

# HOW TOMORROW MOVES



# THE TROUBLE WITH TOWERS

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HOW TOMORROW MOVES



# AGENDA

1. INTRODUCTION
2. FCC ENVIRONMENTAL REGULATIONS
3. PATH FORWARD
4. CSX COMPLIANCE PLAN AND TRAINING
5. RELATIONSHIPS WITH TRIBAL NATIONS



# THE TROUBLE WITH TOWERS

## AAR ESTIMATES PTC WILL REQUIRE THE INDUSTRY TO:

- Equip approximately 60,000 miles of U.S. freight railroad track with PTC technology;
- Install 22,000 PTC-related antennas;
- Install approximately 36,000 wayside units; and
- Equip over 22,000 locomotives with PTC technology

## TECHNICAL AND REGULATORY BARRIERS

DEADLINE: DECEMBER 2015



# CSX PTC TOWERS

**~300 New Locations**



**~1000 Replacements of Old Wooden Towers**



**HDR**



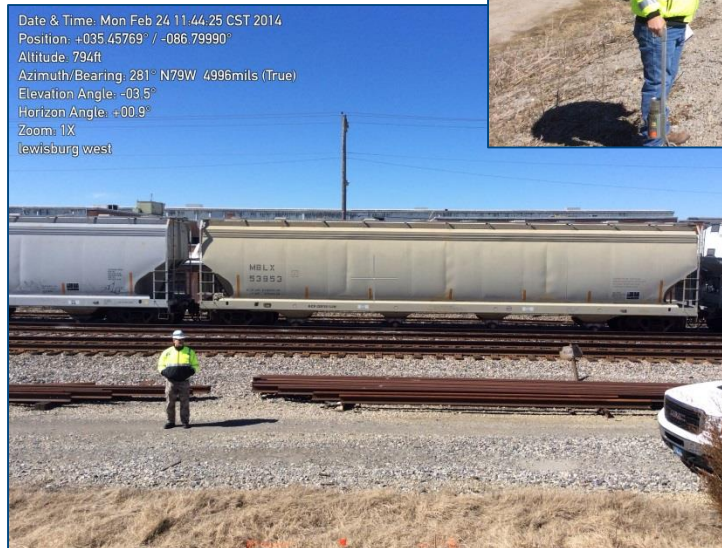
# ENVIRONMENTAL REGULATIONS AND PTC

- May 2013: FCC informed Railroads that they must comply with FCC's Environmental Rules
  - National Environmental Policy Act (NEPA)
  - National Historic Preservation Act (NHPA)
- Railroads signed MOU regarding compliance with FCC's Environmental Rules related to past construction of PTC infrastructure



