

## **GUIDE TO VOLUME 5**

Volume 5 of the Proposed Conrail Acquisition Final EIS contains the following items:

- Contents of Chapter 7.
- Chapter 7, “Recommended Environmental Conditions.”
- Guide to the Final EIS.
- Glossary of Terms.
- List of Acronyms and Abbreviations.
- Contents of the Final EIS.



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## **CHAPTER 7**

### **RECOMMENDED ENVIRONMENTAL CONDITIONS**

#### **7.1 OVERVIEW**

In conducting its environmental review, the Section of Environmental Analysis (SEA) of the Surface Transportation Board (the Board) identified both potential beneficial and adverse environmental impacts associated with the proposed Conrail Acquisition. These impacts are discussed in detail in Chapter 4, “Summary of Environmental Review.” This chapter describes the final mitigation measures SEA recommends that the Board impose as environmental conditions if it approves the proposed Conrail Acquisition. These mitigation measures address the potential adverse environmental impacts that SEA determined could be significant.

SEA developed these recommendations after completing a thorough, independent analysis of the potential environmental effects. This environmental analysis included:

- Careful and thorough review of all public comments.
- Consultations with Federal, regional, state, and local agencies.
- Full consideration of environmental and railroad operating information.
- Extensive site visits.
- Comprehensive public outreach that included environmental justice communities.

As discussed in more detail in the following sections, SEA faced a number of challenges in conducting the environmental review process and developing environmental mitigation measures for the proposed Conrail Acquisition. After extensive and careful analysis, SEA developed comprehensive, reasonable, and practical environmental mitigation recommendations that would address potential significant adverse environmental impacts. This mitigation falls within the scope of the Board’s jurisdiction and is consistent with the Board’s practice of mitigating only those environmental impacts that directly result from the proposal. However, SEA acknowledges that, even with the recommended mitigation, the potential for significant environmental impacts still exists in certain communities. This overview describes some of these impact areas and the environmental issues these communities would face if the Board were to approve the proposed Conrail Acquisition.

In SEA’s environmental review of the proposed Conrail Acquisition, which is one of the largest and most complex transactions ever considered by the Board, SEA completed a comprehensive analysis of a broad range of environmental issues. SEA considered these issues on a system-wide, regional, and local level. This approach allowed SEA to identify and assess potential

environmental impacts and develop meaningful environmental mitigation on a general, regional, and local level that would address potential significant adverse effects.

SEA's general mitigation recommendations have broad applicability. For example, SEA's general mitigation would require the Applicants to adopt various strategies to address safety along more than 40 rail line segments to protect the numerous counties and communities that would be potentially affected.

SEA's regional mitigation recommendations address issues that affect rail corridors that cross state lines or multiple states. All of SEA's regional mitigation is safety related, such as hazardous materials transport or passenger rail safety. In all, SEA's regional mitigation would address safety issues on 63 rail line segments in 15 states and the District of Columbia. All of the counties and communities along these segments would benefit from this recommended mitigation.

SEA's local mitigation is site-specific and addresses issues such as traffic delay, highway/rail at-grade crossing safety, noise, emergency response vehicle delay, and protection of natural and cultural resources. Numerous communities in eight states would benefit from SEA's recommended local mitigation.

Throughout its environmental review process, SEA sought public input. SEA received a broad range of public comments, which included the concerns of agencies, elected officials, organizations, businesses, and individuals. In developing reasonable mitigation to address those environmental impacts that would directly result from the proposed Conrail Acquisition, SEA had to balance the various perspectives and concerns the public raised with the limits of the Board's jurisdiction and the range of environmental impacts and issues.

During the environmental review process, SEA encouraged the Applicants to consult with potentially affected communities and develop Negotiated Agreements. These Negotiated Agreements can be more far-reaching in addressing environmental issues than the environmental mitigation conditions that the Board may unilaterally impose. As of May 15, 1998, the Applicants executed 18 Negotiated Agreements with communities and organizations. SEA has reviewed these Negotiated Agreements and recommends that the Board impose a condition requiring the Applicants to comply with them. To the extent that a Negotiated Agreement is inconsistent or incompatible with a SEA recommended condition, SEA recommends that the SEA condition prevail. If later agreements are executed, SEA recommends that the Board substitute these agreements for the local mitigation that otherwise would be imposed.

In developing its final recommended environmental mitigation measures, SEA considered a host of challenging issues that included:

- The broad geographic scope of the proposed Conrail Acquisition.
- The number of concerned communities.
- The variety of environmental issues.
- The importance of safety.
- The importance of safety integration planning.
- The accommodation of freight rail and passenger rail service on the same rail line.
- The concerns about environmental justice.
- The scope of the Board's jurisdiction to impose mitigation.

These are discussed in detail in the Sections 7.1.1 to 7.1.8. SEA's conclusions are discussed in Section 7.1.9, "SEA's Conclusions," and SEA's recommended environmental conditions are set forth in Section 7.2, "Final Recommended Environmental Conditions."

### **7.1.1 Broad Geographic Scope of the Proposed Conrail Acquisition**

The proposed Conrail Acquisition would affect most of the eastern United States, including 24 states and the District of Columbia. SEA's comprehensive analysis considered potential environmental effects on thousands of communities where more than 1,000 rail line segments, comprising 44,000 miles of track, would traverse the affected states and the District of Columbia. SEA's environmental review identified and evaluated the potential environmental effects of the proposed Conrail Acquisition on a system-wide, regional, and local basis.

In developing appropriate mitigation, SEA conducted hundreds of site visits. SEA also consulted with numerous federal, state, and local agencies throughout the potentially affected states and the District of Columbia. Furthermore, SEA considered mitigation strategies suggested by commentors and voluntary mitigation agreed to by the Applicants. SEA developed a broad range of mitigation measures designed to address a variety of potential significant adverse effects in 19 states and the District of Columbia on general, regional, and local levels. For example, in its general safety mitigation, SEA recommends that the Board require the Applicants to post signs at all public highway/rail at-grade crossings on 44 rail line segments to warn motorists of impending increases in rail traffic and to provide a toll-free phone number to report malfunctioning crossing devices.

### **7.1.2 Number of Concerned Communities**

In its review of the proposed Conrail Acquisition, SEA considered the effects of increased rail activities in some of the most densely populated areas of the eastern and upper midwestern United States. These areas included numerous communities that raised a variety of environmental concerns. While some communities would experience decreases in rail activity, a number of communities would experience substantial increases in train traffic or other changes in rail activity such as rail line abandonment or construction projects.

Potentially affected communities for which SEA recommends mitigation generally fall into two categories. In one category, the Acquisition-related increases in rail activity (e.g., train traffic)

would cause potential significant adverse environmental effects that would exceed SEA's criteria of significance and warrant mitigation. In the other category, the Acquisition-related increases in rail activity (e.g., train traffic) in combination with the unique characteristics of that community would cause potential significant environmental impacts that SEA believes would warrant mitigation.

In developing its environmental analysis and mitigation for both categories of communities, SEA carefully considered all of the comments that the communities and others provided to SEA throughout the environmental review process. SEA's recommended environmental mitigation measures include conditions that would directly benefit the numerous communities where increases in train traffic and other rail activities related to the proposed Conrail Acquisition could cause significant adverse environmental impacts. In addition, throughout its environmental review process, SEA encouraged the Applicants to meet with potentially affected communities to discuss local environmental impacts and community concerns and to negotiate agreements with the communities that would address their local environmental concerns.

### **7.1.3 Variety of Environmental Issues**

Given the broad geographic area and number of potentially affected communities, SEA analyzed and evaluated a broad spectrum of environmental issues. The proposed Conrail Acquisition involves a number of rail activities that would have the potential for a wide range of environmental impacts, both beneficial and adverse. These activities include the following:

- Increases or decreases in rail traffic on rail lines.
- Changes in activity level at rail yards and intermodal facilities.
- Rail line abandonment and construction projects.

The various potential environmental impacts that could result from these proposed activities include safety (e.g., hazardous materials transport, highway/rail at-grade crossings, passenger rail, and freight rail), transportation systems (e.g., highway/rail at-grade crossing delay, emergency vehicle response delay, and other traffic issues), air quality, noise, cultural resources, natural resources, land use, Native American issues, and environmental justice populations. Accordingly, SEA's recommended mitigation is designed to address potential significant adverse impacts of the proposed Conrail Acquisition in these areas. For example, SEA recommends that the Board require the Applicants to construct noise barriers or install sound insulation in those areas SEA determined would be most seriously affected by Acquisition-related increases in noise.



#### **7.1.4 Importance of Safety**

The Applicants' proposed increases in rail activity have the potential to affect safety in many ways, including train operations, hazardous materials transport, and motor vehicles at highway/rail at-grade crossings. Therefore, rail safety has been a paramount concern in this case. The majority of SEA's recommended environmental conditions address safety concerns related to the proposed railroad operations. For example, SEA recommends that the Board require the Applicants to upgrade warning devices at 89 highway/rail at-grade crossings to reduce the risk of vehicle-train accidents. For the transport of hazardous materials, SEA recommends that the Board require the Applicants to develop and provide an individual Hazardous Materials Emergency Response Plan for each affected community's local emergency response organization or coordinating body along certain rail line segments over which hazardous materials would be transported. For certain segments, SEA is also recommending rail car defect detectors to allow early detection of potentially unsafe conditions that could contribute to a rail accident. SEA believes that its recommended mitigation satisfies the safety concerns that have been raised in this proceeding.

#### **7.1.5 Importance of Safety Integration Planning**

Prior to the Draft EIS, the Federal Railroad Administration (FRA), the agency within the U.S. Department of Transportation responsible for enforcement of railroad safety regulation, commented to the Board that combining the three rail systems into two systems, with some areas operated as Shared Assets Areas, could cause safety problems and recommended that the Board require the Applicants to develop plans detailing the procedures each would follow to integrate the railroads' systems in a manner that will maintain safety. The Board agreed with these concerns and, for the first time in its history required the Applicants (see Decision No. 52, served on November 3, 1997) to prepare Safety Integration Plans explaining the process by which they intend to integrate Conrail into their operations.

Working closely with FRA, the Applicants prepared Safety Integration Plans and submitted them to the Board on December 3, 1997. SEA circulated the Safety Integration Plans with the Draft EIS to allow for public review and comment. SEA also carefully reviewed the Safety Integration Plans. DOT's comments on the Draft EIS state that FRA is satisfied that the plans address and satisfactorily mitigate every safety concern raised in the environmental review portion of this proceeding, that no other mitigation on this subject is necessary or appropriate, and that FRA will continue to work with the Applicants to address safety integration issues that arise.

Prior to issuing this Final EIS, the Board and FRA, with the concurrence of the U.S. Department of Transportation, entered into a Memorandum of Understanding (MOU) to clarify the actions each will take to assure the successful implementation of the Safety Integration Plans. Under the terms of that Memorandum, both FRA and the Board recognize that safety integration is an ongoing process that involves both agencies. The agencies agreed that FRA would monitor, evaluate and review the Applicants' efforts with respect to implementation of the Safety Integration Plans. In addition, FRA would keep the Board informed of the Applicants' progress

and any potential safety problems, providing recommendations for correcting the deficiency. The Board would exercise its oversight authority over the Applicants to correct any problems, if necessary. FRA's reporting would continue until FRA affirms to the Board in writing that the proposed integration is completed satisfactorily.

SEA is recommending that the Board require the Applicants to comply with their Safety Integration Plans and cooperate in the ongoing monitoring process. SEA believes this innovative and cooperative approach with FRA will allow Conrail, NS, and CSX to integrate their systems in a manner that is responsive to the requirements of public safety if the Board approves the proposed Conrail Acquisition. For more information on safety integration planning, see Chapter 6, "Safety Integration Planning."

#### **7.1.6 Accommodation of Freight Rail and Passenger Rail Service on the Same Rail Line**

Under the proposed Conrail Acquisition, the Applicants' freight rail operations would share track with passenger rail systems on certain rail line segments. SEA conducted a full analysis of both safety and service issues for passenger and freight rail systems and operations. In its analysis, SEA determined that the proposed Conrail Acquisition would not result in any significant impacts to service or capacity but could create increases in accident risk on several line segments. SEA's set of recommended environmental conditions contains measures to ensure that the Applicants conduct their daily operations in a safe manner. For example, SEA recommends that the Applicants be required to consult with FRA and the affected passenger service agencies to develop operational strategies and to apply technology improvements for each of the potentially affected rail line segments to ensure the safety of passenger trains is maintained at or above current levels.

#### **7.1.7 Concerns About Environmental Justice**

SEA faced numerous challenges in analyzing the environmental justice implications of the proposed Conrail Acquisition. These challenges include the broad geographic scope of the project, the wide variety of changes in railroad activities throughout the eastern United States (increases and decreases), and the broad range of potential environmental impacts in affected communities. In addition, SEA's options for mitigating potential environmental impacts on environmental justice populations were limited by the nature of the proposed transaction SEA reviewed. That is because SEA's environmental review primarily considered proposed changes in activities over existing rail lines, rather than siting or construction of new rail lines or facilities.

Once SEA identified potentially affected environmental justice populations and potential high and adverse environmental impacts, SEA conducted extensive public outreach efforts to inform and involve the identified communities in the environmental review process. SEA developed a demographic and statistical approach for evaluating if those potential impacts would be disproportionately borne by the identified environmental justice populations. If SEA determined that environmental impacts would be disproportionately high and adverse for minority and low-

income populations, SEA evaluated its recommended mitigation to determine if it was sufficient and appropriate to address potential environmental impacts for these populations.

As a result of its environmental justice analysis and outreach, SEA determined that, for the rail line segments that exceed SEA's thresholds for environmental analysis, the proposed Conrail Acquisition could result in disproportionately high and adverse impacts on environmental justice populations for hazardous materials transport safety. However, on a local or regional basis, SEA identified several areas in four states where there could be disproportionately high and adverse impacts for minority and low-income populations affected by the proposed Conrail Acquisition, in the absence of mitigation. SEA considered mitigation in the following areas, which include environmental justice populations:

- Illinois (Danville).
- Indiana (Attica and Lafayette).
- Ohio (Berea, Cleveland, Cleveland Heights, East Cleveland, Defiance, Euclid, Fostoria, Holgate, Mentor, New London, Tiffin, and Willard).
- Pennsylvania (Erie).

The Applicants have negotiated agreements with three of these communities regarding potential environmental impacts (Danville, East Cleveland, and Erie) to address their specific concerns. For the remaining communities, SEA first considered the effect of the mitigation it generally recommended for all communities that would experience a similar impact. If, because of the characteristics of the environmental justice population, SEA's mitigation would not be sufficient to address the potential environmental impacts, SEA developed tailored mitigation. To develop this tailored mitigation, SEA used information from its environmental evaluation, statistical analysis, and numerous site visits. SEA also conducted extensive outreach and carefully considered the public comments. For example, SEA modified the hazardous materials transport safety mitigation to meet the particular needs of the identified minority and low-income populations. SEA recommends that the Board require the Applicants to tailor the hazardous materials emergency response plans that will be required to ensure that they reflect the unique needs of environmental justice populations (e.g., slower emergency response or fewer evacuation alternatives).

