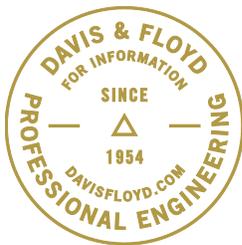


Appendix 3-C: Freight Railroad Policies

Final Report – February 2016



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CSX Passenger Train Access Principles

America's freight railroads are critical to the nation's economy, providing safe, efficient, economical and environmentally beneficial freight service that is so vital to our communities, our businesses and industries and our way of life.

CSX recognizes the important benefits that passenger rail service can provide to the public, including reducing traffic congestion and avoiding expensive highway construction. At the same time, CSX has a responsibility to all of its stakeholders, including rail freight rail shippers, to preserve and protect the substantial public benefits it delivers through freight rail transportation.

The rail industry has been investing billions of dollars every year in privately-owned freight rail infrastructure. These investments resulted in significant improvements in service for the nation's shippers and considerable benefits to the overall US economy. As a result the industry has entered a "rail renaissance" characterized by new demand from shippers and public policy interest in moving more goods by rail.

Future agreements for passenger access to freight rail lines must therefore balance the nation's desire for additional rail passenger services with railroads' critical role in carrying freight that otherwise would be diverted onto an already crowded and often underfunded highway network.

Based on this expectation, CSX established the following protocols for working with public agencies interested in conducting feasibility studies and implementing passenger rail:

Studies

- CSX will consider reasonable proposals for new or expanded passenger rail service that are viable financially and operationally and do not adversely impact freight operations.
- Studies will be conducted by CSX, or consultants approved by CSX, and will be paid for by the requesting planning agency. A primary goal of the studies will be to preserve freight rail capacity while striving to accommodate any new proposed passenger service.

Feasible separation of freight and passenger operation

- Many freight corridors are already at capacity and require expansions to handle future freight growth. CSX cannot consider proposals for shared use of such corridors, or sell property along such corridors that would compromise CSX's ability to serve current or future customer needs. We will encourage planning agencies to consider a separate right of way for new or expanded services in such corridors.
- One way to achieve such separation is to move the majority of freight trains out of urban corridors. CSX will consider publicly funded relocations of freight operations if they preserve CSX's customer service, competitive position, and access to current and future freight customers.

Where separation or relocation is not feasible but freight operations can be protected, passenger trains may, in some cases, share CSX's tracks, provided certain principles for shared use operations are properly addressed:

Safety

- Adding passenger service must not compromise safety. Planning Agencies must meet and fund any required safety infrastructure.

Capacity

- Any addition or expansion of passenger rail service on the freight rail network must ensure that the capacity utilized for the new service is fully replaced at no cost to CSX. This capacity must allow CSX to safely and efficiently handle all current and future freight demand, not just enough to address current conditions or to cover a few years
- CSX's ability to locate new freight customers along the right of way must also be preserved. Service to freight customers must be protected and should not be compromised or limited by new passenger rail service.
- CSX will not participate in so-called Service Outcome Agreements.

Compensation

- CSX must be fully compensated for its costs in planning and hosting passenger rail service. The compensation should be sufficient to support future reinvestments in infrastructure to continue providing safe, efficient and environmentally-friendly freight service. CSX and its freight rail customers should not be asked to subsidize passenger service.

Liability

- CSX must be fully protected from any liability arising from the presence of passenger rail service on its freight lines. Any additional service introduces an element of risk and liability that is not related to CSX's core business as a freight rail carrier, and CSX should not be asked to assume such risk.
- Planning agencies should be prepared to carry and provide evidence of insurance covering liability exposure of at least \$200 million, the current limit of liability under federal law for passenger rail claims.

Higher Speed Rail and High Speed Rail

- Higher Speed Rail refers to trains traveling at maximum speeds higher than 79 MPH. CSX requires that any passenger train operating at speeds above 90MPH, including High Speed Rail (defined as trains traveling at speeds higher than 125MPH) be on its own dedicated tracks and right of way, separated by at least 30 ft. from freight rail service . These standards are subject to change as new information and research becomes available consistent with CSX's core value to provide safe rail services to the communities where trains operate.

GENERAL PRINCIPLES GUIDING
NORFOLK SOUTHERN'S EVALUATION OF
INTERCITY AND COMMUTER PASSENGER RAIL PROPOSALS

The following principles are a guide for planners of intercity and commuter rail proposals when working with Norfolk Southern. Of course, each proposal necessarily is unique, and NS' application of the principles to particular proposals will often be unique as well.

Safety is our paramount concern. Design, maintenance practices, and operating patterns always will emphasize safety.

An operational feasibility study is necessary to fully understand all potential impacts.