# 2014 PROGRAM COMMENT FOR PTC

- Exclusions
- Batching
- Time Clock of 30 Days
- Adverse Effects



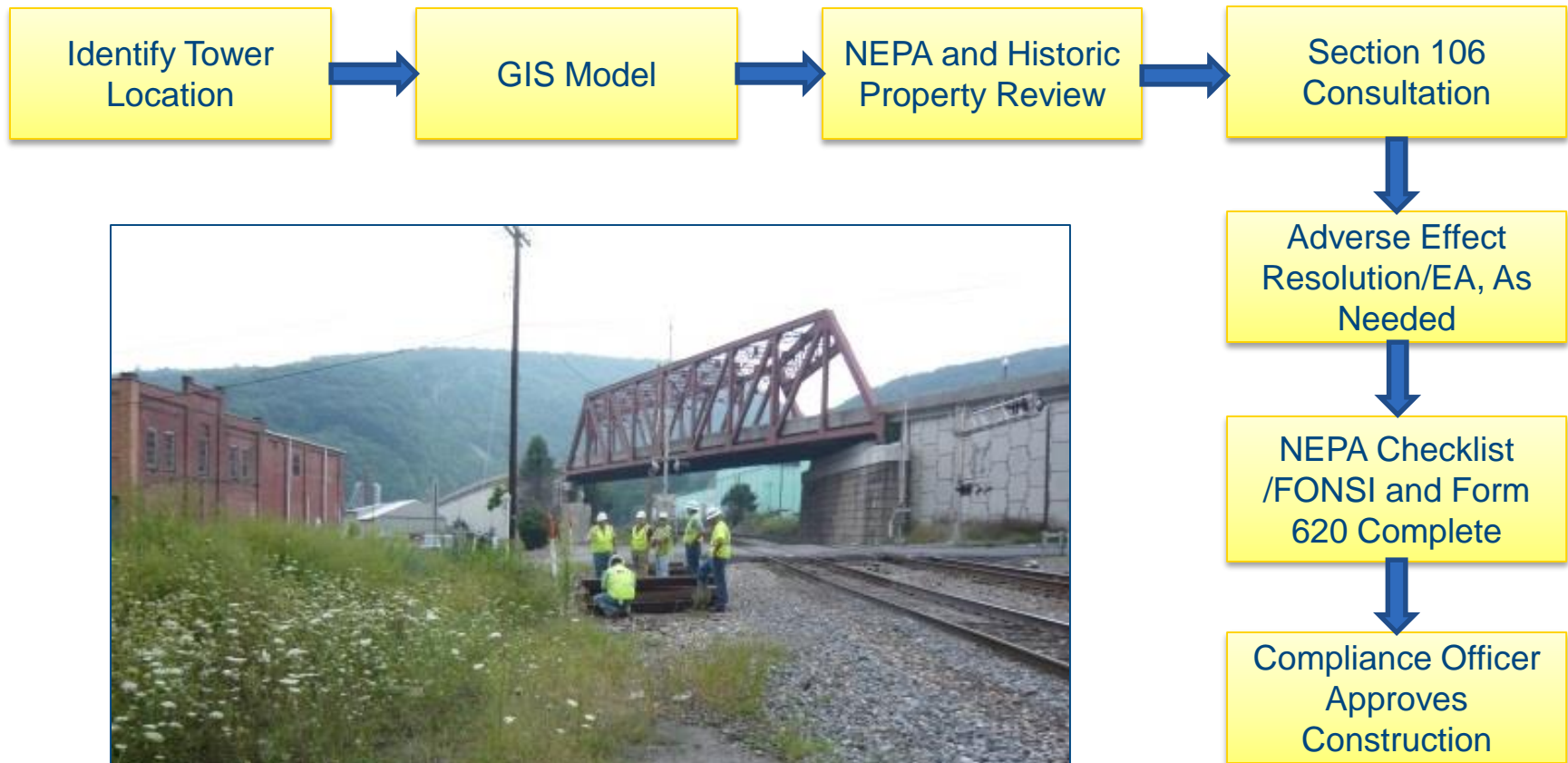
# CSX COMPLIANCE PLAN

- COMPLIANCE OFFICER
- SCOPE
  - FCC's Environmental Regulations (47 CFR 1.1301–1.1319)
  - Nationwide Programmatic Agreements (NPA 2004/2005)
  - Program Comment (PC 2014) for PTC Towers
  - Memorandum of Understanding





# PATH FORWARD FOR COMPLIANCE



# PATH FORWARD FOR COMPLIANCE

- Single Point of Contact
  - Relationships with Tribes
- Weekly Calls for HDR/CSX Team
  - Project Managers from HDR and CSX
  - Project Coordinator
  - Cultural Resources and Environmental Leads
  - Telecom Managers



# CSX COMPLIANCE PLAN AND TRAINING

## Compliance Binder and Presentation

NEPA and NHPA  
Compliance  
Training





01 Introduction

02 Goals

03 Review of Training Materials

04 NEPA and NHPA


05 Consultation

06 CSX's Compliance Plan

07 Tribal Nations

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## Field Guide



Field Guide for National Environmental Policy Act (NEPA)  
and National Historic Preservation Act (NHPA) Compliance

**1) When do I need to follow NEPA and NHPA requirements?**

**A.** When there is a federal license, permit, approval, or funding for the action, including Federal Communications Commission (FCC) frequency licensing, Federal Railroad Administration (FRA) permits, Department of Transportation (DOT) funding, and US Army Corps of Engineers (USACE) wetland permits

**B.** If there is no federal involvement, NHPA and NEPA do not apply; however, state laws vary and may apply regardless of federal status