### **7.1.8 The Scope of the Board's Jurisdiction to Impose Mitigation**

The Board has broad authority to impose conditions in railroad merger cases. However, the Board's authority to impose conditions is not limitless. To withstand judicial review, the record must support the imposition of the condition at issue. Moreover, there must be a sufficient nexus between the condition imposed and the transaction before the agency, and the condition must be reasonable. The Board does not have authority to impose mitigation to remedy pre-existing

conditions in a particular community better than are not a direct result of the transaction before it.

SEA encouraged the Applicants to consult with the potentially affected communities and develop agreements that would address environmental concerns related to railroad operations. These consultations resulted in a number of Negotiated Agreements that CSX or NS executed with local governments and organizations. These Negotiated Agreements often contain mitigation that is more far-reaching than environmental conditions the Board could impose.

To ensure implementation of these Negotiated Agreements, SEA recommends that the Board impose a requirements that the Applicants comply with these Negotiated Agreements as environmental mitigation conditions. In addition to these formal agreements, the Applicants have volunteered to undertake a number of mitigation measures to address environmental community concerns. These mitigation measures are presented in Section 7.2, "Final Recommended Environmental Conditions." Sometimes this voluntary mitigation also goes beyond the types of mitigation that the Board unilaterally could impose. For example, the Applicants have agreed, for certain communities, to fund participation in a training session at the national training center in Pueblo, Colorado, for representatives of those communities' emergency response providers.

### **7.1.9 SEA's Conclusions**

SEA has completed an extensive review of the potential environmental impacts that could result from the proposed Acquisition of Conrail by CSX and Norfolk Southern. Based on its independent environmental analysis and review of all the public comments, SEA has reached the following conclusions:

1. On a system-wide basis, SEA identified several environmental benefits resulting from overall improvements in operating efficiency. These benefits include reduced air pollutant emissions, reduced energy consumption, reduced likelihood of accidents involving hazardous materials, and reduced truck traffic on the interstate highway system, with a resulting decrease in highway accidents. However, to ensure a high level of safety along rail line segments where the train traffic increases would be 8 or more trains per day, SEA recommends several general safety mitigation measures, including measures to ensure that the public is effectively notified along rail line segments where those increases in train traffic would occur.
2. On a regional and local basis, SEA identified environmental benefits resulting from reduced train traffic along certain rail line segments and reduced activity at rail yards and intermodal facilities. Of the 1,022 rail line segments SEA evaluated, 201 would experience reduced train traffic and 532 rail line segments would experience no change in train traffic.

3. SEA identified potential significant adverse environmental impacts for hazardous materials transport and passenger rail safety in certain regions or rail corridors. SEA identified reasonable and appropriate mitigation measures to address these potential environmental impacts.
4. SEA identified potential significant adverse environmental impacts in certain communities that would experience increased rail activities. These activities include increased traffic along rail line segments, at rail yards, or at intermodal facilities as well as rail line abandonment and construction projects. SEA identified these potential environmental impacts in the areas of freight rail safety, highway/rail at-grade crossing safety, highway/rail at-grade crossing delay (including emergency response vehicle delay), noise, natural resources, cultural resources, and hazardous waste sites. In many cases, the Applicants negotiated agreements with the affected communities to address these environmental impacts and other local concerns. Where agreements were not reached, SEA identified reasonable and appropriate environmental mitigation to address each of these issue areas in the affected communities.
5. With regard to environmental justice, SEA conducted an extensive and thorough demographic analysis to identify areas where the potential environmental impacts of the proposed Conrail Acquisition could be disproportionately high and adverse for minority and low-income populations. SEA concluded that, on a local or regional basis, in several cities in four states, the potential environmental impacts could be disproportionately high and adverse for these environmental justice populations. In these cases, SEA reviewed and refined the recommended mitigation to ensure that it would address the particular environmental impacts and unique needs of these populations.
6. SEA's recommended mitigation measures are reasonable and feasible ways to address most potential significant adverse environmental impacts associated with the proposed Conrail Acquisition. However, for a limited number of locations with identified adverse environmental impacts, SEA determined that mitigation alternatives were not reasonable or feasible. For example, several communities could experience potential noise impacts above the Board's threshold for environmental analysis (65 dBA  $L_{dn}$  or an increase of 3 dBA  $L_{dn}$ ) but less than SEA's criteria for noise mitigation (70 dBA  $L_{dn}$  and an increase of 5 dBA  $L_{dn}$ ). Also, in some cases, commentors suggested mitigation to address pre-existing conditions. SEA did not recommend mitigation to address these pre-existing conditions because they were not attributable to the proposed Conrail Acquisition. Moreover, SEA did not recommend mitigating the potential environmental effects of increased train traffic by shifting traffic to other lines where doing so simply would have resulted in transferring the adverse impacts to other communities.
7. Based on its independent environmental analysis and consideration of reasonable and feasible mitigation strategies, SEA believes there is still the potential for significant adverse environmental impacts, as follows:

- Potential noise impacts from train horns, for which SEA does not recommend mitigation because of overriding safety concerns.
- Potential noise impacts resulting from the volume of post-Acquisition rail traffic for certain noise receptors closer than 120 feet from the tracks, even with implementation of SEA's recommended noise mitigation. With SEA's recommended mitigation, there would be a smaller number of noise receptors (fewer than 60) on 8 rail line segments in Ohio, Pennsylvania, and Virginia (C-061, C-065, C-072, C-073, C-074, C-085, N-079, and N-100) that could experience substantial noise impacts.
- Potential emergency vehicle response delay in several small communities where SEA's emergency response mitigation strategies would not be practical or reasonable.

Based on its independent environmental analysis and review of all the public comments, SEA recommends that the Board require the Applicants to implement the environmental mitigation measures included in Chapter 7 of this Final EIS as conditions in any final decision approving the proposed Conrail Acquisition.

## **7.2 FINAL RECOMMENDED ENVIRONMENTAL CONDITIONS**

Based on its independent environmental analysis of the proposed Conrail Acquisition, review of available information, and consideration of public comments, SEA recommends that any final Board decision approving the proposed Conrail Acquisition include as Conditions the mitigation measures recommended below. They are numbered 1 through 65, and are grouped into the following five categories.

- General.
- Regional.
- Local or Site-specific.
- Proposed Constructions and Abandonments.
- Safety Integration.

To facilitate a state-by-state review of SEA's final recommended mitigation, Table 7-1 identifies the final recommended mitigation measures by number for each state. Specific rail line segments, highway/rail at-grade crossings, rail yards, intermodal facilities, and communities to which local or site-specific recommended mitigation measures apply are listed within the appropriate numbered mitigation measures.

**TABLE 7-1  
FINAL RECOMMENDED CONDITIONS BY STATE**

<b>State</b>	<b>Recommended Environmental Conditions</b>
General Recommendations	Conditions 1, 2, 64, 65.
Alabama	Conditions 4(A), 4(B), 5(A), 6.
Connecticut	No mitigation recommended.
Delaware	Conditions 15, 17, 58, 59.
Florida	No mitigation recommended.
Georgia	Conditions 3, 4(A), 4(B), 5(A), 6.
Illinois	Conditions 1, 4(B-D), 5(A), 6, 8, 10, 12, 14, 18, 19, 20, 21, 58, 59.
Indiana	Conditions 1, 4, 5(A), 6, 7, 8, 9, 10, 11, 22, 23, 24, 25, 53-63.
Kentucky	Conditions 4(A), 4(B), 5(A), 6, 10.
Louisiana	Conditions 6, 26.
Maryland	Conditions 1, 3, 4(A), 4(B), 5(A), 6, 8, 27, 28, 58, 59.
Massachusetts	No mitigation recommended.
Michigan	Conditions 1, 6, 11, 58, 59.
Mississippi	No mitigation recommended.
Missouri	Conditions 4(A), 4(B), 5(A), 6, 8.
New Jersey	Conditions 4, 5(A), 6, 29, 58, 59.
New York	Conditions 1, 4, 5(A), 6, 8, 30, 57-59.
North Carolina	Conditions 3, 4(A), 4(B), 5(A).
Ohio	Conditions 1, 4, 5(A), 6-8, 10, 11, 13, 16, 31-54, 58-63.
Pennsylvania	Conditions 1, 4(A), 4(B), 5(A), 6-8, 11, 55, 56.
Rhode Island	No mitigation recommended.
South Carolina	Conditions 4(A), 4(B), 5(A).
Tennessee	Conditions 4(A), 4(B) 5(A), 6.
Virginia	Conditions 1, 3, 4(A), 4(B), 5(A), 8, 11.
West Virginia	Conditions 1, 11.
District of Columbia	Conditions 3, 4(A), 4(B), 5(A).

SEA recommends that the Board impose the following recommended environmental mitigation measures as conditions if the Board approves the proposed Conrail Acquisition. The language below refers to these recommendations as “conditions” so that the Board could adopt this language as written. In the following conditions, “Applicants” refers to CSX, NS; and the Applicants in the Shared Assets Areas (CSX, NS, or Conrail), unless otherwise specified.

The symbol “§” listed next to any rail line segment indicates information that has changed as a result of revised data provided by the Applicants late in the environmental review process. SEA’s analysis of this information and rationale for recommended mitigation are included in the Addendum.

### **7.2.1 Final Recommended General Conditions**

#### **Safety: Highway/Rail At-grade Crossings**

**Condition 1(A).** For each of the public highway/rail at-grade crossings on the 44 rail line segments identified below as having an increase in traffic of 8 or more trains per day or a 100 percent increase in annual gross ton miles, the Applicants shall provide and maintain permanent signs prominently displaying both a toll-free telephone number and a unique highway/rail at-grade crossing identification number. The toll-free number shall be answered 24 hours per day by Applicant personnel. Where Applicant rights-of-way are in close proximity, the Applicants shall coordinate and communicate with each other regarding reported accidents and crossing malfunctions. The Applicants shall certify to the Board that they have complied with this condition prior to increasing train traffic on each of these rail line segments as a result of the proposed Conrail Acquisition.

The telephone number and unique identifier can be used by the public to report malfunctioning warning devices, stalled vehicles, or other dangerous conditions at or near highway/rail at-grade crossings. SEA notes that the Applicants, in their comments, have volunteered to do this within 2 years at all crossings within their systems, including crossings on acquired segments.



**RAIL LINE SEGMENTS WITH AN INCREASE IN TRAFFIC OF 8 OR MORE TRAINS PER DAY OR 100 PERCENT GROSS TON MILES PER DAY<sup>a</sup>**

<b>Between (City, State)</b>	<b>And (City, State)</b>	<b>Rail Line Segment<sup>b</sup></b>
<b>Proposed CSX Rail Line Segments</b>		
Barr Yard, IL	Blue Island Jct., IL	C-010
Adams, IN	Ft. Wayne, IN	C-020
Willow Creek, IN	Pine Jct., IN	C-027
Point of Rocks, MD	Harpers Ferry, WV	C-036
Carleton, MI	Toledo, OH	C-040
Berea, OH	Greenwich, OH	C-061
Bucyrus, OH	Adams, IN	C-062
Crestline, OH	Bucyrus, OH	C-064
Deshler, OH	Toledo, OH	C-065
Deshler, OH	Willow Creek, IN	C-066
Greenwich, OH	Crestline, OH	C-067
Greenwich, OH	Willard, OH	C-068
Marion, OH	Fostoria, OH	C-070
Marion, OH	Ridgeway, OH	C-071
Mayfield, OH	Marcy, OH	C-072
Short, OH	Berea, OH	C-074
Willard, OH	Fostoria, OH	C-075
Rankin Jct., PA	New Castle, PA	C-082
Sinns, PA	Brownsville, PA	C-085
Sinns, PA	Rankin Jct., PA	C-086
<b>Proposed NS Rail Line Segments</b>		
Tilton, IL	Decatur, IL	N-033
Alexandria, IN	Muncie, IN	N-040
Butler, IN	Ft. Wayne, IN	N-041
Ft. Wayne, IN	Peru, IN	N-044
Lafayette Jct., IN	Tilton, IL	N-045
Peru, IN	Lafayette Jct., IN	N-046
Ebenezer Jct., NY	Buffalo, NY	N-061
Buffalo FW, NY	Ashtabula, OH	N-070
Bucyrus, OH	Bellevue, OH	N-071

**RAIL LINE SEGMENTS WITH AN INCREASE IN TRAFFIC OF 8 OR MORE  
TRAINS PER DAY OR 100 PERCENT GROSS TON MILES PER DAY<sup>a</sup>**

<b>Between (City, State)</b>	<b>And (City, State)</b>	<b>Rail Line Segment<sup>b</sup></b>
Vermilion, OH	Bellevue, OH	N-072
Fairgrounds (Columbus), OH	Bucyrus, OH	N-073
Cleveland (Cloggsville), OH	CP-190, OH	N-074 §
Ashtabula, OH	Cleveland (Cloggsville), OH	N-075
Oak Harbor, OH	Miami, OH	N-077
Oak Harbor, OH	Bellevue, OH	N-079
White, OH	Cleveland, OH	N-081
Alliance, OH	White, OH	N-084 §
Bellevue, OH	Sandusky Dock, OH	N-085
Miami, OH	Airline, OH	N-086
CP-190, OH	Berea, OH	N-293C §
Rutherford, PA	Harrisburg, PA	N-090
Harrisburg, PA	Riverton Jct., VA	N-091
Riverton Jct., VA	Roanoke, VA	N-100
<b>Proposed Shared Assets Areas Rail Line Segments</b>		
Carleton, MI	Ecorse, MI	S-020

<sup>a</sup> Several other rail line segments would meet the criterion of 8 or more trains per day, but these segments do not have at-grade crossings and therefore are not included on this table.

<sup>b</sup> These site identification numbers relate to specific rail line segments and railroad facilities, such as rail yards, that are discussed throughout the Final EIS. In these rail line segment identification numbers, "C" represents CSX Transportation, Inc., and CSX Corporation (CSX); "N" represents Norfolk Southern (NS); and "S" represents proposed Shared Assets Areas of CSX, NS, and Conrail, as well as Amtrak's Northeast Corridor (NEC) that would also be shared by CSX and NS. For example, the Carleton, Michigan to Toledo, Ohio rail line segment is currently owned by CSX and is designated "C-040."