- The proposed passenger operation must create “transparency” in the affected rail system. Transparency is the capacity for passenger trains and freight trains to operate without delay, however minimal, to each other, while still allowing for route maintenance.
 - Passenger projects are meant to be successful, so the study will focus on the proposal’s full-build scenario versus any interim plan. Along the same lines, freight volumes will grow, so any study will anticipate future freight levels.
 - Freight operations are long distance and customer-driven, which precludes “passenger only” operating windows and temporal separation such as night-time-only freight operations.
 - Passenger projects might cause “network effects” on the NS system that are broader than the project area. Often, the studied geographic scope will have to be larger than the passenger project area in order to identify and address these effects.
 - Project costs associated with compliance with Federal Railroad Administration regulations are the responsibility of the project sponsor.
- The rail environment changes. Conditions attached to various forms of funding differ. Therefore, until funding is available, any passenger study is necessarily hypothetical.
 - A completed operational feasibility study by NS is a prerequisite to progress a project. NS will support only passenger project requests that have been fully studied and modeled.
 - As the transportation industry is dynamic, any proposal that does not secure funding cannot be shelved for future use – each proposal is unique, requiring its own up-to-date study.
 - Sometimes public funding comes with special conditions and requirements (including so-called “service outcome requirements”), which represent additional costs. Just as NS does not customarily agree to similar guarantees with our freight customers, the public sponsor will be responsible for any passenger guarantees.
 - It is possible that public funding may be taxable to Norfolk Southern, so the public sponsor must indemnify Norfolk Southern for any income taxes paid or incurred as a result of the receipt of public funding.

- NS will coordinate the operational feasibility study. The cost of the study (including NS' time) is the responsibility by the sponsoring public agency. For planning purposes, NS can estimate study costs in advance. Studies are detailed and specific and take a year, and often longer, to complete.

NS will receive fair compensation for use of its transportation corridors.

- NS' corridors consist of track and right-of-way that might, or might not, be fully utilized at any given time. As rail traffic flows change over time, this capacity, and the flexibility and potential it represents, is a key NS asset.
- Amtrak has certain statutory intercity passenger service access rights and therefore is not a good example to use in determining the fair and commercial price for use of NS assets.
- In determining a fair price for use of assets, NS will factor in any new equipment (including Positive Train Control) and costs, as well as additional property and other taxes, that would not be incurred absent passenger service.

New and expanded passenger operations require adequate liability protection.

- Passenger operators must compensate or indemnify NS for additional risk created by passenger projects, and any such indemnification needs to be backed up by an adequate level of insurance.
- Liability issues can create major hurdles. Often, sovereign immunity issues must be overcome. The cost to the passenger carrier for insurance and indemnification is substantial, as borne out by our experience with commuter authorities.

Special considerations are necessary for high speed rail service and corridors.

- Norfolk Southern is pleased to assist states planning for dedicated HSR and will work with planners to insulate those corridors from interference with and from NS freight corridors.
- Passenger trains operating in excess of 79 mph require their own dedicated tracks. Passenger trains operating in excess of 90 mph require their own private right-of-way.
- Where higher-speed trains share tracks with conventional freight trains, they will be able to reach 79 mph maximum. Where shared track is concerned, higher-speed trains must meet the same safety standards as conventional trains.

Special considerations are necessary for light rail service.

- Light rail service involves use of equipment that is not appropriate for use on NS tracks. Physical separation is required.
- Proposals for operating "non-compliant" passenger equipment (equipment that does not meet Federal Railway Administration standards) are not viable.
- Light-rail and non-compliant project sponsors should approach NS early in the process, and so that NS can advise if any of the project elements are compatible with freight trains and track.



SUBJECT: Norfolk Southern Passenger Station Requirements

In Norfolk Southern Railway Company's (NSR) policy statement dated June 15, 2005, Norfolk Southern set forth the conditions for permitting new or additional passenger rail service on our tracks. In that paper, NSR identified the principles intended to protect NSR-owned or dispatched rail lines and right of way. This policy stipulates that passenger operations must be "transparent" to our freight operations, and delay to freight trains by passenger trains, however minimal, is unacceptable. New services must pay fully allocated costs for access to the existing freight corridor, and there must be adequate liability protection as defined by NSR.

In the situation where a passenger/commuter service is proposed for sharing NSR tracks or Branch lines, a complete in-depth train capacity study must be undertaken at the expense of the passenger/commuter entity to assess passenger service impacts to the existing and future freight operations. Impacts to NSR freight business must be fully mitigated and that may involve constructing additional tracks, upgraded signal systems or other infrastructure improvements as specified by NSR.

In the situation where a passenger/commuter service is proposed for sharing only NSR ROW and not including NSR tracks, the adjacent passenger tracks must be separated by a minimum of 26 foot track centers to the NSR track and a barrier fence shall be installed between the two rail lines.

