



APPENDIX **f**

West Virginia



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
West Virginia Public Port Authority

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Charleston, West Virginia 25305-0430 • (304)558-0330

Joe Manchin III
Governor

August 31, 2010

Mr. Matt Dietrich
Executive Director
Ohio Rail Development Commission
1980 West Broad Street
Columbus, Ohio 43223

Subject: West Virginia Review of National Gateway Clearance Initiative Documentation

Dear Mr. Dietrich:

The State of West Virginia has reviewed the following documents:

*Draft Environmental Assessment Phase I National Gateway Clearance Initiative
Draft West Virginia Appendix National Environmental Policy Act (NEPA) Document*

We support the documents, concur with the findings and actions taken in these documents, and consider the documents appropriate for public comment. We recommend the Ohio Rail Development Commission, on behalf of the coalition of states supporting the National Gateway TIGER Grant, submit the documents to the Federal Railway Administration / Federal Highway Administration for review and to initiate the public review process. This will maintain the current schedule and ultimate goal to begin construction in November 2010.

Thank you for your assistance with this critical infrastructure project for the region and the country. Please do not hesitate to call me at 304-558-0330 or email Patrick.J.Donovan@wv.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick J. Donovan", with a long horizontal flourish extending to the right.

Patrick J Donovan
Executive Director

**Phase I National Gateway Clearance
Initiative Projects**

**West Virginia NEPA
Documentation**

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Introduction

CSX Transportation, Inc. (CSX), utilizing U.S. Department of Transportation's (USDOT's) Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grants, proposes to modify existing railroad infrastructure to provide sufficient vertical clearance and operating capability for CSX to operate double-stacked domestic container rail traffic cars on CSX's intermodal rail network along the National Gateway initiative corridor. Additional information regarding the clearance projects is included in Section 1 of the Environmental Assessment – Phase I National Gateway Initiative Clearance Projects.

Economic Development

Job creation has been estimated using metrics established by the White House Council of Economic Advisors in which \$92,136 of government spending creates one job-year. By the end of 2013, the Phase I of the National Gateway Clearance Initiative will create more than 3,600 jobs, including nearly 1,200 jobs in economically distressed areas. Information detailing the derivation of economic statistics, environmental benefits, and job projections is provided as Appendix B of the Environmental Assessment.

Upon completion, the Phase I National Gateway Clearance Initiative undertaking will deliver \$55.4 million of public benefits to West Virginia by

- Enhancing rail transportation infrastructure.
- Investing directly in short-term construction projects in West Virginia creating 433 additional jobs by 2013.
- Reducing West Virginia's highway congestion and greatly improving public safety by shifting freight from trucks to the enhanced rail network, saving over \$4.8 million of highway maintenance costs in West Virginia.

The approximately 433 jobs created in West Virginia will be as a result of the proposed vertical clearance improvement projects. The proposed project will create not only construction jobs, but additional freight movement will require additional employment at existing CSX facilities, maintenance yards, etc.

Project Purpose and Need

The CSX rail line infrastructure on the National Gateway initiative corridor is not currently equipped to accommodate double-stacked freight trains. Additional information regarding the purpose and need of the clearance projects is included in

Section 2.0 of the Environmental Assessment – Phase I National Gateway Initiative Clearance Projects.

Existing Conditions

The locations of the proposed vertical clearance improvements in West Virginia are the Carothers Tunnel in Paw Paw and Stuart and Randolph Tunnels in Hansrote. A map of all projects in West Virginia and specific project vicinity maps are provided in Attachment 1. The Limits of Disturbance (LOD) are provided for each site and are illustrated in Attachment 2. The LOD is set outside the limit of disturbed ground and includes a buffer for movement of equipment.

Proposed Action

There are four proposed improvements in West Virginia, clearance of three obstructions and construction of one new interlocking to facilitate the improvements.