**C.** Review inadvertent Discovery Plan

**3) What is NHPA concerned with?**

**A.** If my project has an aboveground component:

1. Viewsheds to/from historic places
2. Sacred tribal areas
3. Historic structures, buildings, bridges, or other property types

**B.** If my project has a below ground component (i.e., ground disturbance):

1. What may be impacted below ground?
  1. Prehistoric and historic archaeological deposits
  2. Human burials

**2) What is NEPA concerned with?**

**A.** Impacts to the natural and cultural environment, including:

- I. Threatened and endangered species or critical habitat
- II. Wetlands
- III. Floodplains
- IV. Wilderness Area
- V. Wildlife Preserve
- VI. Noise
- VII. Visual
- VIII. Radio Frequency Interference

**B.** NEPA is also concerned with environmental justice, economics, and cultural, historic, and psychological issues; these may not be a concern for most towers, but are NEPA concerns nonetheless

**4) What do I need to provide to the consultant?**

**A.** Provide all relevant documents to consultant with qualified staff

- I. Project description, including details of infrastructure to be replaced, if any
- II. Schematics
- III. Provide list of consulting agencies and anticipated permits/licenses that will be needed

**B.** Allow time for completion of initial assessment

**6) What should I do and be aware of when constructing a tower or other project?**

**A.** Carry a copy of CSX's compliance plan, which should include the Inadvertent Discovery Plan

**B.** Carry full documentation of the completed NEPA/NHPA compliance process

- I. NEPA checklist
- II. FCC Form 620/621 for tower projects
- III. Final reports/approval letters from federal and state agencies for non-tower projects
- IV. Associated backup documents, including photographs and maps provided by the consultant upon completion of compliance process


**C.** Don't move a tower more than 100 feet from the proposed location without coordinating with the project consultant!

**D.** Cooperate with all approved monitors and report conflicts to a supervisor and the CSX Compliance Officer

**E.** Be alert for discoveries!

- I. What is a discovery?
  1. Artifacts, bones, features, mounds, or other indicators of past human use that may be more than 50 years old
2. Artifacts
  - a. Old ceramics
  - b. Old bottles
  - c. Stone tools
3. Bone
  - a. Especially if seen within excavation
  - b. If bone may be human, stop work immediately, secure area, see **E.II**.
- II. Cease work, other than that necessary to secure the site, and alert the CSX Compliance Officer if human remains, artifacts, or other evidence of a historic property is discovered during installation of wireless communications devices