The NSR Standard platform clearance criteria for NSR territory for approved joint use tracks will be a low level platform located 5'-4" from centerline of track, and 0'-8" above top of rail.

Accordingly, any new passenger/commuter service using NSR tracks shall be limited to Gallery type passenger cars that are used by METRA (Chicago) and VRE (Washington, DC) that have on-board lift ramps to accommodate level board loading requirements established by the ADA.

NSR will only consider the use of High passenger platforms when the passenger/commuter service is prepared to construct dedicated station tracks.

In the event that proposed station parking lots and parking garages are located across the tracks from a station platform, overhead bridges or under grade tunnels will be required. Pedestrian crossing at grade will not be permitted. This

requirement is intended to ensure the maximum amount of safety for passengers and station patrons, especially along our busiest main line corridors.

In the event that the Federal government mandates station designs different than noted above, the passenger service will incur all costs to incorporate station infrastructure changes. NSR will expect that the freight operations, capacity, and maintenance obligations not be hindered due to such future mandates.

In the past, passenger facilities, including stations, were approved on a case-by-case basis, as we had no standard design criteria. In those instances, we provided guidelines, but made explicitly clear that NSR reserved the right to require more restrictive guidelines, as we deemed necessary. As requests for passenger service on our lines increase, we believe that it is practical to set forth our facility design requirements for constructing new passenger stations or to rehabilitate existing ones. In setting these standards, our paramount concern is safety, and we will not approve any design that increases risk to passengers and railroad employees, or subject NSR to additional liability exposure.

This memorandum is intended to outline our requirements for constructing new stations or rehabilitating existing ones on our lines.

Station Requirements

The following requirements should be followed in designing stations:

- Stations should have dual track access with ingress and egress under or over the right-of-way. At-grade pedestrian crossings are not permitted.
- Full-length high-level platforms may only be placed adjacent to tracks used exclusively by passenger trains. ***High platforms are not allowed adjacent to freight tracks.***
- Mini-high-level platforms may be constructed with the platform edge no closer than 8'-6" from the centerline of the adjacent track, if the track is shared with freight trains. Any considerations needed for gap reduction between the passenger car vestibule and platform edge shall be addressed with manually or mechanical means that does not reduce the minimum 8'-6" horizontal clearance requirement.

Single track -

Single-track platforms may be permitted in single-track territory subject to the requirements set forth herein with the stipulation that, in the event that the line is double-tracked the passenger/commuter authority or station owner will bear the full cost of construction for dual track access.

Multiple tracks - Side Platforms:

1. Platforms will be adjacent to each outside main line.
2. Pedestrian designated walkways to crossing tracks must be ADA compliant overpass or underpass (ramp or elevator equipped).
3. Track side platforms shall **NOT** be located near public at-grade crossings as this may encourage passenger/commuter station patrons to cross tracks other than at the designated overpass or underpass.

Center Track Fences -

In the situation where underpass and/or overpass facilities are provided for approved dual track platforms and a patron trespass potential across the tracks is foreseen or occurs on a repeated bases, NSR will require the passenger service operators or stations owners to fund the installation and maintenance costs of center track fencing or other type of station fencing.

In the situation where the installation of any needed fencing including center track fences are required (at locations determined by NSR), any costs associated with altering track centers to better facilitate efficient movement of wide and standard sized freight car movements, shall be borne by the passenger/commuter operators or station owners.

Multiple Tracks - Center Platform:

1. Center track platforms may be workable provided that alternate footpaths are sealed off so that patrons only use the designated overpass or underpass access.

Low Platforms - General Guidelines

1. Dimensions for center, low platforms –
 - a. 22'-0" minimum width (track centers for tangent track would be 32'-8")
 - b. 26'-0" desirable width (track centers for tangent track would be 36'-8")
 - c. 32'-0" extremely desirable width (track centers for tangent track would be 42'-8")
2. Dimensions for side, low platforms –
 - a. 12'-0" minimum width
 - b. 16'-0" desirable width
3. Clearances for low platforms –
 - a. 5'-4" center of track to face of platform (minimum)
 - b. 0'-8" height of platform above top of rail (maximum)

Canopies –

Gutterless canopies shall be used and shall slope away from track. Side clearance shall be 9'-0" (minimum) on tangent track.

Horizontal Clearance Adjustments –

Adjustments to the minimum horizontal clearance will be made for any portion of the platform that is not located in tangent track. The adjustment for curvature shall be made as outlined below, and shall not be the larger measurement, but rather a cumulative adjustment;

1. Side clearance shall be increase 1-1/2" per degree of curvature in curved track.
2. At a height of 16'2" above top of rail, the side clearance shall be increased 3.5 inches per inch of super elevation where the cars lean into the canopy (canopy on inside of curve)

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