- **BA 147.00, Carothers Tunnel, Morgan County, Paw Paw, West Virginia –**
This tunnel was originally constructed in 1914 and is located near Paw Paw, south of the Potomac River. The tunnel is 996 feet (ft.) long and 31 ft. wide, with a brick over concrete interior arch liner. The existing minimum vertical clearance is 18 ft. and 1 inch (in.). A total arch liner replacement is proposed for the entire length of the double track alignment through the tunnel to provide the necessary clearance. To minimize disruptions to train traffic operations during construction, single track outages, coordinated with work at Stuart and Randolph Tunnels in West Virginia and Graham Tunnel in Maryland, will be used. Work will be performed on one track at a time with protection provided on the remaining active track according to established CSX safety guidelines. The majority of the work will be performed inside the tunnel. The arch liner will be removed and replaced in segments to minimize disturbance to the overlying rock and help maintain stability during portal modification. Re-profiling of the track, re-establishment of drainage swales and maintenance cleaning of existing drainage inlets/pipes would also be performed at this time.

Approximately 7,750 cubic yards of material will be removed from the tunnel. Three excess material placement areas are planned. Two of these are located on the south side of the tracks: approximately 3,000-cubic yard excess material placement area will be located about 500 ft. west of the western tunnel entrance and an approximately 2,400-cubic yard excess material placement area will be located approximately 500 ft. east of the eastern tunnel entrance. The third, approximately 2,400-cubic yard excess material placement area is proposed to be located on the north side of the tracks, approximately 500 ft. east of the eastern

tunnel entrance. Berms would be built at all three areas. All work will occur within the CSX right-of-way.

- **BA 145.00, Magnolia Interlocking, Morgan County, Magnolia, West Virginia –**
An interlocking will be installed between the trestle bridge crossing the Potomac River to the south and the southern Stuart Tunnel entrance to the north. Approximately 2,300 ft. of mainline track will be reconstructed. The two crossovers (interlocking) will be constructed next to the present, parallel sets of tracks. Once a crossover is completely constructed, traffic along the rail line will be halted, the old tracks will be removed and the new interlocking assembly will be slid into place. The process will be repeated for the second crossover assembly. Re-profiling of the track, re-establishment of drainage swales, and maintenance cleaning of existing drainage inlets/pipes would also be performed at this time.
- **BA 144.50, Stuart Tunnel, Morgan County, Hansrote, West Virginia –** This tunnel is near Hansrote, on a peninsula of land bounded by the Potomac River. Constructed in 1914, the tunnel is 3,350 ft. long and 31 ft. wide, with concrete and brick liner material.

The existing minimum vertical clearance is 19 ft. and 6 in. Liner notching of the existing tunnel liner for the double track alignment is proposed for approximately 265 linear ft. at the west end and approximately 635 linear ft. at the east end of the tunnel. To minimize disruptions to train traffic operations during construction, single track outages, coordinated with work at Randolph and Carothers Tunnels in West Virginia and Graham Tunnel in Maryland, will be used. Work will be performed on one track at a time with protection provided on the remaining active track according to established CSX safety guidelines. The majority of the work will be performed inside the tunnel. Re-profiling of the track, re-establishment of drainage swales, and maintenance cleaning of existing drainage inlets/pipes would also be performed at this time.

While making repairs to Stuart tunnel, the overhead electrical lines will be moved into the tunnel; thereby allowing the removal of the electrical line and utility poles running over the hill above the tunnel. Pole removal will occur within the existing utility line right-of-way. The utility line right-of-way will be allowed to revert to forested land after removal of the electrical line.

Approximately 150 cubic yards of material will be removed from the tunnel. One 150 cubic yard excess material placement area is planned. The placement area will be a low berm on the south side of the tracks on the east side of the tunnel entrance, approximately 2,000 ft. from the 144-mile marker. All work will occur within the CSX right-of-way.

- **BA 142.30, Randolph Tunnel, Morgan County, Hansrote, West Virginia** – This tunnel is near Hansrote east of the Potomac River. Constructed in 1914, the tunnel is 1,015 ft. long and 31 ft. wide with concrete and brick liner material.

The existing minimum vertical clearance is 18 ft. and 1 in. This tunnel is adjacent to the Potomac River, with the Chesapeake & Ohio Canal National Historical Park located across the river. A total arch liner replacement is proposed for the entire length of the double track alignment through the tunnel to provide the necessary clearance. Short portal caps may be required where the liner extends beyond the slope. To minimize disruptions to train traffic operations during construction, single track outages, coordinated with work at Stuart, and Carothers Tunnels in West Virginia and Graham Tunnel in Maryland, will be used. The arch liner will be removed and replaced in segments to minimize disturbance to the overlying rock and overburden and help maintain stability. Work will progress on one track at a time with protection provided on the remaining active track according to established CSX safety guidelines.

