual report.

MM 1	To address potential safety impacts at public at-grade crossings, Applicants shall submit a Grade Crossing Mitigation Plan (GCMP) to OEA prior to moving Transaction-related train traffic on the L&I Line, Indianapolis Line Subdivision, Indianapolis Terminal Subdivision – Louisville Secondary Branch, and Louisville Connection. In preparing the GCMP, Applicants shall meet with INDOT, ODOT, and KYTC, as well as each mayor (or mayor's designated representative) in the cities and towns along the L&I Line, within 90 days of the effective date of any Board approval of the proposed transaction. The purpose of these meetings will be to discuss and begin determining the need for grade crossing protection upgrades at each public at-grade crossing on the subject rail lines. The discussions shall also address grade crossing maintenance, including the clearing of vegetation to maintain lines-of-sight. Within 90 days of meeting with INDOT, ODOT, KYTC and the mayors, Applicants shall provide OEA with a draft annotated outline of the GCMP for OEA review and concurrence. The draft annotated outline shall describe the contents of the GCMP and an implementation schedule for identified crossing upgrades. Applicants shall submit the GCMP to OEA and each mayor on the L&I Line within 90 days of receiving OEA's concurrence on the draft annotated outline. Subsequently, any updates to, and the implementation status of the GCMP shall be included in the semi-annual mitigation and monitoring reports that Applicants will be required to provide as part of the Board's mitigation.	July 9, 2015 October 7, 2015 90 days from OEA concurrence	Meet with INDOT, ODOT, KYTC, and mayors Draft annotated outline of GCMP to OEA Submit GCMP to OEA and mayors on L&I Line	Between April 14, 2015, and July 16, 2015, Applicants met with State and Local agencies to discuss highway/rail at-grade crossings. In a letter to OEA dated October 7, 2015, Applicants provided an initial Grade Crossing Mitigation Plan and a summary of all meetings with State and Local agencies regarding highway/rail at-grade crossings.
MM 2	To the extent practicable, Transaction-related potential siding extensions shall be located and designed to minimize blockages of public at-grade crossings by slow-moving trains entering and exiting the sidings.	Upon design of the extensions		As of June 30, 2016 no siding extensions had been constructed.
MM 3	To supplement VM 49, once Transaction-related train traffic begins to move on the L&I Line, Indianapolis Line Subdivision, Indianapolis Terminal Subdivision – Louisville Secondary Branch, and Louisville Connection, Applicants shall promptly notify the appropriate Emergency Services Dispatching Center(s) when a stopped or slowly moving train will not clear a public at grade crossing within 10 minutes.			No Transaction related traffic has moved over the L&I Line as of June 30, 2016.
MM 4	To supplement VM 35, 6 months prior to Applicants initiating operational changes associated with the Proposed Transaction, Applicants shall consult with residential communities, schools and park districts to work cooperatively to identify at-grade crossings where additional pedestrian warning devices may be warranted.	6 months prior to operational changes associated with the Proposed Transaction		No Transaction related traffic has moved over the L&I Line as of June 30, 2016.
MM 5	Before Transaction-related train traffic begins to move on the L&I Line, Applicants shall evaluate the need to replace manual switches with power switches in the vicinity of at-grade crossings on the L&I Line, Indianapolis Line Subdivision, Indianapolis Terminal Subdivision – Louisville Secondary Branch, and Louisville Connection that would experience either a degradation of Level of Service by one or more levels, or a vehicle delay of over 40 vehicle hours per day as a result of the Proposed Transaction.	Prior to the movement of Transaction- related train traffic		No Transaction related traffic has moved over the L&I Line as of June 30, 2016.
MM 6	Before Transaction-related train traffic begins to move on the L&I Line, Indianapolis Line Subdivision, Indianapolis Terminal Subdivision – Louisville Secondary Branch, and Louisville Connection, Applicants shall consult with the USEPA Region 5's Office of Enforcement and Compliance Assurance, NEPA Implementation Section regarding potential reasonable mitigation measures that could reduce Transaction-related noise impacts. These measures could include, as appropriate, wheel inspections, lubrication of rail curves, frequency of rail lubrication, and the use of continuous welded rail, resilient track fasteners and tire-derived aggregate.	Prior to the movement of Transaction- related train traffic		No Transaction related traffic has moved over the L&I Lines as of June 30, 2016.