**Condition 1(B).** On the 44 rail line segments listed in Condition No. 1(A), the Applicants shall install temporary notification signs or message boards at each public highway/rail at-grade crossing clearly advising motorists of the impending increase in train traffic (and train speeds if appropriate) displaying a crossing safety advisory message. These signs shall comply with the U.S. Department of Transportation, Federal Highway Administration's Manual on Uniform Traffic Control Devices and shall be in place no less than 30 days before, and 6 months after, any actual Acquisition-related increase in train traffic occurs. The Applicants shall certify to the Board that they have complied with this condition prior to

increasing train traffic on these rail line segments as a result of the proposed Conrail Acquisition.

**Condition 1(C).** At each of the public highway/rail at-grade crossings on the 44 rail line segments listed in Condition No. 1(A), the Applicants shall enhance crossing safety by promptly conducting the maintenance required to attain compliance with all applicable Federal, state, and local regulations.

This maintenance could include, but is not limited to trimming vegetation on railroad property that obscures visibility of oncoming trains, assuring that rail, railroad ties, track fastenings, and ballast material are in good repair, and assuring that warning devices operate properly and are legible.

**Condition 1(D).** The Applicants shall make Operation Lifesaver programs available to communities, schools, and other organizations located along the 44 rail line segments listed in Condition No. 1(A).

Chapter 4, “Summary of Environmental Review,” Section 4.2, describes the rationale for Conditions 1(A), 1(B), 1(C), and 1(D).

**Safety: Hazardous Materials Transport**

**Condition 2.** The Applicants shall comply with the current Association of American Railroads (AAR) “key train” guidelines and any subsequent revisions. (See “Recommended Railroad Operating Practices for Transportation of Hazardous Materials,” AAR Circular No. OT-55-B.) Key trains are defined in the guidelines as any trains with 5 or more tank carloads of chemicals classified as a Poison Inhalation Hazard (PIH), or any train with a total of 20 rail cars with any combination of PIHs, flammable gases, explosives, or environmentally sensitive chemicals. The AAR key train guidelines include measures for a maximum operating speed of 50 mph and full train inspections by the train crew whenever a train is stopped by an emergency application of the train air brake, or as a result of a reported defect by a wayside defect detector. If an Applicant has or adopts more stringent requirements than those provided by the AAR key train guidelines, the Applicant shall comply with its own more stringent requirements.

Chapter 4, “Summary of Environmental Review,” Section 4.3, describes the rationale for this condition.

**7.2.2 Final Recommended Regional Environmental Conditions**

**Safety: Passenger Rail Operations**

**Condition 3.** For the five rail line segments listed below, where SEA identified a potential increase in train collision accident risk, CSX shall consult with the Federal Railroad Administration (FRA) and the affected passenger service agencies [MARC (the Maryland Mass Transit Administration’s commuter rail service), Amtrak, and Virginia Railway Express (VRE)] to develop operational strategies and apply technology improvements to ensure that after the proposed Conrail Acquisition the safety of passenger trains is maintained at or above current levels, while operating on the same track as CSX freight trains. This consultation shall be consistent with FRA’s Final Rule on Passenger Train Emergency Preparedness, issued on May 4, 1998 (49 CFR Parts 223 and 239). CSX shall report to the Board on the results of its consultations, with copies to FRA and the affected passenger service agencies, within 1 year of the effective date of the Board’s final decision.

**RAIL LINE SEGMENTS THAT WARRANT PASSENGER SAFETY MITIGATION**

<b>Proposed Owner</b>	<b>Rail Line Segment Description</b>	<b>Passenger Service Agency</b>	<b>Rail Line Segment ID</b>
CSX	Washington, DC to Point of Rocks, MD	MARC, Amtrak	C-003
CSX	Savannah, GA to Jesup, GA	Amtrak	C-346
CSX	Weldon, NC to Rocky Mount, NC	Amtrak	C-334
CSX	Fredericksburg, VA to Potomac Yard, VA	Amtrak, VRE	C-101
CSX	S. Richmond, VA to Weldon, NC	Amtrak	C-103

Chapter 4, “Summary of Environmental Review,” Section 4.4, describes the rationale for this condition.

**Safety: Hazardous Materials Transport**

**Condition 4(A).** Before increasing the number of rail cars carrying hazardous materials on the 44 rail line segments listed below that would become “key routes” as a result of the proposed Conrail Acquisition, and for a period of at least 3 years from the effective date of the Board’s decision, the Applicants shall certify to the Board compliance with Association of American Railroads (AAR) key route guidelines on these rail line segments. (See “Recommended Railroad Operating Practices for Transportation of Hazardous Materials,” AAR Circular No. OT-55-B.)

AAR defines a key route as any rail line segment expected to carry in excess of 10,000 annual rail carloads or intermodal portable tank loads of hazardous materials. The AAR key route guidelines require several types of safety measures, including inspecting for internal rail defects at least twice per year, conducting annual employee training in hazardous materials handling and equipment inspection, placing defective wheel bearing detectors at least every 40 miles along the key routes, and other preventive measures.

**RAIL LINE SEGMENTS THAT WARRANT  
HAZARDOUS MATERIALS (KEY ROUTE) MITIGATION**

Proposed Owner	Route and Segment(s)	Rail Line Segment ID
	<b>Manchester, Georgia—Parkwood, Alabama</b>	
CSX	La Grange, GA to Parkwood, AL	C-376
CSX	Manchester, GA to La Grange, GA	C-377
	<b>Relay, Maryland—Washington, D.C.</b>	
CSX	Relay, MD to Jessup, MD	C-037
CSX	Jessup, MD to Alexandria Jct., MD	C-034
CSX	Alexandria Jct., MD to Washington, DC	C-031
CSX	Trenton, NJ to Port Reading, NJ	C-769
CSX	Ashley Junction, SC to Yemassee, SC	C-344
	<b>Quaker, Ohio—Berea, Ohio</b>	
CSX	Quaker, OH to Mayfield, OH	C-073
CSX	Mayfield, OH to Marcy, OH	C-072
CSX	Marcy, OH to Short, OH	C-069
CSX	Short, OH to Berea, OH	C-074
CSX	NJ Cabin, KY to Columbus, OH	C-230
	<b>Columbus, Ohio—Toledo, Ohio</b>	
CSX	Columbus, OH to Marion, OH	C-229
CSX	Marion, OH to Fostoria, OH	C-070
CSX	Fostoria, OH to Toledo, OH	C-228
CSX	Deshler, OH to Toledo, OH	C-065
	<b>West Falls, Pennsylvania—Trenton, New Jersey</b>	
CSX	West Falls, PA to CP Newton Jct., PA	C-766

**RAIL LINE SEGMENTS THAT WARRANT  
HAZARDOUS MATERIALS (KEY ROUTE) MITIGATION**

<b>Proposed Owner</b>	<b>Route and Segment(s)</b>	<b>Rail Line Segment ID</b>
CSX	CP Newton Jct., PA to CP Wood, PA	C-767
CSX	CP Wood, PA to Trenton, NJ	C-768
	<b>Salisbury, North Carolina—Leadvale, Tennessee</b>	
NS	Salisbury, NC to Asheville, NC	N-360
NS	Asheville, NC to Leadvale, TN	N-361
NS	New Line, TN to Leadvale, TN	N-392
NS	Bulls Gap, TN to Frisco, TN	N-399
NS	Frisco, TN to Kingsport, TN	N-406
	<b>Suffern, New York—Buffalo, New York</b>	
NS	Suffern, NY to Campbell Hall, NY	N-062
NS	Campbell Hall, NY to Port Jervis, NY	N-063
NS	Port Jervis, NY to Binghamton, NY	N-245
NS	Binghamton, NY to Waverly, NY	N-246
NS	Waverly, NY to Corning, NY	N-247
NS	Corning, NY to Buffalo, NY	N-065
NS	Ebenezer Jct., NY to Buffalo, NY	N-061
NS	Butler, IN to Fort Wayne, IN	N-041
NS	Alexandria, IN to Muncie, IN	N-040
NS	Moberly, MO to CA Junction, MO	N-478
	<b>Buffalo FW, New York—Cleveland, Ohio</b>	
NS	Buffalo FW, NY to Ashtabula, OH	N-070
NS	Ashtabula, OH to Cleveland (Cloggsville), OH	N-075
NS	Cleveland (Cloggsville), OH to CP-190, OH	N-074§

**RAIL LINE SEGMENTS THAT WARRANT  
HAZARDOUS MATERIALS (KEY ROUTE) MITIGATION**

Proposed Owner	Route and Segment(s)	Rail Line Segment ID
	<b>Vermilion, Ohio—Oak Harbor, OH</b>	
NS	Vermilion, OH to Bellevue, OH	N-072
NS	Oak Harbor, OH to Bellevue, OH	N-079
NS	Bethlehem, PA to Allentown, PA	N-203
NS	Reading, PA to Reading Belt Jct., PA	N-216
NS	Poe ML, VA to Petersburg, VA	N-432
	<b>Park Junction, Pennsylvania—Camden, New Jersey</b>	
Shared	Park Jct., PA to Philadelphia Frankford Jct., PA	S-232
Shared	Philadelphia Frankford Jct., PA to Camden, NJ	S-233

**Condition 4(B).** The Applicants shall distribute to each local emergency response organization or coordinating body in the communities along the 44 rail line segments classified as “key routes” listed in Condition 4(A) above and the 20 rail line segments classified as “major key routes” listed in Condition 4(C) below, a copy of the Applicants’ current Hazardous Materials Emergency Response Plans. The Applicants shall certify to the Board compliance with this condition before increasing hazardous materials traffic on these rail line segments as a result of the proposed Conrail Acquisition. In addition, the Applicants shall distribute the Plans at least once every 3 years, or whenever the Applicants materially change them in a manner that affects the Applicants’ interface with the local emergency response organizations.

For the purposes of this condition, SEA defines “major key routes” as rail line segments on which the hazardous materials rail car traffic would at least double as a result of the proposed Conrail Acquisition and exceed an annual volume of 20,000 rail carloads of hazardous materials.

**Condition 4(C).** For each local emergency response organization or coordinating body in the communities along the 20 rail line segments listed below, the Applicants shall develop and provide a local Hazardous Materials Emergency Response Plan, to be implemented in coordination with the Applicants’ own Hazardous Materials Emergency Response Plans. The individual plans shall be consistent with the National Response Team Guidance documents NRT-1 (Planning guide), NRT1A (Criteria for Plan Review), and the U.S. Environmental Protection Agency’s Technical Guidance for Hazardous Analysis or other equivalent documents that are

used by the affected community's local emergency response organization or coordinating body. The Applicants shall certify to the Board compliance with this condition before increasing hazardous materials traffic on these rail line segments as a result of the proposed Conrail Acquisition.

**RAIL LINE SEGMENTS THAT WARRANT HAZARDOUS MATERIALS EMERGENCY RESPONSE (MAJOR KEY ROUTE) MITIGATION**

Proposed Owner	Route and Segment(s)	Rail Line Segment ID
	<b>Marion, Ohio—Toledo, Ohio</b>	
CSX	Marion, OH to Fostoria, OH	C-070
CSX	Fostoria, OH to Toledo, OH	C-228
	<b>Quaker, Ohio—Fostoria, Ohio</b>	
CSX	Quaker, OH to Mayfield, OH	C-073
CSX	Mayfield, OH to Marcy, OH	C-072
CSX	Marcy, OH to Short, OH	C-069
CSX	Short, OH to Berea, OH	C-074
CSX	Berea, OH to Greenwich, OH	C-061
CSX	Greenwich, OH to Willard, OH	C-068
CSX	Willard, OH to Fostoria, OH	C-075
CSX	Deshler, OH to Willow Creek, IN	C-066
	<b>Butler, Indiana—Tilton, Illinois</b>	
NS	Butler, IN to Fort Wayne, IN	N-041
NS	Fort Wayne, IN to Peru, IN	N-044
NS	Peru, IN to Lafayette Jct., IN	N-046
NS	Lafayette Jct., IN to Tilton, IL	N-045
	<b>Buffalo FW, New York—Cleveland, Ohio</b>	
NS	Buffalo FW, NY to Ashtabula, OH	N-070
NS	Ashtabula, OH to Cleveland (Cloggsville), OH	N-075
NS	Cleveland (Cloggsville), OH to CP-190, OH	N-074§
NS	Oak Harbor, OH to Bellevue, OH	N-079



**RAIL LINE SEGMENTS THAT WARRANT HAZARDOUS MATERIALS  
EMERGENCY RESPONSE (MAJOR KEY ROUTE) MITIGATION**

<b>Proposed Owner</b>	<b>Route and Segment(s)</b>	<b>Rail Line Segment ID</b>
NS	White, OH to Cleveland, OH	N-081
Shared	PN, NJ to Bayway, NJ	S-032

**Condition 4(D).** The Applicants shall implement a real-time or desktop simulation emergency response drill with the voluntary participation of local emergency response organizations or coordinating bodies in affected communities along each major key route identified in Condition No. 4(C). The Applicants shall certify to the Board compliance with this condition within 2 years of the effective date of the Board’s final decision.

Chapter 4, “Summary of Environmental Review,” Section 4.3, describes the rationale for Conditions 4(A), 4(B), 4(C), and 4(D).

**Condition 5(A).** The Applicants shall provide dedicated toll-free telephone numbers to the emergency response organizations or coordinating bodies responsible for each community located along the 44 rail line segments identified in Condition No. 4(A), and the 20 rail line segments identified in Condition No. 4(C). These telephone numbers shall provide access to personnel at the Applicants’ dispatch centers 24 hours per day, 7 days per week, where local emergency response personnel can quickly obtain and provide information regarding the transport of hazardous materials on a given train and appropriate emergency response procedures in the event of a train accident or hazardous materials release. The Applicants are not required to provide these telephone numbers to the general public.

The Applicants shall certify to the Board that they have complied with this condition before increasing hazardous materials traffic on these rail line segments as a result of the proposed Conrail Acquisition.

**Condition 5(B).** As requested by the U.S. Fish and Wildlife Service (USFWS), the Applicants shall notify USFWS, and the appropriate state departments of natural resources, in the event of a reportable hazardous materials release with the potential to affect wetlands or wildlife habitat(s).

**Condition 6.** The Applicants shall establish a formal Failure Mode and Effects Analysis (FMEA), or an equivalent program designed to identify and prevent potential causes of accidents or hazardous materials releases. The

Applicants shall establish such a program for the 15 rail yards and 24 intermodal facilities listed below where activity increases would meet or exceed the Board’s threshold for environmental analysis, resulting in an increased potential risk of accidents and hazardous materials releases. The FMEA program, or its equivalent, shall be designed to reduce the risk of hazardous materials releases by identifying the potential causes and consequences of both stored and transported hazardous materials, and eliminating or reducing the likelihood of the potential causes prior to an incident. The Applicants shall certify to the Board compliance with this condition within 1 year of the effective date of the Board’s final decision.