Approximately 8,000 cubic yards of material will be removed from the tunnel. One 8,200 cubic yard excess material placement area is planned. The placement area will be on the north side of the tracks east of the eastern tunnel entrance, near mile marker 141. All work will occur within the CSX right-of-way.

- **BA 145.80, Graham Tunnel, in the vicinity of Magnolia, West Virginia** – Graham Tunnel is located on a peninsula of land, in Maryland, bounded by the Potomac River. The approaches to each side of the tunnel are bridges over the Potomac River. Because of the lack of available land outside of the tunnel in Maryland, two excess materials placement areas for this proposed clearance improvement are located, one each to the north and south of the tunnel across the river in West Virginia. The first area is on the northwest side of the track to the north of Highline Road. This area would contain approximately 8,800 cubic yards. The second area is along the southeast side of the tracks immediately across the river from the southern tunnel entrance. This area would contain approximately 4,400 cubic yards. Documentation regarding modifications to Graham Tunnel are part of the documentation being completed in the State of Maryland, in-progress.

Passenger and Commuter Rail Service

In addition to freight, this corridor also carries passenger traffic. Amtrak provides service to inter-city commuters using CSX's rail lines. Based on the current schedule, Amtrak currently provides two (2) passenger trains per day past both proposed vertical clearance improvement projects. The Amtrak train using this route is the Capitol

Limited. The work entailed at these locations will be coordinated and scheduled in a manner to provide one operational track through the construction zone at all times. Operation and advance notice through this single track area will be accommodated per normal operation through regular scheduled track maintenance work performed by CSX.

Impact Evaluation

Socioeconomic Impacts

Right-of-Way/Land Use

No right-of-way is required from businesses, residences, or other property for obstruction improvements.

Churches, Schools, or Other Institutions

The proposed clearance improvements will not impact churches, schools, or any other institution at any of the sites.

Parks/Recreational Areas

No impacts to parks or recreational facilities are anticipated for the Carothers Tunnel, Stuart Tunnel or Randolph Tunnel clearance improvements. Although the Chesapeake & Ohio Canal National Historical Park, a National Park Service managed public park, is located across the Potomac River from the Carothers, Stuart and Randolph Tunnels improvement sites, no impacts to this National Park will occur from the projects.

Cultural Impacts

Historic Properties

Through on-going coordination with the West Virginia Division of Culture and History (WVDCH) a segment of rail corridor known as the Magnolia Cutoff has been determined eligible for the National Register of Historic Places (NRHP). WVDCH concurrence with this determination was issued on December 29, 2009. The proposed modifications to the three tunnel (Carothers, Stuart and Randolph), and therefore the Magnolia Cutoff, is considered to be an 'Adverse Effect'. WVDCH concurrence with this determination was issued on March 22, 2010. Mitigation of the adverse effect is currently being coordinated with WVDCH. Mitigation has been established in a Memorandum of Agreement (MOA). Attachment 3 contains copies of the agency

correspondence documenting the Section 106 process. The MOA is included in Appendix C of the Environmental Assessment.

Archaeological Sites

None of the proposed clearance improvements will impact any known archaeological sites.

Section 4(f) Applicability

Section 4(f) is applicable due to the adverse impacts to the Magnolia Cutoff. A Draft Net Benefit Programmatic Section 4(f) Evaluation has been prepared for the Phase 1 National Gateway Clearance Initiative corridor for the adverse effects to the B&O Railroad's Pittsburgh Division and the B&O Railroad's Magnolia Cutoff, with input from the FRA, FHWA and the States. This Draft Section 4(f) Evaluation is included as Section 5 of the Environmental Assessment.

Section 6(f) Applicability

The three vertical clearance improvement projects primarily occur in CSX right-of-way, which does not contain publicly-owned land and/or Section 6(f) resources. Review of the National Park Service's Land and Water Conservation Fund website (<http://waso-lwcf.nrc.nps.gov/public/index.cfm> - Accessed July 27, 2009), did not find any Section 6(f) properties adjoining the sites. No impacts to Section 6(f) resources are anticipated.