MM 7	To assist with the timely response of emergency service providers in Seymour, Indiana, Applicants shall consult with Schnock Medical Center, the Jackson County Emergency Medical Service and the Seymour Fire Department regarding the installation of an appropriate closed-circuit television system (CCTV) with video cameras (or other comparable system or acceptable option) so that train movements and blocked at-grade crossings within the City of Seymour can be monitored in real time by each of the above three parties. Applicants shall pay for the necessary equipment, equipment installation, and equipment training for up to two individuals from each of the three parties identified above. Applicants shall work with the three parties to determine specifications and scheduling for the installation of the system. Once installed and operational, Applicants shall be responsible for the ongoing maintenance of the system.	Prior to the movement of Transaction-related train traffic	Ongoing	
MM 8	Applicants shall coordinate with the appropriate state departments of transportation, counties and affected communities along the L&I Line to develop a program for installing temporary notification signs or message boards in the Line's right-of-way at each of the L&I Line's 154 public at-grade crossings, clearly advising motorists of the pending increase in the number, length and speed of trains on the L&I Line. The format and lettering of these signs shall comply with the Federal Highway Administration's 2007 Manual on Uniform Traffic Control Devices. The signs shall be installed no less than 30 days before Transaction-related train traffic begins moving on the L&I Line, and shall remain in place for at least six months after Transaction-related train traffic begins moving on the L&I Line. Applicants shall provide OEA written notice when installation of the signage has been completed at all 154 public at-grade crossings. At least 30 days before any Transaction-related train traffic begins to move on the L&I Line, Applicants shall also publish a notice in a newspaper of general circulation in each county in which the L&I Line is located to advise residents of the pending increase in the number, length and speed of trains on the L&I Line.	30 days before Transaction-related train traffic begins moving on the LIRC		No Transaction related traffic has moved over the L&I Line as of June 30, 2016. As of June 29, the required signage was installed between Seymour and Jeffersonville in anticipation for operational changes on this segment of track around September 1, 2016.
MM 9	Prior to initiating Transaction-related construction activities within floodplains, Applicants shall obtain a Construction in a Floodway Permit from the Indiana Department of Natural Resources.	Prior to the movement of Transaction-related train traffic	Ongoing	As of June 30, 2016, no Transaction-related ground disturbance has occurred within 100 feet of a cemetery in Indiana.
MM 10	Prior to initiating Transaction-related construction activities, Applicants shall consult with the INDEM and comply with the reasonable requirements of any INDEM-required permits for Transaction-related activities that would affect isolated wetlands and state waters.	Prior to the construction.		L&I will consult with INDEM and comply with the reasonable requirements of any INDEM-required permits for Transaction-related activities that would affect isolated wetlands and state waters. Current and ongoing.
MM 11	During Transaction-related construction, should impacts on forested areas occur within the floodway of the Flatrock River, impacts shall be mitigated by Applicants in accordance with the Indiana Natural Resources Commission's Information Bulletin #17 addressing floodway habitat mitigation (2014).		Ongoing	Reconstruction of the Flat Rock River Bridge did not begin prior to December 31, 2015. Construction is scheduled to begin on or about January 1, 2017.
MM 12	Prior to initiating Transaction-related construction activities within waters of the United States including wetlands, Applicants shall obtain a Section 404 permit under the Clean Water Act from USACE, as applicable. Applicants shall make appropriate USACE-approved accommodations in waterways where transaction-related construction activities occur to allow for the passage of expected normal and high flows, and to avoid impeding aquatic life movements.		Ongoing	L&I has applied for a Section 404 permit under the Clean Water Act from USACE and the application is being processed. USACE permits have been obtained.

MM 13	Prior to initiating Transaction-related construction activities within waters of the U.S. including wetlands, Applicants shall obtain a Water Quality Certification from IDEM, as applicable.		Ongoing	L&I will obtain Water Quality Certification from IDEM, as applicable prior to initiating Transaction-related construction activities within waters of the U.S. including wetlands. IDEM permits have been obtained.E99
MM 14	During replacement of the Flatrock River Bridge, and the extension of any other culverts and bridges associated with the extension of sidings at Elvin or Brook, if constructed, Applicants shall avoid stream channel disturbance during the primary fish spawning season (April 1 through June 15).		Ongoing	Replacement of the Flatrock River Bridge did not begin before June 30, 2016 . L&I will avoid stream channel disturbance during the primary fish spawning season, during replacement of the Flatrock River Bridge, and the extension of any other culverts any other culverts and bridges associated with the extension of sidings at Elvin or Brook, if constructed. Work for Flat Rock River Bridge is scheduled to begin on or about January 1, 2017.