**RAIL YARDS AND INTERMODAL FACILITIES THAT WARRANT HAZARDOUS MATERIALS (FMEA) MITIGATION**

Proposed Owner	Facility	Location (City)	County	State	Site ID
<b>Rail Yards</b>					
CSX	Boyles	Birmingham	Jefferson	Alabama	CY01
CSX	Curtis	Gary	Lake	Indiana	CY02
CSX	Rougemere	Detroit	Wayne	Michigan	CY03
CSX	Stanley	Toledo	Wood	Ohio	CY04
CSX	Leewood	Memphis	Shelby	Tennessee	CY05
NS	Doraville	Doraville	DeKalb	Georgia	NY01
NS	Colehour	Chicago	Cook	Illinois	NY02
NS	Ft. Wayne	Ft. Wayne	Allen	Indiana	NY03
NS	Luther	St. Louis	St. Louis	Missouri	NY04
NS	Bison	Buffalo	Erie	New York	NY05
NS	Conneaut	Conneaut	Ashtabula	Ohio	NY06
NS	Homestead	Toledo	Lucas	Ohio	NY07
NS	Airline	Toledo	Lucas	Ohio	NY08
NS	Harrisburg	Harrisburg	Dauphin	Pennsylvania	NY09
Shared Assets Area	Greenwich	Philadelphia	Philadelphia	Pennsylvania	SY01

**RAIL YARDS AND INTERMODAL FACILITIES THAT WARRANT  
HAZARDOUS MATERIALS (FMEA) MITIGATION**

Proposed Owner	Facility	Location (City)	County	State	Site ID
<b>Intermodal Facilities</b>					
CSX	Hulsey	Atlanta	Fulton	Georgia	CM01
CSX	59 <sup>th</sup> Street	Chicago	Cook	Illinois	CM02
CSX	Little Ferry	Little Ferry	Bergen	New Jersey	CM03
CSX	South Kearny	South Kearny	Hudson	New Jersey	CM04
CSX	Greenwich	Philadelphia	Philadelphia	Pennsylvania	CM05
NS	Inman	Atlanta	Fulton	Georgia	NM01
NS	Landers	Chicago	Cook	Illinois	NM02
NS	47 <sup>th</sup> Street	Chicago	Cook	Illinois	NM03
NS	Buechel	Louisville	Jefferson	Kentucky	NM04
NS	Oliver	New Orleans	Orleans	Louisiana	NM05
NS	E. Lombard St.	Baltimore	Baltimore	Maryland	NM06
NS	Melvindale	Detroit	Wayne	Michigan	NM07
NS	Voltz	Kansas City	Clay	Missouri	NM08
NS	Luther	St. Louis	St. Louis	Missouri	NM09
NS	E-Rail	Elizabeth	Union	New Jersey	NM10
NS	Sandusky	Sandusky	Erie	Ohio	NM11
NS	Discovery Park	Columbus	Franklin	Ohio	NM12
NS	New AmeriPort/ South Philadelphia	Philadelphia	Philadelphia	Pennsylvania	NM13
NS	Allentown	Allentown	Lehigh	Pennsylvania	NM14
NS	Rutherford	Harrisburg	Dauphin	Pennsylvania	NM15
NS	Morrisville	Morrisville	Bucks	Pennsylvania	NM16
NS	Pitcairn	Pittsburgh	Allegheny	Pennsylvania	NM17
NS	Forrest	Memphis	Shelby	Tennessee	NM18

**RAIL YARDS AND INTERMODAL FACILITIES THAT WARRANT HAZARDOUS MATERIALS (FMEA) MITIGATION**

Proposed Owner	Facility	Location (City)	County	State	Site ID
Shared Assets Area	Portside	Elizabeth	Union, Essex	New Jersey	SM01

Chapter 4, “Summary of Environmental Review,” Section 4.3, describes the rationale for this condition.

**Safety: Freight Rail Operations**

**Condition 7.** To reduce the risk of train accidents and derailments, the Applicants shall comply with the requirements in the Federal Railroad Administration’s (FRA) Proposed Rule for “gross ton-mile based” inspections (49 CFR Part 213.237, Docket No. RST-90-1) on the eight rail line segments listed below.

FRA’s Proposed Rule includes a provision that specifically requires railroads to conduct track inspections to detect rail flaws on a rail line segment at least once every 40 million gross ton-miles of rail traffic, or annually, whichever is more frequent. If FRA’s Final Rule imposes a different inspection standard, then the Applicants shall comply with the standard in the Final Rule.

**RAIL LINE SEGMENTS THAT WARRANT FREIGHT SAFETY MITIGATION**

Proposed Owner	State	Counties	Description	Rail Line Segment ID
CSX	OH	Cuyahoga, Lorain, and Huron	Berea, OH to Greenwich, OH	C-061
CSX	OH	Huron	Greenwich, OH to Willard, OH	C-068
CSX	OH	Huron and Seneca	Willard, OH to Fostoria, OH	C-075
NS	IN	Lake	CP 501, IN to Indiana Harbor, IN	N-042
NS	OH	Ottawa, Wood, and Lucas	Oak Harbor, OH to Miami, OH	N-077
NS	OH	Lucas	Miami, OH to Airline, OH	N-086
NS	OH	Cuyahoga	CP-190, OH to Berea, OH	N-293C§
NS	PA	Dauphin	Rutherford, PA to Harrisburg, PA	N-090

Chapter 4, “Summary of Environmental Review,” Section 4.5, describes the rationale for this condition.

**7.2.3 Final Recommended Local or Site-specific Environmental Conditions**

SEA developed recommended environmental conditions to address potential local environmental impacts. The affected communities fall into two categories: (1) those communities where potential significant adverse environmental impacts met SEA’s criteria for mitigation, and (2) those communities where potential adverse impacts could be considered significant when combined with unique local circumstances.

**Safety: Highway/Rail At-grade Crossings**

**Condition 8.** To address potential safety impacts at highway/rail at-grade crossings, the Applicants shall upgrade existing warning devices at 89 public highway/rail at-grade crossings as listed below. To the extent practicable, the Applicants shall prioritize for improvement those highway/rail at-grade crossings that have the greatest level of projected train traffic increases. If the Applicants execute a Negotiated Agreement with the affected local jurisdiction and the state department of transportation, they may implement alternate safety improvements in the vicinity of these identified highway/rail at-grade crossings that achieve at least an equivalent level of safety enhancement. The Applicants shall complete these upgrades or improvements within 2 years of the effective date of the Board’s decision, and shall certify to the Board such completion on a quarterly basis during this 2-year period.

**HIGHWAY/RAIL AT-GRADE CROSSINGS  
THAT WARRANT SAFETY MITIGATION**

State	Crossing Name, County, and City	FRA ID	Rail Line Segment ID	Current Warning Device	Post-Acquisition Device
<b>CSX</b>					
IN	CR 9, Elkhart, Nappanee	155419P	C-066	Passive	Flashing Lights
IN	Seventh St., Kosciusko, Syracuse	155391B	C-066	Flashing Lights	Gates
IN	Huntington St., Kosciusko, Syracuse	155392H	C-066	Gates	4-Quadrant Gates, or Alternative Mitigation such as Median Barriers

**HIGHWAY/RAIL AT-GRADE CROSSINGS  
THAT WARRANT SAFETY MITIGATION**

State	Crossing Name, County, and City	FRA ID	Rail Line Segment ID	Current Warning Device	Post- Acquisition Device
IN	Main/Syr-Web, Kosciusko Syracuse	155394W	C-066	Flashing Lights	Gates
IN	Oak St., Kosciusko, Syracuse	155395D	C-066	Passive	Gates
IN	CR 875 E., La Porte, Walkerton	155484V	C-066	Passive	Flashing Lights
IN	500 W., La Porte, Union Mills	155496P	C-066	Passive	Gates
IN	Countyline Rd., Lake, Gary	155632M	C-027	Flashing Lights	Gates
IN	Hobart Rd., Lake, Gary	155633U	C-027	Flashing Lights	Gates
IN	Lake St., Lake, Gary	155637W	C-027	Gates	4-Quadrant Gates, or Alternative Mitigation such as Median Barriers
IN	Clarke Rd., Lake, Gary	155645N	C-027	Flashing Lights	Gates
IN	First Rd., Smith, Marshall, Teegarden	155465R	C-066	Passive	Gates
IN	Thorn Rd., Marshall, Walkerton	155476D	C-066	Passive	Gates
IN	CR 500 W., Noble, Kimmell	155372W	C-066	Passive	Gates
IN	900 W., Noble, Cromwell	155380N	C-066	Passive	Flashing Lights
IN	900 N., Porter, Portage	155615W	C-066	Gates	4-Quadrant Gates, or Alternative Mitigation such as Median Barriers
OH	Marsh Rd., Hardin	518382H	C-071	Passive	Flashing Lights
OH	Main St., Henry, Deshler	155755Y	C-065	Flashing Lights	Gates
OH	North St., Henry, Deshler	155760V	C-065	Passive	Gates
OH	Townline Rd., Huron, New London	514488D	C-061	Passive	Gate

**HIGHWAY/RAIL AT-GRADE CROSSINGS  
THAT WARRANT SAFETY MITIGATION**

State	Crossing Name, County, and City	FRA ID	Rail Line Segment ID	Current Warning Device	Post- Acquisition Device
OH	Main St., Seneca, Fostoria	228774H	C-070	Passive	Flashing Lights
OH	TWP 0180, Seneca, Fostoria	228780L	C-070	Passive	Gates
OH	Range Line Rd., Wood, Bowling Green	155789T	C-065	Passive	Flashing Lights
OH	Kellogg Rd., Wood, Bowling Green	155794P	C-065	Passive	Gates
OH	Washington St., Wood, Tontogony	155798S	C-065	Passive	Flashing Lights
OH	Tontogony Rd., Wood Tontogony	155799Y	C-065	Passive	Flashing Lights
OH	Middletown Pike, Wood, Haskins	155804T	C-065	Passive	Flashing Lights
OH	Fire Point Rd., Wood, Perrysburg	155812K	C-065	Passive	Flashing Lights
OH	Roachton Rd., Wood, Perrysburg	155814Y	C-065	Passive	Flashing Lights
OH	Eckel Jct. Rd., Wood, Perrysburg	155818B	C-065	Passive	Flashing Lights
OH	Eckel Rd., Wood, Perrysburg	155819H	C-065	Passive	Flashing Lights
OH	Eckel Rd., Wood, Perrysburg	155820C	C-065	Passive	Flashing Lights
OH	W. Boundary St., Wood, Perrysburg	155821J	C-065	Gates	4-Quadrant Gates, or Alternative Mitigation such as Median Barriers
OH	Ford Rd., Wood, Rossford	155838M	C-065	Passive	Gates
OH	Bates Rd., Wood, Rossford	155839U	C-065	Passive	Gates
OH	Schrick Rd., Wood, Rossford	155840N	C-065	Passive	Flashing Lights
NS					
IL	TR 145, Piatt, Ivesdale	479957T	N-033	Passive	Flashing Lights
IN	Notestine Rd., Allen, Graybill	478188C	N-041	Passive	Flashing Lights
IN	Estella Ave., Allen, New Haven	478216D	N-041	Flashing Lights	Gates

**HIGHWAY/RAIL AT-GRADE CROSSINGS  
THAT WARRANT SAFETY MITIGATION**

State	Crossing Name, County, and City	FRA ID	Rail Line Segment ID	Current Warning Device	Post- Acquisition Device
IN	Anthony Blvd., Allen, Ft. Wayne	478226J	N-041	Gates	4-Quadrant Gates, or Alternative Mitigation such as Median Barriers
IN	Engle Rd., Allen, Ft. Wayne	478240E	N-044	Flashing Lights	Gates
IN	Washington St./CR 100 E., Carroll, Burrows	484246J	N-046	Passive	Flashing Lights
IN	Meridian Line, Carroll, New Waverly	484248X	N-046	Passive	Flashing Lights
IN	Cedar St., Cass, Logansport	484216S	N-046	Passive	Flashing Lights
IN	18 <sup>th</sup> St., Cass, Logansport	484229T	N-046	Flashing Lights	Gates
IN	Briant St., Huntington, Huntington	478270W	N-044	Flashing Lights	Gates
IN	CR 100 E., Madison, Alexandria	474598M	N-040	Passive	Flashing Lights
IN	CR 250 W., Miami, Peru	484209G	N-046	Passive	Flashing Lights
IN	Smith St., Tippecanoe, West Point	484311M	N-046	Flashing Lights	Gates
IN	CR 400 S., Tippecanoe, West Point	484319S	N-045	Passive	Flashing Lights
IN	CR 172, Tippecanoe, West Point	484323G	N-045	Passive	Gates
IN	4 <sup>th</sup> Street/US 231, Tippecanoe, Lafayette	484309L	N-046	Gates	4-Quadrant Gates, or Alternative Mitigation such as Median Barriers
IN	5 <sup>th</sup> St., Tippecanoe, Lafayette	484308E	N-046	Passive	Gates
IN	Romig St., Tippecanoe, Lafayette	484306R	N-046	Flashing Lights	Gates



**HIGHWAY/RAIL AT-GRADE CROSSINGS  
THAT WARRANT SAFETY MITIGATION**

State	Crossing Name, County, and City	FRA ID	Rail Line Segment ID	Current Warning Device	Post- Acquisition Device
IN	7 <sup>th</sup> St., Tippecanoe, Lafayette	484303V	N-046	Flashing Lights	Gates
IN	8 <sup>th</sup> St., Tippecanoe, Lafayette	484302N	N-046	Passive	Gates
IN	Union St., Tippecanoe, Lafayette (Note: Because this is a one-way street, four-quadrant gates or median barriers are not appropriate mitigation for this crossing; therefore SEA recommends this alternative mitigation.)	484294Y	N-046	Gates	Alternative Mitigation such as adding or improving pavement markings or installing additional warning signs
IN	17 <sup>th</sup> & Salem, Tippecanoe, Lafayette	484293S	N-046	Flashing Lights	Gates
IN	18 <sup>th</sup> St., Tippecanoe, Lafayette	484292K	N-046	Flashing Lights	Gates
IN	Greenbush St., Tippecanoe, Lafayette	484291D	N-046	Flashing Lights	Gates
IN	CR 500 E., Tippecanoe, Buck Creek	484282E	N-046	Passive	Flashing Lights
IN	CR 700 N., Tippecanoe, Colburn	484269R	N-046	Passive	Gates
IN	CR 900 N., Tippecanoe, Colburn	484267C	N-046	Passive	Gates
IN	Olive St., Wabash, Wabash	478313M	N-044	Passive	Gates
MD	Reiff Church Rd., Washington, Mauginsville	534883D	N-091	Passive	Flashing Lights
MD	Shawley Dr., Washington, Mauginsville	534887F	N-091	Passive	Flashing Lights
NY	Loomis St., Chautauqua, Ripley	471825F	N-070	Passive	Flashing Lights
OH	Andrews, Crawford, Bucyrus	481572C	N-071	Passive	Gates
OH	Hopley, Crawford, Bucyrus	481561P	N-073	Gates	4-Quadrant Gates, or Alternative Mitigation such as Median Barriers