Natural Environment

Wetlands

An assessment of jurisdictional Waters of the United States that would be impacted by the proposed project was performed using United States Geological Survey (USGS) topographic maps, National Wetland Inventory (NWI) maps, and county soil survey maps, and then refined during a field visit. Wetland locations and boundaries were determined using the *1987 Corps of Engineers Wetlands Delineation Manual*.

According to the NWI maps and field visit verification, no wetlands are located within the LODs for Carothers Tunnel, Magnolia Interlocking, Stuart Tunnel or Randolph Tunnel.

Water Quality/Stream Impact

Waters of the United States have been assessed in the field to determine location and proximity to the National Gateway initiative vertical clearance improvement work areas.

- **BA 147.00, Carothers Tunnel, Paw Paw, West Virginia** – Existing drainage within the Carothers Tunnel project area collects in track side ditches and eventually discharges to the Potomac River. One stream is located within the current LOD for the proposed improvements. This stream, Big Creek, is located on the eastern approach to Carothers Tunnel and crosses under the tracks via an existing 20 ft. by 20 ft. culvert. Big Creek is not listed as impaired according to the WVDEPs 2008 Integrated Water Quality Monitoring and Assessment Report (Integrated Report). Approximately 75 ft. of Big Creek are located within the LOD. However, no impacts to Big Creek are anticipated from the proposed Carothers Tunnel vertical clearance improvements and no lengthening of the existing culvert is proposed.
- **BA 145.00 Magnolia Interlocking, Magnolia, West Virginia and BA 144.50, Stuart Tunnel, Hansrote, West Virginia** – Existing drainage within the Stuart Tunnel project area collects in track side ditches and eventually discharges to the Potomac River. One stream was identified within the LOD. Station Hollow Creek enters the LOD south of the southern tunnel entrance, flows under the track via a 24 in. culvert, and turns south to parallel to the west side of the existing CSX. Station Hollow Creek is not listed as impaired according to the WVDEPs 2008 Integrated Report. Approximately 75 ft. of Station Hollow Creek are located within the LOD. However, no impacts to Station Hollow Creek are anticipated from the proposed construction of the Magnolia Interlocking or Stuart Tunnel vertical clearance improvements and no lengthening of the existing culvert is proposed. Station Hollow Creek will not be impacted by this proposed clearance improvement.
- **BA 142.30, Randolph Tunnel, Hansrote, West Virginia** – Existing drainage within the Randolph Tunnel project area collects in track side ditches and eventually discharges to the Potomac River. There are no streams located within the current LOD for this vertical clearance improvement site. The Potomac River is located just outside of the LOD to the south. The Potomac River is not listed as impaired according to the WVDEPs 2008 Integrated Report. No streams will be impacted by this proposed clearance improvement.

Floodplain Encroachment

Flood Insurance Rate Maps (FIRM), which illustrate the results of detailed flood studies conducted for the National Flood Insurance Program (NFIP), were obtained for each clearance improvement site from the Federal Emergency Management Agency's (FEMA) website

<http://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1&userType=G> - Accessed March 2009).

- **Carothers Tunnel, Paw Paw, West Virginia** – According to FIRM Panel 54065C0013 C (dated March 5, 1996), Carothers Tunnel and the majority of the eastern LOD are located in Zone X, which is the area outside of a 100-year floodplain. However, a small section (approximately 100 ft.) of the eastern LOD makes a transverse crossing of the 100-year floodplain associated with Big Run Creek (Zone A), at its crossing of Big Run Creek. The western portion of the LOD outside of the Carothers Tunnel is located within the 100-year floodplain associated with the Potomac River (Zone AE). The exact locations and limits of the LOD within the Zone A and Zone AE areas could not be accurately determined because of a lack of detail on the FIRM. However, no encroachment below the ordinary high water mark or within the 100-year floodplain will occur during construction of the Carothers Tunnel improvements.
- **BA 145.00 Magnolia Interlocking, Magnolia, West Virginia and Stuart Tunnel, Hansrote, West Virginia** – According to FIRM Panel 54065C0025 D (dated May 18, 2000) the entire LOD for the Magnolia Interlocking and Stuart Tunnel vertical clearance improvement is located outside of a 100-year floodplain (Zone X). Therefore, no encroachment or other adverse impacts on floodplains are anticipated.
- **Randolph Tunnel, Hansrote, West Virginia** – According to FIRM Panel 54065C0025 D (dated May 18, 2000), the Randolph Tunnel LOD is located just outside of the 100-year floodplain associated with the Potomac River (Zone X). Therefore, no encroachment or other adverse impacts on floodplains are anticipated.