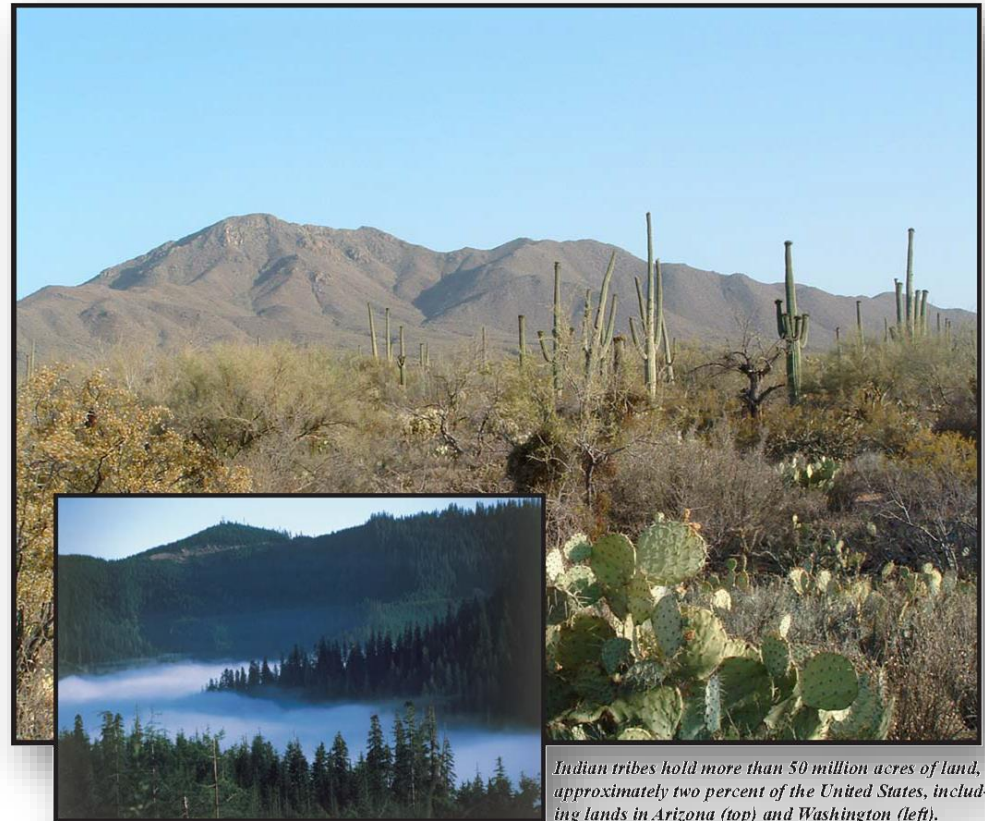
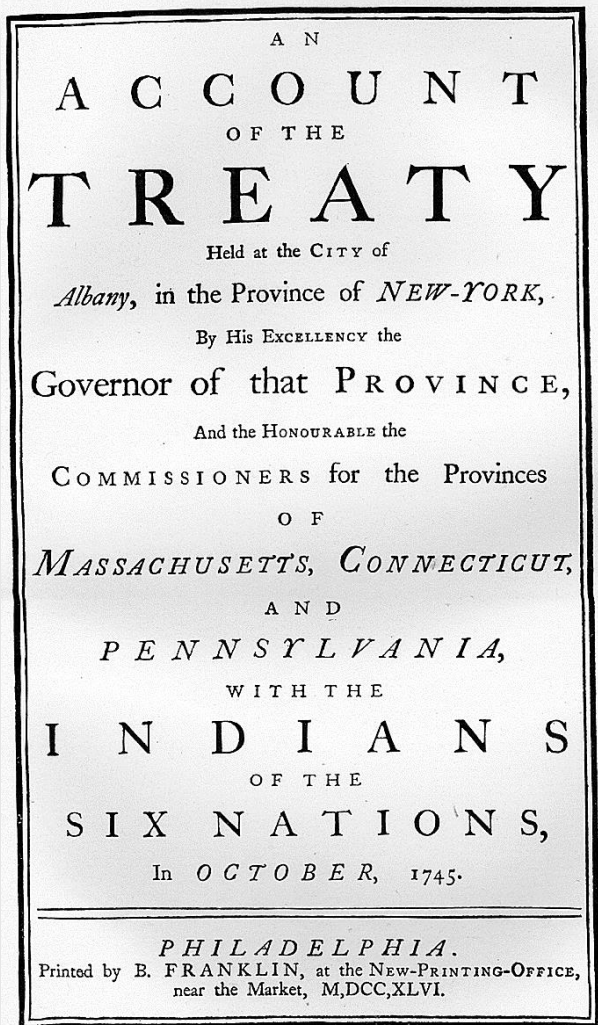
**F.** Temporary towers involving no excavation (such as cell-on-wheels, truck-mount, ballast-mount) may be placed and used for no more than 24 months without review.