**HIGHWAY/RAIL AT-GRADE CROSSINGS  
THAT WARRANT SAFETY MITIGATION**

State	Crossing Name, County, and City	FRA ID	Rail Line Segment ID	Current Warning Device	Post- Acquisition Device
OH	Bradshar, Erie, Sandusky	481659T	N-085	Passive	Flashing Lights
OH	Skadden/CR 42, Erie, Sandusky	481660M	N-085	Passive	Flashing Lights
OH	Galion-Marseilles, Marion, Marion	481546M	N-073	Passive	Flashing Lights
OH	Scott Twp. Rd. 190, Marion, Marion	481547U	N-073	Passive	Flashing Lights
OH	Kilbourne, Sandusky, Bellevue	473668W	N-079	Gates	4-Quadrant Gates, or Alternative Mitigation such as Median Barriers
OH	CR 292, Sandusky, Bellevue	473673T	N-079	Passive	Flashing Lights
OH	Fangboner Road, Sandusky, Kingsway	473726P	N-079	Passive	Flashing Lights
PA	York Rd./SR 74, Cumberland, Mechanicsburg	592290T	N-091	Gates	4-Quadrant Gates, or Alternative Mitigation such as Median Barriers
PA	Criswall, Cumberland, Mechanicsburg	592295C	N-091	Passive	Flashing Lights
PA	Mill, Cumberland, Mechanicsburg	592320H	N-091	Passive	Flashing Lights
PA	Peach St., Erie, Erie	471901W	N-070	Gates	Relocate to CSX corridor <sup>a</sup>
PA	Cherry St., Erie, Erie	471906F	N-070	Flashing Lights	Relocate to CSX corridor <sup>a</sup>
PA	Raspberry St., Erie, Erie	471911C	N-070	Flashing Lights	Relocate to CSX corridor <sup>a</sup>
PA	Lucas Road, Erie, Erie	471940M	N-070	Passive	Flashing Lights
PA	Guilford Springs Rd., Franklin, Guilford Springs	535146X	N-091	Passive	Flashing Lights
PA	Alleman, Franklin, Marion	535151U	N-091	Passive	Flashing Lights
PA	Hayes Rd., Franklin, Milner	535163N	N-091	Passive	Flashing Lights

**HIGHWAY/RAIL AT-GRADE CROSSINGS  
THAT WARRANT SAFETY MITIGATION**

State	Crossing Name, County, and City	FRA ID	Rail Line Segment ID	Current Warning Device	Post-Acquisition Device
VA	SR 7, Clarke, Berryville	468599F	N-091	Gates	4-Quadrant Gates, or Alternative Mitigation such as Median Barriers
VA	Rockland Rd., Warren, Winchester	468634S	N-091	Flashing Lights	Gates
<b>Shared</b>					
MI	Pennsylvania Rd., Wayne, Taylor	511027V	S-020	Flashing Lights	Gates

<sup>a</sup> Recommendation from highway/rail at-grade crossing delay analysis.

Chapter 4, “Summary of Environmental Review,” Section 4.2, describes the rationale for this condition.

**Transportation: Highway/Rail At-grade Crossing Delay**

**Condition 9.** CSX shall continue negotiations with De Kalb County, Indiana; the City of Garrett, Indiana; and the Indiana Department of Transportation for the expeditious implementation of a grade separation at CSX’s Randolph Street highway/rail at-grade crossing in Garrett. If the parties have not reached agreement within 6 months following the effective date of the Board’s decision on the proposed Conrail Acquisition, CSX shall, with the concurrence of the other parties, participate in and assume the cost of binding arbitration or mediation. Because of the significant impact of Acquisition-related actions on traffic delay, the Board believes that the CSX share of the costs for design and construction of the grade separation should be substantially more than the traditional railroad share for similar projects, which is 5% for Indiana. The results of the negotiations or arbitration shall be final and binding on CSX, and without further involvement or review by the Board. CSX shall notify the Board within 30 days of completing the negotiations or arbitration.

Chapter 4, “Summary of Environmental Review,” Section 4.7, describes the rationale for this condition.

**Condition 10.** The Applicants shall develop and implement railroad operational improvements for the portions of the rail line segments located near the seven highway/rail at-grade crossings listed below. The Applicants shall implement such railroad operational improvements to materially reduce the total amount of time that these highway/rail at-grade crossings are blocked by trains. These improvements could include, but are not limited to, installing constant warning time devices, increasing train speeds, improving track infrastructure, and removing conditions that require a train to stop while blocking the roadway crossing or to travel at speeds slower than the timetable speed limit—all to be implemented in a manner consistent with safe operating practices.

**HIGHWAY/RAIL AT-GRADE CROSSINGS  
THAT WARRANT TRAFFIC DELAY MITIGATION**

State	County, City	Crossing Name	Current Warning Device Type	Level of Service Change	Proposed Owner	Rail Line Segment ID	FRA Crossing ID
IL	Cook, Blue Island	Dixie Hwy.	Gates	B to D	CSX	C-010	163415H
IL	Cook, Blue Island	Broadway - 135 <sup>th</sup> St.	Gates	B to D	CSX	C-010	163416P
IN	Madison, Alexandria	SR 9	Flashing Lights	> 30-second delay	NS	N-040	474600L
IN	Madison, Alexandria	Harrison St.	Gates	> 30-second delay	NS	N-040	474601T
KY	Hopkins, Madisonville	W. Noel Ave.	Flashing lights	C to D	CSX	C-021	345331S
OH	Butler, Hamilton	Vine St.	Gates	C to D	CSX	C-063	152407K
OH	Hamilton, Cincinnati	Township Ave.	Gates	C to D	CSX	C-063	152355V

Chapter 4, “Summary of Environmental Review,” Section 4.7, describes the rationale for this condition.

**Noise**

**Condition 11.**

The Applicants shall mitigate train wayside noise (locomotive engine and wheel/rail noise) at noise-sensitive receptor locations on the rail line segments listed below within the noise contour boundary established for each segment. With the written concurrence of the responsible local government(s), the Applicants shall mitigate wayside noise with either noise barriers or building sound insulation treatments, including air-conditioning if appropriate. The design goal for noise barriers and sound insulation treatments shall be a 10-decibel (dBA) noise reduction. The minimum noise reduction achieved shall be 5 dBA. Noise barrier performance shall be determined in accordance with ANSI S12.8-1987, *American National Standard Methods for Determination of Insertion Loss of Outdoor Noise Barriers*. Sound insulation performance shall be determined in accordance with ASTM 966-90, *Standard Guide For Field Measurements of Airborne Sound Insulation of Building Facades and Facade Elements*. The Applicants shall certify compliance with this condition within 2 years of the effective date of the Board's final decision. This condition shall not apply to those communities that have executed Negotiated Agreements with the Applicants that satisfy the communities' environmental concerns.

Should noise mitigation be selected at locations identified as containing structures that are potentially eligible for listing on the National Register of Historic Places, the Applicants shall consult with the appropriate State Historic Preservation Officer to assess effects and implement appropriate mitigation measures.

**RECEPTORS THAT MEET WAYSIDE NOISE MITIGATION CRITERIA**

Rail Line Segment Description (Communities <sup>a</sup> )	Distance to 70 dBA L <sub>dn</sub> Noise Contour (in feet)	Affected by Horn Sounding		Total Number of Receptors	Rail Line Segment ID
		No	Yes		
<b>CSX</b>					
Warsaw, IN to Tolleston, IN (Etna Green, Plymouth)	56	0	3	3	C-026
Berea, OH to Greenwich, OH (Berea, Olmsted Falls, Eaton Estates CDF, Grafton, Lagrange, Wellington, Rochester, New London)	246	15	246	261	C-061

## RECEPTORS THAT MEET WAYSIDE NOISE MITIGATION CRITERIA

Rail Line Segment Description (Communities*)	Distance to 70 dBA L <sub>dn</sub> Noise Contour (in feet)	Affected by Horn Sounding		Total Number of Receptors	Rail Line Segment ID
		No	Yes		
Deshler, OH to Toledo, OH (Perrysburg, Haskins, Tontogany, Weston, Milton Center, Custer, Deshler)	108	6	71	77	C-065
Mayfield, OH to Marcy, OH (Cleveland, Cuyahoga Heights)	218	95	0	95	C-072
Quaker, OH to Mayfield, OH (Cleveland)	218	206	0	206	C-073
Short, OH to Berea, OH (Middleburg Heights, Berea)	229	32	40	72	C-074
Sinns, PA to Brownsville, PA (McKeesport, Glassport, Lincoln, Elizabeth, Bunola, Elkhorn, East Monongahela, Manown, Gallatin, Sunny Side, Milesville, Webster, Belle Vernon, Fayette, Newell)	91	58	91	149	C-085
NS					
Alexandria, IN to Muncie, IN (Alexandria, Muncie)	72	0	6	6	N-040
Cleveland (Cloggsville), OH to CP-190, OH (Cleveland, Brooklyn, Linndale)	80	20	0	20	N-074§
Oak Harbor, OH to Bellevue, OH (Kingsway, Booktown, Fremont, Clyde)	122	13	55	68	N-079
Bellevue, OH to Sandusky Dock, OH (Weyers, Parkertown)	76	0	2	2	N-085
Riverton Junction, VA to Roanoke, VA (Front Royal, Bentonville, Kimball, Luray, Stanley, Ingham, Shenandoah, Elkton, Lynnwood, Grottoes, Crimora, Waynesboro, Lyndhurst, Cold Spring, Vesuvius, Midvale, Cornwall, Buena Vista, Glasgow, Buchanan, Lithia, Troutville, Cloverdale, Hollins)	73	16	47	63	N-100
Fola Mine, WV to Deepwater, WV (Jefferson, Gauley Bridge, Falls View)	24	3	0	3	N-111

**RECEPTORS THAT MEET WAYSIDE NOISE MITIGATION CRITERIA**

Rail Line Segment Description (Communities <sup>a</sup> )	Distance to 70 dBA L <sub>dn</sub> Noise Contour (in feet)	Affected by Horn Sounding		Total Number of Receptors	Rail Line Segment ID
		No	Yes		
<b>Shared</b>					
Carleton, MI to Ecorse, MI (Lincoln Park, Allen Park, Taylor, Brownstown, Huron, Carleton)	93	15	12	27	S-020
<b>Total Number of Receptors</b>		<b>459</b>	<b>575</b>	<b>1,034</b>	

<sup>a</sup> Data source: De Leuw, Cather & Company and U.S. Geological Survey maps.

Chapter 4, “Summary of Environmental Review,” Section 4.12, describes the rationale for this condition.

**Cultural Resources**

**Condition 12.** CSX shall undertake no construction of a new rail line connection in Exermont, Illinois, until completion of the Section 106 process of the National Historic Preservation Act (16 U.S.C. 470f, as amended) in connection with the Mees-Notcha archaeological site.

Chapter 4, “Summary of Environmental Review,” Section 4.13, describes the rationale for this condition.

**Condition 13.** CSX shall, with concurrence from the Ohio State Historic Preservation Office, complete cultural resource documentation for the Lake Shore & Michigan Southern Railroad (New York Central Railroad) Shops District in the Collinwood rail yard in Cleveland, Ohio, as soon as practicable.

Chapter 4, “Summary of Environmental Review,” Section 4.13, describes the rationale for this condition.

**Condition 14.** CSX shall not alter the historic integrity of the 75<sup>th</sup> Street Interlocking Tower in Chicago, Illinois, until completion of the Section 106 process of the National Historic Preservation Act (16 U.S.C. 470f, as amended).

Chapter 4, “Summary of Environmental Review,” Section 4.13, describes the rationale for this condition.

**Condition 15.** NS shall not alter the historic integrity of the Shellpot Bridge in Wilmington, Delaware, until completion of the Section 106 process of the National Historic Preservation Act (16 U.S.C. 470f, as amended). NS shall conduct a feasibility study including preliminary design for the rehabilitation of the Shellpot Bridge. NS shall provide the Delaware State Historic Preservation Office a copy of this study for its review within 180 days following the effective date of the Board's final decision.

Chapter 4, "Summary of Environmental Review," Section 4.13, describes the rationale for this condition.

#### **Natural Resources**

**Condition 16.** Before initiating any construction of the proposed rail line connection in Vermilion, Ohio, NS shall coordinate with the U.S. Fish and Wildlife Service and the Ohio Department of Natural Resources to determine the potential presence of the endangered Indiana bat and any other Federally listed endangered or threatened species. If such species are found to be present and potentially adversely affected, NS shall proceed with applicable measures to comply with Section 7 of the Endangered Species Act.

Chapter 4, "Summary of Environmental Review," Section 4.15, describes the rationale for this condition.

#### **Newark, Delaware**

**Condition 17.** CSX shall comply with the terms and conditions of its executed Negotiated Agreements with the City of Newark, Delaware, the Newark Methodist Cemetery, and the University of Delaware.

#### **Chicago, Illinois**

**Condition 18(A).** CSX shall comply with the terms and conditions of its executed Negotiated Agreement with Metra (the primary commuter rail service in Chicago) regarding passenger train priorities through the 75<sup>th</sup> Street/Forest Hill Interlocking. Should CSX acquire control of the Indiana Harbor Belt Railroad (IHB), CSX shall comply with the terms and conditions of the executed Negotiated Agreement with Metra regarding passenger train priorities through the the IHB-controlled interlocking where Metra services operate.



**Condition 18(B).** CSX shall comply with mitigation provisions included in its permit applications approved by the City of Chicago for the proposed 59<sup>th</sup> Street intermodal facility.

Note: Conditions 1, 6, and 14 also apply to the City of Chicago.

**Danville, Illinois**

**Condition 19.** NS shall comply with the terms and conditions of its Negotiated Agreement with the City of Danville, Illinois.

Note: Conditions 1, 4(C), and 5(A) also apply to the City of Danville.

**Tilton, Illinois**

**Condition 20.** NS shall comply with the terms and conditions of its Negotiated Agreement with the City of Tilton, Illinois.

Note: Conditions 1, 4(B-D), and 5(A) also apply to the City of Tilton.

**Tolono, Illinois**

**Condition 21.** As stated in its Primary Application filed June 23, 1997, NS shall limit construction of the Tolono Connection to within the existing railroad right-of-way, so as to avoid permanent, adverse effects on Daggy Street or nearby residential properties.

Chapter 5, "Summary of Comments and Responses," Section 5.3.6, describes the rationale for this condition.

Note: Condition 1 also applies to the City of Tolono.

**Alexandria, Indiana**

**Condition 22.** As agreed to by NS, NS shall install flashing lights and gates at highway/rail at-grade crossings at Berry, Broadway, and Washington Streets.