MM 15	Applicants shall clear vegetation in preparation for project-related construction before or after the typical migratory bird nesting season identified by the USFWS (typically May 1 to July 15), to the extent possible, in order to comply with the Migratory Bird Treaty Act. If clearing is required during the nesting season, Applicants shall conduct a nest survey and consult with USFWS, prior to clearing the vegetation, to identify additional appropriate compliance measures.		Ongoing	Vegetation clearing in preparation for project-related construction did not occur between January 1, 2016 and June 30, 2016 .
MM 16	Prior to initiating replacement of the Flatrock River Bridge, Applicants shall consult with USFWS to assess the need to conduct field surveys of federally listed threatened or endangered mussel that may occur in the Flatrock River in the vicinity of the bridge, and identify any appropriate mitigation measures that may be warranted. Applicants shall report the results of the USFWS consultations to OEA in writing prior to commencing bridge replacement activities.	17-Jun-15	Closed	It has been determined that mussels do not exist in this area.
MM 17	Prior to initiating replacement of the Flatrock River Bridge, Applicants shall consult with the Indiana Department of Natural Resources on the presence of state- listed threatened or endangered mussel species that may occur in the Flatrock River in the vicinity of the subject bridge. As appropriate, Applicants shall conducted surveys for state-listed threatened or endangered mussel species and comply with reasonable mitigation requirements.		Closed	It has been determined that mussels do not exist in this area.
MM 18	Applicants shall consult with the USEPA Region 5's Office of Enforcement and Compliance Assurance, NEPA Implementation Section regarding appropriate BMPs to control non-native invasive plants species and noxious weeds during Transaction-related construction on the L&I Line.	Prior to beginning Transaction-related construction		BMP's will be identified and implemented with the IDEM Rule 5 permit submittal. IDEM permits have been obtained.
MM 19	Applicants shall comply with the Flatrock River Bridge Memorandum of Agreement developed through the Section 106 process of the National Historic Preservation Act.			Reconstruction of the Flat River Bridge did not begin prior to June 30, 2016 . Work for Flat Rock River Bridge is scheduled to begin on or about January 1, 2017.

MM 20	In the event that any unanticipated archaeological sites, human remains, funerary items, artifacts protected under the Native American Graves Protection and Repatriation Act, or associated artifacts are discovered during Transaction-related construction activities, Applicants shall immediately cease all work in the immediate area (which is no greater than a 100-foot radius from the discovery) of the discovery and will notify OEA, interested federally recognized tribes, and the Indiana SHPO or Kentucky SHPO, as appropriate, pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO, interested federally recognized tribes, the railroads, and other consulting parties, if any, to determine whether additional mitigation measures are necessary.		Ongoing	As of June 30, 2016 no unanticipated archaeological sites, human remains, funerary items, artifacts protected under the Native American Graves Protection and Repatriation Act, or associated artifacts have been discovered during Transaction-related construction activities.
MM 21	If any Transaction-related ground disturbance would occur within 100 feet of a cemetery in Indiana, Applicants shall prepare a Cemetery Development Plan (Plan) and shall submit the Plan to the Indiana SHPO for review and approval before the ground disturbance occurs.			As of June 30, 2016 , no Transaction-related ground disturbance has occurred within 100 feet of a cemetery in Indiana.
MM 22	In response to concerns related to Transaction-related noise, emergency response and other local issue areas, Applicants shall establish a Community Liaison to consult with affected communities, businesses, and appropriate agencies; develop cooperative solutions to local concerns; be available for public meetings; and conduct periodic public outreach. Applicants shall establish and staff the Community Liaison position within 6 months of any Board approval of the Proposed Transaction. The Community Liaison shall remain available to the communities until the end of the third year after the first Transaction-related trains move on the L&I Line, Indianapolis Line Subdivision, Indianapolis Terminal Subdivision – Louisville Secondary Branch, and Louisville Connection.	10-Oct-15	Ongoing	Jason Holder of CSXT is the Community Liaison.
MM 23	Beginning six months after the effective date of any Board approval of the Proposed Transaction, Applicants shall prepare and submit semi-annual reports to OEA on the progress of, implementation of, and compliance with all Board-imposed mitigation measures. These semi-annual reports shall be submitted to OEA for the duration of Transaction-related upgrades to the L&I Line and for the first three years of Transaction-related train operations over the L&I Line. A copy of each semi-annual mitigation and monitoring report shall also be provided to each mayor on the L&I Line.	31-May-16	Ongoing	Applicants are submitting and serving the Second Semi-Annual Report.