2014-09-22



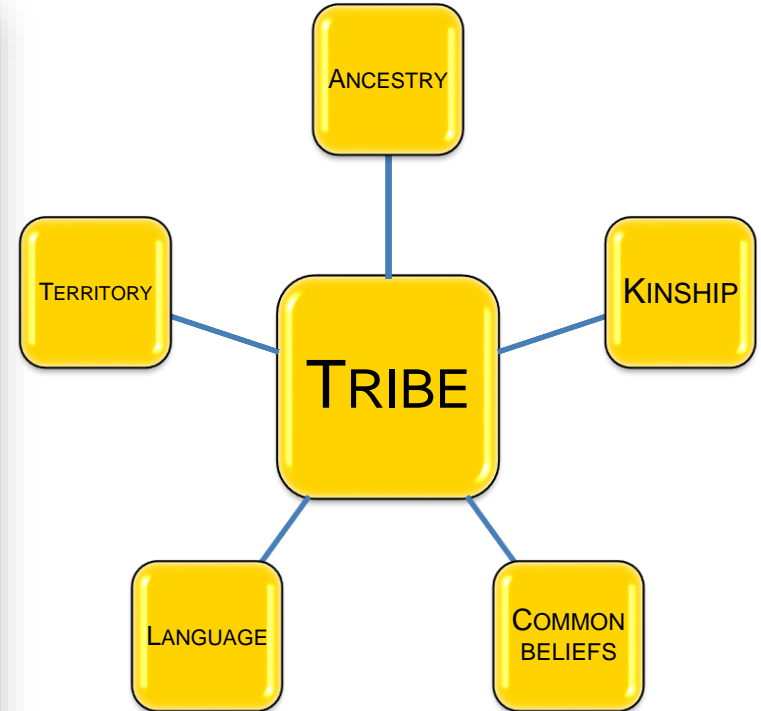
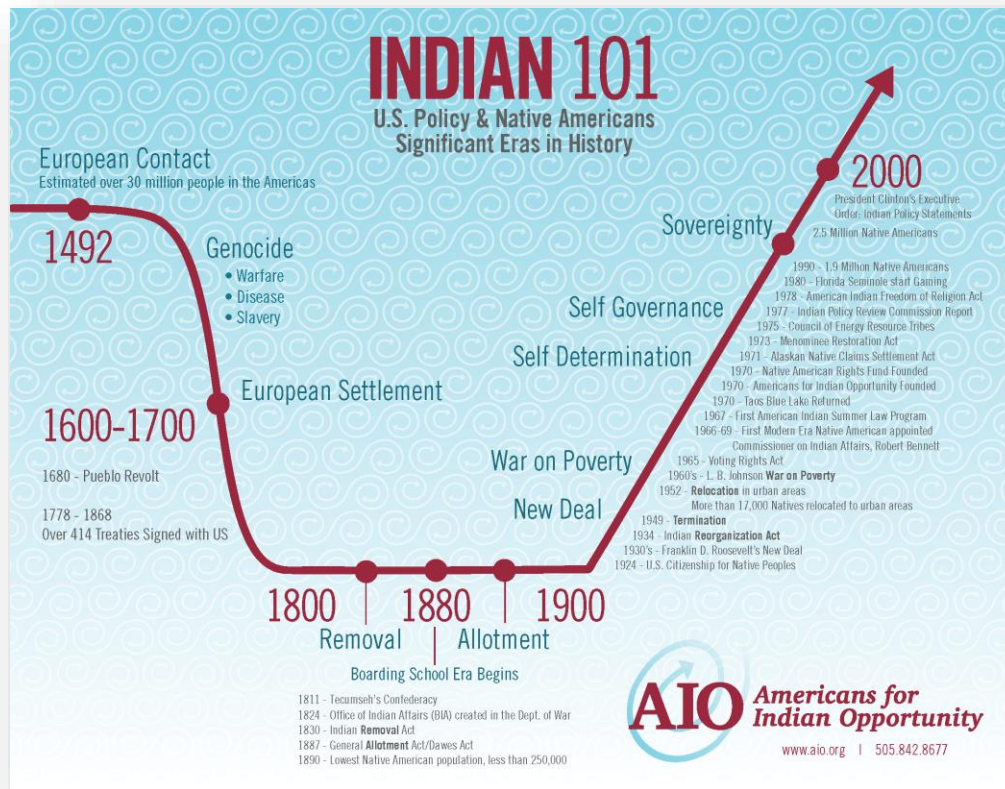
# TRIBAL NATIONS



Indian tribes hold more than 50 million acres of land, approximately two percent of the United States, including lands in Arizona (top) and Washington (left).



# TRIBAL NATIONS



# CSX—BY THE NUMBERS

- 448 Replacement Towers
- 73 New Towers, Entered in TCNS
- 60 Towers Completely Through TCNS/E106 Process
- 466 NEPA Checklists Completed
- 65 Towers Requiring EAs
- 100 Past Towers Resolved Under the MOU



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