Note: Conditions 1, 4(A), 4(B), 5(A), 8, 10, and 11 also apply to the City of Alexandria.

**Attica, Indiana**

- Condition 23(A).** NS shall, with the advice and consent of City of Attica, Indiana, adapt and modify the local component of its required Hazardous Materials Emergency Response Plan to account for the special needs of minority and low-income populations adjacent to or in the immediate vicinity of its rail line segment(s) in Attica. NS shall certify compliance with this condition within 6 months of the effective date of the Board's decision.
- Condition 23(B).** NS shall provide and install, including any necessary computer hardware and training, Operation Respond software at the local emergency response center serving minority and low-income populations adjacent to or in the immediate vicinity of its rail line segment(s) in Attica. NS shall certify compliance with this condition within 6 months of the effective date of the Board's decision.
- Condition 23(C).** As agreed to by NS, NS shall fund participation in a training session at the national training center in Pueblo, Colorado, for two representatives of the emergency response provider for the City of Attica, Indiana.

Note: Conditions 1, 4(B-D), and 5(A) also apply to the City of Attica.

**East Chicago, Hammond, Gary, and Whiting, Indiana (Four City Consortium)**

- Condition 24.** CSX shall alleviate Acquisition-related highway/rail at-grade crossing traffic delay and safety concerns in East Chicago, Hammond, Gary, and Whiting, Indiana, through operational improvements and safety measures, as follows:
- a) CSX shall upgrade the highway/rail at-grade crossing signal warning systems with constant warning time circuits to reduce crossing blockage time and the likelihood of motorists driving around the gate at the highway/rail at-grade crossings listed below on the Pine Junction-to-Barr Yard rail line segment (C-023) and the Tolleston-to-Clark Junction rail line segment (C-024).
- Sheffield Avenue (C-023)
  - Hohman Avenue (C-023)
  - Calumet Avenue (C-023)
  - Columbia Avenue (C-023)
  - Indianapolis Boulevard (C-023)
  - Railroad Avenue (C-023)
  - Kennedy Avenue (C-023)
  - 5<sup>th</sup> Avenue (U.S. 20) (C-024)

- b) CSX shall make Operation Lifesaver programs available to schools and other community organizations in the vicinity of the Pine Junction-to-Barr Yard rail line segment (C-023), Tolleston-to-Clark Junction rail line segment (C-024), and the Tolleston-to-Hobart portion of the Warsaw-to-Tolleston rail line segment (C-026).
- c) As agreed to by CSX, CSX shall upgrade the track structure and signal systems to allow 40 mph train operations, consistent with safe operating practices, between Pine Junction and Barr Yard.
- d) CSX shall install temporary notification signs or message boards consistent with Condition No. 1(B) at least 30 days before initiating new train traffic between the Tolleston and Clark Junction rail line segment (C-024), and the Hobart-to-Tolleston portion of the Warsaw-to-Tolleston rail line segment (C-026). CSX shall certify to the Board that it has complied with this condition before increasing traffic on these rail line segments.
- e) CSX shall improve coordination between Pine Junction and Barr Yard at Indiana Harbor Belt Railroad interlockings where CSX rail lines cross or join, to reduce railroad congestion and blockage at highway/rail at-grade crossings to the extent practicable.
- f) As agreed to by CSX, CSX shall reroute train traffic as much as practicable from the Pine Junction-to-Barr Yard rail line segment (C-023) to other rail lines in the area.
- g) As agreed to by CSX, CSX shall instruct its train crews not to stop trains in positions where they would block major highway/rail at-grade crossings identified by the Four City Consortium on the Pine Junction-to Barr Yard rail line segment whenever practicable and consistent with safe operating practices.
- h) As agreed to by CSX, CSX shall work with the Four City Consortium to better coordinate train movements and emergency response. If practicable, CSX shall install a train location system by interconnecting the grade crossing warning devices to nearby traffic signals, and provide a display in the local emergency response center showing the position of the grade crossing warning signals.

- i) The Applicants shall attend regularly scheduled meetings with representatives of the Four City Consortium for 3 years following the effective date of the Board's final decision. Representatives of the Indiana Harbor Belt Railroad shall also be invited. These meetings would provide a forum for assessing traffic delay, emergency response, and driver compliance with railway grade crossing warning systems through improved education and enforcement.

Chapter 4, "Summary of Environmental Review," Section 4.19.3, describes the rationale for this condition.

Note: Conditions 1, 6, and 8 also apply to East Chicago, Gary, Hammond, and Whiting.

### **Lafayette, Indiana**

**Condition 25(A).** NS shall, with the advice and consent of the City of Lafayette, Indiana, adapt and modify the local component of its required Emergency Response Plan to account for the special needs of minority and low-income populations adjacent to or in the vicinity of its rail line segment(s) in Lafayette. NS shall certify compliance with this condition within 6 months of the effective date of the Board's decision.

**Condition 25(B).** NS shall provide and install, including any necessary computer hardware and training, Operation Respond software at the local emergency response center serving minority and low-income populations adjacent to or in the immediate vicinity of its rail line segment(s) in Lafayette. NS shall certify compliance with this condition within 6 months of the effective date of the Board's decision.

**Condition 25(C).** As agreed to by NS, NS shall fund participation in a training session at the national training center in Pueblo, Colorado, for two representatives of the emergency response provider for the City of Lafayette, Indiana.

Note: Conditions 1, 4(B-D), 5(A), and 8 also apply to the City of Lafayette.

### **New Orleans, Louisiana**

**Condition 26.** As agreed to by CSX, CSX shall develop, in coordination with the City of New Orleans, Louisiana, a hazardous materials emergency response program.

Note: Condition 6 also applies to the City of New Orleans.

### **Maryland**

**Condition 27.** CSX shall comply with the terms and conditions of its Negotiated Agreement with the State of Maryland.

**Condition 28.** NS shall comply with the terms and conditions of its Negotiated Agreement with the State of Maryland.

### **New Jersey Department of Transportation**

**Condition 29.** The Applicants shall comply with the terms and conditions of their Negotiated Agreements with New Jersey Department of Transportation.

### **Dunkirk, New York**

**Condition 30.** As agreed to by NS, NS shall implement its Trespasser Abatement Program to reduce trespassing along the NS right-of-way in the City of Dunkirk, New York, and make Operation Lifesaver presentations available to Dunkirk schools and community organizations.

Note: Conditions 1, 4, and 5(A) also apply to the City of Dunkirk.

### **Ashtabula, Ohio**

**Condition 31.** With the concurrence of the City of Ashtabula, Ohio, NS shall provide, install, and maintain a real-time train location monitoring system to improve local emergency response vehicle dispatching. At a minimum, the system shall use appropriate technology to detect trains approaching the city on NS rail line segments N-070, N-075, and N-082 and shall display the train locations at an emergency response center to be specified by the City.

Chapter 4, Summary of Environmental Review,” Section 4.7 provides a more detailed description of the system and its requirements.

Note: Conditions 1, 4, and 5(A) also apply to the City of Ashtabula.

### **Bellevue, Ohio**

**Condition 32.** NS shall comply with the terms and conditions of its Negotiated Agreement executed with the City of Bellevue, Ohio.

Note: Conditions 1, 4, 5(A), and 8 also apply to the City of Bellevue.

**Berea, Ohio**

**Condition 33.** With the concurrence of the City of Berea, Ohio, the Applicants shall provide, install, and maintain a real-time train location monitoring system to improve local emergency response vehicle dispatching. At a minimum, the system shall use appropriate technology to detect trains approaching the city on the Applicants' rail line segments C-061, C-074, N-293C and shall display the train locations at an emergency response center to be specified by the City.

Chapter 4, Summary of Environmental Review," Section 4.7 provides a more detailed description of the system and its requirements.

**Condition 34(A).** CSX shall, with the advice and consent of the City of Berea, Ohio, adapt and modify the local component of its required Hazardous Materials Emergency Response Plan to account for the special needs of minority and low-income populations adjacent to or in the immediate vicinity of its rail line segment(s) in Berea. CSX shall certify compliance with this condition within 6 months of the effective date of the Board's decision.

**Condition 34(B).** CSX shall provide and install, including any necessary computer hardware and training, Operation Respond software at the local emergency response center serving minority and low-income populations adjacent to or in the immediate vicinity of its rail line segment(s) in Berea. CSX shall certify compliance with this condition within 6 months of the effective date of the Board's decision.

**Condition 34(C).** As agreed to by CSX, CSX shall fund participation in a training session at the national training center in Pueblo, Colorado, for a representative of the emergency response provider for the City of Berea, Ohio.

Note: Conditions 1, 4, 5(A), 7, and 11 also apply to the City of Berea.

**Brook Park, Ohio**

**Condition 35.** CSX shall comply with the terms and conditions of its Negotiated Agreement dated February 17, 1998 with the City of Brook Park, Ohio.

Note: Conditions 1, 4, 5(A), and 7 also apply to the City of Brook Park.

**Brook Park and Olmsted Falls, Ohio**

**Condition 36.** The Applicants shall comply with the terms and conditions of their Negotiated Agreement dated February 24, 1998 with the Cities of Brook Park and Olmsted Falls, Ohio.

Note: Conditions 1, 4, 5(A), 7, and 11 also apply to the Cities of Brook Park and Olmsted Falls.

**Cleveland, Ohio**

**Condition 37(A).** The Applicants shall, with the advice and consent of the City of Cleveland, Ohio, adapt and modify the local component of their required Hazardous Materials Emergency Response Plans to account for the special needs of minority and low-income populations adjacent to or in the immediate vicinity of their rail line segments in Cleveland. The Applicants shall certify compliance with this condition within 6 months of the effective date of the Board's decision.

**Condition 37(B).** The Applicants shall provide and install, including any necessary computer hardware and training, Operation Respond software at the local emergency response center serving minority and low-income populations adjacent to or in the immediate vicinity of their rail line segments in Cleveland. The Applicants shall certify compliance with this condition within 6 months of the effective date of the Board's decision.

**Condition 37(C).** As agreed to by the Applicants, the Applicants shall fund participation in a training session at the national training center in Pueblo, Colorado, for two representatives of the emergency response provider for the City of Cleveland, Ohio.

**Condition 37(D).** As agreed to by CSX, CSX shall install emergency vehicle access points in appropriate locations approximately every half mile on the grade separated Marcy-to-Short rail line segment.

**Condition 37(E).** As agreed to by CSX, CSX shall make traffic and signal improvements along 152<sup>nd</sup> Street to improve the movement of trucks to the Collinwood intermodal facility.

**Condition 37(F).** With the advice and consent of the City of Cleveland, the Applicants shall construct and maintain, where not already present, fencing and landscaping adequate to prevent, reduce, or discourage pedestrian access to rail lines and facilities in the City of Cleveland at the locations identified below. Such fencing and landscaping shall be constructed and maintained at the following types of locations:

- On portions of rail line segments traversing residential areas.
- Adjacent to all schools, parks, or other recreational areas.
- Where noise walls are not used that would otherwise serve the same purpose for restricting access or where existing landscaping would effectively serve the same purpose.
- Where not constrained by right-of-way, safety, rail maintenance, and operational needs.

**LOCATIONS REQUIRING FENCING AND LANDSCAPING  
IN THE CITY OF CLEVELAND**

Rail Line Segment	Location
<b>CSX</b>	
C-060	Collinwood area - Aspenwall Avenue/Cobalt Avenue area
C-691	Martin L. King, Jr. Drive to Eddy Road
C-073	East 125 <sup>th</sup> Street to Cornell Road
C-072	Woodland Avenue to Union Avenue, Deveney Avenue, and East 77 <sup>th</sup> Street areas
<b>NS</b>	
N-075	Nottingham Road to Ivanhoe Road, East 125 <sup>th</sup> Street to Cornell Road, East 106 <sup>th</sup> Street area
N-081/N-504	Mill Creek area at Harvard Connection
N-081	Broadway to Union Avenue, Platt Avenue area, Euclid Avenue area, Front Avenue (The
N-293	West Boulevard area, Mohican Park, West 140 <sup>th</sup> Street area, Elanore Drive area.
N-074	Dennison Avenue/Train Avenue area, Briggs Road area, West 130 <sup>th</sup> Street area

**Condition 37(G).** As offered by NS, NS shall provide up to \$1.5 million to the City of Cleveland to fund the non-public funded portion of two proposed grade separations at Dille Road and London Road.

Note: Conditions 1, 4, 7, 11 and 13, also apply to the City of Cleveland.

**Greater Cleveland Area, Ohio**

**Condition 38(A).** As agreed to by NS, NS shall implement and fund the track structure and signal system modifications necessary for its proposed Cloggsville routing alternative. Also, NS shall implement its proposed train routing according to its revised Operating Plan as specified in its “Norfolk Southern Mitigation Proposal for Train Frequencies in Greater Cleveland and Vicinity, Environmental Report,” dated April 15, 1998.



Chapter 4, "Summary of Environmental Review," Section 4.19, describes the rationale for this condition.

**Condition 38(B).** The Applicants shall each assign to the Greater Cleveland Area fully trained supervisory personnel with sufficient authority to mobilize additional Applicant or contractor emergency response personnel and equipment and to coordinate with local authorities in the event of a rail accident or hazardous materials release. These personnel shall be locally stationed, available 24 hours a day, 7 days a week, and shall be prepared to initiate a response within 30 minutes of notification.

**Condition 38(C).** The Applicants shall install and maintain additional train defect detection devices to scan all their trains entering the Greater Cleveland Area, as specified below.

Installing and operating these supplemental devices will reduce the probability of freight train accidents and hazardous materials incidents by detecting high, wide, and shifted loads; defective wheel bearings; dragging equipment; and other possible defects that could contribute to an accident. See Chapter 4, Section 4.19.1 for additional discussion.

**ENHANCED TRAIN DEFECT DETECTION - GREATER CLEVELAND AREA**

Proposed Owner	Nearest Community	Rail Line Segment	Approx. Railroad Milepost (MP)	Proposed Improvements at Existing Defect Detector Locations		Proposed New Defect Detector Locations & Improvements
				Existing Detection	Proposed Detection	
						-
CSX	Wickliffe	C-060A	165	HBD DED	HWI WILD	-
CSX	Collinwood	C-060B	179	HBD DED	NONE	-
CSX	Olmsted Falls	C-061	19	HBD DED	HWI WILD	-
CSX	Kinsman Area	C-072A	5	-	-	HBD DED
CSX	Brooklyn Area	C-069	16	-	-	HBD DED
NS	Wickliffe	N-075A	169	HBD DED	HWI WILD	-

**ENHANCED TRAIN DEFECT DETECTION - GREATER CLEVELAND AREA**

Proposed Owner	Nearest Community	Rail Line Segment	Approx. Railroad Milepost (MP)	Proposed Improvements at Existing Defect Detector Locations		Proposed New Defect Detector Locations & Improvements
				Existing Detection	Proposed Detection	
						-
NS	Cloggsville	N-075D	185	See Note "A"	-	Track 2: HBD DED
NS	Rocky River	N-080B	201	HBD DED	HWI WILD	-
NS	Cleveland	N-293B	186	-	-	HBD DED
NS	Olmsted Falls	N-293D	200	HBD DED	HWI WILD	-
NS	White	N-081A	113	Track 1: HBD DED	Track 1: HWI WILD	Track 2: HBD HWI DED WILD

- HBD = Hot Bearing Detector
- DED = Dragging Equipment Detector
- HWI = Shifted Load/High-Wide Indicator
- WILD = Wheel Impact Load Detector

Note "A": Detector @ MP185 to be relocated from existing location at MP186. Relocation is necessary to monitor trains using the Cloggsville Connection and the West Shore Corridor. HBD and DED are required on double track installations.