Rare, Endangered, and Threatened Species

The threatened and endangered species list for the State of West Virginia was obtained from US Fish and Wildlife Service (USFWS). There are 16 animals and six (6) plants listed as threatened or endangered in the state. Threatened and endangered species lists for Morgan County, where all of the Phase I vertical

clearance improvements are proposed, were obtained through NatureServe and reviewed for species potentially occurring at the sites.

The federally listed Indiana bat (*Myotis sodalis*) and harperella (*Ptilimnium nodosum*) occur within Morgan County. Surveys conducted in the LODs for the three tunnels on July 15, 2009, did not identify either of these species.

No bald eagle (*Haliaeetus leucocephalus*) nests were observed in the vicinity of the three tunnels during the field surveys.

Letters from the USFWS and with West Virginia Department of Natural Resources (WVDNR) regarding these locations were received on April 23, 2010 and October 22, 2009, respectively, and are found in Attachment 4.

The floodplains and woodlands adjacent to each of these sites contain large mature trees which provide summer roosting habitat for the Indiana bat (*Myotis sodalis*). CSX confirmed with the USFWS that less than 17 acres of trees would be removed as a result of these improvements. The USFWS has indicated that there are no restrictions on removal of trees under this 17 acre limit.

WVDNR requested that no fill material be placed on a rock outcrop at the southern entrance to Randolph Tunnel, to avoid potential impacts to six-line racerunner (*Aspidoscelis seclineata*), a state endangered lizard. No fill will be placed outside of CSX's ROW. Additionally, WVDNR requested surveys be conducted inside of the tunnels to determine if they are utilized as bat roosting habitat. However, it should be noted that is unlikely that bats would choose to utilize the tunnels for roosting or hibernacula due to the volume of daily train traffic and proximity of the liner to the trains. No bats or evidence of their presence within or immediately adjacent to the tunnels have been observed by field staff who have been in the tunnels over the past year. Based on this information, additional survey of the three tunnels does not appear to be warranted. A letter noting this information and reaching this conclusion was sent to WVDNR on February 24, 2010. No additional comments from WVDNR have been received to date.

Farmland

The majority of construction for these clearance improvement projects will take place within CSX's right-of-way. This right-of-way is designated for railroad traffic. Therefore, no prime, unique, or locally important farmland soils are located within the LOD that would be impacted by construction for the proposed project. There is no land within the LODs that is currently in agricultural use or planned for conversion to agricultural use.

Wild and Scenic Rivers

The Wild and Scenic Rivers Act preserves and protects Wild and Scenic Rivers and their immediate environments for benefit of present and future generations (16 USC, Section 1271-1287, as amended). A search of the National Wild and Scenic Rivers website (<http://www.rivers.gov/siteindex.html>; accessed 09/02/09) found none of these rivers or their tributaries are located within LODs for the four (4) clearance improvement projects.

Permits Required

No Section 404 (Clean Water Act) permitting will be needed for the Carothers Tunnel, Magnolia Interlocking, Stuart Tunnel, or Randolph Tunnel vertical improvements sites, since no impacts to jurisdictional waters of the U.S. are anticipated at these sites.

No U.S. Coast Guard or Section 10 permit requirements are needed for these improvements.

If one acre or more of land is disturbed at a single vertical clearance improvement project site, a non-point discharge elimination system (NPDES) permit would need to be obtained from the WVDEP, Division of Water and Waste Management. As part of the permitting process, the applicant must develop a construction site erosion control and stormwater management plan for implementation during construction. For projects that will disturb one acre or more but less than three acres, the responsible party must submit a Notice of Intent (NOI) at least ten days prior to starting earth disturbing activities.

