

APPENDIX C
CSX Correspondence



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February 13, 2009

The Honorable Richard Scalera
Mayor
City of Hudson
City Hall
520 Warren Street
Hudson, NY 12534

Subject: Hudson, Columbia County, New York - Proposed joint utilization of CSXT right of way for vehicular and rail traffic, MP QCV- 0.05 to QCV- 1.02, Albany Division

Dear Mayor Scalera:

Reference is made to your prior conversation with Ms. Tarah Harkins of CSXT regarding a proposal under which apparently consideration is being given to a portion of CSXT's operating right of way being paved between the subject locations to allow both rail and truck traffic to jointly operate within those limits. Ms. Harkins has communicated to this office your request for initial comments regarding this proposal on behalf of CSXT's Engineering Department.

Given CSXT's commitment to safety and, specifically, the safety of the highway traffic, possibly adjacent homes or businesses and, of course, with respect to rail operations and railroad personnel, CSXT cannot accept nor can it support any proposal under which vehicular and rail traffic might be co-mingled within the same operating right of way. In this instance, the potential for joint occupation of the same space with two very diverse modes of transportation would present an almost certain likelihood of interference, potential adverse impacts to both and, if an incident did occur, serious impacts to the involved parties as well as adjoining properties and residents of the City of Hudson.

In addition to the foregoing critical concerns and after only a cursory review of the concept, the following represents a brief list of other concerns that would no doubt be very difficult, or ultimately may prove impossible, to address to all party's satisfaction.

- Increased likelihood of serious or even fatal consequences to those involved in an incident.
- Increased likelihood of damage to equipment, bridges, other roadway facilities or adjoining property.
- Increased likelihood of environmental issues in the event of an incident
- Control of access when one mode was already occupying the right of way.
- Impact to intersecting vehicular traffic due to truck traffic queues awaiting access.

The Honorable Richard Scalera

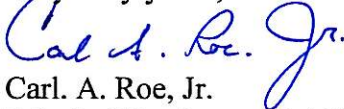
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- Ingress and egress of truck traffic from the right of way and the associated safety concerns to other motorists.
- Increased traffic congestion at the vehicular ingress and egress points.
- Stopped or slow moving trains or trucks.
- Increased trespassing and trespassing safety issues.
- Liability and indemnification resolution.
- Cost to construct and to maintain to very different standards.
- Maintenance responsibility resolution.
- Impact to rail roadbed and/or roadway due to other party's use and operations and resolution of disputes.
- Unauthorized and uncontrolled use of the right of way by other vehicles.
- Policing of vehicular operations and use.
- Night time operations and interference with rail and vehicular use caused by headlights of other mode.
- CSXT labor agreement issues associated with existing rail movements, track and its right of way.
- Increased noise along corridor.
- Increased runoff due to paved areas.
- Possible alterations to existing facilities at bridges over the right of way, crossings and any existing drainage structures and facilities located within CSXT's right of way.
- Possible regulatory issues.
- Future changes to rail facilities or operations.

As can be seen from the above, there are many and potentially very serious reasons that support alternative routing be considered in lieu of using CSXT right of way. It is therefore requested that further pursuit or development of proposals covering any joint occupation of CSXT right of way by rail and truck traffic be discontinued with separate and more traditional roadway configurations employed to convey increased truck traffic through or around the City of Hudson.

Very truly yours,



Carl A. Roe, Jr.

Principal Engineer – Public Projects