**Condition 38(D).** The Applicants shall implement the following actions for those rail line segments that would experience an Acquisition-related increase in traffic within the Greater Cleveland Area and for cities along those segments that do not have executed Negotiated Agreements with the Applicants:

- a) Where practicable, the Applicants shall install continuous welded rail in all new rail construction and or rail replacement programs and implement a program to eliminate existing jointed rail in residential areas affected by noise.
- b) The Applicants shall install rail lubrication systems at curves where doing so would result in effective noise abatement for residential or other sensitive receptors.

- c) The Applicants shall inspect all railroad bridges and overpasses to determine their condition, and take necessary action to ensure the bridges are structurally sound and well maintained.
- d) The Applicants shall establish a community liaison to address local environmental concerns, develop cooperative solutions, and offer periodic public outreach meetings to address community concerns.

Chapter 4, “Summary of Environmental Review,” Section 4.19.1, describes the rationale for this condition.

Note: Conditions 1, 4, and 7 also apply to the Greater Cleveland Area.

### **Cleveland Heights, Ohio**

**Condition 39(A).** The Applicants shall, with the advice and consent of the City of Cleveland Heights, Ohio, adapt and modify the local component of their required Hazardous Materials Emergency Response Plan to account for the special needs of minority and low-income populations in the vicinity of their rail line segments near Cleveland Heights. The Applicants shall certify compliance with this condition within 6 months of the effective date of the Board’s decision.

**Condition 39(B).** The Applicants shall provide and install, including any necessary computer hardware and training, Operation Respond software at the local emergency response center serving minority and low-income populations in the vicinity of their rail line segments near Cleveland Heights. The Applicants shall certify compliance with this condition within 6 months of the effective date of the Board’s decision.

**Condition 39(C).** As agreed to by the Applicants, the Applicants shall fund participation in a training session at the national training center in Pueblo, Colorado, for a representative of the emergency response provider for the City of Cleveland Heights.

Note: Conditions 1, 4, and 5(A) also apply to the City of Cleveland Heights.

### **East Cleveland, Ohio**

**Condition 40(A).** CSX shall comply with the terms and conditions of its Negotiated Agreement executed with the City of East Cleveland, Ohio.

**Condition 40(B).** NS shall comply with the terms and conditions of its Negotiated Agreement executed with the City of East Cleveland, Ohio.

Note: Conditions 1, 4, and 5(A) also apply to the City of East Cleveland.

**Conneaut, Ohio**

**Condition 41.** With the concurrence of the City of Conneaut, Ohio, NS shall provide, install, and maintain a real-time train location monitoring system to improve local emergency response vehicle dispatching. At a minimum, the system shall use appropriate technology to detect trains approaching the city on NS rail line segment N-070 and shall display the train locations at an emergency response center to be specified by the City.

Note: Conditions 1, 4, 5(A), and 6 also apply to the City of Conneaut.

**Defiance, Ohio**

**Condition 42(A).** CSX shall install warning signs with a flashing hazard light to notify motorists in advance that they are approaching the highway/rail at-grade crossing at U.S. Route 24. These signs shall comply with the Federal Highway Administration's Manual on Uniform Traffic Control Devices and shall be installed with the concurrence of the Ohio Department of Transportation. CSX shall certify to the Board compliance with the condition within 6 months of the effective date of the Board's decision regarding the proposed Conrail Acquisition.

Chapter 5, "Summary of Comments and Responses," Section 5.3.18, describes the rationale for this condition.

**Condition 42(B).** CSX shall, with the advice and consent of the City of Defiance, Ohio, adapt and modify the local component of their required Hazardous Materials Emergency Response Plan to account for the special needs of minority and low-income populations in the vicinity of their rail line segment(s) near Defiance. CSX shall certify compliance with this condition within 6 months of the effective date of the Board's decision.

**Condition 42(C).** CSX shall provide and install, including any necessary computer hardware and training, Operation Respond software at the local emergency response center serving minority and low-income populations in the vicinity of their rail line segment(s) near Defiance. CSX shall certify compliance with this condition within 6 months of the effective date of the Board's decision.

**Condition 42(D).** As agreed to by CSX, CSX shall fund participation in a training session at the national training center in Pueblo, Colorado, for a representative of the emergency response provider for the City of Defiance, Ohio.

Note: Conditions 1, 4(B-D), and 5(A) also apply to the City of Defiance.

### **Euclid, Ohio**

**Condition 43(A).** NS shall, with the advice and consent of the City of Euclid, Ohio, adapt and modify the local component of its required Hazardous Materials Emergency Response Plan to account for the special needs of minority and low-income populations adjacent to or in the immediate vicinity of its rail line segment(s) in Euclid. NS shall certify compliance with this condition within 6 months of the effective date of the Board's decision.

**Condition 43(B).** NS shall provide and install, including any necessary computer hardware and training, Operation Respond software at the local emergency response center serving minority and low-income populations adjacent to or in the immediate vicinity of its rail line segment(s) in Euclid. NS shall certify compliance with this condition within 6 months of the effective date of the Board's decision.

**Condition 43(C).** As agreed to by NS, NS shall fund participation in a training session at the national training center in Pueblo, Colorado, for two representatives of the emergency response provider for the City of Euclid.

Note: Conditions 1, 4, and 5(A) also apply to the City of Euclid.

### **Fremont, Ohio**

**Condition 44.** NS shall comply with the terms of its Negotiated Agreement with the City of Fremont, Ohio.

Note: Conditions 1, 4, 5(A), and 11 also apply to the City of Fremont.

### **Fostoria, Ohio**

**Condition 45(A).** With the written concurrence of the City of Fostoria, Ohio, the Applicants shall provide and maintain a state-of-the-art electronic display board, or equivalent technology, at the Fostoria Emergency Response Dispatch Center. This board shall be linked to the Applicants' signal system circuitry and show the location of every train within 5 miles of Fostoria Tower to provide the Center's staff with information regarding train movements to aid their emergency response dispatching.

- Condition 45(B).** The Applicants shall install and maintain constant warning time circuits at all of their highway/rail at-grade crossings in Fostoria that are currently equipped with active warning devices, and at those crossings where active warning devices would be added as a result of other Board conditions or voluntary actions.
- Condition 45(C).** With the written concurrence of the City of Fostoria, Ohio, CSX shall install a direct voice hotline between Fostoria's Emergency Response Dispatch Center and the CSX operator controlling train movements in the Fostoria area (Tower F operator). Alternatively, the Applicants, with the written concurrence of the City, shall install and maintain closed circuit television cameras over or near the rail line, along with a corresponding video monitor at the Center. The monitoring will continuously show real-time train traffic conditions on the Applicants' rights-of-way through Fostoria.
- Condition 45(D).** To the extent practicable, the Applicants shall hold trains in areas to minimize trains blocking major highway/rail at-grade crossings in Fostoria.

Chapter 5, "Summary of Comments and Responses," Section 5.3.18, and Appendix G, "Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis," describe the rationale for these conditions.

- Condition 45(E).** CSX shall, with the advice and consent of the City of Fostoria, Ohio, adapt and modify the local component of its required Hazardous Materials Emergency Response Plan to account for the special needs of minority and low-income populations adjacent to or in the immediate vicinity of its rail line segment(s) in Fostoria. CSX shall certify compliance with this condition within 6 months of the effective date of the Board's decision.
- Condition 45(F).** CSX shall provide and install, including any necessary computer hardware and training, Operation Respond software at the local emergency response center serving minority and low-income populations adjacent to or in the immediate vicinity of its rail line segment(s) in Fostoria. CSX shall certify compliance with this condition within 6 months of the effective date of the Board's decision.
- Condition 45(G).** As agreed to by CSX, CSX shall fund participation in a training session at the national training center in Pueblo, Colorado, for a representative of the emergency response provider for the City of Fostoria.

Note: Conditions 1, 4, 5(A), 7, and 8 also apply to the City of Fostoria.

### **Holgate, Ohio**

- Condition 46(A).** CSX shall, with the advice and consent of the Holgate Village, Ohio, adapt and modify the local component of its required Hazardous Materials Emergency Response Plan to account for the special needs of minority and low-income populations adjacent to or in the immediate vicinity of its rail line segment(s) in Holgate. CSX shall certify compliance with this condition within 6 months of the effective date of the Board's decision.
- Condition 46(B).** CSX shall provide and install, including any necessary computer hardware and training, Operation Respond software at the local emergency response center serving minority and low-income populations adjacent to or in the immediate vicinity of its rail line segment(s) in Holgate. CSX shall certify compliance with this condition within 6 months of the effective date of the Board's decision.
- Condition 46(C).** As agreed to by CSX, CSX shall fund participation in a training session at the national training center in Pueblo, Colorado, for a representative of the emergency response provider for the City of Holgate.

Note: Conditions 1, 4(B-D), and 5(A) also apply to the City of Holgate.

### **Mentor, Ohio**

- Condition 47.** If FRA promulgates new regulations related to local alternatives to train horn sounding within five years of the effective date of the Board's final decision, NS shall inform the City of Mentor, Ohio, of these regulations and assist the community in identifying alternative safety measures to eliminate the need to sound train horns in the city. The Applicants shall also assist the community in seeking and receiving FRA approval for these alternative safety measures.

Note: Conditions 1, 4, and 5(A) also apply to the City of Mentor.

### **New London, Ohio**

- Condition 48(A).** To enhance safety, CSX shall interconnect the operation of its warning devices at its highway/rail at-grade crossing of State Route 162 in New London, Ohio, with the device of Wheeling and Lake Erie Railroad at the same location so that the devices on both crossings operate for trains on either rail line. CSX shall certify to the Board compliance with this condition within 6 months of the effective date of the Board's decision regarding the proposed Conrail Acquisition.

Chapter 5, “Summary of Comments and Responses,” Section 5.3.18, describes the rationale for this condition.

**Condition 48(B).** CSX shall, with the advice and consent of the City New London, Ohio, adapt and modify the local component of its required Hazardous Materials Emergency Response Plan to account for the special needs of minority and low-income populations adjacent to or in the immediate vicinity of its rail line segment(s) in New London. CSX shall certify compliance with this condition within 6 months of the effective date of the Board’s decision.

**Condition 48(C).** CSX shall provide and install, including any necessary computer hardware and training, Operation Respond software at the local emergency response center serving minority and low-income populations adjacent to or in the immediate vicinity of its rail line segment(s) in New London. CSX shall certify compliance with this condition within 6 months of the effective date of the Board’s decision.

**Condition 48(D).** As agreed to by CSX, CSX shall fund participation in a training session at the national training center in Pueblo, Colorado, for a representative of the emergency response provider for the City of New London.

Note: Conditions 1, 4(B-D), 5(A), 7, 8 and 11 also apply to the City of New London.

### **Oak Harbor, Ohio**

**Condition 49(A).** NS shall construct, with the written concurrence of Ottawa County, a new highway/rail at-grade crossing at Toussaint-Portage Road, in accordance with the design that NS submitted to SEA, to minimize differences between the elevations of the existing roadway and the rail line. NS shall install conventional gates at this crossing.

Chapter 5, “Summary of Comments and Responses,” Section 5.3.18, describes the rationale for these conditions.

**Condition 49(B).** With the concurrence of the City of Oak Harbor, Ohio, NS shall provide, install, and maintain a real-time train location monitoring system to improve local emergency response vehicle dispatching. At a minimum, the system shall use appropriate technology to detect trains approaching the city on NS rail line segments N-079, N-077, N-294, and N-483 and shall display the train locations at an emergency response center to be specified by the City.



Chapter 4, Summary of Environmental Review,” Section 4.7 provides a more detailed description of the system and its requirements.

Note: Conditions 1, 4, 5(A), and 7 also apply to the City of Oak Harbor.

### **Oxford Township, Ohio**

**Condition 50.** NS shall upgrade its warning devices from passive to flashing light devices at its highway/rail at-grade crossing of Thomas Road in Oxford Township, Ohio. NS shall certify to the Board compliance with this condition within 6 months of the effective date of the Board’s decision regarding the proposed Conrail Acquisition.

Chapter 5, “Summary of Comments and Responses,” Section 5.3.18, describes the rationale for this condition.

Note: Conditions 1, 4(A), 4(B), and 5(A) also apply to Oxford Township.

### **Tiffin, Ohio**

**Condition 51(A).** CSX shall, with the advice and consent of the City of Tiffin, Ohio, adapt and modify the local component of its required Hazardous Materials Emergency Response Plan to account for the special needs of minority and low-income populations adjacent to or in the immediate vicinity of its rail line segment(s) in Tiffin. CSX shall certify compliance with this condition within 6 months of the effective date of the Board’s decision.

**Condition 51(B).** CSX shall provide and install, including any necessary computer hardware and training, Operation Respond software at the local emergency response center serving minority and low-income populations adjacent to or in the immediate vicinity of its rail line segment(s) in Tiffin. CSX shall certify compliance with this condition within 6 months of the effective date of the Board’s decision.

**Condition 51(C).** As agreed to by CSX, CSX shall fund participation in a training session at the national training center in Pueblo, Colorado, for a representative of the emergency response provider for the City of Tiffin.

Note: Conditions 1, 4(B-D), 5(A), and 7 also apply to the City of Tiffin.

### **Toledo, Ohio**

**Condition 52.** NS shall comply with the terms of its Negotiated Agreement with the Toledo-Lucas County Port Authority and the Toledo Metropolitan Area Council of Governments.

Note: Conditions 1, 4, 5(A), 6, and 7 also apply to the City of Toledo.

### **Vermilion, Ohio**

**Condition 53.** If the new NS rail line connection at Vermilion, Ohio requires a new highway/rail at-grade crossing of Coen Road, NS shall design and construct, with the written concurrence of Erie County, the new crossing to minimize differences between the elevations of the existing roadway and the rail line. This design shall provide drivers with proper sight distances approaching and crossing the rail line segment.

Chapter 5, “Summary of Comments and Responses,” Section 5.3.18, describes the rationale for this condition.