When the construction activity is completed and all disturbed areas are stabilized, the responsible party must submit a Notice of Termination in order to end coverage under the General Permit.

Physical Environment

Noise

The proposed National Gateway Clearance Initiative does not include: new track on new track location; significant alterations to track alignment; or changes in vehicle speed. The project will not cause an increase in traffic noise levels because it will not provide additional mainline tracks on new alignment, will not change the maximum operating speed of the track and will not substantially change the shielding affects of the surrounding area. The clearance projects do not move traffic closer to receptors and are capacity neutral (train or vehicular). Completion of the project will allow more

freight to be moved on any given train. No noise analysis or noise mitigation is required.

Air Quality

This project has been designed to reduce congestion, by allowing for double-stack freight trains that reduce air emissions. Completion will allow more freight to be moved on any given train.

The general conformity rule applies to all federal actions not addressed by the transportation conformity rule. Therefore, in accordance with 40 Code of Federal Regulations (CFR) 93.153 and 93.158, emissions of ozone precursor compounds nitrogen oxide (NO_x) and volatile organic compounds (VOCs) and PM_{2.5} and PM_{2.5} precursor compounds (sulfur dioxide [SO₂] and NO_x) were analyzed in a General Conformity analysis, for obstructions within non-attainment areas. All of the obstructions in West Virginia are in attainment areas, therefore no air analysis was completed. Results of the air analysis for obstructions located within non-attainment areas in Ohio and Pennsylvania were compared to the *de minimis* thresholds. The worst case for emissions is expected to be the first year of operation. The estimated releases of CO, PM_{2.5}, NO_x, SO₂, and VOCs are below the general conformity thresholds of 100 tons per year. Based on the air analysis, the proposed action meets the requirements of the Clean Air Act.

Hazardous Wastes and Underground Storage Tanks

The improvements to the Carothers, Stuart and Randolph Tunnels and at the Magnolia Interlocking are contained within the CSX ROW. The ROW has been actively used for the movement of freight for decades and no other parties have participated or conducted business within the footprints for these projects without CSX's knowledge. Land acquisition is required for the construction of a few individual locations. Site visits have been completed to conduct the level of due diligence that meets accepted industry standards for determination of the potential solid and hazardous materials outside the current ROW limits.

Should solid and hazardous materials be encountered prior to or during the construction phase of the undertaking, any identified waste will be managed according to applicable Federal, State, and local laws, ordinances, and regulations.

Furthermore, any excess materials generated during the grading/cut activities that cannot be used within the current CSX owned ROW will be managed appropriately in accordance with applicable Federal, State, and local laws, ordinances, and regulations.

Materials excavated during construction are anticipated to be considered nonhazardous waste.

Based on a review of in-house records, CSX has no information regarding the presence of known hazardous materials sites and/or hazardous waste sites within their right-of-way within the LODs for the clearance improvement sites.

Construction Impacts

Maintenance of Traffic

Amtrak currently provides two passenger trains per day past the three tunnel locations and the interlocking, based on its current schedule. The Amtrak train using this route is the Capitol Limited. The work entailed at this location will be coordinated and scheduled in a manner to provide one operational track through the construction zone at all times. Operation and advance notice through this single track area will be accommodated per normal operation through regular scheduled track maintenance work performed by CSX. No vehicular detours are currently proposed for the improvements in West Virginia.

Utilities

Fiber optic utilities are indicated to be along the railroad both east and west of the tunnels up to the portals and through the tunnels. The proposed construction in the tunnels and interlocking will require coordination with the fiber optic utility owner (MCI) for protection or relocation at the tunnel. Consolidated Utility Services utilities were found in the area. In addition, C&S pole line with wire was observed adjacent to the tracks. No other utilities or railroad structures are anticipated to be affected by this work. Any necessary relocation of utilities would be accomplished with no long-term interruption of services. All other required construction functions would be accomplished in a timely and orderly fashion so as to keep disruptions minimal.

Public Involvement

Media releases and social advertisements (Attachment 5) requesting comments on the three tunnels and the interlocking were published December 23 and 24, 2009. No comments were received.