Note: Conditions 1, 4(A), 4(B), 5(A), and 16 also apply to the City of Vermilion.

### **Willard, Ohio**

**Condition 54(A).** CSX shall, with the advice and consent of the City of Willard, Ohio, adapt and modify the local component of its required Hazardous Materials Emergency Response Plan to account for the special needs of minority and low-income populations adjacent to or in the immediate vicinity of its rail line segment(s) in Willard. CSX shall certify compliance with this condition within 6 months of the effective date of the Board’s decision.

**Condition 54(B).** CSX shall provide and install, including any necessary computer hardware and training, Operation Respond software at the local emergency response center serving minority and low-income populations adjacent to or in the immediate vicinity of its rail line segment(s) in Willard. CSX shall certify compliance with this condition within 6 months of the effective date of the Board’s decision.

**Condition 54(C).** As agreed to by CSX, CSX shall fund participation in a training session at the national training center in Pueblo, Colorado, for a representative of the emergency response provider for the City of Willard.

Note: Conditions 1, 4(B-D), 5(A), and 7 also apply to the City of Willard.

## **Pennsylvania**

**Condition 55(A).** CSX shall comply with the terms and conditions of its Negotiated Agreement with the Commonwealth of Pennsylvania and the City of Philadelphia.

**Condition 55(B).** NS shall comply with the terms and conditions of its Negotiated Agreement with the Commonwealth of Pennsylvania and the City of Philadelphia

Note: Conditions 4(A), 4(B), 5(A), and 6 also apply to the City of Philadelphia.

## **Erie, Pennsylvania**

**Condition 56(A).** The Applicants shall comply with the terms and conditions of their agreement, as described in their Primary Application filed June 23, 1997, to relocate NS traffic onto new tracks in the CSX right-of-way through Erie, Pennsylvania.

**Condition 56(B).** NS shall comply with the terms and conditions of its Negotiated Agreement executed with the City of Erie regarding the relocation of NS rail traffic from the 19<sup>th</sup> Street tracks to the CSX corridor.

**Condition 56(C).** Prior to the demolition, removal, or other alteration of its 19<sup>th</sup> Street facilities and pending Pennsylvania State Historic Preservation Officer concurrence, NS shall document the two guard shanties and five bridges with black and white photographs, and relocate one guard shanty, eligible for listing on the National Register of Historic Places, to the Lake Shore Railway Historical Museum in Erie, Pennsylvania.

Note: Condition 8 also applies to the City of Erie.

## **Seneca Nation (located in western New York)**

**Condition 57(A).** NS shall, with the advice and consent of the Seneca Nation, adapt and modify the local component of its required Hazardous Materials Emergency Response Plan to account for the special needs of Native American populations adjacent to or in the immediate vicinity of their rail line segments in the Seneca Nation. As agreed to by NS, NS shall work with the Seneca Nation to provide training in hazardous materials emergency response to appropriate tribal personnel.

**Condition 57(B).** NS shall provide and install, including any necessary computer hardware and training, Operation Respond software at the local emergency response center serving Cattaraugus Reservation adjacent to or in the immediate vicinity of their rail line segments in the Seneca Nation.

Chapter 5, “Summary of Comments and Responses,” Section 5.3.16, describes the rationale for this condition.

Note: Conditions 1, 4, and 5(A) also apply to the Seneca Nation.

**7.2.4 Final Recommended Environmental Conditions for Proposed Constructions and Abandonments**

The following recommended environmental conditions apply to the proposed construction and abandonment activities listed below, as appropriate, to reduce or avoid the potential for environmental impacts as a result of the proposed Conrail Acquisition:

**PROPOSED CONSTRUCTION PROJECTS**

State	Location	County	Length (feet)	Site ID
<b>CSX</b>				
Illinois	75 <sup>th</sup> Street, Chicago	Cook	1,640	CC01
Illinois	Exermont	St. Clair	3,590	CC02
Illinois	Lincoln Avenue, Chicago	Cook	840	CC03
New Jersey	Little Ferry <sup>a</sup>	Bergen	1,080	CC04
Ohio	Collinwood Yard, Cleveland	Cuyahoga	Expand existing rail yard to accommodate intermodal facility.	CR03
<b>NS</b>				
Delaware	Wilmington	New Castle	Renovate Shellpot Bridge	NR01
Illinois	Kankakee	Kankakee	1,000	NC01
Illinois	Tolono	Champaign	1,600	NC03
Indiana	Butler	De Kalb	1,700	NC05
Indiana	Tolleston	Lake	900	NC06
Maryland	Hagerstown	Washington	800	NC07

**PROPOSED CONSTRUCTION PROJECTS**

State	Location	County	Length (feet)	Site ID
Michigan	Ecorse Junction	Wayne	400	NC08
New York	Buffalo (Blasdell)	Erie	5,200	NC09
New York	Buffalo (Gardenville Junction)	Erie	1,700	NC10
Ohio	Columbus	Franklin	1,400	NC12
Ohio	Oak Harbor	Ottawa	5,000	NC13
Ohio	Vermilion	Erie	5,400	NC14

<sup>a</sup> CSX proposes two separate connections (600 and 480 feet in length) at Little Ferry.

**PROPOSED ABANDONMENTS**

State	Between	And	Length (Miles)	Docket No.	Site ID (Owner)
Illinois	Paris	Danville	29.0	CSX No. AB-167 (Sub-No. 1181X), CR No. AB-55 (Sub-No. 551X)	CA01 (CSX)
Indiana	Dillon Jct.	South Bend	21.5	No. AB-290 (Sub-No. 194X)	NA02 (NS)
Ohio	Toledo	Maumee	7.5	No. AB-290 (Sub-No. 196X)	NA03 (NS)

**Condition 58.** For all proposed Acquisition-related constructions and abandonments, the Applicants shall employ the Best Management Practices presented in Attachment 7-A at the end of this chapter.

**Condition 59.** For all proposed Acquisition-related constructions and abandonments, the Applicants shall comply with the Federal, state, and/or local regulations listed below, which have particular applicability in mitigating potential environmental impacts:

**Hazardous and Solid Waste Handling**

- a) The Applicants shall observe all applicable Federal, state, and local regulations regarding the handling and disposal of any waste materials, including hazardous waste, encountered or generated during construction or abandonment-related activities. In the event of a hazardous waste spill resulting from proposed construction or abandonment activities, the Applicants shall implement the appropriate emergency response procedures and remediation measures required by applicable Federal,

state, and local regulations. At the request of the U.S. Fish and Wildlife Service, the Applicants shall immediately notify the Service and the appropriate state departments of natural resources in the event of a reportable hazardous materials release.

- b) The Applicants shall transport all hazardous materials generated by any proposed construction or abandonment-related activities in compliance with the U.S. Department of Transportation Hazardous Materials Regulations (49 CFR Parts 171 to 179).
- c) The Applicants shall dispose of all materials that cannot be reused in accordance with applicable Federal, state, and local solid waste management regulations.

#### **Dust Control**

- d) The Applicants shall comply with all applicable Federal, state, and local regulations to control and minimize fugitive dust emissions resulting from construction or abandonment-related activities. This may involve the use of such control methods as water spraying, installation of wind barriers, or chemical treatment.

#### **Water Resources Protection**

- e) The Applicants shall obtain all necessary Federal, state, and local permits for alteration of wetlands, ponds, lakes, streams, or rivers, or if a likelihood exists for construction or abandonment-related activities to cause soil or other materials to wash into these water resources. The Applicants also shall use Best Management Practices (see Attachment 7-A at the end of this chapter) to minimize other potential environmental impacts on water bodies, wetlands, and navigation.

#### **Stormwater Discharge**

- f) The Applicants shall obtain all necessary Federal, state, and local permits for stormwater discharge, including National Pollutant Discharge Elimination System permits, during construction or abandonment-related activities.

### Use of Herbicides

- g) The Applicants shall use only Environmental Protection Agency-approved herbicides and qualified personnel or contractors for application of right-of-way maintenance herbicides, and shall limit such applications to the extent necessary for rail operations.

### Seven Separate Connections<sup>4</sup>

SEA recommends the following mitigation measures to address rail operations over three of the Seven Separate Connections:

- Willow Creek, Indiana, Finance Docket No. 33388 (Sub No. 2).
- Greenwich, Ohio, Finance Docket No. 33388 (Sub No. 3).
- Bucyrus, Ohio, Finance Docket No. 33388 (Sub No. 7).

**Condition 60.** CSX shall comply with its Negotiated Agreement executed with the Village of Greenwich, Ohio and the Board of Huron County, Ohio Commissioners regarding relocation of the connection construction project in Greenwich.

**Condition 61.** CSX shall transport all hazardous materials in compliance with U.S. Department of Transportation Hazardous Materials Regulations (49 CFR Parts 171 to 180). CSX shall provide, upon request, local emergency response organizations or coordinating bodies with copies of all applicable Hazardous Materials Emergency Response Plans, and participate in the training of local emergency staff (upon request) for coordinated responses to potential incidents. In case of a hazardous material incident, CSX shall follow appropriate emergency response procedures contained in its Hazardous Materials Emergency Response Plans.

**Condition 62.** If wheel squeal occurs during operation of the connection, CSX shall use rail lubrication to minimize noise levels.

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<sup>4</sup> Potential environmental impacts of the physical construction of the Seven Separate Connections at issue in STB Finance Docket No. 33388 (Sub Nos. 1 through 7) were addressed in separate Environmental Assessments that SEA prepared prior to and separate from this Final EIS. By a decision issued November 25, 1997, the Board approved, subject to certain environmental conditions, the physical construction of the seven connections totaling approximately 4 miles in the States of Indiana and Ohio. This Final EIS therefore addresses only proposed operations over these connections. For further details, see Decision No. 9 dated June 11, 1997, and Decision (in Sub Nos. 1 through 7) dated November 25, 1997, included in Appendix R. Proposed mitigation for the environmental impacts associated with the operations over these seven connections is covered in recommended Conditions 60 through 63.

**Condition 63.** NS shall retain its interest in and take no steps to alter the historic integrity of sites identified at Bucyrus, Ohio until completion of the Section 106 process of the National Historic Preservation Act.

### **7.3 RECOMMENDED SAFETY INTEGRATION CONDITIONS**

**Condition 64(A).** The Applicants shall comply with the Safety Integration Plans, which may be modified and updated as necessary to respond to evolving conditions.

**Condition 64(B).** The Applicants shall participate and fully cooperate with the ongoing regulatory activities associated with the safety integration process, as described in the Memorandum of Understanding agreed to by the Board and FRA with the concurrence of the U.S. Department of Transportation, until FRA affirms to the Board in writing that the integration of the Applicants' systems has been completed safely and satisfactorily.

### **7.4 RECOMMENDED MONITORING AND ENFORCEMENT**

**Condition 65.** If there is a material change in the facts or circumstances upon which the Board relied in imposing specific environmental mitigation conditions in this Decision, and upon petition by any party who demonstrates such material changes, the Board may review the continuing applicability of its final mitigation, if warranted.



## **ATTACHMENT 7-A**

### **Best Management Practices for Recommended Environmental Conditions Nos. 58 and 59**

1. The Applicants shall restore any adjacent properties disturbed during right-of-way construction or abandonment-related activities to pre-construction or pre-abandonment conditions.
2. The Applicants shall encourage regrowth in disturbed areas and stabilize disturbed soils according to standard construction practices or as required by construction permits.
3. The Applicants shall use appropriate signs and barricades to control traffic disruptions during construction or abandonment-related activities at or near any highway/rail at-grade crossings.
4. The Applicants shall restore roads disturbed during construction or abandonment-related activities to conditions required by state and local jurisdictions.
5. The Applicants shall control temporary noise from construction or abandonment-related equipment through the use of work-hour controls, operation and maintenance of muffler systems on machinery, and/or other noise reduction methods.
6. If the Applicants find previously unknown archeological remains during construction or abandonment-related activities, they shall immediately cease excavation work in the area and contact the appropriate State Historic Preservation Office for guidance and coordination.
7. The Applicants shall use appropriate technologies, such as silt screens and straw bale dikes, to minimize soil erosion, sedimentation, runoff, and surface instability during construction or abandonment-related activities. The Applicants shall disturb the smallest area possible around any streams and tributaries, and shall consult with the appropriate state agent to properly revegetate disturbed areas immediately following construction or abandonment-related activities.
8. The Applicants shall ensure that all culverts are clear of debris to avoid potential flooding and stream flow alteration.
9. The Applicants shall design and construct proposed construction/abandonment activities so as to preserve effective drainage to maintain the quality of adjacent prime farmland.

10. The Applicants shall use appropriate techniques to minimize potential environmental impacts on water bodies, wetlands, and navigation, including the following specific measures:
  - a) If necessary, the Applicants shall avoid impacts or losses to wetlands wherever possible. If wetland impacts are unavoidable, the Applicants must demonstrate that there are no practicable alternatives available that would avoid or further minimize impacts to wetlands. The Applicants shall compensate for unavoidable wetland losses at ratios determined by the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service as to type of wetland affected on a site-by-site basis.
  - b) If necessary, the Applicants shall design and replicate compensatory wetlands to match as closely as possible the specific mix of types, functions, and values of the affected wetlands. The compensatory wetlands shall be established via the process of restoration to the extent feasible, and they shall be located in an area as close as practicable to the affected wetlands.
11. The Applicants shall ensure that abandonment-related activities are designed to preserve land forms and drainage patterns that may provide flood protection.
12. The Applicants shall ensure that for any construction project, new lighting fixtures installed in new parking and security areas adjacent to residential zoned areas shall be cut off or shielded to avoid effects to residences.
13. The Applicants shall compensate for trees removed during project activities. Trees shall be replaced with native saplings, if practicable, at a minimum ratio of 1:1, and replacement shall occur as close as possible to the affected areas.
14. The Applicants shall establish a staging area for construction equipment in environmentally nonsensitive areas to control erosion and spills.
15. Should project activities affect previously unidentified threatened or endangered species and/or their habitat, the Applicants shall immediately cease project activities and contact the U.S. Fish and Wildlife Service and the appropriate State Department of Natural Resources for guidance and coordination.
16. The Applicants shall use established standards for recycling or reuse of construction materials such as ballast and rail ties. When recycling construction materials is not a viable option, the Applicants shall specify disposal methods of materials such as rail ties and potentially contaminated surrounding soils and ballast materials to ensure compliance with applicable solid and hazardous waste regulations.

17. The Applicants shall develop a Construction Noise and Vibration Specification for any proposed construction activities associated with the proposed Conrail Acquisition. The Applicants shall designate a noise control engineer to develop the Specification whose qualifications include at least five years of experience with major construction noise projects, and board certification membership with the Institute of Noise Control Engineering or registration as a Professional Engineer in Mechanical Engineering or Civil Engineering.